

International Labour Conference

FORTY-SEVENTH SESSION
GENEVA, 1963

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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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 1960 to 30 June 1962, contains information on the Conventions in force at that time. Information 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 second of these groups as well as other reports which are also due under the above-mentioned decision: (a) first reports; (b) cases of serious divergencies between the national law and practice and the provisions of a ratified Convention observed by the Committee of Experts or the Conference Committee.

In accordance with the practice followed in recent years, the summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries. As indicated above, these reports cover a period ending on 30 June 1962.

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 1963. 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 1963.

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, 45th Session, Geneva, 1961; *Record of Proceedings* (Geneva, I.L.O., 1962); or *idem*, 46th Session, Geneva, 1962; *Record of Proceedings* (Geneva, I.L.O., 1963).

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.

BELGIUM

Royal Order of 30 September 1960 fixing hours of work and determining preparatory and supplementary work in the building industry (*Moniteur belge*, 12 Oct. 1960), as amended by Royal Order of 13 December 1961 (*ibid.*, 23 Dec. 1961).

Royal Order of 4 July 1960 concerning hours of work in laundries, etc. (*ibid.*, 5 Sep. 1960).

Royal Orders of 19 August 1960 and 24 January 1962 concerning hours of work in dyeing, chemical cleaning and kindred establishments (*ibid.*, 24 Sep. 1960 and 9 Feb. 1962).

The above-mentioned orders, issued under the Act of 14 June 1921 and following consultation with employers' and workers' organisations, provide for exceptions to the legal maximum hours of work without prejudice to collective agreements laying down shorter weekly hours of work.

In the building industry weekly hours of work may be divided unequally, subject to a limit of ten hours per day.

In dyeing and cleaning establishments and in stores and shops hours of work may exceed the limits fixed by legislation or collective agreement by 60 hours per year, subject to a maximum of one extra hour per day.

Twenty-three decisions by joint councils which have been given binding effect by royal orders have reduced hours of work in various industries, and in addition a certain number of agreements providing for shorter hours of work have been signed.

BULGARIA

Ordinance of the Council of Ministers No. 859 dated 23 May 1962 (*Izvestiya*, No. 44, 1 June 1962).

The above-mentioned ordinance, which amends section 16 of the Ordinance of 5 March 1958 respecting hours of work and rest periods of wage and salary earners provides that in the case of industrial and transport undertakings the length of the working day may not exceed nine hours within the normal limit of the working week of 46 hours.

BURMA

In reply to a direct request made by the Committee of Experts in 1961 the Government supplies the following information.

Article 1 of the Convention. The Motor Transport Workers (Employment and Welfare) Bill is under consideration by the Government.

Steps are being taken to regulate working hours for workers in the building industry.

Article 4. No rules have yet been prescribed fixing the maximum working hours under section 41 (4) of the Oilfields Act. Generally, no worker is permitted to work overtime for more than 16 hours per week.

Article 6, paragraph 1 (b). If applied for, temporary exceptions may be granted for reasons of exceptional pressure of work, but limited generally to 16 hours' overtime per week.

No rules respecting temporary exceptions have been made under section 23 D of the Mines Act. Within the last five years, exemption has been granted in one case, for two months from October to December 1957. Exemptions under section 46 of the Act were made by Notification No. M-1051 of the Ministry of Industries and Labour, dated 1 October 1935. Since 1 May 1941 no amendment has been made, and no request for further exemption has been received.

Paragraph 2. The Factory Rules, 1935, are still in force by virtue of section 109 of the Factories Act, 1951. Under Rule 63 (1) a worker exempted from the provisions of section 34 by a rule made under section 43 (2) (b) to (h) may not work for more hours a week than the limit laid down in the rule granting the exemption or, if no limit is laid down in the rule, for more than 60 hours.

A worker exempted from the provisions of section 34 by an order made under section 44 (2) shall not work for more than 60 hours per week, provided that where the order fixes the weekly limit of hours at less than 60 hours no worker shall work more than the limit thus fixed.

New rules under the Factories Act are being drafted.

No steps have yet been taken to fix the maximum number of additional hours permitted on the railways in cases of pressure of work.

Article 8, paragraph 1 (a) and (b). In the case of office staff, hours of duty are prescribed by written orders issued by the Government from time to time, and transmitted to the Railway Administration. The hours of station staff are shown in duty rosters displayed at stations.

Paragraph 1 (c). Overtime Register Form G, a prescribed register in respect of factories under the Factories Act, is annexed to the Government's report.

CANADA

Alberta.

Regulation 116, 1961.

British Columbia.

Regulations 176 and 177, 1960.

Manitoba.

Act to amend the Employment Standards Act, 1962 (Ch. 16).

New Brunswick.

Act to amend the Fair Wages and Hours of Labour Act, 1960-61 (Ch. 41).

Alberta.

A 1961 regulation establishes a 44-hour week in all provincial centres with a population over 5,000.

British Columbia.

Regulations exempt pipeline construction, oil-well drilling and service industry from the Hours of Work Act, and require payment of hours in excess of 40 per week at one-and-a-half times the regular rate.

New Brunswick.

The Fair Wages and Hours of Labour Act is amended to remove the eight-hour daily limit on construction projects under provincial government contract.

CHILE

Legislative Decree No. 338 of 6 April 1960, section 143, provides that the normal hours of work for public employees shall be 43 per week. Employees with university qualifications work a 33-hour week.

There has been no recourse to section 126 of the Labour Code, which authorises a 56-hour week for employees in certain cases.

The Government has supplied a list of the industries in which overtime has been authorised.

Hours of work for railway staff are governed by Consent Decree No. 5509 of 30 November 1956. As a rule, these hours are adapted to the itinerary of the trains on which this staff is employed, but for the services which cannot be interrupted there are eight-hour shifts.

The report mentions two railway routes on which a number of workers have a 72-hour week. The hours of work—eight hours a day, or 48 hours a week—apply to persons employed in continuous work.

COLOMBIA

In reply to an observation by the Committee of Experts the Government refers to Decree No. 1278 of 1931, made in accordance with section 1 of Act No. 72 of 1931, which establishes a list of necessarily continuous processes which are exempt from the requirement of weekly rest.

INDIA

In reply to a direct request by the Committee of Experts in 1961 the Government supplies the following information.

Daily and weekly limits to hours of work are subject to the exemptions that may be granted under the various Acts mentioned below, which give effect to the provisions of the Convention.

Hours of work of adults in motor transport are limited to eight daily and 48 weekly under the Motor Transport Workers Act, 1961.

The conditions of work of the employees of the mines in the state of Jammu and Kashmir are governed by the Jammu and Kashmir Factories Act, 1957.

The Mines Rules are to be amended to provide for the exemption of persons employed in necessarily continuous processes from sections 30 to 35 and 36 (5) of the Mines Act only in cases where persons succeeding them fail to report for duty without prior notice.

Hours of work, weekly day of rest, etc., are directly regulated by the Mines Act, and no exemption granted by the Chief Inspector of Mines or other authority in pursuance of the power vested in them under section 83 (2) of the Act can entail a working week of an unspecified number of hours.

Under section 33 of the Act higher wages are paid for all hours worked in excess of 48 per week and for all hours in excess of nine per day above ground or eight per day below ground. The period of overtime is calculated on a daily or weekly basis, whichever is more favourable for the worker. Higher overtime rates are payable to underground workers working over eight hours a day in order to facilitate a change of shifts (section 31 (1)).

There is no separate provision for granting temporary relaxation of the provisions of the Act in cases of exceptional pressure of work as distinct from urgent repairs, emergencies, etc.

It is proposed to enable the state governments to grant exemption to ordnance factories, government printing presses, mints, etc., from the provisions of sections 51 and 54 of the Factories Act, 1948, without resort to section 5 of the Act, by amending subsections (2) and (4) (iii) of section 64 so that in the case of workers engaged in work of national importance notified by the state governments, overtime in any one quarter may be extended to 150 hours. The scope of the power proposed to be vested in the state governments would be strictly limited to factories engaged in the manufacturing of articles of national importance.

Section 5 of the Act is simultaneously being amended to conform with Article 14 of the Convention by defining the term "emergency" as "either war or other emergency endangering the national safety".

The total amount of overtime permitted under the rules framed by all the state governments and the union territories of Delhi, Tripura and Andaman and Nicobar Islands is 50 hours a quarter, except in the case of urgent repairs. Confirmation of the position is awaited from the union territories of Himachal Pradesh and Manipur. No rules under the Factories Act have been framed by the Administration of the Laccadives, since there are no factories in that union territory. Thus the conditions laid down in section 64 (4) (iii) of the Factories Act are now being complied with.

There is no separate legislation regulating hours of work in the construction industry. Hours of work, however, of employees in building and construction are covered by the Minimum Wages Act, 1948, which empowers the appropriate government to fix the number of hours which may constitute the normal working day. Under the Minimum Wages (Central) Rules, the daily hours of work have been fixed at nine for adults. The rules framed by state governments also contain similar provisions regarding daily hours of work.

All state governments and union territories except Jammu and Kashmir and Laccadives, where either the Act of 1948 does not apply or there are no factories, have framed rules under the Factories Act, 1948.

The provisions of Chapter VI (A) of the Railways Act and the Rules made thereunder apply to all railways, whether or not owned and managed by the Government of India. The Government has, however, granted temporary exemptions in respect of a few non-government railways.

It has not been considered necessary to limit overtime in the case of railways. Rule 9 of the Railway Servants (Hours of Employment) Rules, 1961, provides that no railway servant who has been temporarily exempted from hours of work provi-

sions shall be required to work for more than 14 days without a period of rest of at least 30 consecutive hours if his employment is intensive or continuous, or of at least 24 consecutive hours if his employment is essentially intermittent. Further, instructions have been issued to the effect that in the case of running staff running duty at a stretch should not exceed ten hours.

A list of the categories of staff to be excluded under section 71 E of the Railways (Amendment) Act, 1956, is being prepared by the Government.

The Supreme Court of India has held that the definition of "worker" in the Factories Act does not cover contract workers. The question of modifying the definition of "worker" so as to cover contract labour is under consideration. The Mines Act covers contract labour.

KUWAIT (First Report)

Labour (Public Sector) Act, No. 18, 1960 (*Al-jarida al-rasmiya*, Supplement to No. 280, 20 June 1960).
Labour (Private Sector) Act, 1959 (*ibid.*, No. 216, 15 Mar. 1959).

Article 1 of the Convention. Labour legislation does not define an industrial undertaking or define the line of division which separates industry from commerce and agriculture. Certain workers are excluded from its scope.

Article 2. Hours of work may not exceed eight per day.

Article 3. Overtime is permitted to prevent a dangerous accident or loss or for reparation after an accident. Overtime should not normally exceed two hours per day.

Article 6. Hourly overtime rates are at least one-and-a-quarter times the regular rate.

Article 8, paragraph 1. A timetable must be posted up in a conspicuous place indicating daily hours of work, weekly rest and official holidays. Employers must keep attendance cards for workers indicating their remuneration and hours of work.

Paragraph 2. Fines are imposed for infractions. The Ministry of Labour and Social Affairs administers the law.

LUXEMBOURG

Order of the Government in Council of 10 March 1961 declaring to be generally binding the collective agreement for the building industry with effect from 1 March 1961 (*Mémorial*, No. 11-A, 27 Mar. 1961).

A new collective agreement for the building industry, in force from 1 March 1961, provides for a reduction of the average period of work from 48 to 45 hours per week in two stages, beginning on 1 March 1961 and 1 March 1962 respectively, and each involving a reduction of one-and-a-half hours per week together with wage compensation.

NEW ZEALAND

Factories Amendment Act, 1961.

Section 5 of the above-mentioned Act repeals section 20 (2) (c) of the 1946 Factories Act so as to remove the annual limitation on overtime which may be worked by women. Daily and weekly limitations remain.

PAKISTAN

In reply to a direct request made by the Committee of Experts in 1961 the Government supplies the following information.

The amending of section 22 (b) and (c) of the Mines Act, 1923, with a view to reducing the weekly working hours from 54 to 48 is under consideration.

Persons employed in certain types of mines excluded from the scope of the Mines Act are not covered by any alternative provisions determining hours of work.

A proposal for regulating overtime in the Mines Act in exceptional cases of pressure of work is under consideration. The Act does not specify the maximum hours permitted in emergencies.

Information is given on particular cases of exemptions granted during the period 1959-61 in West Pakistan under section 8 of the Factories Act.

No order has been issued under section 6 of the Factories Act by the Government of East Pakistan directing the different departments of a factory to be treated as separate factories. The question is, however, being considered by the Government of West Pakistan.

In West Pakistan the maximum limit of working hours is made under Rules 96 to 100 and 103 of the West Pakistan Factories Rules, 1962. In East Pakistan, the East Pakistan Factories (Exemption) Rules, 1959, apply.

No statutory provisions exist to limit the working hours of persons employed in construction and building works.

The Railways (Amendment) Act, 1930, and the Railway Servants Hours of Employment Rules, 1931, apply to Pakistan Railways, including the "worked lines" on the Pakistan Western Railway. There is no "worked line" on the Pakistan Eastern Railway.

The Government's decision not to extend the Hours of Employment Rules to the running staff on Pakistan Railways was taken for financial and other administrative reasons, but such extension continues to be examined, although running staff do not, in fact, normally work more than 60 hours per week on an average.

Temporary exemptions are ordered in exceptional cases in virtue of section 71-C (3) of the Railways Act. In such cases limitation of the maximum number of additional hours is not possible.

The Factories Act and the Mines Act apply also to contract labourers. No contract labour covered by the Factories Act is employed in the Pakistan Railways. Contract labour is, however, employed on the open lines, but the Hours of Employment Regulations, which apply to open lines staff, are not applicable to contract labour.

PORTUGAL

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

The Ministry of Corporations and Social Welfare is preparing a revision of the General Law respecting hours of work, which will take account of the suggestions made by the Committee of Experts.

Mines, quarries, etc., are regarded as "industrial undertakings" within the definition of section 1 (1) of Legislative Decree No. 24402 and are therefore bound to apply the hours of work provided for in this section. Various collective agreements limit weekly working hours to 48 or lay down that the working day should not exceed seven-and-a-half hours, including a break of half an hour.

SPAIN

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

The restrictive criterion in the 1931 Act has been repeated in various resolutions such as that of 7 July 1943, which prohibited authorisation to work longer hours in excess of the limits established by law. Moreover, on 6 April 1936 the Supreme Court stated that legal provisions governing the daily hours of work must be applied with the same strictness by the courts under its jurisdiction, with no exceptions allowed to the legal maximum other than those specified in the Act.

In regard to section 38 of the Act respecting contracts of employment the Government cites decisions of 17 August 1933 and 17 February 1934 to show that, in view of the guarantees accorded by law and precedent, the provisions relating to piece-work offer more favourable conditions. Moreover, section 16 of the Act provides for the compulsory posting of timetables showing the hours at which work begins and ends.

As regards the procedures for consulting employers' and workers' organisations, a decision of 22 May 1934 states that "... an employment contract ... under which the worker undertakes to work ... for 12 hours a day ... patently infringes the provisions of the law since it establishes, without prior authorisation by a joint body and without the participation of the employers and workers of the branch concerned, daily hours of work longer than those specified in the said provisions...".

The general labour provisions of the railways apply to RENFE chauffeurs.

Section 11 of the Hours of Work Act can now be repealed, and this will be done when the Act is revised.

The report by the Inspectorate of Labour contains statistical data.

The rapid transport of fresh foodstuffs is still governed by the road transport regulations as amended by the Order of 21 October 1950.

UNITED ARAB REPUBLIC (First Report)

Law No. 91: Labour Code, dated 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—U.A.R. I).

Law No. 133, dated 27 July 1961 (*Al-jarida al-rasmiya*, 28 July 1961, No. 169).

Law No. 175, 1961 (*Al-jarida al-rasmiya*, 12 Nov. 1961, No. 260).

Ministerial Orders Nos. 59 and 60 of 1960.

Article 2 of the Convention. The Labour Code provides that no worker may be employed for more than eight hours a day or 48 hours a week. But for industries regulated by Ministerial Order No. 60 of 1960 daily hours of work are reduced to seven; and under Law No. 133 of 1961 reduction of weekly hours of work to 42 for certain industrial establishments may be authorised by ministerial order.

The employer's legal representatives are exempted from the weekly rest provisions of the Labour Code.

Ministerial Order No. 59 of 1960 allows transport workers in non-transport establishments to work nine hours per day.

Article 6. Section 123 of the Labour Code exempts from its weekly rest provisions persons engaged in preparatory and complementary work, and section 120 exempts special work such as stocktaking, balancing of accounts, etc., and work in case of serious accidents. In no case referred to in section 120 shall hours of work exceed ten per day.

Article 8, paragraph 1. Section 122 of the Labour Code provides for notification of hours of work and breaks for rest. Every employer, moreover, must keep a record in the form prescribed by regulations of all additional hours worked in the case of the exceptions referred to above under Article 6.

Paragraph 2. Section 221 of the Labour Code imposes fines as penalties for infractions.

* * *

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

Argentina, Israel, Peru.

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

Haiti, Venezuela.

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.

CHILE

In answer to the observations by the Committee of Experts in 1962 with regard to the absence of greater progress towards full application of Article 2 of the Convention and calling on the public authorities, on the basis of Act No. 308 of 6 April 1960, to organise free public employment agencies and to appoint advisory committees composed of representatives of the employers and the workers, the Government makes the following statement:

- (a) the provincial and departmental inspectorates are engaged in registering and placing unemployed persons throughout the country;
- (b) a plan for the reorganisation of the labour services is being studied under which it is proposed to increase the number of officials in order to provide the employment service with trained personnel to administer the provincial placement offices;
- (c) the labour services are at present studying the plan to regulate the establishment and operation of advisory committees.

DENMARK

The Employment Service and Unemployment Insurance Act was amended by Act No. 191 of 4 June 1962, which provides for various improvements relating to benefits.

Copies of the above-mentioned Act and of Notification No. 238 of 27 June 1962 of the Employment Service and Unemployment Insurance Act are being forwarded.

JAPAN

See under Convention No. 88.

MOROCCO (First Report)

Dahir of 27 September 1921 respecting workers' placement offices, as amended and supplemented by the Dahirs of 24 September 1924, 8 September 1941, 30 June 1945 and 26 April 1955 (*Bulletin officiel*, 30 Sep. 1924, 17 Oct. 1941, 24 Aug. 1945 and 20 May 1955).

Residential Order of 9 December 1930 to establish a Moroccan Manpower Office, as amended by the Order of 8 July 1936 (*ibid.*, 19 Dec. 1930, 11 July 1936).

Vizirial Order of 20 March 1945 to establish a Joint Public Placement Offices Supervisory Board (*ibid.*, 20 Apr. 1945).

Ministerial Order of 16 April 1957 prescribing the composition of the joint public placement offices supervisory boards (*ibid.*, 3 May 1957).

Dahir of 14 September 1957 to extend to the Province of Tangier the legislation respecting placement offices (*ibid.*, 4 Oct. 1957).

Ministerial Order of 4 May 1960 to extend to the former Spanish protectorate zone the legislation respecting placement offices (*ibid.*, 3 June 1960).

Article 1 of the Convention. Statistics on unemployment in the second quarter of 1961 are attached to the Government's report. A general report¹ on unemployment trends in Morocco gives an account of the unemployment position and the measures taken or contemplated to combat unemployment.

Article 2, paragraph 1. There are free public employment agencies in the major towns. They are run either by the Ministry of Labour and Social Affairs or by the municipal authorities.

Paragraph 2. These employment agencies are the only ones authorised to receive offers of and applications for employment and direct workers to undertakings seeking labour.

Paragraph 3. The Government deems it premature to co-ordinate the Moroccan placement system with those of other countries through the intermediary of the International Labour Office. Bilateral agreements with respect to emigration from Morocco are at present under discussion.

Article 3. There is no provision for insurance against unemployment in Morocco, and no arrangements with other Members are contemplated for the extension of unemployment insurance to workers from those States. It may be presumed that it is not possible for such workers to become unemployed, since under regulations dating back to 1934 their admission to Morocco is limited to trades or professions in which there are no Moroccan workers, and foreign workers are admitted only for a specified period, renewable by the authorities. In consequence foreign workers are not entitled to receive the same benefits as nationals in regard to unemployment.

The application of the legislation and administrative regulations respecting employment in general is entrusted to the Ministry of Labour and Social Affairs. All the placement offices are under the supervision of the Manpower Service, which is empowered to have them inspected. Breaches of the official provisions concerning employment are noted by the labour inspectors and supervisors; during their inspections of industrial and commercial establishments they have the occasion to observe whether the workers have indeed been recruited through the public employment agencies, and whether foreigners are conforming to the Dahir regulating immigration.

¹ Not attached to the Government's report, received on 7 May 1962. Statistics on unemployment in the fourth quarter of 1961 are appended to the general report.

* * *

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

Chile, Morocco, Yugoslavia.

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

Chile, Yugoslavia.

3. Maternity Protection Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Argentina	30. 11. 1933
Brazil ²	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 ³	31. 10. 1927
Greece	19. 11. 1920
Hungary	19. 4. 1928
Italy	22. 10. 1952
Ivory Coast	5. 5. 1961

Countries	Ratification registered on
Luxembourg	16. 4. 1928
Nicaragua	12. 4. 1934
Panama	3. 6. 1958
Rumania	13. 6. 1921
Spain	4. 7. 1923
Uruguay ²	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ Has confirmed its obligations under this Convention which France had previously declared applicable.

² Has denounced this Convention.

³ See footnote 3 to Convention No. 2.

BULGARIA

Resolution No. 122 of the Council of Ministers, to approve amendments and additions to the Ordinance [of 1958] respecting leave for wage and salary earners (*Izvestiya*, No. 39, 1960) (*L.S.* 1960—Bul. 2).

In reply to a direct request by the Committee of Experts the Government states the following.

Article 3 (a) of the Convention. With reference to the provision that women shall not be permitted to work during the six weeks following confinement, it is true that Bulgarian legislation does not lay down any formal requirements identical to that stated in the Convention. However, this does not mean that labour legislation does not apply the Convention in this respect. Under section 60 of the Labour Code all women wage-earners and salaried employees are entitled to maternity leave totalling 120 days, including 45 days before confinement. If there is a mistake by the medical adviser in estimating the date of confinement, and confinement takes place before expiry of the 45 days' pre-natal leave, the worker is granted the remainder of the pre-natal leave, subject to a maximum of 15 days. The worker is not allowed to give up her right to such leave, any such refusal being null and void in accordance with the new section 11 of the Ordinance respecting leave for wage and salary earners.

The Government further states that the provisions described above clearly show that neither the worker nor the undertaking is entitled to interrupt maternity leave during the 75 or 90 days following confinement. Protection of this individual right to maternity leave is provided by means of a right of appeal to conciliation commissions appointed to settle labour disputes (section 11, final paragraph, of the ordinance). Any undertaking interrupting the leave of working mothers in such conditions is liable to be fined by the labour inspectorate in accordance with section 171 of the Labour Code.

The Government further states that under section 150 of the Labour Code wage-earners and salaried employees are entitled to cash compensation in respect of incapacity for work and that maternity is assimilated to such disability in accordance with section 17 of the Ordinance issued under Part III of the Labour Code.

COLOMBIA

Decree No. 2690 of 1960 to approve the General Regulations for sickness (other than occupational disease) and maternity insurance (*Diario Oficial*, 19 Dec. 1960, No. 30407, p. 501) (*L.S.* 1960—Col. 2).

Decree No. 3398 of 21 December 1962 approving the decision by the Board of the Colombian Social Insurance Institute extending the Social Security Scheme to certain parts of the country.

In reply to the observations and requests by the Committee in previous years the Government states the following.

Article 3 (c) of the Convention. With reference to the granting of maternity benefit by an insurance scheme or from public funds, section 171 of the draft Labour Code provides that Act No. 90 of 1946, establishing a compulsory social security system also covering maternity, shall remain in force.

Article 4. Concerning prohibition of dismissal the Government states its intention to amend the draft Labour Code in accordance with the provisions of this Article.

With regard to the extension of the Social Security Scheme the Government further states that the Decree of 21 December 1962 approved the decision by the Board of the Colombian Social Insurance Institute extending the scope of the Social Security Scheme to certain districts in the Medellín area and that the possibility of extending social security to agriculture is also under study.

See also *Report of the Committee* (1962), p. 694.

FRANCE

In reply to the request by the Committee of Experts in 1961 the Government states the following:

Article 3 (c) of the Convention. With regard to the last part of this paragraph, where it is stated that no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving benefits from the date of the medical certificate up to the date on which the confinement actually takes place, the Committee's comments will be borne in mind, and action will shortly be taken to give effect to these provisions. The Government further states in this connection that, by an order issued on 28 March 1962, the Court of Cassation confirmed an order by the Paris Court of Appeal upholding the provisions of the Convention against domestic legislation, and judged that, in view of the terms of the Convention and notwithstanding the provisions of section 298 of the Social Security Code, daily allowances were payable during the period between the estimated date of confinement and the actual date, when these dates did not coincide.

Paragraph (*d*). Concerning nursing breaks the Government considers that provision of nursing rooms is of such practical advantage to working women that it more than makes up the ten-minute difference between the 20-minute breaks laid down in French legislation and the 30 minutes provided for in the Convention. Nevertheless, since the Committee of Experts has found that the provisions of national legislation are incompatible with those of the Convention, the Government has instructed labour inspectors to remind the employers concerned of the relevant provisions.

Article 4. With regard to the Government's reply to the observation of the Committee of Experts concerning the application of the provision concerning prohibition of dismissal during maternity leave, see *Report of the Committee* (1961), p. 745.

FEDERAL REPUBLIC OF GERMANY

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

The Socialist party has just submitted to Parliament a private Bill for the amendment of the Maternity Protection Act (*Bundestag-Drucksache IV/562* dated 29 June 1962). The objections of the Committee of Experts to sections 7 and 12 of the Maternity Protection Act were due for discussion in detail in the debate on the draft amendment after the summer recess of Parliament.

GREECE

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

During the period under consideration the social insurance scheme was extended to further areas of the country in such a way as to take in several new categories of workers, in particular domestic staff in the major towns.

As concerns the establishment of a system of insurance providing for a reduced qualifying period for women who, owing to the seasonal nature of their work, are ineligible for the maternity benefits provided under the legislation, the Government indicates that the present circumstances of the country, and in particular the financial situation of the Social Insurance Institute, do not at the moment permit of the introduction of measures to that effect.

Article 3 (c) of the Convention. As regards the application of the provision relating to the payment of the maternity allowance in the event of a mistake of the medical adviser having the effect that more than six weeks elapse between the beginning of the pre-natal leave and the actual date of confinement, the Government adds that this matter will be dealt with as soon as possible.

ITALY

Article 3 (c) of the Convention. In reply to observations by the Committee of Experts in previous years with regard to the maternity allowance borne by the employer for certain categories of women workers, the Government states that a Bill providing for maternity benefit to be paid to all categories of women workers under an insurance scheme or from public funds has been passed by the Chamber of Deputies and is at present before the Senate. This new legislation aims at bringing Italian law into line with this provision of the Convention.

SPAIN

Order of 2 March 1954 to regulate employment in the territories of Spanish West Africa (*Boletín Oficial del Estado* (B.O.E.), No. 83, 24 Mar. 1954) (L.S. 1954—Sp. 1).

Order of 24 May 1962 approving the General Labour Act of the Equatorial Region (B.O.E., No. 134, 5 June 1962).

The Government reports that section 79 of the 1954 Order applying to the territories of Spanish West Africa obliges the employer to grant women workers leave, pay them wages and keep open their employment for them, for six weeks before and six weeks after confinement; section 80 provides entitlement during the nursing period to time off for one hour every day, divided into two half-hour periods, without deduction from wages; and sickness insurance benefits—of which maternity benefits are one type—are payable by undertakings and employers in accordance with the provisions of section 108.

The Order of 24 May 1962, in sections 4 and 23 prohibiting work during the six weeks before and the six weeks after confinement and entitling women workers to time off during the nursing period as provided by the Convention, imposes similar standards for the Equatorial Region.

The Government adds that at the moment, under international social security treaties signed by Spain, women workers from the following countries fulfilling the conditions laid down in the appropriate treaties have the same rights as Spanish women workers where the maternity benefits of the Compulsory Sickness Insurance Scheme are concerned: Belgium, Ecuador, France, Federal Republic of Germany, Italy, Netherlands, Paraguay, Portugal and Switzerland. Other Latin American, Philippine and Andorran nationals are likewise assimilated to Spanish workers under the legislation.

* * *

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

Argentina, Chile, France, Federal Republic of Germany, Greece, Italy, Ivory Coast, Luxembourg, Spain, Venezuela, Yugoslavia.

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

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	Niger ⁴	27. 2. 1961
Albania	17. 3. 1932	Pakistan ⁹	14. 7. 1921
Argentina	30. 11. 1933	Peru	8. 11. 1945
Austria	12. 6. 1924	Portugal	10. 5. 1932
Belgium ¹	12. 7. 1924	Rumania ¹	13. 6. 1921
Brazil ¹	26. 4. 1934	Rwanda ⁶	18. 9. 1962
Bulgaria ²	14. 2. 1922	Senegal ⁷	4. 11. 1960
Burma ^{3 5}	14. 7. 1921	Republic of South Africa ¹	1. 11. 1921
Cameroon (Eastern Cameroon) 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) ⁶	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		
Nicaragua	12. 4. 1934		

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

³ Has denounced this Convention; has not ratified Conventions Nos. 41 and 89.

⁵ See footnote 2 to Convention No. 1.

⁶ Has confirmed its obligations under this Convention which France 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.

CENTRAL AFRICAN REPUBLIC

Labour Code: Act No. 61-221 (ss. 120 and 121) (*Journal officiel*, special issue, Aug. 1961).

TOGO

Ordinance No. 14/MTAS-FP of 6 December 1958 concerning employment of women (*Journal officiel*, 1 Jan. 1959).

Article 3 of the Convention. Sections 2 and 3 of the above Ordinance prohibit night work by women in industry, the term "night" being taken to mean a period of at least 11 consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

* * *

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

Chile, Guinea, Mali, Mauritania.

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

Congo (Leopoldville), Gabon, Peru.

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 ^a	1. 11. 1960
Belgium	12. 7. 1924	Mali ^a	22. 9. 1960
Bolivia	19. 7. 1954	Mauritania ^a	20. 6. 1961
Brazil	26. 4. 1934	Netherlands	21. 7. 1928
Bulgaria ¹	14. 2. 1922	Nicaragua	12. 4. 1934
Cameroon (Eastern Cameroon) ^a	7. 6. 1960	Niger ^a	27. 2. 1961
Central African Republic ^a	27. 10. 1960	Norway	7. 7. 1937
Ceylon	27. 9. 1951	Poland	21. 6. 1924
Chad ^a	10. 11. 1960	Rumania	13. 6. 1921
Chile	15. 9. 1925	Senegal ^a	4. 11. 1960
Colombia	20. 6. 1933	Sierra Leone	15. 6. 1961
Congo (Brazzaville) ^a	10. 11. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland	9. 10. 1922
Czechoslovakia	24. 8. 1921	Togo ^a	7. 6. 1960
Dahomey ^a	12. 12. 1960	United Kingdom	14. 7. 1921
Denmark	4. 1. 1923	Upper Volta ^a	21. 11. 1960
Dominican Republic	4. 2. 1933	Uruguay ¹	6. 6. 1933
France	29. 4. 1939	Venezuela	20. 11. 1944
Gabon ^a	14. 10. 1960	Viet-Nam	6. 6. 1953
Greece	19. 11. 1920	Yugoslavia	1. 4. 1927
Guinea ^a	21. 1. 1959		
Haiti	12. 4. 1957		
India	9. 9. 1955		
Ireland	4. 9. 1925		
Israel	23. 12. 1953		
Ivory Coast ^a	21. 11. 1960		

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

^a See footnote 4 to Convention No. 4.

^a See footnote 7 to Convention No. 4.

CAMEROON

Federated State of Eastern Cameroon.

Appreciable progress has been made since 1956 in the registration of births, deaths and marriages, and the number of administrative posts in connection therewith has risen considerably, particularly in sparsely populated districts and in areas where communications are difficult.

INDIA

Motor Transport Workers Act, 1961 (*The Gazette of India*, Extraordinary, No. 31, 22 May 1961, Part II, Section 1).

Restriction on the employment of children has been extended to motor transport undertakings. Section 21 of the above-mentioned Act prohibits the employment of any child under 15 years of age, while section 22 requires a certificate of fitness for adolescents between the age of 15 and 18.

MALAGASY REPUBLIC

Article 3 of the Convention. The exceptions authorised by Order No. 277-IGT of 5 February 1954 respecting domestic work and light work of a seasonal nature are no longer permitted; Decree No. 62-152 (section 23) of 28 March 1962 formally prohibits them.

SWITZERLAND

In response to a direct request by the Committee of Experts in 1961 the Government refers to section 28 of the Bill respecting labour in industry, crafts and commerce. This section prescribes that the categories of undertakings or occupations in which it shall be lawful to employ children over the age of 13 on errands and light work shall be determined by ordinance. The Government states that the Bill is at present under discussion by the federal Parliament, but gives an assurance that the possibility of employing children over the age of 13 in certain categories of undertakings will not apply to industrial undertakings, in which the age of admission to employment remains fixed at 15 years. Since the reference to ordinances in section 28 relates only to errands and light work in commerce and handicrafts, the Government considers that legislation is in conformity with the provisions of the Convention.

UNITED KINGDOM

Education Act, 1962 (10 and 11 Eliz. 2, Ch. 12).

Under new provisions laid down in section 9 of the above-mentioned Act a person in England and Wales who attains the school-leaving age of 15 years continues to be subject to compulsory school attendance until the end of the appropriate school term. Section 10, amending section 33 of the Education (Scotland) Act, 1946, provides similarly for persons in Scotland.

* * *

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

Austria, Belgium, Cameroon, Chile, Congo (Brazzaville), Denmark, Gabon, Greece, Guinea, Haiti, India, Israel, Ivory Coast, Luxembourg, Malagasy Republic, Netherlands, Senegal, Spain, Switzerland, United Kingdom, Venezuela, Viet-Nam.

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

Albania, Argentina, Bolivia, Brazil, Bulgaria, Ceylon, Chad, Colombia, France, Ireland, Japan, Mali, Mauritania, Niger, Norway, Rumania, Togo, Upper Volta, Yugoslavia.

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	Mexico ⁴	20. 5. 1937
Algeria ¹	19. 10. 1962	Netherlands ⁴	17. 3. 1924
Argentina	30. 11. 1933	Nicaragua	12. 4. 1934
Austria	12. 6. 1924	Niger ³	27. 2. 1961
Belgium	12. 7. 1924	Pakistan ⁶	14. 7. 1921
Brazil	26. 4. 1934	Poland	21. 6. 1924
Bulgaria	14. 2. 1922	Portugal	10. 5. 1932
Burma ²	14. 7. 1921	Rumania	13. 6. 1921
Cameroon (Eastern Cameroon) ³	7. 6. 1960	Senegal ⁵	4. 11. 1960
Central African Republic ³	27. 10. 1960	Spain	29. 9. 1932
Ceylon ⁴	26. 10. 1950	Switzerland	9. 10. 1922
Chad ³	10. 11. 1960	Togo ³	7. 6. 1960
Chile	15. 9. 1925	Tunisia	12. 1. 1959
Congo (Brazzaville) ³	10. 11. 1960	United Kingdom ⁷	14. 7. 1921
Cuba	6. 8. 1928	Upper Volta ³	21. 11. 1960
Dahomey ³	12. 12. 1960	Uruguay ⁴	6. 6. 1933
Denmark	4. 1. 1923	Venezuela	7. 3. 1933
France	25. 8. 1925	Viet-Nam	6. 6. 1953
Gabon ³	14. 10. 1960	Yugoslavia ⁴	1. 4. 1927
Greece	19. 11. 1920		
Guinea ³	21. 1. 1959		
Hungary	19. 4. 1928		
India	14. 7. 1921		
Ireland	4. 9. 1925		
Italy	10. 4. 1923		
Ivory Coast ³	21. 11. 1960		
Luxembourg	16. 4. 1928		
Malagasy Republic ³	1. 11. 1960		
Mali ⁵	22. 9. 1960		
Mauritania ³	20. 6. 1961		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 1.

³ See footnote 4 to Convention No. 4.

⁴ Has denounced this Convention and has ratified Convention No. 90.

⁵ See footnote 7 to Convention No. 4.

⁶ See footnote 3 to Convention No. 1.

⁷ Has denounced this Convention and has not ratified Convention No. 90.

ALBANIA

Decree of the Presidium of the People's Assembly No. 3484 of 9 April 1962 amending the Labour Code.

Under section 3 of the above-mentioned decree night work for young persons under 18 years of age in industrial establishments is prohibited.

Under section 4 of the same decree workers are entitled to a rest period of at least 11 hours between two working days. In practice this rest period is of 15 to 16 hours' duration.

DENMARK

Act No. 112 of 30 March 1962 to amend the Act of 11 June 1954 respecting the protection of workers in general (*Lovtidende A*, 1962, No. IX, pp. 285-286).

In the building industry it is prohibited to employ young persons under 18 years of age between 6 p.m. and 6 a.m.

GABON

Decree No. 287/PR of 29 September 1962, to amend Order No. 2472 of 24 December 1953 providing for exceptions from the employment of young workers as well as the nature of occupations and categories of undertakings which may not employ young persons and the age limit to which the prohibition applies.

Article 3 of the Convention. Section 1 of the above-mentioned decree prohibits night work of young workers under 18 years of age. The term "night" signifies a period of at least 12 consecutive hours, including the interval between 9 p.m. and 5 a.m.

Night work is practically inexistent in Gabon.

* * *

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

Central African Republic, Gabon, Mali, Mauritania, Rumania.

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

Hungary, Togo, 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

In reply to a direct request by the Committee of Experts the Government states that the terms of the Convention are being applied, since sections 22 and 23 of Decree No. 3183 of 1952 and sections 116 and 120 of Part VI, Chapter I, of the Merchant Shipping Rules, promulgated on 4 August 1962, provide that to become a crew member on any Colombian vessel the applicant must have a crew member's licence, and that in order to obtain a licence he must have satisfied his obligations for military service. Only young men over 18 years of age are liable to military service.

POLAND

Act respecting trade training, instruction in a specific job, the conditions of employment of young persons in establishments and the preliminary period of employment. Dated 2 July 1958 (*Dziennik Ustaw (D.U.)*, 21 July 1958, No. 45, text 226) (*L.S.* 1958—Pol. 2).
Order of the Council of Ministers to issue a list of operations prohibited for young persons (*D.U.*, 25 Oct. 1958, No. 64, text 312).

Employment of young persons between the age of 14 and 18 years of age is forbidden on ships engaged in navigation in the Baltic Sea, in the coastal trade, on inland waterways and in ports.

These young persons may be exceptionally employed in establishments where work is performed, but solely for purposes of vocational training, of preparation for a specific type of work or of completion of an introductory stage in their employment.

The prohibition of employment of persons under 18 years of age does not apply to cases where students of vocational schools undertake periods of apprenticeship.

Students can be employed in maritime work after reaching 18 years of age but cannot be employed for work prohibited by virtue of the existing legislation for those under 18 years of age.

In reality young persons are employed on school-ships only to complete a period of apprenticeship as part of their vocational training.

The shipowner or the captain must keep a register of young persons employed on board.

The control and supervision of the above-mentioned regulations is exercised by the maritime offices which are empowered to issue naval cards or fishing cards which in turn enable the holder to be listed on the ship's register. The offices are also charged with the inspection of the ships' registers. In conformity with the legislation naval cards are not issued to young persons, and registers on which a young person is listed cannot be approved.

PORTUGAL

In reply to a direct request made by the Committee of Experts in 1962 the Government states that the main legislation concerning the minimum age of admission to employment in maritime work as contained in Legislative Decree No. 23764 applies to all overseas territories, but that Legislative Decree No. 41643 which amends it is not yet applicable to these territories, although the necessary arrangements have been made to secure such application.

VENEZUELA

Article 4 of the Convention. In reply to a direct request by the Committee of Experts the Government states in its report that the register prescribed by this Article has not been supplied because section 114 of the Labour Act of 1947 has not yet been applied in practice.

* * *

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

Argentina, Australia, Canada, Chile, China, Colombia, Greece, Italy, Japan, Luxembourg, Poland, Portugal, United Kingdom, Venezuela, Yugoslavia.

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

Belgium, Brazil, Bulgaria, Ceylon, Denmark, Finland, Federal Republic of Germany, Hungary, Ireland, Norway, Rumania, Spain, Sweden.

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	Mexico	20. 5. 1937
Australia	28. 6. 1935	Netherlands	15. 12. 1937
Belgium	2. 2. 1925	Nicaragua	12. 4. 1934
Bulgaria	16. 3. 1923	Nigeria	16. 6. 1961
Canada	31. 3. 1926	Norway	21. 7. 1936
Ceylon	25. 4. 1951	Peru	4. 4. 1962
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		
Luxembourg	16. 4. 1928		

¹ See footnote 3 to Convention No. 2.

ARGENTINA

For the Government's reply to the observation by the Committee of Experts see *Report of the Committee* (1962), p. 695.

COLOMBIA

In reply to the observation by the Committee of Experts in 1962 the Government states that it intends to point out to Congress the need for the draft Labour Code at present under debate by Congress to contain provisions putting the Convention into effect.

MEXICO

For the Government's reply to the observation by the Committee of Experts see *Report of the Committee* (1962), p. 695.

The Government further states that if the Committee can show, after the explanations supplied by the Government, that there are really divergences between the provisions of the Convention and Mexican legislation it will not fail to take the necessary legislative action in order to eliminate any such divergences.

SPAIN

In reply to a direct request made by the Committee of Experts in 1961 the Government states in its report that the discretionary faculty of the labour tribunal not to grant any indemnity does not extend to denying the right to unemployment indemnity in case of loss of a ship.

SWEDEN

Act No. 211 of 2 June 1961 to amend section 41, subsection 2, of the Seamen's Act dated 30 June 1952.

In reply to the direct requests made by the Committee of Experts in 1959 and 1961 the Government states that the above-mentioned Act extends the provision of

subsection 2 of section 41 of the Seamen's Act, which concerns the indemnity to be paid to seamen who remain unemployed as a result of the loss of their ship, to cover all seamen and not only Swedish seamen.

* * *

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

Australia, Belgium, Chile, Finland, Greece, Ireland, Italy, Japan, Netherlands, Norway, Spain, Sweden, Switzerland.

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

Bulgaria, Canada, Ceylon, Denmark, France, Federal Republic of Germany, Luxembourg, Poland, United Kingdom, Yugoslavia.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Countries	Ratification registered on
Argentina	30. 11. 1933
Australia	3. 8. 1925
Belgium	4. 2. 1925
Bulgaria	16. 3. 1923
Chile	18. 10. 1935
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Denmark	23. 8. 1938
Finland	7. 10. 1922
France	25. 1. 1928
Federal Republic of Germany ¹	6. 6. 1925
Greece	16. 12. 1925
Italy	8. 9. 1924
Japan	23. 11. 1922
Luxembourg	16. 4. 1928

Countries	Ratification registered on
Mexico	1. 9. 1939
Netherlands	9. 1. 1948
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	23. 11. 1921
Peru	4. 4. 1962
Poland	21. 6. 1924
Rumania	10. 11. 1930
Spain	23. 2. 1931
Sweden	27. 9. 1921
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

¹ See footnote 3 to Convention No. 2.

COLOMBIA

In reply to an observation made by the Committee of Experts in 1962 the Government states that, upon approval of the Bill to revise the Labour Code, section 15 of which provides for the organisation of an employment service, the Government will study the possibility of setting up special services for the placement of seafarers in order to implement the Convention.

FEDERAL REPUBLIC OF GERMANY

Placement and Unemployment Insurance Act, amended text of 3 April 1957 (*Bundesgesetzblatt*, Part I, 8 Apr. 1957, p. 322) (*L.S.* 1957—*Ger.F.R.* 3).

In accordance with paragraph 54, subparagraph 2, of the above Act the Federal Minister of Labour will make regulations, after consulting the Governing Body of the Federal Institution for Placement and Unemployment Insurance, providing for the establishment of seamen's employment offices. The report states, however, that the provisions of 8 November 1924 respecting seamen's employment exchanges still apply.

POLAND

In reply to a direct request made by the Committee of Experts in 1961 the Government states in its report that it considers that the interests of both parties concerned in the placing of seamen are sufficiently protected by the system in force at present, and therefore there would be no need to establish the joint committees prescribed by Article 5 of the Convention.

However, the establishment of these committees is contemplated in the Act concerning seamen's service which is now in preparation.

SPAIN

Decree No. 1254 of 9 July 1959 to issue rules for the administration of the Act of 10 February 1943 respecting employment exchanges (*Boletín Oficial del Estado*, 23 July 1959, No. 175).

In reply to the direct requests made by the Committee of Experts in 1959 and 1961 the Government furnishes the following additional information.

Sections 4 and 32 to 40 of the above-mentioned rules contain detailed prescriptions concerning the composition and working of placement committees.

Facilities for finding employment are available to foreign seamen, as prescribed by Article 8 of the Convention.

* * *

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

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

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

Belgium, France, Luxembourg, Mexico.

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	Italy	8. 9. 1924
Algeria ¹	19. 10. 1962	Japan	19. 12. 1923
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Australia	24. 12. 1957	Netherlands	28. 11. 1956
Austria	12. 6. 1924	New Zealand	8. 7. 1947
Belgium	13. 6. 1928	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Norway	28. 1. 1957
Byelorussia	6. 11. 1956	Peru	1. 2. 1960
Chile	18. 10. 1935	Poland	21. 6. 1924
Cuba	22. 8. 1935	Rumania	10. 11. 1930
Czechoslovakia	31. 8. 1923	Senegal	22. 10. 1962
Dominican Republic	4. 2. 1933	Spain	29. 8. 1932
France	7. 6. 1951	Sweden	27. 11. 1923
Gabon	13. 6. 1961	Ukraine	14. 9. 1956
Federal Republic of Germany	20. 3. 1957	U.S.S.R.	10. 8. 1956
Hungary	2. 2. 1927	Uruguay	6. 6. 1933
Ireland	26. 5. 1925		
Israel	23. 12. 1953		

¹ See footnote 1 to Convention No. 3.

UKRAINE

Labour Code.

Section 135 of the Labour Code prohibits the admission to employment of persons under 16 years of age. The standard statutes of agricultural artels, which regulate labour relations in the *kolkhozes*, also provide that to be a member of the artel the applicant must be over 16 years of age (section 7 of the statutes). In virtue of this section, the children of members of *kolkhozes* are not admitted to employment before the age of 16 years.

* * *

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

The report from *New Zealand* reproduces the information previously supplied.



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 ³	20. 6. 1961
Algeria ¹	19. 10. 1962	Mexico	20. 5. 1937
Argentina	26. 5. 1936	Morocco	20. 5. 1957
Australia	24. 12. 1957	Netherlands	20. 8. 1926
Austria	12. 6. 1924	New Zealand	29. 3. 1938
Belgium	19. 7. 1926	Nicaragua	12. 4. 1934
Brazil	25. 4. 1957	Niger ³	27. 2. 1961
Bulgaria	6. 3. 1925	Nigeria	16. 6. 1961
Burma ²	11. 5. 1923	Norway	11. 6. 1929
Byelorussia	6. 11. 1956	Pakistan ⁷	11. 5. 1923
Cameroon:		Peru	8. 11. 1945
Eastern Cameroon ³	7. 6. 1960	Poland	21. 6. 1924
Western Cameroon	29. 1. 1963	Rumania	10. 11. 1930
Central African Republic ³	27. 10. 1960	Rwanda ⁴	18. 9. 1962
Ceylon	25. 8. 1952	Senegal ⁶	4. 11. 1960
Chad ³	10. 11. 1960	Spain	29. 8. 1932
Chile	15. 9. 1925	Sweden	27. 11. 1923
China	27. 4. 1934	Switzerland	23. 5. 1940
Colombia	20. 6. 1933	Syrian Arab Republic	26. 7. 1960
Congo (Brazzaville) ³	10. 11. 1960	Tanganyika	19. 11. 1962
Congo (Leopoldville) ⁴	20. 9. 1960	Togo ³	7. 6. 1960
Cuba	22. 8. 1935	Tunisia	15. 5. 1957
Czechoslovakia	31. 8. 1923	Turkey	29. 3. 1961
Dahomey ³	12. 12. 1960	Ukraine	14. 9. 1956
Denmark	20. 6. 1930	U.S.S.R.	10. 8. 1956
Finland	19. 6. 1923	United Arab Republic	3. 7. 1954
France	23. 3. 1929	United Kingdom	6. 8. 1923
Gabon ³	14. 10. 1960	Upper Volta ³	21. 11. 1960
Federal Republic of Germany ⁵	6. 6. 1925	Uruguay	6. 6. 1933
Greece	13. 6. 1952	Venezuela	20. 11. 1944
Guinea ³	21. 1. 1959	Yugoslavia	30. 9. 1929
Iceland	21. 8. 1956		
India	11. 5. 1923		
Ireland	17. 6. 1924		
Italy	8. 9. 1924		
Ivory Coast ³	21. 11. 1960		
Luxembourg	16. 4. 1928		
Malagasy Republic ³	1. 11. 1960		
Malaya	11. 1. 1960		
Mali ⁶	22. 9. 1960		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 1.

³ See footnote 4 to Convention No. 4.

⁴ See footnote 6 to Convention No. 4.

⁵ See footnote 3 to Convention No. 2.

⁶ See footnote 7 to Convention No. 4.

⁷ See footnote 3 to Convention No. 1.

ALBANIA

Constitution (articles 20 and 21).

Act No. 2362 of 16 November 1956 (*Gazeta Zyrtare*, No. 16, 12 Dec. 1956).

In reply to a request by the Committee of Experts concerning the definition of the terms "workers and employees" the Government states that, within the meaning of the Labour Code, these terms cover only wage-earning workers employed in industry, agriculture or in other sectors.

As regards the members of agricultural co-operatives, though they are not eligible for membership of trade unions, they are free to join all other organisations which

may be set up by citizens of the Republic. Their freedom to organise or to join other organisations is assured by the Constitution and by the above-mentioned Act.

ARGENTINA

In reply to a request by the Committee of Experts the Government specifies that Act No. 14455 of 8 August 1958 to make legal provision for industrial associations of employees is very vast in scope, being applicable not only to wage-earning agricultural employees but also to independent, semi-independent and other workers.

BRAZIL

Referring to an observation by the Committee of Experts regarding Legislative Decree No. 7038 of 10 November 1944, the Government states that the criticisms made are unfounded because the ratification of the Convention has automatically entailed the incorporation of its provisions in Brazilian national legislation and has therefore resulted in the elimination of any differences existing between the situation of workers in industry and that of workers in agriculture as regards the right of association. Since sections 543 and 624 of the Consolidation of Labour Laws must thus be regarded as applying also to agricultural workers, there seems to be no need to amend the national legislation.

In connection with the observation by the Committee of Experts regarding Legislative Decree No. 9070 of 15 March 1946, whereby agriculture is an "essential activity" in which a strike is considered as a breach of an employment contract, the Government replies that since, in the said decree, many other industries are also regarded as essential activities in which strikes are likewise prohibited, there is no discrimination against agricultural workers.

CHILE

The Bill to amend the provisions of the Labour Code relating to the right of association in agriculture, to which reference was made in 1962, has passed through the Senate and has been returned to the Chamber of Deputies with the amendments to which reference was made. At present it is tabled for discussion during the next ordinary session.

Though the Bill in question does not altogether eliminate differences existing between the trade union situation in agriculture and that in other sectors, it is a step forward in trade union legislation. The labour services will continue to press for the complete harmonisation of legislation with the Convention by the competent authorities.

CHINA

Since agricultural unions also comprise independent farmers, they can hardly become parties to a collective agreement. However, agricultural workers may organise trade unions under the Trade Unions Act, and in fact there already exist a number of industrial workers' unions consisting of both agricultural and industrial workers and negotiating collective agreements with their employers or employers' organisations. As the term "worker" used in the Trade Unions Act makes no distinction between agricultural and industrial workers, both of them in reality enjoy the same rights of association.

CONGO (LEOPOLDVILLE)

Fundamental Law of 19 May 1960 relating to the structures of the Congo (*Moniteur belge*, Nos. 127-128, 27 May 1960, p. 3988).

The legislation at present in force was implemented before the country achieved independence and provides the same rights of association for all persons employed in agriculture as for workers in industry.

Section 2 of the above-mentioned Law, laying down provisionally the essential rules for the functioning of the State, provides that the legislation and regulations in force on 30 June 1960 shall remain so until expressly repealed.

CZECHOSLOVAKIA

In response to the direct request made by the Committee in 1961 the Government replies that co-operative farmers in Czechoslovakia are organised in voluntary unified agricultural co-operatives which they form in pursuance of Chapter 1, article 5, of the Constitution. The Government points out that a unified agricultural co-operative is not only a production and economic unit, but also a social organisation which in its activities is governed by the self-imposed statute drafted by every co-operative itself.

With regard to smallholders the report explains that private farmers now cultivate only 9.9 per cent. of the total acreage in Czechoslovakia, and their number is rapidly decreasing from year to year. They are small landholders who for the most part are engaged in some other employment, e.g. in forestry, industry, or transport. The right to associate freely in trade unions is safeguarded for these individual farmers in the aforesaid article of the Constitution, but they also have the right to join industrial or other trade unions in any other sector in which they may be employed.

GABON

For legislation see under Convention No. 87.

The right of association is guaranteed for all the inhabitants of Gabon.

Though the right of association for agricultural workers has given rise to no difficulty of a regulatory or administrative nature, very little use is made of it owing to conditions peculiar to agricultural undertakings and especially to distances and communication difficulties.

GREECE

In reply to a request by the Committee of Experts concerning the rules applicable to collective agreements concluded in pursuance of section 680 of the Civil Code and concerning section 20 of Act No. 281/1914 respecting trade unions, the Government states that, by reason of the general nature of the above-mentioned provisions, the possibility of concluding collective contracts of employment covering all the conditions pertaining to their agricultural work is also open to independent farmers who have remained outside the scope of Acts Nos. 3239/1955 and 3755/1957, which cover collective bargaining agreements. The Government indicates that, independently of any sanctions incorporated in collective contracts of employment, the Civil Code provides, in sections 297, 298, 654, 655 and 904, that the employer bears civil liability for failure to fulfil collective contracts of employment.

GUINEA

See under Convention No. 87.

MALAYA

Societies Ordinance, No. 28, 1949.

Co-operative Societies Ordinance, No. 33, 1948.

In response to the direct request by the Committee of Experts in 1961 the Government replies that persons not employed on a contract of service are free to organise themselves under the above-mentioned ordinances. The Government indicates further that on 31 March 1961 there were in Malaya ten unions of agricultural workers with a total membership of about 92,000.

MALI

Labour Code (Act No. 62-67/AN-RM of 9 August 1962).

Under section 1 of the Labour Code this text applies to all workers without discrimination. Section 282 further provides that persons carrying on the same trade, similar crafts or allied trades associated in the provision of specific products or given services, shall be free to form a trade union.

POLAND

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

The right of association of persons employed in agriculture is based on article 72 of the Constitution of 22 July 1952, the Associations Act of 27 October 1932 and the Co-operatives and Co-operative Federations Act of 17 February 1961. There are about 25,000 agricultural clubs and 13 organisations combining agricultural workers in the countryside at present.

Members of agricultural co-operatives do not belong to the trade unions, despite the provisions of the Trade Union Association Rules, paragraph 7, whereby members of workers' co-operatives may also join trade unions if the wage received in respect of work done for the co-operative constitutes their basic income.

The owners of small farms may not belong to trade unions because they do not fulfil the conditions which are fundamental to trade union membership under the Act respecting trade unions of 1 July 1949.

SYRIAN ARAB REPUBLIC

Law No. 91/1959 (Labour Code) does not apply to agricultural workers, for whom Law No. 134 of 4 September 1958 regulating agricultural relations was promulgated. The provisions of the said Law, including those relating to wages, mentioned in sections 79 to 100, apply to all workers engaged in agriculture, with the exception of workers employed in family enterprises.

It should be pointed out that the Law regulating agricultural relations excludes from its scope the question of the right of association and the right to organise of agricultural workers who do not receive a wage.

TURKEY (First Report)

Constitution.

Labour Act, 1936 (*Resmî Gazete*, 15 June 1936, No. 330) (*L.S.* 1936—Turk. 2).

Trade Unions Act No. 5018 of 20 February 1947 (*T.C. Resmî Gazete*, 26 Feb. 1947, No. 6542, p. 11929) (*L.S.* 1947—Tur. 1).

Article 1 of the Convention. Agricultural workers are assured the right of association in virtue of section 1 of the Labour Act and section 2 of the Trade Unions Act.

Section 2 of the Trade Unions Act stipulates that no person who is not an employee shall become a member of an employees' trade union, and section 1 of

the Labour Act defines "employee" as "any person who performs work which is either exclusively manual or both manual and intellectual in the undertaking of another person in pursuance of a contract of employment".

UNITED ARAB REPUBLIC

In response to the direct request made by the Committee of Experts in 1961 the Government replies that Law No. 91/1959 (Labour Code) applies only to persons "who work for wages of any kind" and that persons engaged in agriculture who do not work for wages are not considered workers according to the law.

UKRAINE

See under Convention No. 87.

U.S.S.R.

The federated republics adopted new penal codes during the period under review. According to section 137 of the Penal Code of the R.S.F.S.R., which came into force on 1 January 1961, and the corresponding sections of the penal codes of the other federated republics, obstruction of the lawful activity of trade unions or their organs is punishable by corrective labour for not more than one year, or a fine not exceeding 100 roubles, or dismissal of the offender from his post. With the adoption of the said codes, the previous penal codes of the R.S.F.S.R. and the other federated republics, to which reference was made in the previous reports by the U.S.S.R. on this Convention, ceased to have effect.

YUGOSLAVIA

In reply to the request of the Committee of Experts concerning the right of association of individual producers, the Government states that the right of association is a general right provided under the 1946 Constitution and the 1953 Constitutional Law as also under the draft Bill for the new Constitution. This right is equal for all and consequently for independent agricultural producers. The Government points out that the absence of occupational organisations and independent agricultural producers does not mean that they could not form such organisations if it were in their interests to do so.

As regards agricultural producers whose work on their own agricultural properties is their principal occupation and main source of livelihood, they "do not become members, within the meaning of the trade union rules, of existing trade unions". The form of association they choose does not affect the production and free disposal of products.

* * *

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

Brazil, Gabon, India, Ivory Coast, Malaya, Poland, Rumania.

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

Australia, Austria, Belgium, Burma, Byelorussia, Cameroon, Ceylon, Chad, Colombia, Congo (Brazzaville), Denmark, Finland, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Malagasy Republic, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Senegal, Spain, Sweden, Switzerland, Togo, Tunisia, United Kingdom, Upper Volta, Venezuela.

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	Mexico	1. 11. 1937
Australia	7. 6. 1960	Morocco	20. 9. 1956
Austria	14. 6. 1954	Netherlands	20. 8. 1926
Belgium	26. 10. 1932	New Zealand	29. 3. 1938
Brazil	25. 4. 1957	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Norway	22. 1. 1963
Chile	15. 9. 1925	Panama	3. 6. 1958
Colombia	20. 6. 1933	Peru	4. 4. 1962
Congo (Leopoldville) ¹	20. 9. 1960	Poland	21. 6. 1924
Cuba	22. 8. 1935	Portugal	16. 5. 1960
Czechoslovakia	12. 6. 1950	Rwanda ¹	18. 9. 1962
Denmark	26. 2. 1923	El Salvador	11. 10. 1955
Finland	20. 1. 1950	Senegal	22. 10. 1962
France	4. 4. 1928	Spain	1. 10. 1931
Gabon	13. 6. 1961	Sweden	27. 11. 1923
Federal Republic of Germany ²	6. 6. 1925	Tanganyika	19. 11. 1962
Haiti	19. 4. 1955	Tunisia	15. 5. 1957
Hungary	8. 6. 1956	United Kingdom	6. 8. 1923
Ireland	17. 6. 1924	Uruguay	6. 6. 1933
Italy	1. 9. 1930	Yugoslavia	27. 1. 1958
Luxembourg	16. 4. 1928		
Malagasy Republic	10. 8. 1962		
Malaya	5. 6. 1961		

¹ See footnote 6 to Convention No. 4.

² See footnote 3 to Convention No. 2.

AUSTRALIA (First Report)

Commonwealth.

The Commonwealth Employees' Compensation Act, 1930-59.

Australian Capital Territory.

The Workmen's Compensation Ordinance, 1951-61.

New South Wales.

The Workers' Compensation Act, 1926-60.

Northern Territory.

The Workers' Compensation Ordinance, 1949-61.

The Wards Employment Ordinance, 1953-59

Queensland.

The Workers' Compensation Act, 1916-60.

South Australia.

The Workmen's Compensation Act, 1932-60.

Tasmania.

The Workers' Compensation Act, 1927-60.

Victoria.

The Workers' Compensation Act, 1958.

Western Australia.

The Workers' Compensation Act, 1912-60.

Article 1 of the Convention. There is no special accident compensation legislation applicable to agricultural wage-earners in Australia. Workers in this category are equally covered by the legislations mentioned above. Under these legislations a workman (or worker) is defined as a person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work or otherwise, and whether a contract is expressed or implied, is oral or in writing. Each legislation qualifies this basic definition in various ways by excluding certain categories of workmen, e.g. those whose remuneration exceeds a certain sum, out-workers, members of the employer's family, police, and in the Northern Territory wards, as defined in the Wards Employment Ordinance. No distinction is drawn between agricultural and other workers.

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

Under the Commonwealth Employees' Compensation Act claims for compensation are considered by the Commissioner for Employees' Compensation. An appeal may lie from his decision to law courts.

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 workman, which has power to settle the matters. If there is no such committee, or if either party objects, or if the committee does not settle the matter, it is settled by a single arbitrator agreed on by the parties or, in the absence of agreement, by an arbitrator appointed by the Court of Petty Sessions in the Australian Capital Territory, or by a local court in the Northern Territory. There is an appeal to the superior courts on questions of law.

In New South Wales a commission is constituted for this purpose, consisting of members having judicial status. It has exclusive jurisdiction to determine all matters arising under the Act. A case may be stated to the Supreme Court on a question of law, otherwise its decision is final.

Provisions of the Victorian and Western Australian legislations are the same as in the case of New South Wales.

In Queensland applications for compensation are made, in the first instance, to the State Government Insurance Office. It may refer the matter to an industrial magistrate and may be required to do so by any claimant who is dissatisfied with its ruling in any respect. An appeal may lie from a decision of the magistrate to the State Industrial Court.

Under the South Australian Act, the settlement of questions which cannot be settled by agreement between the parties is made by an arbitrator agreed on by the parties. If they are unable to agree on an arbitrator the matter is referred to a special magistrate. An appeal lies to the Supreme Court against a decision of an arbitrator or a special magistrate, and a case may be stated to the Supreme Court on a question of law.

In Tasmania questions are determined—failing agreement—by a justice of the Supreme Court. Agreements are subject to review by such a justice upon application by either party. There is a right of appeal to the full Court of the Supreme Court.

Under the state legislations and the ordinances of the territories employers are required to insure against their liability in respect of employment injuries. The Commonwealth carries its own insurance in respect of its obligations to its employees under the Commonwealth Employees' Compensation Act.

In all states, except Queensland, approved insurance companies are permitted to accept workers' compensation insurance as well as the Government Insurance Office, or other government instrumentality. In Queensland the business is a monopoly of the State Government Insurance Office, and the right of action for compensation is against the Office, not the employer.

No decision has been given by courts of law, or other courts, involving questions of principle relating to the application of the Convention.

CONGO (LEOPOLDVILLE)

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 implementation:

New Zealand, Yugoslavia.

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 ²	20. 6. 1961
Algeria ¹	19. 10. 1962	Mexico	7. 1. 1938
Argentina	26. 5. 1936	Morocco ⁴	13. 6. 1956
Austria	12. 6. 1924	Netherlands	15. 12. 1939
Belgium	19. 7. 1926	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Niger ²	27. 2. 1961
Cameroon (Eastern Cameroon) ²	7. 6. 1960	Norway	11. 6. 1929
Central African Republic ²	27. 10. 1960	Poland	21. 6. 1924
Chad ²	10. 11. 1960	Rumania	4. 12. 1925
Chile	15. 9. 1925	Senegal ²	4. 11. 1960
Colombia	20. 6. 1933	Spain	20. 6. 1924
Congo (Brazzaville) ²	10. 11. 1960	Sweden	27. 11. 1923
Cuba	7. 7. 1928	Togo ²	7. 6. 1960
Czechoslovakia	31. 8. 1923	Tunisia ⁵	12. 6. 1956
Dahomey ²	12. 12. 1960	Upper Volta ²	21. 11. 1960
Finland	5. 4. 1929	Uruguay	6. 6. 1933
France	19. 2. 1926	Venezuela	28. 4. 1933
Gabon ²	14. 10. 1960	Viet-Nam	6. 6. 1953
Greece	22. 12. 1926	Yugoslavia	30. 9. 1929
Guinea ²	21. 1. 1959		
Hungary	8. 6. 1956		
Italy	22. 10. 1952		
Ivory Coast ²	21. 11. 1960		
Luxembourg	16. 4. 1928		
Malagasy Republic ²	1. 11. 1960		
Mali ²	22. 9. 1960		

¹ See footnote 1 to Convention No. 3.

² See footnote 4 to Convention No. 4.

³ See footnote 7 to Convention No. 4.

⁴ See footnote 8 to Convention No. 4.

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

COLOMBIA

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1962), p. 696.

GABON

Decree No. 283 of 29 September 1962, to modify General Ordinance No. 718 of 15 February 1957 regulating the use of white lead in cases when such use is authorised.

Article 5 of the Convention. In reply to a request by the Committee of Experts the Government forwarded a copy of the above-mentioned decree, which gives effect to the provisions of Article 5, paragraph I (b), III (a) and (b), of the Convention.

MAURITANIA

In reply to the request by the Committee of Experts the Government states that the provisions of the French Acts No. 8829 of 15 November 1955, No. 8827 of 15 November 1955 and 8824 of 14 November 1955, applicable in Mauritania, give effect to Article 5 of the Convention.

MEXICO

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1962), p. 696.

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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 implementation:

Central African Republic, Gabon, Mali, Venezuela, Yugoslavia.

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

Colombia, Mauritania, Mexico, Togo.

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 ³	1. 11. 1960
Algeria ¹	19. 10. 1962	Mali ⁵	22. 9. 1960
Argentina	26. 5. 1936	Mauritania ³	20. 6. 1961
Belgium	19. 7. 1926	Mexico	7. 1. 1938
Bolivia	19. 7. 1954	Morocco	20. 9. 1956
Brazil	25. 4. 1957	New Zealand	29. 3. 1938
Bulgaria	6. 3. 1925	Nicaragua	12. 4. 1934
Burma ²	11. 5. 1923	Niger ³	27. 2. 1961
Cameroon (Eastern Cameroon) ³	7. 6. 1960	Norway	7. 7. 1937
Canada	21. 3. 1935	Pakistan ⁶	11. 5. 1923
Central African Republic ³	27. 10. 1960	Peru	8. 11. 1945
Chad ³	10. 11. 1960	Poland	21. 6. 1924
Chile	15. 9. 1925	Portugal	3. 7. 1928
China	17. 5. 1934	Rumania	18. 8. 1923
Colombia	20. 6. 1933	Rwanda ⁴	18. 9. 1962
Congo (Brazzaville) ³	10. 11. 1960	Senegal ⁵	4. 11. 1960
Congo (Leopoldville) ⁴	20. 9. 1960	Spain	20. 6. 1924
Cuba	20. 7. 1953	Sweden	22. 12. 1931
Czechoslovakia	31. 8. 1923	Switzerland	16. 1. 1935
Dahomey ³	12. 12. 1960	Syrian Arab Republic	10. 5. 1960
Denmark	30. 8. 1935	Togo ³	7. 6. 1960
Finland	19. 6. 1923	Tunisia	15. 5. 1957
France	3. 9. 1926	Turkey	27. 12. 1946
Gabon ³	14. 10. 1960	United Arab Republic	10. 5. 1960
Greece	11. 5. 1929	Upper Volta ³	21. 11. 1960
Guinea ³	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 ³	21. 11. 1960		
Lebanon	26. 7. 1962		
Luxembourg	16. 4. 1928		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 1.

³ See footnote 4 to Convention No. 4.

⁴ See footnote 6 to Convention No. 4.

⁵ See footnote 7 to Convention No. 4.

⁶ See footnote 3 to Convention No. 1.

CANADA

Manitoba.

Act to amend the Employment Standards Act, 1 May 1962 (*Statutes of Manitoba, 1962, Ch. 16*).

In virtue of the amendment of the Employment Standards Act the legislative provisions concerning weekly rest now apply throughout the province instead of only to specified areas.¹

DENMARK

In reply to a request made by the Committee of Experts the Government states that collective agreements often provide for compensatory periods of rest in accordance with Article 5 of the Convention, but that where there is no such agreement administrative regulations will be made for the occupation concerned.

GABON

Decree No. 286/PR of 29 September 1962.

Act No. 88/61 of 4 January 1962 to establish a Labour Code (*Journal officiel*, special issue, 4th year, No. 5, 1 Mar. 1962).

To take account of the request made by the Committee of Experts in 1962, Order No. 2537 of 31 December 1953 has been amended by the above-mentioned decree so as to apply also to persons employed in water and air transport undertakings.

Act No. 88/61 establishes a new Labour Code which replaces Act No. 52-1322 of 15 December 1952.

GREECE

Decree No. 387/1962 amending the regulations concerning hours of work and rest periods on steam railways (*Ephemeris tes Kyberneseos*, Vol. I, No. 93, 23 June 1962).

In reply to a direct request made by the Committee of Experts in 1961 the Government states that, proceeding by degrees towards the application of the Convention, it has extended the right of weekly rest by the above-mentioned decree to railway personnel numbering about 3,300. Consequently, approximately 11,300 railwaymen out of a total of 12,700 now have weekly rest.

HUNGARY

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

Article 6 of the Convention. No exceptions were made during the period under review in pursuance of section 80, subsection 1 (a) and (b), of Decree No. 53 of 1953. Recourse is very rarely had to this section.

INDIA

Motor Transport Workers Act, No. 27, 1961 (*Gazette of India*, No. 31, 22 May 1961).

Section 19 of the above Act empowers the state governments to make rules providing for a weekly day of rest to all motor transport workers. Section 20 provides for days of rest to compensate for days of rest lost as a result of exemptions granted under section 19 (2); and section 26 (1) and (3) provides for payment of double wages for work done on a day of rest.

The state governments have not yet made rules under the Act.

IRAQ (First Report)

Labour Law, No. 1, 1958 (*Al-Waqayi'u al'Iraqiya*, 16 Mar. 1958).

Act No. 45 of 1960 to ratify Convention No. 14.

Notification of 19 January 1959 to exempt certain employments from observing Friday as a weekly rest day (*ibid.*, 19 Jan. 1959).

Article 2 of the Convention. Section 12 (5) of the 1958 Labour Law provides that Friday shall be the weekly rest day.

Article 3. Section 2 (1) (c) excludes members of the employer's family who are supported by him from the provisions of the Law.

Article 4. Total and partial exemptions from weekly rest are occasionally authorised on written requests made by employers in circumstances specified in section 130 (actual or imminent accident, cases of *force majeure* requiring urgent work), after representatives of the employers' and workers' organisations concerned have been consulted.

Article 5. Section 130 provides for cash compensation in case of exemptions.

MALI

Act No. 62-67 AN-RM of 9 August 1962 respecting a Labour Code (*Journal officiel*, 15 Oct. 1962).
 Order No 2586/ITL-SO of 23 July 1953 to regulate application of the 40-hour week on the railways.
 Order No. 2589/ITL-SO of 23 July 1953 to regulate application of the 40-hour week in water transport.

PAKISTAN

Road Transport Workers Ordinance, 1961.

Article 2 of the Convention. Section 4 (2) of the above-mentioned ordinance provides that every worker covered thereby is entitled to have at least 24 hours of consecutive rest per week.

Article 4. The ordinance authorises the Government to grant exemption to road transport workers from the provision of section 4 (2) to meet cases of emergency or of delay by reason of unforeseen circumstances.

Article 7. The necessary provisions are contained in Rule 3 (2) of the West Pakistan Road Transport Workers' Rules, 1962, framed under the above-mentioned ordinance.

The ordinance is administered by the provincial governments through such inspectors as they may appoint.

POLAND

In reply to a request made by the Committee of Experts the Government states that employment in mines on Sundays continues to decrease.

According to a collective agreement of 26 February 1959 dockers are entitled to a compensatory day of rest for work on Sunday.

Legislation does not permit exceptions to the principle contained in Article 2 of the Convention.

TURKEY

For the Government's reply to an observation made by the Committee of Experts in 1961 see *Report of the Committee* (1961), p. 747.

VIET-NAM

Order No. 5-BLD/LD/ND of 4 January 1962 listing industries included in those industries which are permitted to grant weekly rest in rotation (*Journal officiel*, No. 3, 20 Jan. 1962).

In reply to a direct request made by the Committee of Experts the Government states that the draft Legislative Decree providing for periods of rest to compensate for the exceptions authorised under sections 182, 183 and 190 of the Labour Code is being examined by the National Economic Council by order of the President.

Regulations to determine the weekly rest of railway and tramway workers have not yet been made, and the relevant Orders of 31 May 1937 are still in force.

The draft Legislative Decree respecting weekly rest in inland navigation, which was submitted to the Higher Council of Currency and Credit for examination, has been deferred indefinitely because the Council considers that present circumstances do not permit stricter regulation. Weekly rest in rotation continues to be granted to workers in inland navigation by virtue of the Order of 31 May 1937, which fixes hours of work for workers employed in river boats, in dredging operations and in dan-laying.

* * *

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

Argentina, Belgium, Brazil, Chile, Israel, Italy, Luxembourg, Morocco, New Zealand, Portugal, Senegal, Sweden, Switzerland, Tunisia, Yugoslavia.

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

Afghanistan, Bulgaria, Burma, Cameroon, Chad, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia, Finland, France, Guinea, Haiti, Ireland, Ivory Coast, Malagasy Republic, Mauritania, Mexico, Niger, Norway, Peru, Rumania, Spain, Togo, Upper Volta, Venezuela.

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	Netherlands	17. 6. 1931
Australia	28. 6. 1935	New Zealand	26. 11. 1959
Belgium	19. 7. 1926	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Nigeria ²	17. 10. 1960
Burma ¹	20. 11. 1922	Norway	7. 10. 1927
Byelorussia	6. 11. 1956	Pakistan ⁵	20. 11. 1922
Cameroon (Western Cameroon) ³	3. 9. 1962	Poland	21. 6. 1924
Canada	31. 3. 1926	Rumania	18. 8. 1923
Ceylon	25. 4. 1951	Sierra Leone ²	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 ²	30. 1. 1962
Cyprus ³	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 ⁴	11. 6. 1929	Uruguay	6. 6. 1933
Ghana ²	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		
Jamaica ²	26. 12. 1962		
Japan	4. 12. 1930		
Luxembourg	16. 4. 1928		
Morocco	14. 3. 1958		

¹ See footnote 2 to Convention No. 1.

² Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on behalf of this country.

³ Has confirmed its obligations under this Convention which the United Kingdom had previously declared applicable.

⁴ See footnote 3 to Convention No. 2.

⁵ See footnote 3 to Convention No. 1.

CEYLON

In reply to a direct request made in 1961 by the Committee of Experts the Government states that action is being taken to frame regulations to prohibit the employment of young persons under 18 years of age as trimmers and stokers.

COLOMBIA

See under Convention No. 7.

GHANA

New shipping legislation is under consideration. Meanwhile the present legislation has been extended to cover the period ending 30 June 1963.

INDIA

The Government reports that the Merchant Shipping Act of 1958 came into force on 1 January 1961.

It adds that the rules framed under the 1923 Act covering the provisions of Articles 3 (c), 5 and 6 of the Convention continue to be in force, as provided for in section 461 (3) (a) of the 1958 Act.

MOROCCO

Article 1 of the Convention. In reply to an observation made by the Committee of Experts in 1960 the Government states that the amendment to section 176*quinquies* of the Code of Maritime Commerce, which would bring it into conformity with Article 1 of the Convention, has not yet been published.

NEW ZEALAND

In reply to the Government's statement that its vessels were such that there was no need to employ trimmers or stokers on board, the Committee of Experts requested that if the situation changed in this respect in future the Government should take the necessary measures to apply to publicly owned ships the same standards as were in force for private ships. The Government has given an assurance that should any such change occur the stipulations of the Committee will be fully observed.

TURKEY

In reply to a direct request by the Committee of Experts in 1961 the Government states in its report that the inclusion in the crew list of a space for recording the age and date of birth of persons under the age of 18 years employed on board will be considered when an amendment to the relevant regulations is examined.

Article 6 of the Convention. The Government states that instructions have been given to the Regional Labour Directorates to the effect that from now on a summary of the provisions of the Convention will be included in the articles of agreement of the crew.

* * *

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

Argentina, Australia, Canada, Chile, China, Colombia, Ghana, Greece, India, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Pakistan, Poland, Switzerland, Tanganyika, Turkey, U.S.S.R., United Kingdom, Yugoslavia.

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

Belgium, Byelorussia, Burma, Bulgaria, Ceylon, Cyprus, Cuba, Denmark, Finland, France, Federal Republic of Germany, Hungary, Ireland, Rumania, Spain, Sweden, Ukraine.

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	Luxembourg	16. 4. 1928
Argentina	26. 5. 1936	Mexico	9. 3. 1938
Australia	28. 6. 1935	Netherlands	9. 3. 1928
Belgium	19. 7. 1926	New Zealand	5. 12. 1961
Brazil	8. 6. 1936	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Nigeria ²	17. 10. 1960
Burma ¹	20. 11. 1922	Pakistan ⁵	20. 11. 1922
Byelorussia	6. 11. 1956	Poland	21. 6. 1924
Cameroon (Western Cameroon) ³	3. 9. 1962	Rumania	18. 8. 1923
Canada	31. 3. 1926	Sierra Leone ²	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 ²	30. 1. 1962
Cyprus ³	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 ⁴	11. 6. 1929	Yugoslavia	1. 4. 1927
Ghana ³	20. 5. 1957		
Greece	28. 6. 1930		
Hungary	1. 3. 1928		
India	20. 11. 1922		
Ireland	5. 7. 1930		
Italy	8. 9. 1924		
Jamaica ³	26. 12. 1962		
Japan	7. 6. 1924		

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 15.

³ See footnote 3 to Convention No. 15.

⁴ See footnote 3 to Convention No. 2.

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.

NEW ZEALAND (First Report)

Shipping and Seamen's Act, 1952 (*New Zealand Statutes, 1908-1957*).

Article 1 of the Convention. The term "ship" used in the above-mentioned Act covers every kind of vessel contemplated in the Convention. The Act does not, however, apply to government ships, of which there are only three or four engaged in maritime navigation, unless they are registered in accordance with section 385 of the Act. Nevertheless, it is government policy to apply exactly the same standards to such vessels as apply to non-government ships.

Article 2. Section 49 (2) of the Act stipulates that "no person under the age of 18 years shall be employed in any capacity on any New Zealand ship or any home trade ship (whether or not she is a Commonwealth ship) unless there has been delivered to the master of the ship a certificate signed by a Medical Inspector of Seamen, or a medical practitioner approved by the proper officer at the port at which the seaman is engaged, certifying that that person is fit to be employed in that capacity". The provisions of this section are fully complied with, all young persons under 18 years of age being examined by a doctor of the company about to employ them. Their medical certificates are retained by the master of the ship on which the young persons serve and are transferred with them when they move from ship to ship.

Article 3. Section 49 (3) of the Act provides that “a certificate of the kind referred to in the last preceding subsection shall remain in force for a period of 12 months from the date on which it is granted and no longer: Provided that, if the said period of 12 months expires at some time during the course of the voyage of the ship in which the person is employed, the certificate shall remain in force until the end of the voyage”.

Article 4. A proviso to section 49 (2) of the Act states that “Provided that a Superintendent or proper officer may, on the ground of urgency, authorise any such person to be employed on a ship notwithstanding that no such certificate as aforesaid has been delivered to the master of the ship; but a person in respect of whom any such authorisation is given shall not be employed beyond the first port at which the ship calls after he has embarked thereon, except subject to and in accordance with the foregoing provisions of this subsection”.

Application of the above-mentioned legislation is entrusted to the Marine Department and is enforced through the superintendent of the mercantile marine at the various ports.

* * *

The report from *Ukraine* supplies information on the practical effect given to the Convention or on minor changes in its implementation.

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

Albania, Byelorussia, 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
Algeria ¹	19. 10. 1962	Nicaragua	12. 4. 1934
Argentina	14. 3. 1950	Panama	3. 6. 1958
Austria	21. 8. 1936	Philippines	17. 11. 1960
Belgium	3. 10. 1927	Poland	3. 11. 1937
Bulgaria	5. 9. 1929	Portugal	27. 3. 1929
Burma	16. 2. 1956	Rwanda ²	18. 9. 1962
Chile	8. 10. 1931	Sierra Leone ⁴	13. 6. 1961
Colombia	20. 6. 1933	Somalia ⁵ (ex-Trust Territory)	18. 11. 1960
Congo (Leopoldville) ²	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 ⁴	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 ³	11. 11. 1957		
Mexico	12. 5. 1934		
Morocco	20. 9. 1956		
Netherlands	13. 9. 1927		
New Zealand	29. 3. 1938		

¹ See footnote 1 to Convention No. 3.

² See footnote 6 to Convention No. 4.

³ Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on behalf of the Federation of Malaya.

⁴ See footnote 2 to Convention No. 15.

⁵ See footnote 6 to Convention No. 16.

CONGO (LEOPOLDVILLE)

Legislative Decree of 1 February 1961 respecting contracts for the hire of services (*Moniteur congolais* (M. C.), Part I, 28 Mar. 1961, No. 9, p. 71). (L.S. 1961—Congo (Leo.) 1)

Legislative Decree of 29 June 1961 to establish a social security scheme (M. C., 4 Aug. 1961, No. 17, p. 285) (L.S. 1961—Congo (Leo.) 2).

Ministerial Order No. 861 of 27 October 1961 adopting general insurance regulations (M. C., 1962, No. 1, p. 11).

Article 1 of the Convention. Victims of industrial accidents are compensated on terms at least equal to those provided by the Convention.

Article 2. The Legislative Decree of 29 June 1961 covers all the workers subject to the administrative provisions, including aliens and seamen. Casual or seasonal workers are likewise covered by the scheme. However, the manner in which this provision is applied is determined by order of the Minister of Labour. Unpaid apprentices and students attending vocational and handicraft schools are assimilated to the above-mentioned workers.

Workers in the service of the State, provinces, communes and other subordinate authorities are also covered, provided that they have no special social security scheme.

Congolese legislation makes none of the exceptions mentioned in paragraph 2 of this Article.

Article 3. The Legislative Decree of 29 June 1961 protects all workers, including seamen and fishermen. Officials of the central and provincial administration have a scheme the terms of which are not less favourable than those of the Legislative Decree.

Article 4. Agricultural workers are protected by the general labour legislation.

Article 5. Disabled workmen or their next-of-kin receive compensation paid in the form of a pension or, in certain cases, of a lump sum.

During the first 30 days of the incapacity, the employer must pay the worker two-thirds of his cash remuneration, continuing to provide any benefits in kind or their equivalent value in cash. As from the thirty-first day, the temporary total or partial incapacity entitles the worker to daily compensation equal to two-thirds of the average daily remuneration for the three previous months. If the worker is hospitalised and has no family responsibilities this compensation in cash is reduced by one-half (one-third).

In case of permanent total incapacity, the worker is entitled to a pension of 85 per cent. of his average monthly remuneration.

In case of permanent partial incapacity, the pension varies according to the degree of disability. When the degree of disability is less than 15 per cent., compensation is granted in a lump sum equivalent to three yearly instalments of the pension corresponding to the degree of disability.

Compensation for occupational injury takes the form not only of a permanent disability pension, but also of an invalidity pension. The latter is payable when the victim's physical or mental powers have undergone a permanent diminution of two-thirds in relation to the requirements of the post occupied, so that he is unable to perform satisfactorily regular and remunerative work. Apart from the fact that it gives entitlement to a pension before retirement age, the declaration of invalidity has the following effect: the months elapsing between the declaration of invalidity and the attainment of the age at which the person concerned is entitled to a retirement pension are considered as a period worked for entitlement to a retirement pension. The invalidity pension is payable from the date of establishment of the injury or stabilisation of the insured person's condition.

In case of death, the next-of-kin receive compensation in the form of a pension. The monogamous widow, the disabled widower dependent on the deceased worker and unmarried children dependent on the deceased worker are regarded as "next-of-kin".

The pension is 20 per cent. for the widow or widower and 15 per cent. for each child to a total amount not exceeding 100 per cent. of the permanent total disability pension to which the victim would have been entitled.

Article 6. Compensation is due from the day of the accident causing the incapacity. During the first 30 days, the employer must defray the cost of medical care and any necessary transport and pay two-thirds of the cash remuneration and the benefits in kind due under the contract. As from the thirty-first day the payment of compensation and the other benefits is taken over by the National Social Security Institution.

Article 7. The beneficiary of a disability or invalidity pension requiring the constant help of another person receives a supplement equal to 50 per cent. of his pension.

Article 8. The employer must declare to the Institution within 15 days any industrial accident causing either death or incapacity lasting 15 days or more.

If the incapacity continues, the employer must have a certificate of continued incapacity drawn up and renewed every 90 days.

Should the employer fail to fulfil his obligations, the local administration, at the request of the insured person or his next-of-kin, fulfils the above formalities, and costs are borne by the employer.

In case of deterioration or improvement in the insured person's condition the situation is reviewed. For industrial accidents the revision period is five years.

The insured person or beneficiary may appeal from the decisions of the Institution to the provincial social security commissions and thereafter to the national commission.

Article 9. Until the expiry of the revision period the worker is entitled to medical, surgical, pharmaceutical and hospital care necessary for the accident or disease. This is the employer's obligation during the first 30 days.

Article 10. Workers are entitled to receive and have renewed prosthetic and orthopaedic appliances, with the exception of dental prosthesis. The supply and renewal of these appliances is supervised by the labour inspection services.

Article 11. The Institution automatically takes over the obligations of the member employer under the Legislative Decree. In this way, workers always receive their compensation even if the employer is insolvent or has not contributed. The Institution also takes over the obligations of third parties. When the employer is insolvent, the Minister draws up a list of all the sums due to the Institution, which list is an executory document justifying seizure in the manner prescribed in sections 106 ff. of the Code of Civil Procedure. Lastly, the Institution is under state guarantee.

IRAQ (First Report)

Labour Law No. 1/1958, as amended.

Law No. 82/1958 amending the Labour Law.

Law No. 72/1960 ratifying Convention No. 17.

Article 2 of the Convention. The provisions of the Labour Law regarding compensation for industrial accidents and occupational diseases and poisonings apply to all persons working for an employer for wages under special or general oral or written agreement, or by way of apprenticeship or probation. The following categories of workers are excepted from coverage:

- (a) agricultural workers, unless operating machinery driven by mechanical power;
- (b) domestic servants;
- (c) members of the employer's family who are actually supported by him;
- (d) home-workers;
- (e) persons employed in industrial establishments not using mechanical power and normally employing less than five persons;
- (f) persons remunerated wholly by a share of the employer's profit or a percentage levied on the volume of business or production, or by similar means, or by gratuities, provided that their earnings are not less than the minimum wage applying to similar persons.

Article 3. Seamen and fishermen are covered by the same provisions as other workers or employees under the Labour Law.

The following persons are not covered by the Labour Law in so far as they are protected under terms not less favourable than those provided by the Labour Law:

- (a) persons employed in semi-public bodies or establishments provided that such persons enjoy, under their own contract of service, rights not less favourable than those provided under the Labour Law;
- (b) persons belonging to the civil or military service.

Article 4. See exception (a) under Article 2 above.

Article 5. Compensation in case of permanent incapacity or death is as a rule paid in the form of lump sums. Exceptionally the lump sum may be paid in instalments, up to five at most and within a period not exceeding one year.

Article 6. Compensation is paid as from the third day after the accident.

Article 7. No provision is made in the Labour Law for additional compensation to an injured person needing the constant help of another person. This additional compensation will, however, be payable, if necessary, in accordance with the Convention which is applicable in virtue of Law No. 72/1960. A modification of the Law to comply with the Convention's requirement on this point is being considered.

Article 8. No provision is made in the Labour Law for review or supervision. This point is also being considered for future inclusion in the Law.

Article 9. The employer is liable to provide medical treatment (including transport) to victims of an employment injury (section 24 of Law No. 82/1958).

Article 10. No provision is made in the Labour Law for the provision and renewal of artificial limbs and similar appliances. This problem will be considered when reviewing the present legislation.

Article 11. Section 69 of the Labour Law contains some safeguards in case of insolvency of an employer who has entered into an insurance contract for the purpose of paying compensation under the law.

The Director-General of Labour of the Ministry of Social Affairs is responsible for the application of the Labour Law's provisions regarding workmen's compensation. This supervision is carried out by a group of labour inspectors who visit the undertakings covered, examine their records and registers and ensure the proper application of the Law.

The number of persons covered by the workmen's compensation provisions of the Labour Law is estimated at over 115,000.

NEW ZEALAND

Article 5 of the Convention. In reply to the observations of the Committee of Experts the Government indicates that the interpretation accorded by the Committee of Experts cannot be sustained on the strict wording of this Article and that it ratified the Convention in full awareness of the fact that the words "periodical payment" expressed no particular period or limit of time.

Article 10. The Government is drafting legislation which would serve to satisfy the Committee's inquiry on this matter, if it is sanctioned by Parliament.

UNITED ARAB REPUBLIC (First Report)

Law No. 92 of 6 April 1959 to promulgate the Social Insurance Code (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 28) (L.S. 1959—U.A.R. 2).

Workmen's compensation is based on the following principles:

1. A daily allowance amounting to 70-80 per cent. of the earnings during temporary disability up to a maximum of one year.
2. Provision of medical, surgical, hospital and rehabilitation services as required.
3. Compensation for residual permanent disability or death based on the following principles:
 - (a) disability of less than 35 per cent. gives entitlement to lump-sum compensation equivalent to the percentage of disability multiplied by the total disability pension for five-and-a-half years;
 - (b) compensation for major disabilities consists in a pension equivalent to the percentage of disability multiplied by the total disability pension;
 - (c) the total disability pension is equivalent to 60 per cent. of earnings;
 - (d) the survivors' pension is equivalent to 50 per cent. of earnings.

The insurance scheme is administered by an autonomous body, the National Institute of Social Insurance, which is a public institution. The Board of Governors is composed of workers', employers' and government representatives. It has a central administration, together with regional and local offices all over the country.

Inspection under the scheme is the concern of the Ministry of Labour and is carried out through the General Department of Industrial Safety and its regional inspection offices.

UNITED KINGDOM

For the Government's reply to the observations by the Committee of Experts see *Report of the Committee* (1962), p. 696.

* * *

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

Chile, Congo (Leopoldville), France, Iraq, United Arab Republic, United Kingdom, Yugoslavia.

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
Algeria ¹	19. 10. 1962	Morocco	20. 9. 1956
Argentina	24. 9. 1956	Netherlands ⁸	1. 11. 1928
Australia	22. 4. 1959	Nicaragua	12. 4. 1934
Austria	29. 9. 1928	Niger ⁴	27. 2. 1961
Belgium	3. 10. 1927	Norway	11. 6. 1929
Bulgaria	5. 9. 1929	Pakistan ⁸	30. 9. 1927
Burma ²	30. 9. 1927	Poland	3. 11. 1937
Ceylon	17. 5. 1952	Portugal	27. 3. 1929
Chile	31. 5. 1933	Rwanda ⁹	18. 9. 1962
Colombia	20. 6. 1933	Senegal ⁷	4. 11. 1960
Congo (Leopoldville) ³	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 ⁴	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 ⁶	6. 10. 1926
Federal Republic of Germany ⁵	18. 9. 1928	Upper Volta ⁴	21. 11. 1960
Guinea ⁴	21. 1. 1959	Uruguay ⁶	6. 6. 1933
Hungary	19. 4. 1928	Yugoslavia	1. 4. 1927
India	30. 9. 1927		
Iraq	26. 11. 1938		
Ireland ⁶	25. 11. 1927		
Italy	22. 1. 1934		
Ivory Coast ⁴	21. 11. 1960		
Japan	8. 10. 1928		
Luxembourg	16. 4. 1928		
Mali ⁷	22. 9. 1960		
Mauritania ⁴	20. 6. 1961		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 1.

³ See footnote 6 to Convention No. 4.

⁴ See footnote 4 to Convention No. 4.

⁵ See footnote 3 to Convention No. 2.

⁶ Has denounced this Convention and has ratified Convention No. 42.

⁷ See footnote 7 to Convention No. 4.

⁸ See footnote 3 to Convention No. 1.

BELGIUM

See under Convention No. 42.

CONGO (LEOPOLDVILLE)

See under Convention No. 42.

FRANCE

See under Convention No. 42.

MALI (First Report)

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).

Act No. 58-31 of 27 December 1958 to prescribe the manner of applying the Decree of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases (*Journal officiel de la République soudanaise*, 14 Feb. 1959).

Territorial Order No. 848 of 30 September 1958 postponing to 1 January 1959 the date of entry into force of the new system of compensation for and prevention of industrial accidents and occupational diseases (*ibid.*, 1 Nov. 1958).

The above-mentioned Act prescribes the manner of applying the above-mentioned decree, which covers industrial accidents and occupational diseases and defines

occupational diseases as those set forth in the schedule appended thereto. The list of industries and processes corresponding to each disease is indicative only where poisoning is concerned, but it is restrictive for microbial infections or affections resulting from a specific environment or posture.

Wherever processes liable to give rise to the scheduled diseases are used, the employer must declare the fact in advance to the Labour Inspectorate and to the Family Benefits Fund. Each case of an occupational disease in respect of which compensation is sought must be declared by the person concerned or his representatives within 15 days of his ceasing work. This period may be extended by decree for certain diseases.

Entitlement is barred by limitation two years from the date of cessation of work.

Compliance with the law is supervised mainly by the Inspectorate of Labour and Social Legislation.

MAURITANIA (First Report)

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) amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958.

Order No. 429 of 19 December 1958 specifying the public services and bodies exonerated from the obligation of taking out insurance with insurance carriers (*Journal officiel de l'Afrique occidentale française*, 16 Feb. 1959).

Order No. 434 of 19 December 1958 issuing the tables enumerating the pathological symptoms of acute or chronic poisoning, microbial or parasitic infections considered to be occupational diseases (*ibid.*, 16 Feb. 1959).

Article 1 of the Convention. Mauritanian legislation is based on the above-mentioned decree, which was promulgated by the French authorities. The only difference from the French system is that compensation for industrial accidents and occupational diseases is a matter for private insurance companies.

Compensation for occupational diseases is based on the same principles as compensation for industrial accidents, and the rates are the same in both cases.

The only difference as regards occupational diseases is the adoption of a restrictive list of diseases in respect of which compensation is payable.

Article 2. The schedule of occupational diseases appears in Order No. 434, which includes the diseases covered by the Convention, with the exception of mercury poisoning and anthrax infection. The Government states that these diseases have not been scheduled because none of the corresponding industries and occupations are to be found in Mauritania and that it does not therefore consider any amendment of the said schedule to be necessary.

The application of the legislation on the subject is entrusted to the Labour Inspectorate, which has been in operation since 1957 under the authority of the Minister of Labour and the Public Service.

UNITED ARAB REPUBLIC (First Report)

For legislation see Convention No. 17.

Article 1 of the Convention. The provisions of the Act respecting entitlement to compensation are applicable both to industrial accidents and to occupational diseases, on the same terms.

Article 2. A list of occupational diseases is appended to the Act.

Administration of the insurance is entrusted to the National Social Insurance Institution, which is an autonomous body with the status of a public institution.

Enforcement of the provisions is the responsibility of the Ministry of Labour, and is carried out by the Central Labour Inspection Service and its regional offices.

* * *

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

Iraq, United Arab Republic.

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

Guinea, India, 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
Algeria ¹	19. 10. 1962	Mexico	12. 5. 1934
Argentina	14. 3. 1950	Morocco ⁹	13. 6. 1956
Australia	12. 6. 1959	Netherlands	13. 9. 1927
Austria	29. 9. 1928	Nicaragua	12. 4. 1934
Belgium	3. 10. 1927	Nigeria ⁸	17. 10. 1960
Bolivia	19. 7. 1954	Norway	11. 6. 1929
Brazil	25. 4. 1957	Pakistan ¹⁰	30. 9. 1927
Bulgaria	5. 9. 1929	Peru	8. 11. 1945
Burma ²	30. 9. 1927	Poland	28. 2. 1928
Cameroon:		Portugal	27. 3. 1929
Eastern Cameroon	29. 1. 1963	Rwanda ⁴	18. 9. 1962
Western Cameroon ³	3. 9. 1962	Senegal	22. 10. 1962
Chile	8. 10. 1931	Sierra Leone ³	13. 6. 1961
China	27. 4. 1934	Somalia ¹¹ (ex-Trust Territory)	18. 11. 1960
Colombia	20. 6. 1933	Republic of South Africa	30. 3. 1926
Congo (Leopoldville) ⁴	20. 9. 1960	Spain	22. 2. 1929
Cuba	6. 8. 1928	Sudan	18. 6. 1957
Cyprus ⁶	23. 9. 1960	Sweden	8. 9. 1926
Czechoslovakia	8. 2. 1927	Switzerland	1. 2. 1929
Denmark	31. 3. 1928	Syrian Arab Republic	26. 7. 1960
Dominican Republic	5. 12. 1956	Tanganyika ³	30. 1. 1962
Finland	17. 9. 1927	Tunisia ¹²	12. 6. 1956
France	4. 4. 1928	United Arab Republic	29. 11. 1948
Gabon	13. 6. 1961	United Kingdom	6. 10. 1926
Federal Republic of Germany ⁶	18. 9. 1928	Uruguay	6. 6. 1933
Ghana ⁸	20. 5. 1957	Venezuela	20. 11. 1944
Greece	30. 5. 1936	Yugoslavia	1. 4. 1927
Guatemala	2. 8. 1961		
Haiti	19. 4. 1955		
Hungary	19. 4. 1928		
India	30. 9. 1927		
Indonesia ⁷	13. 9. 1927		
Iraq	30. 4. 1940		
Ireland	5. 7. 1930		
Israel	5. 5. 1958		
Italy	15. 3. 1928		
Ivory Coast	5. 5. 1961		
Jamaica ³	26. 12. 1962		
Japan	8. 10. 1928		
Luxembourg	16. 4. 1928		
Malagasy Republic	10. 8. 1962		
Malaya ⁸	11. 11. 1957		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 1.

³ See footnote 2 to Convention No. 15.

⁴ See footnote 6 to Convention No. 4.

⁵ See footnote 3 to Convention No. 15.

⁶ See footnote 3 to Convention No. 2.

⁷ 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.

⁸ See footnote 3 to Convention No. 17.

⁹ See footnote 8 to Convention No. 4.

¹⁰ See footnote 3 to Convention No. 1.

¹¹ See footnote 6 to Convention No. 16.

¹² See footnote 5 to Convention No. 13.

BRAZIL

In reply to the requests made by the Committee of Experts in 1960 and 1962 the Government supplies a list of Acts and decrees regarding workers' compensation for accidents and states that no distinction is made between nationals and non-nationals in the application of the said legislation. The Government adds that there are no special provisions governing the conditions of payment of benefit to non-nationals who are victims of industrial accidents, or their dependants, as workers, both nationals and non-nationals, are covered by the same social security provisions.

CONGO (LEOPOLDVILLE)

For legislation see under Conventions Nos. 17 and 42.

The Legislative Decree of 29 June 1961 to establish a social security scheme, which is the new legislation for the Congo, ensures equality of treatment not only for nationals of countries having likewise ratified the Convention, but also for workers who are nationals of States that have not yet done so. Moreover, the principle of equal treatment extends to other branches of social security, such as occupational diseases and pensions.

FRANCE

Act No. 61-1312 of 6 December 1961, to extend protection under the legislation respecting industrial accidents to voluntary members of welfare schemes (*Journal officiel*, 7 Dec. 1961).

The Government states that, following negotiations with the Federal Republic of Germany in May 1962, practical measures have been adopted to enable the surviving spouses resident in Germany of persons deceased as the result of industrial accidents or occupational diseases and subject to the law of France to establish their entitlement to an annuity of 50 per cent. of the basic wage, in accordance with section L. 454 (a), final clause, of the Social Security Code (Order of 20 August 1962, not published in the official gazette—Circular No. 99 SS, 21 Aug. 1962).

IVORY COAST (First Report)

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5) amended by Decree No. 55-567 of 20 May 1955 (*L.S.* 1955—Fr. 3).

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), amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958, promulgated in former French West Africa by General Orders Nos. 7650 and 7736 of 17 August 1957 and No. 7880 of 27 September 1958 (*Journal officiel*, No. 25, 30 Sep. 1958).

Decision No. 187-58 AT of 10 September 1958, establishing the manner of applying the above-mentioned decree.

Act No. 60-277 of 31 August 1960 amending certain provisions of the above-mentioned decision (*ibid.*, No. 47, 9 Sep. 1960) (sections 81, 104, 106, 116 and 125).

Article 1 of the Convention. Section 1 of the Labour Code, to which the legislation respecting compensation for and the prevention of industrial accidents and occupational diseases refers for the definition of its scope, makes no distinction between workers, who are protected on the territory of the Ivory Coast irrespective of sex, nationality and legal status.

The following two points should, however, be noted. Firstly section 29 of Decree No. 57-245 makes the entitlement of alien workers to payment of annuities subject to a residence qualification.

Secondly, section 56 of the Constitutional Law accords regularly ratified treaties or agreements an authority superior to that of laws, subject to reciprocity, and a Bill modifying the provisions concerning the residence qualification states that the said residence qualification may be modified "by treaties or international conventions within the limit of the benefits provided by the legislation in force".

In practice the victims of industrial accidents or their dependants receive the annuities payable by the insurance companies and the annuity increases or special allowances payable by the Disabled Workers Pensions Increase and Assistance Fund, whatever their nationality and whatever their place of residence.

Article 2. Under section 14 of Decree No. 57-245 and of section 9 of the above-mentioned decision, employers are obliged to conclude contracts with approved insurance carriers covering their liabilities for all the staff in their employment.

No special agreement has yet been concluded between the Ivory Coast and a member State.

Article 3. There is a workmen's compensation scheme, which has been in force since 1 October 1958.

Article 4. Modifications have been made to adapt the initial provisions to the institutions which have been established in the Ivory Coast (Act No. 60-277), and to fix a minimum wage used in the calculation of annuities, annuity increases and special allowances (Act No. 60-277 of 31 August 1960, Decree No. 61-190 of 18 May 1961 and Decree No. 62-178 of 29 May 1962).

The application of the legislation and administrative regulations regarding industrial accidents is entrusted to the Minister of Labour and Social Affairs, assisted by the Director of Social Assistance, the administrator of the Disabled Workers Pensions Increase and Assistance Fund, and by the labour and social legislation inspection services.

REPUBLIC OF SOUTH AFRICA

The Government states that the reciprocal arrangements entered into with the Governments of the United Kingdom and Ireland under the Workmen's Compensation Act, 1934, have proved to be of no practical value and have by mutual consent now ceased to operate.

* * *

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

Indonesia, Iraq, Ivory Coast.

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

Bolivia, Malaya, Portugal, United Arab Republic, Yugoslavia.

20. Night Work (Bakeries) Convention, 1925

This Convention came into force on 26 May 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Luxembourg	16. 4. 1928
Bulgaria	5. 9. 1929	Nicaragua ¹	12. 4. 1934
Chile	31. 5. 1933	Peru	4. 4. 1962
Colombia	20. 6. 1933	Spain	29. 8. 1932
Cuba	6. 8. 1928	Sweden	5. 1. 1940
Finland	26. 5. 1928	Uruguay	6. 6. 1933
Ireland	15. 3. 1937		
Israel	26. 7. 1951		

¹ Has denounced this Convention.

BULGARIA

Regulation No. 929 of 30 May 1962 (*Izvestiya*, No. 46, 8 June 1962).

Work in bakeries between 10 p.m. and 5 a.m. is prohibited by the above-mentioned regulation. Exceptions are permitted for the manufacture of biscuits, wafers and similar wares, for the execution of preparatory or complementary work until 11 p.m. and after 4 a.m., before holidays and market days, in the case of temporary need for increased supplies, etc. These exceptions are granted individually by town or district trade union councils or, in the case of co-operatives, the co-operators' mutual insurance council.

FINLAND

Bakeries Act of 9 June 1961 (*Suomen Asetuskokoelma—Finlands Författningssamling*, No. 302/61).

The above-mentioned Act applies to work in all bakeries, including establishments producing biscuits, crispbread and similar products, but does not apply to the making of bread by members of the same household for their consumption.

Articles 1 to 3 of the Convention. Work is not normally permitted in such establishments between 10 p.m. and 5 a.m. or after 6 p.m. on Saturdays or days preceding religious festivals. If it is authorised by the Labour Council and there are no health risks, men employed in establishments or the separate sections of bakeries which only make crispbread, biscuits or other similar wares may work between 11 p.m. and 5 a.m. in certain circumstances.

Article 4. Section 7 of the Act provides that the limits set for hours of work do not apply to emergency work done according to the Hours of Work Act of 1946.

SPAIN

The Government confirms its intention to revise the regulations in force and is examining the question in the light of observations made by the Committee of Experts in connection with the application of Article 2 of the Convention.

SWEDEN

In reply to the request of the Committee of Experts the Government states that the manufacture of crispbread and other bakers' wares (in highly mechanised factories) was excluded from the scope of the Bakery Act by the Act of 28 May 1959 on the basis of a report made by the Parliamentary Committee after consultation with the

employers' and workers' organisations concerned. The Swedish Confederation of Trade Unions supported the proposed amendments. On the other hand, they were rejected by the Swedish Food and Drink Workers' Union, which did not, however, contest the Committee's interpretation of the term " manufacture of crispbread ". The Workers' Protection Board, which includes representatives of the employers' and workers' organisations, decides in doubtful cases whether the Bakery Act as amended shall apply but has not yet been asked for an interpretation.

The manufacture of crispbread is carried out on a wholesale basis.

* * *

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

Argentina, Chile, Ireland, Israel.

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

Colombia, Luxembourg.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Japan	8. 10. 1928
Argentina	14. 3. 1950	Luxembourg	16. 4. 1928
Australia	18. 4. 1931	Mexico	9. 3. 1938
Austria	29. 12. 1927	Netherlands	13. 9. 1927
Belgium	15. 2. 1928	New Zealand	29. 3. 1938
Bulgaria	29. 11. 1929	Nicaragua	12. 4. 1934
Burma ¹	14. 1. 1928	Norway	28. 1. 1957
Colombia	20. 6. 1933	Pakistan ²	14. 1. 1928
Cuba	7. 9. 1954	Sweden	28. 1. 1957
Czechoslovakia	25. 5. 1928	United Kingdom ²	16. 9. 1927
Denmark	18. 5. 1955	Uruguay	6. 6. 1933
Finland	5. 4. 1929	Venezuela	20. 11. 1944
France ²	13. 1. 1932		
Hungary	3. 2. 1931		
India	14. 1. 1928		
Ireland	5. 7. 1930		

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

JAPAN

In reply to a direct request made by the Committee of Experts in 1961 the Government states that, although the preparation of the new draft legislation has advanced considerably, the text is not yet ready for submission to the next session of the Diet.

* * *

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

Austria, Belgium, Finland, India, Ireland, Netherlands, New Zealand.

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

Albania, Argentina, Australia, Bulgaria, Burma, Colombia, Denmark, Hungary, Luxembourg, Mexico, Norway, Pakistan, Sweden, Venezuela.

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	Netherlands	15. 12. 1937
Australia	1. 4. 1935	New Zealand	29. 3. 1938
Belgium	3. 10. 1927	Nicaragua	12. 4. 1934
Bulgaria	29. 11. 1929	Norway	29. 3. 1940
Burma ¹	31. 10. 1932	Pakistan ²	31. 10. 1932
Canada	30. 6. 1938	Peru	4. 4. 1962
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 ³ .	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		
Morocco	14. 3. 1958		

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.

ARGENTINA

The Committee which was studying the measures necessary to bring national legislation into conformity with ratified Conventions has recommended to the competent authorities that Articles 13 and 14 of the Convention, as adapted to national conditions, be incorporated in the Commercial Code.

MEXICO

Article 9, paragraph 1, of the Convention. In reply to an observation by the Committee of Experts the Government states that the benefits of this provision are in practice afforded to seafarers, and sets out publications in which the Convention has been printed.

Paragraph 2. Draft legislation for the implementation of this provision is now in process of preparation.

YUGOSLAVIA

The Government reports that the Convention is being substantially applied, in spite of the purely formal deficiencies pointed out by the Committee of Experts.

Article 3 of the Convention. Since the workers participate fully in the direction of the economic enterprises, there is not the same necessity for the safeguards set out in this Article as there is in the private sector of the economy.

Article 6. Although the contract establishing the labour relationship does not set out the details enumerated, these are set out in the rules of the economic organisation, and a senior worker is charged with seeing that the new worker is aware of his rights and obligations.

Article 9. As provided in this Article, the contract may be terminated by either party anywhere, which, as applied to maritime employment, would mean that it

could be terminated in any port. The worker, however, has a right to delay his discharge for a period related to his period of service in the economic organisation.

Article 10, paragraph (c). The employment relationship is not terminated by the loss of the vessel, but continues unless the loss of the vessel causes the dissolution of the economic enterprise.

* * *

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

Argentina, Venezuela.

The report from *New Zealand* reproduces the information previously supplied.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Countries	Ratification registered on
Argentina	14. 3. 1950
Belgium	3. 10. 1927
Bulgaria	29. 11. 1929
China	2. 12. 1936
Colombia	20. 6. 1933
Cuba	7. 7. 1928
France	4. 3. 1929
Federal Republic of Germany ¹	14. 3. 1930
Ireland	5. 7. 1930
Italy	10. 10. 1929
Luxembourg	16. 4. 1928
Mexico	12. 5. 1934
Netherlands	5. 5. 1948

Countries	Ratification registered on
Nicaragua	12. 4. 1934
Peru	4. 4. 1962
Philippines	17. 11. 1960
Poland	8. 8. 1931
Somalia ² (ex-Trust Territory)	18. 11. 1960
Spain	23. 2. 1931
Switzerland	21. 4. 1960
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

¹ See footnote 3 to Convention No. 2.

² See footnote 6 to Convention No. 16.

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

Argentina, Yugoslavia.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

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

¹ See footnote 1 to Convention No. 3.

² See footnote 3 to Convention No. 2.

NORWAY (First Report)

Sickness Insurance Act, No. 2, 2 March 1956 (*L.S.* 1956—Nor. 1), as subsequently amended (*L.S.* 1958—Nor. 1).

Article 1 of the Convention. A scheme of compulsory sickness insurance has been in operation in Norway since 1911.

Article 2. The scheme covers in principle the whole population.

Article 3. Cash benefits are granted for a period of up to 104 weeks in respect of all diseases.

Article 4. The scheme grants essential drugs according to list, regulations and scale of charges prescribed by the Ministry of Social Affairs. These drugs are reimbursed in full. The scheme covers the necessary drugs, bandages, etc., in respect of injuries covered by the Occupational Injuries Insurance Act. Drugs used in connection with hospital treatment covered by the scheme are refunded within the framework of the provisions concerning free hospital treatment.

The sickness insurance scheme does not as a rule refund the cost of appliances except when appliances are provided for during hospitalisation as part of the treatment, or in respect of injuries covered by the Occupational Injuries Insurance Act.

Article 5. Members of the insured person's family are entitled to medical benefits to the same extent as the insured person himself.

Article 6. The sickness insurance scheme is locally administered by the self-governed insurance funds.

Article 7. The sickness insurance scheme is financed by members' contributions, by contributions from local authorities and from the State, and in respect of members insured as employees by employers' contributions.

Article 9. A special disputes board is set up for each local insurance fund, which, *inter alia*, has to settle disputes between the insurance fund and an insured person. Appeal against decisions of the disputes board lies with the National Insurance Office.

Article 10. The Sickness Insurance Act does not apply to Svalbard (i.e. the Spitzbergen Islands and a few other islands in the Arctic). Norwegian nationals working in Svalbard are during their stay generally considered as domiciled elsewhere

in Norway. On their return to the mainland they are thus entitled to all the usual sickness insurance benefits, as well as benefits related to diseases contracted during their stay in Svalbard. The Svalbard workers (both nationals and non-nationals) are also, to a large extent, covered as regards medical care and cash benefits under the Mining Code for Svalbard.

As the Sickness Insurance Scheme covers the whole population there are no special statistics showing the total cost of benefits in cash and in kind in respect of workers in industry, commerce and domestic service, or showing the size of the contributions from such workers.

* * *

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

Norway, 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.

NORWAY (First Report)

See under Convention No. 24.

PERU (First Report)

Act No. 8433 of 1936 (*L.S.* 1936—Per. 2).

Act No. 8509 of 1937 (*L.S.* 1937—Per. 1).

Presidential Decree of 1941 (*L.S.* 1941—Per. 1).

Legislative Decree No. 11321 of 1950 (*L.S.* 1950—Per. 1).

Article 1 and Article 2, paragraph 1, of the Convention. Membership of the sickness insurance system is compulsory for all the country's agricultural workers over 14 and below 60 years of age who work in the areas now covered by the scheme. There is no wage limit, and the scheme covers apprentices (even if they do not receive a money wage) and out-workers.

Article 2, paragraph 2. The national legislation makes exceptions in the case of workers who are not usually in employment and consequently do not work for more than 90 days a year (section 3 (*g*) of Act No. 8433); and persons below 14 or over 60 years of age. These exceptions are permitted under subparagraphs (*a*) and (*e*) respectively.

Paragraph 3. Workers affiliated to superannuation and pensions funds are exempt, provided that the funds were set up before the establishment of the social insurance scheme, that their operations have been authorised by the State and that the benefits that they grant are at least equivalent to those granted by the National Social Insurance Fund.

Article 3, paragraph 1. An insured person who is rendered incapable of work by a non-occupational accident or illness is entitled to a cash benefit for a period of 26 weeks, which may be extended to 52. The benefit is equal to 70 per cent. of the average wage received for the last four weeks in respect of which contributions have been paid, and is reduced to 35 per cent. if the insured person is in hospital or has no dependent spouse, children or ascendants.

Paragraph 2. The grant of the benefit is conditional on the payment of four weekly contributions in the 120 days preceding the illness. There is a waiting period of three days, but if the illness lasts for more than three days the benefit is paid in respect of the waiting period as well.

Paragraph 3 (*b*). The payment of benefit is conditional on the loss of all income from wage-earning employment.

Paragraph 3 (c). Payment of benefit is suspended when the insured person refuses to comply with the doctor's orders.

Article 4, paragraph 1. An insured person is entitled to medical and pharmaceutical care from the beginning of the illness until the period prescribed for the payment of sickness benefit expires. In special cases such care may continue beyond the limit prescribed for the payment of cash benefit, and in that case cash benefit continues to be paid under the invalidity insurance scheme.

Paragraph 3. Medical benefit is withheld when the insured person refuses to comply with the doctor's orders.

Article 5. Insured persons may insure their families by paying an additional contribution of 2 per cent. of their wages, the amount being reduced to 1 per cent. when the insured person has paid 150 consecutive contributions. This insurance provides entitlement to general and special medical care and pharmaceutical products for a dependent spouse and children below the age of 14. It also covers obstetrical care for the wife. Family insurance does not include hospitalisation, but this can be obtained in the establishments of the Fund by paying the cost at a rate fixed by the Fund each year. (The provisions concerning family insurance are not operative as yet.)

Article 6, paragraph 1. The National Social Insurance Fund, which is responsible for the administration of the labour insurance scheme, is an autonomous body with corporate status. The Board of Governors, consisting of government, workers' and employers' representatives, is responsible for the administrative, financial and technical management of the Fund.

The available funds may be used for loans solely concerned with the running and medical equipment of assistance centres. The State supervises the use made of the funds through auditors, who submit reports on the accounts and balance sheets at regular intervals.

Paragraph 2. Insured persons participate in the management of the institution through their representatives on the various managing bodies (two representatives appointed by the Government from among candidates nominated by the unions).

Paragraph 3. The social insurance system is administered by autonomous institutions and not by the Government directly.

Article 7, paragraph 1. The insured persons and their employers share in providing the financial resources of the sickness insurance system. There is a single contribution for both sickness insurance and the other contingencies in respect of which insurance is provided by the institution. The contribution made by insured persons amounts to 3 per cent. of their wages, and the employers' contribution to 6 per cent.

Paragraph 2. The State makes a contribution amounting to 2 per cent. of wages. In addition, the State has introduced special taxes for social security purposes.

Article 8. An insured person is entitled to appeal to the General Management of the Fund, whose decisions may be confirmed or revoked by the Board of Governors, beyond which there is no appeal.

Article 9. For geographic, demographic and economic reasons social insurance for the workers is being established by stages.

Because the Fund grants sickness and maternity benefit in its own establishments, suitable hospitals must be built before an area is brought into the system. In addition to its own institutions the Fund maintains services in conjunction with various public and private centres.

The workers' social insurance system is fully operative in the following provinces, where the density of the population is highest and the facilities are most numerous: Piura, Lambayeque, Chiclayo, Pisco, Trujillo, Chancay, Lima, Yauli, Callao, Cañete, Ica, Chíncha, Arequipa, Tacna, Cerro de Pasco, Huancayo and Cuzco. During the first half of 1962 it is planned to extend the system to the province of Santa.

The report states that there have been no decisions on questions of principle relating to the application of the Convention to date.

* * *

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

Norway, Peru, Yugoslavia.

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	Luxembourg	3. 3. 1958
Australia	9. 3. 1931	Malagasy Republic ¹	1. 11. 1960
Belgium	11. 8. 1937	Mali ⁴	22. 9. 1960
Bolivia	19. 7. 1954	Mauritania ¹	20. 6. 1961
Brazil	25. 4. 1957	Mexico	12. 5. 1934
Bulgaria	4. 6. 1935	Morocco	14. 3. 1958
Burma	21. 5. 1954	Netherlands	10. 11. 1936
Cameroon:		New Zealand	29. 3. 1938
Eastern Cameroon ¹	7. 6. 1960	Nicaragua	12. 4. 1934
Western Cameroon	29. 1. 1963	Niger ¹	27. 2. 1961
Canada	25. 4. 1935	Nigeria	16. 6. 1961
Central African Republic ¹	27. 10. 1960	Norway	7. 7. 1933
Chad ¹	10. 11. 1960	Peru	4. 4. 1962
Chile	31. 5. 1933	Portugal	10. 11. 1959
China	5. 5. 1930	Rwanda ²	18. 9. 1962
Colombia	20. 6. 1933	Senegal ⁴	4. 11. 1960
Congo (Brazzaville) ¹	10. 11. 1960	Sierra Leone	15. 6. 1961
Congo (Leopoldville) ²	20. 9. 1960	Republic of South Africa	28. 12. 1932
Cuba	24. 2. 1936	Spain	8. 4. 1930
Czechoslovakia	12. 6. 1950	Sudan	18. 6. 1957
Dahomey ¹	12. 12. 1960	Switzerland	7. 5. 1947
Dominican Republic	5. 12. 1956	Syrian Arab Republic	10. 5. 1960
Ecuador	6. 7. 1954	Tanganyika	19. 11. 1962
France	18. 9. 1930	Togo ¹	7. 6. 1960
Gabon ¹	14. 10. 1960	Tunisia	15. 5. 1957
Federal Republic of Germany ²	30. 5. 1929	United Arab Republic	10. 5. 1960
Ghana	2. 7. 1959	United Kingdom	14. 6. 1929
Guatemala	4. 5. 1961	Upper Volta ¹	21. 11. 1960
Guinea ¹	21. 1. 1959	Uruguay	6. 6. 1933
Hungary	30. 7. 1932	Venezuela	20. 11. 1944
India	10. 1. 1955	Viet-Nam	14. 6. 1955
Iraq	26. 11. 1962		
Ireland	3. 6. 1930		
Italy	9. 9. 1930		
Ivory Coast ¹	21. 11. 1960		
Lebanon	26. 7. 1962		

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.

ARGENTINA

In reply to a request by the Committee of Experts the Government supplies information on the number of workers covered by collective agreements, the number of homeworkers so covered, the minimum wage legislation and the minimum wage rates in force.

AUSTRALIA

Conciliation and Arbitration Act, 1961.
Stevedoring Industry Act, 1961.

The Conciliation and Arbitration Act, 1904-60, was amended in June 1961 to extend its coverage in respect of the stevedoring industry to trade and commerce between a state and a territory of the Commonwealth. A similar amendment was made to the Stevedoring Industry Act, 1956-57, at the same time.

BOLIVIA (First Report)

Labour legislation provides that "the Ministry of Labour shall fix at periodic intervals the minimum living wage rate for each geographic and economic sector and for each category of workers".

CANADA

Saskatchewan.

Minimum Wage Amendment Act, 1962 (Ch. 15).

The above legislation revises the penalty section, strengthening the enforcement provision.

COLOMBIA

In reply to the direct request made by the Committee of Experts in 1962 the report states that under section 5 of Act No. 187 of 1959 the Labour Inspectorate, the wage inspectors, mayors and police inspectors are responsible for seeing that minimum wage legislation is applied and have power to impose fines. Moreover, every employer has to make a sworn statement to the fiscal authorities of the amount he has paid in wages. If the latter notice any breaches of minimum wage rates, they inform the Ministry of Labour, which has power to impose an additional fine equivalent to the amount underpaid to the worker, and in any case not less than 500 pesos. This sum is paid to the worker.

As regards recovery by a worker of the amount by which he has been underpaid, section 4 of the above-mentioned Act provides for the establishment of a special labour jurisdiction, which deals with all questions arising out of employment contracts and has power to enforce payment of the amount by which an employer has underpaid a worker. The period of limitation is three years, as in all matters concerning the rights of the workers.

CZECHOSLOVAKIA

In reply to the direct request made by the Committee of Experts in 1961 the Government repeats that section 5 of Act No. 244/1948, which permits exceptions to wage regulations, is no longer of any practical value and has therefore lapsed. The State Wages Commission does not allow exceptions to wage regulations and neither is any Ministry authorised to allow exceptions to wage regulations approved by the State Wages Commission. Special wages for some jobs are authorised as new regulations and not as exceptions to existing wage rates.

GABON

Act No. 88/61 of 4 January 1962 respecting a Labour Code (*Journal officiel*, 4th year, No. 5, special issue, 1 Mar. 1962).

Article 3, paragraph 2, of the Convention. Under section 93 of the Labour Code the national over-all minimum wage can be fixed by decree on the initiative of the Minister of Labour without prior consultation of the representatives of the employers and workers concerned and their organisations.

Section 94 requires prior consultation of the Labour and Manpower Advisory Committee before the fixing of minimum wages for occupational categories where such wages have not been fixed by collective agreement.

GHANA

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

Article 3, paragraph 2 (1), of the Convention. Representatives of trade unions and employers' associations are consulted before minimum wage orders are applied.

ITALY

In reply to the direct request by the Committee of Experts the Government supplies statistics on the practical application of minimum wage-fixing machinery.

LUXEMBOURG (First Report)

Grand-Ducal Order of 30 December 1944 (*Mémorial*, No. 3, 22 Jan. 1945).

Grand-Ducal Order of 26 March 1945 (*ibid.*, 29 Mar. 1945).

Grand-Ducal Order of 18 August 1951 (*ibid.*, No. 50, 28 Aug. 1951).

Grand-Ducal Order of 31 December 1956 (*ibid.*, No. 62, 31 Dec. 1956).

Article 1 of the Convention. Minimum wages are fixed by legislation.

Article 2. This legislation applies without distinction to all branches of activity, except those concerning domestic workers, which is a matter for special regulation (section 1 of the Order of 1944). Wages for homework may also be subject to special regulation (section 7 of the Order of 1944).

Article 3, paragraph 1. From 1956 onwards minimum wages have been automatically adapted to the cost-of-living index (section 3 of the Order of 1956).

Paragraph 2 (1) and (2). The 1944 Order reflects the opinion of the National Labour Conference; that of 1951, the opinion of the trade chambers on the one hand, and the workers' group of the National Labour Conference on the other; that of 1956, the opinion of the trade chambers only.

Paragraph 2 (3). The minimum rates are binding, and no exceptions may be made by contract unless government authorisation has been received (sections 6 and 8 of the Order of 1944; section 4 of the Order of 1951).

Article 4, paragraph 1. Infringements of the minimum wage provisions are punishable by eight days' to three years' imprisonment and/or a fine of between 51 and 20,000 francs (section 10 of the Order of 1944).

Paragraph 2. Workers are entitled to engage in legal proceedings to recover unpaid wages (section 10 of the Order of 1944).

MALI

Act No. 62-67/AN-RM of 9 August 1962, to establish a Labour Code.

Articles 1 and 2 of the Convention. There are national over-all minimum wage provisions which apply to all wage-earning activities.

Article 3. The inter-trade minimum wage is fixed by decree, after consultation with the Higher Labour Council, which includes six representatives of employers' organisations and six of workers' organisations.

Article 4. The supervision of the enforcement of legislation on minimum wages is the responsibility of the Labour Inspectorate. Infringements are punishable by penal sanctions.

Article 5. There are two areas for minimum wage purposes. The abatement rate between the first and second areas is 15 per cent.

MEXICO

In reply to the request made by the Committee of Experts in 1958, 1959 and 1961 the Government states that there are 122 Federal Labour Inspectors enforcing minimum wage legislation.

MOROCCO

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

Article 3 of the Convention. Under the Dahir of 31 October 1959, all wages, including the legal minimum wage, can be raised by decree when the cost of living has increased by 5 per cent. or more in relation to a reference index fixed by the Minister of Economy and Finance. A Price and Wage Commission, composed of employers' and workers' representatives in equal numbers, is responsible for registering these increases. In this way employers and workers participate in the minimum wage-fixing machinery.

Article 5. At present, about 305,000 workers in industry, commerce and the liberal professions are covered by the minimum wage-fixing machinery.

UNITED ARAB REPUBLIC (First Report)

Law No. 91/1959 (Labour Code) (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis, B, p. 1) (L.S. 1959—U.A.R. 1).

Ministerial Order No. 148 of 17 July 1961 relating to the establishment of Wages Committees (*Al-jarida al-rasmiya*, 3 Aug. 1961).

Ministerial Orders Nos. 22 and 44 of 1962 relating to the establishment of advisory boards for different industries.

Presidential Decrees Nos. 262 and 102 of 1962 relating to the fixing of minimum wages for workers of the general companies affiliated to the public industrial institutions.

Article 1 of the Convention. Ministerial Order No. 148 gives effect to section 156 of the Labour Code by establishing wage committees to fix wages in every governorate and in important industrial areas. The above-mentioned presidential decrees fix the minimum daily wage for workers of general companies affiliated to the public industrial institutions at 24 piastres.

Section 113 of the Labour Code provides for the establishment of advisory boards to fix a stable wage policy.

Article 2. Section 158 provides that the joint wages committees cannot take any decision until they have consulted the employers' organisations and trade unions concerned.

Article 3. Under the Labour Code workers' and employers' representatives sit in equal numbers on the advisory boards.

Article 4. Anyone who does not apply the ministerial orders concerning minimum wage policy in accordance with section 159 of the Labour Code is subject to penalty and fine.

A worker to whom the minimum wage rates are applicable and who has been paid wages at less than these rates is entitled to recover by legal proceedings the amount by which he has been underpaid.

The Ministry of Labour is the authority to which is entrusted the application of the legislation and administrative regulations.

* * *

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

Belgium, Cameroon, Chad, Chile, Congo (Brazzaville), Czechoslovakia, Dominican Republic, France, Federal Republic of Germany, Guinea, India, Ireland, Ivory Coast, New Zealand, Norway, Portugal, Senegal, Republic of South Africa, Switzerland, Tunisia, United Kingdom, Upper Volta, Venezuela, Viet-Nam.

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

Brazil, Bulgaria, China, Congo (Leopoldville), Hungary, Malagasy Republic, Mauritania, Netherlands, Niger, Spain, Togo.

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

This Convention came into force on 9 March 1932

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Morocco	20. 9. 1956
Australia	9. 3. 1931	Netherlands	4. 1. 1933
Austria	16. 8. 1935	Nicaragua	12. 4. 1934
Belgium	6. 6. 1934	Norway	1. 7. 1932
Bulgaria	4. 6. 1935	Pakistan ⁶	7. 9. 1931
Burma ¹	7. 9. 1931	Peru	4. 4. 1962
Canada	30. 6. 1938	Poland	18. 6. 1932
Chile	31. 5. 1933	Portugal	1. 3. 1932
China	24. 6. 1931	Rumania	7. 12. 1932
Congo (Leopoldville) ²	20. 9. 1960	Republic of South Africa ³	21. 2. 1933
Cuba	7. 9. 1954	Spain	29. 8. 1932
Czechoslovakia	26. 3. 1934	Sweden	11. 4. 1932
Denmark ⁸	18. 1. 1933	Switzerland	8. 11. 1934
Finland	8. 8. 1932	Uruguay	6. 6. 1933
France	29. 7. 1935	Venezuela	17. 12. 1932
Federal Republic of Germany ⁴	5. 7. 1933	Viet-Nam	6. 6. 1953
Greece	30. 5. 1936	Yugoslavia	22. 4. 1933
Hungary	6. 12. 1937		
India	7. 9. 1931		
Indonesia ⁵	4. 1. 1933		
Ireland	5. 7. 1930		
Italy	18. 7. 1933		
Japan	16. 3. 1931		
Luxembourg	1. 4. 1931		
Mexico	12. 5. 1934		

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 7 to Convention No. 19.

⁶ See footnote 3 to Convention No. 1.

AUSTRALIA

Navigation (Loading and Unloading—Safety Measures) Regulations (*Statutory Rules, 1962, No. 128*.
Notified in the *Commonwealth Gazette*, 17 Oct. 1961).

Prior to 31 October 1961 the provisions of the Convention were applied by the Navigation (Loading and Unloading) Regulations made under the Navigation Act, but on that day the new regulations mentioned above came into force, and the old regulations were repealed. However, the provisions of the Convention continue to be applied under the new Navigation (Loading and Unloading—Safety Measures) Regulations.

INDIA

Marking of Heavy Packages (Amendment) Act, 1961 (*The Gazette of India*, 26 Aug. 1961).

The above Act provides for the appointment of inspectors.

NORWAY

It has been found that heavy packages are constantly delivered for transport by sea without the weight being clearly marked. This applies to ships in both home and foreign trade.

In order to ensure the application of the Convention the Directorate of Labour Inspection sent a special circular in October 1960 to the majority of shipping agents and to undertakings, firms and persons regularly sending packages by vessel.

SPAIN

The Order approving the National Regulations on Dock Work was promulgated on 18 May 1962. In section 308 the order makes compulsory the marking of weight on all packages of over 1,000 kg., this being incumbent on the consignor, while responsibility for observance of the relevant provisions falls on the consignee.

SWEDEN

During the period under review several complaints concerning contraventions of the Convention were reported in respect of goods imported by vessel. In particular, the Labour Inspectorate has examined cases of unloading ship's plates: in one case a piece loaded in Savona (Italy) weighing 12 metric tons; and in another case a piece weighing 8 metric tons, exported from an Austrian ironworks and transported to Bremen, where the plates were loaded onto a German ship. The stevedore firms do not report to the Labour Inspectorate contraventions of the Act respecting the marking of the weight on packages and objects where the gross weight of the package or object does not attain 5 metric tons.

* * *

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

Australia, Burma, Chile, Finland, France, Hungary, India, Indonesia, Ireland, Mexico, Netherlands, Norway, Poland, Rumania, Spain, Sweden, Yugoslavia.

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

Argentina, Austria, Belgium, Canada, China, Congo (Leopoldville), Czechoslovakia, Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, Morocco, Pakistan, Portugal, Switzerland, Venezuela, Viet-Nam.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932

Countries	Ratification registered on	Countries	Ratification registered on
Ireland	5. 7. 1930	Spain ¹	29. 8. 1932
Luxembourg.	1. 4. 1931		
Nicaragua	12. 4. 1934		

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

IRELAND

Docks (Safety, Health and Welfare) Regulations, 1960.
Merchant Shipping (Life-Saving Appliances) Rules, 1960.

The provisions in the Docks (Safety, Health and Welfare) Regulations of 1960 implement completely all the Articles of the Convention.

* * *

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

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	Malagasy Republic ^a	1. 11. 1960
Algeria ¹	19. 10. 1962	Malaya ⁷	11. 11. 1957
Argentina	14. 3. 1950	Mali ⁸	22. 9. 1960
Australia	2. 1. 1932	Mauritania ^a	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 ^a	27. 2. 1961
Cameroon:		Nigeria ^a	17. 10. 1960
Eastern Cameroon ^a	7. 6. 1960	Norway	1. 7. 1932
Western Cameroon ^a	3. 9. 1962	Pakistan	23. 12. 1957
Central African Republic ^a	27. 10. 1960	Peru	1. 2. 1960
Ceylon	5. 4. 1950	Poland	30. 7. 1958
Chad ^a	10. 11. 1960	Portugal	26. 6. 1956
Chile	31. 5. 1933	Rumania	28. 5. 1957
Congo (Brazzaville) ^a	10. 11. 1960	Senegal ^a	4. 11. 1960
Congo (Leopoldville) ⁴	20. 9. 1960	Sierra Leone ^a	13. 6. 1961
Costa Rica	2. 6. 1960	Somalia ⁹	18. 11. 1960
Cuba	20. 7. 1953	Spain	29. 8. 1932
Cyprus ⁵	23. 9. 1960	Sudan	18. 6. 1957
Czechoslovakia	30. 10. 1957	Sweden	22. 12. 1931
Dahomey ^a	12. 12. 1960	Switzerland	23. 5. 1940
Denmark	11. 2. 1932	Syrian Arab Republic	26. 7. 1960
Dominican Republic	5. 12. 1956	Tanganyika ^a	30. 1. 1962
Ecuador	6. 7. 1954	Togo ^a	7. 6. 1960
Finland	13. 1. 1936	Tunisia	17. 12. 1962
France	24. 6. 1937	Ukraine	10. 8. 1956
Gabon ^a	14. 10. 1960	U.S.S.R.	23. 6. 1956
Federal Republic of Germany	13. 6. 1956	United Arab Republic	29. 11. 1955
Ghana ^a	20. 5. 1957	United Kingdom	3. 6. 1931
Greece	13. 6. 1952	Upper Volta ^a	21. 11. 1960
Guinea ^a	21. 1. 1959	Venezuela	20. 11. 1944
Haiti	4. 3. 1958	Viet-Nam	6. 6. 1953
Honduras	21. 2. 1957	Yugoslavia	4. 3. 1933
Hungary	8. 6. 1956		
Iceland	17. 2. 1958		
India	30. 11. 1954		
Indonesia ⁶	31. 3. 1933		
Iran	10. 6. 1957		
Iraq	27. 11. 1962		
Ireland	2. 3. 1931		
Israel	7. 6. 1955		
Italy	18. 6. 1934		
Ivory Coast ^a	21. 11. 1960		
Jamaica ^a	26. 12. 1962		
Japan	21. 11. 1932		
Liberia	1. 5. 1931		
Libya	13. 6. 1961		

¹ See footnote 1 to Convention No. 3.

^a See footnote 4 to Convention No. 4.

^a See footnote 2 to Convention No. 15.

⁴ 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.

^a See footnote 3 to Convention No. 15.

^a See footnote 7 to Convention No. 19.

^a See footnote 3 to Convention No. 17.

^a See footnote 7 to Convention No. 4.

^a 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.

ALBANIA (First Report)

Constitution of 1946, as amended.

Labour Code (*Gazeta Zyrtare* (G. Z.), 20 Apr. 1956, No. 4) (L.S. 1956—Alb. 2), as amended by Decree No. 3484 of 9 April 1962.

Penal Code of 1952 (*G.Z.*, 1 Aug. 1952).

Forced labour, as defined in Article 2 of the Convention, does not exist in Albania. Employment relations are based on freely concluded contracts between the worker and the undertaking. The worker may terminate the contract in accordance with the provisions of section 30 of the Labour Code, without being subject to penal sanction.

Section 38 of the Labour Code formerly authorised the Government to call up labour for work of great importance to the State. In practice this power was never used. Decree No. 3484 of 1962 has amended section 38 of the Code, which now permits call-up only in emergencies, as an exceptional measure in the general interest.

Persons performing work as a result of a conviction by a court of law cannot work for private persons or enterprises. Forced labour as a tax or for payment of debts has been completely eliminated.

BYELORUSSIA

In reply to a direct request made by the Committee of Experts in 1962 the Government supplies the following information.

The rights and obligations of military forces are governed by the U.S.S.R. Law of 1 September 1939 respecting compulsory military service and by the regulations in force.

Under section 11 of the Byelorussian Act respecting the combat against natural disasters citizens may be called out to perform compulsory labour only in very exceptional cases and by virtue of special decrees of local governments. Such labour is of short duration and in the general interest. In practice no recourse has been had to labour service in the case of natural disasters for many years.

Communal services cannot be carried out except with the agreement of the persons concerned and after a decision made by them. Such services are in the immediate interest of the community and are of a completely voluntary character.

GABON

Act No. 88/61 of 4 January 1962 respecting a Labour Code (*Journal officiel*, 4th year, No. 5, special issue, 1 Mar. 1962).

In reply to comments made by the Committee of Experts in a direct request in 1962 the Government states its intention to enact an ordinance to amend paragraph 4 of section 7 of the Legislative Decree of 6 December 1960, by omitting therefrom the provision whereby the second contingent of the army may be called upon to carry out work in the general interest.

The new Labour Code absolutely prohibits the use of forced or compulsory labour, but excepts from the definition of "forced labour" obligations arising from civic service and work carried out in emergencies.

GUINEA

In reply to a direct request made by the Committee of Experts in 1962 the Government recalls that it has stated that the army may be used to carry out agricultural work and that this labour may be employed in a certain area to increase rice production.

At the time of independence the Democratic Party considered it necessary to oblige the population to work for purposes of economic development. Now that independence is more firmly established there has been no need to have further recourse to these powers.

INDIA

The Union Ministry of Law is scrutinising the State *Panchayat* Acts with a view to finding out whether there are still any discrepancies between these provisions and the requirements of the Convention. It has been decided to repeal the provisions relating to forced labour in the Tripura Act. An over-all review of the forced labour Conventions and Recommendations will be given for the period 1961-63.

LIBERIA

Act of 24 May 1961 to regulate recruitment of labour in Liberia (*Acts 1960-61*, Ch. XLVII).

Act of 24 May 1961 to provide for administration and enforcement of the law governing labour practices (*ibid.*, Ch. LVII).

Act of 25 January 1962 to repeal sections 221, 222, 224, 240 to 251 and 423 of the Aborigines Law.

Act of 23 May 1962 to repeal section 88 of the Local Government Law.

Act of 23 May 1962 to repeal sections 225 and 252 of the Aborigines Law and section 30 of the Public Works Law and to amend certain other provisions.

Article 1 of the Convention. No forced or compulsory labour is authorised.

Article 2. No resort has been had to any of the exceptions authorised by this Article.

Articles 4 and 5. No forced labour is permitted for the benefit of private individuals, companies or associations. The Government has recently entered into negotiations with the Firestone Plantations Company for the deletion from the company's concession agreement of a provision by which the Government undertook to assist in making labourers available to that company; this provision is needless and outdated.

Article 18. Motor roads have been built throughout the country. In the few areas which such roads have not reached, porters still carry goods and persons too ill to walk. However, the engagement must be mutually agreed upon. Even government officials may not require such service without payment of the minimum wages prevailing in the district.

Article 25. The Act to regulate recruitment of labour in Liberia prescribes penalties for recruiting by force, threat of force, misrepresentation or pressure, and for making payments to chiefs or officials on account of persons recruited.

The Act to provide for administration and enforcement of the law governing labour practices provides for a labour inspection system.

MALI

Act No. 62-67/AN-RM of 9 August 1962 to establish a Labour Code.

Since the Constitution was proclaimed no form of forced labour has been permitted in Mali. The exceptions provided for in Article 2 of the Convention are taken up in section 3 of the Labour Code. It should be noted, however, that military service is not compulsory in Mali. Forced or compulsory labour does not include—

- (1) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (2) any work of public interest exacted in virtue of statutory provisions pertaining to defence or the setting-up of a national service;
- (3) any work, service or assistance exacted in cases of *force majeure*;
- (4) any work agreed upon by a local community as a whole and of its own free will, and in the direct interest of the said community, such as the building and maintenance of channels of communication, the sanitation and cleaning of living quarters, the furnishing of water supplies, land reclamation or construction for social or economic purposes;

- (5) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision of the public authorities and that it is in furtherance of the public interest.

Section 371 of the Labour Code prescribes penalties in the event of infringement of the provisions of section 3 mentioned above.

MAURITANIA

In reply to a direct request made by the Committee of Experts in 1962 the Government states that persons assigned to restricted residence under Act No. 6017 of 19 January 1960 are not required to undertake any work whatsoever and that persons have not been requisitioned or compelled to work under Act No. 59-54 of 1 July 1959.

PERU (First Report)

Constitution of 1933.

The Constitution declares forced labour illegal under any form. Compulsory labour may be used only in cases of *force majeure* and in cases of extreme necessity, and only then under legal safeguards.

Certain military battalions are engaged in building roads to connect frontier garrisons with important military centres, and engineering battalions also undertake certain work. This, however, is regarded as a form of military training.

In spite of legislation in force and the efforts of administrators to safeguard the indigenous population, to protect them from all forms of exploitation and to eliminate the old forms of unpaid labour, some remnants of this type of exploitation may still be found in rural areas, but a determined effort is being made to eliminate these isolated instances.

PORTUGAL

For legislation see under Convention No. 105.

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

At present prison labour is governed by Decrees Nos. 26643 of 28 May 1936, 34674 of 18 June 1945, 40876 and 40877 of 26 November 1956. This labour is performed in the workshops, farms and industrial production units of prisons and in labour camps or brigades. From the administrative point of view prison labour is generally used under direct state control, but the concession system may be established for prison workshops. The system of outright concession is not allowed for the employment of prison labour. At present only two establishments have workshops under a concession system. In all cases work is done under the supervision and control of the prison authorities. At the Leiria prison training school, prisoners under a system of semi-liberty can be placed in individual undertakings, in the same conditions and with the same rights as free workers. There is no type of contract concerning the employment of prisoners by private persons. There are contracts only for concession of prison workshops.

The courts alone are competent to give sentences or take security measures involving loss of liberty. Persons sentenced are required to perform prison labour, but persons in preventive detention may choose their work, even unproductive work (section 262 of Decree No. 26643).

Vagrants and other similar persons to whom security measures involving loss of liberty have been applied come under the prison labour system. Such measures are applicable for a period of not more than three years, which may not be extended

(sections 70 and 71 of the Penal Code). In regard to the choice of work, the strength and aptitudes of each prisoner are taken into account (section 59 of the Penal Code; section 264 of Decree No. 26643).

The penalties contained in Article 25 of the Convention appear in sections 328 ff. of the Penal Code.

UNITED ARAB REPUBLIC

Law No. 396 of 1956.

In reply to a direct request made by the Committee of Experts in 1962 the Government has supplied the text of sections 21 to 24 of the above-mentioned law concerning the organisation of prisons.

* * *

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

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
Iraq	26. 11. 1962	Uruguay	6. 6. 1933
Israel	26. 6. 1951		
Kuwait	21. 9. 1961		
Luxembourg	3. 3. 1958		

¹ Conditional ratification.

CHILE

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

Section 108, subsection 2, of the Labour Code extends to persons who do not work in commercial or industrial undertakings (friendly societies, charitable institutions) the provisions of the Code, such as those limiting hours of work, which are compatible with the nature of the duties which they perform (other legally conferred advantages such as payment of gratifications are, in fact, such as cannot be applied to them).

The telegraph and telephone employees who may be required to work 56 hours per week in virtue of section 126 of the Code are operators and technicians only and not administrative staff.

In practice, there has been no recourse to the possibility allowed in subsection 2 of section 131 of the Code.

The hours of work for persons in municipal employment are fixed by the mayors; they are less than eight hours per day everywhere.

Regarding the regulations on hours of work in public services the Government refers to the information supplied for Convention No. 1.

FINLAND

In reply to a direct request by the Committee of Experts the Government has announced that a new Bill respecting conditions of work in commerce and offices will shortly be placed before Parliament. The Committee's remarks will be taken into consideration in preparing this Bill.

HAITI

Labour Code, 6 October 1961.

In reply to a request by the Committee of Experts the Government explains that the postal, telegraph and telephone services, which are assimilable to industrial and commercial undertakings, are governed by the provisions of the Code relating to such undertakings.

Temporary or permanent exceptions which may be made to the rules on hours of work are, in certain collective agreements, the subject of special clauses based on sections 105 and 117 of the Code.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30).

Act of 7 June 1937 to modify the Act of 31 October 1919 respecting the legal regulation of the contract of service of salaried employees in private employment (*L.S.* 1937—Lux. 1).

Grand-Ducal Order of 21 October 1938 concerning the application of section 6 of the above-mentioned Act of 7 June 1937 (*L.S.* 1938—Lux. 3).

Instruction of the Ministry of State, Central Staff Service, dated 23 March 1931.

General Instruction of the Postal, Telegraph and Telephone Administration, with effect from 1 January 1962.

Consolidated Text of 20 April 1962 comprising the Acts regulating hire of service of private employees (*Mémorial*, 21 June 1962).

Ratified international conventions have the force of national law.

Article 1 of the Convention. A distinction is made between the public and private sectors of employment in national legislation.

Section 3 of the Act of 7 June 1937 provides that workers in commercial and other establishments in the private sector are to be considered as private employees for purposes of the Act only if they are persons who perform work of a principally, though not exclusively, intellectual nature.

No resort has been had to paragraph 3 of this Article.

Article 2. Section 6 of the above-mentioned Consolidated Text reproduces the definition of "hours of work" contained in this Article.

Article 3. The hours of work of public employees are limited by the Instruction of 1931 to 44 hours per week and eight per day. Saturday afternoons are free where the interests of the service permit.

The hours of work of private employees are similarly limited by section 6 of the Consolidated Text.

Article 4. Hours of work may be distributed over five days of the week, provided that the daily number does not exceed nine.

Article 5. Except in emergency, prior authorisation of the Labour Inspectorate subject to Ministry of Labour is necessary for all supplementary hours distributed over more than three days per month. Payment is at one-and-a-half times the regular rate.

Articles 6 and 7. No provisions have been made.

Article 11. It is left to the employer to bring their hours of work to the notice of workers. Supplementary hours and payment must be entered in a special register to be shown to the Labour Inspectorate on request.

Article 12. The Consolidated Text lays down penal sanctions for infractions.

SPAIN

Order of 19 April 1961 respecting the distribution of working hours (*Boletín Oficial del Estado*, No. 98, 25 Apr. 1961).

The Act of 27 July 1957 respecting the general administration system establishes a strict hierarchy between legislative provisions and labour regulations. Any provisions reducing the advantages granted to workers under the Act of 9 September 1931 would be void *de jure*.

The telegraph services are regarded as official services in the fullest meaning of the expression and so are excluded from the scope of the Convention as permitted by Article 1, paragraph 3 (b).

UNITED ARAB REPUBLIC (First Report)

Law No. 91/1959: Labour Code (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—U.A.R. 1).
Ministerial Order No. 5/1961.

Sections 114 to 123 of the Labour Code apply the Convention.

Article 1 of the Convention. The employer's legal representatives, persons engaged in preparatory or complementary work which must be carried on outside normal hours, and caretakers and cleaners are exempted from normal hours-of-work legislation (section 123 of the Labour Code). The above-mentioned ministerial order relates to such employees.

Article 7. See under Article 1. Section 120 of the Code permits the temporary exceptions contained in paragraph 2 of this Article. The labour inspectorate must be notified within 24 hours of the reason for increasing hours of work, which must not exceed ten per day.

Article 11. Employers must post up notices indicating hours of work and times of shifts (section 122 of the Code).

Article 12. Section 221 of the Code punishes by fine employers guilty of infractions.

* * *

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

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

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

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
Algeria ¹	19. 10. 1962	Nigeria	16. 6. 1961
Argentina	14. 3. 1950	Norway	23. 6. 1956
Belgium	2. 7. 1952	Pakistan ²	10. 2. 1947
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	6. 4. 1946	Sierra Leone	15. 6. 1961
Chile	18. 10. 1935	Spain	28. 7. 1934
China	30. 11. 1935	Sweden	3. 8. 1938
Cuba	7. 9. 1954	Tanganyika	19. 11. 1962
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		
New Zealand	29. 3. 1938		

¹ See footnote 1 to Convention No. 3.

² See footnote 3 to Convention No. 1.

BELGIUM

In reply to the observation made by the Committee of Experts in 1961 the Government states that it still holds to the reply it made in 1961 to the effect that the exclusion from the scope of Article 6 of the Convention of vessels engaged in inland navigation is permissible under Article 15 of the Convention.

CHINA

Regulations for the Safety and Protection of Dock Workers, published on 17 May 1962.

The above-mentioned regulations give effect to the following provisions of the Convention: Article 5, paragraph 2 (*e*) and paragraph 3; Article 8, paragraph 1; Article 9, paragraphs 2 (1) and (5); Article 11, paragraphs 3 and 4; Article 17, paragraphs 1 and 2.

In order to enforce the regulations effectively, provisions have been made designating the individuals or organisations responsible for their application. As regards penalties and measures for inspection, appropriate arrangements have also been made. The regulations have been posted in conspicuous places in harbours, dockyards, wharfs, etc.

FINLAND

According to the findings of the committee that had been entrusted with preparing the revision of the labour inspection legislation, the labour inspection in force in Finland does not take into consideration the specific character of the branch covered by the Convention. The committee proposes changes as regards, *inter alia*, the organisation of the supervision. The proposals are under consideration at the Ministry of Social Affairs.

In Helsinki a committee has been set up to examine the defects in harbour lighting and to propose any improvements that may be necessary. The Federation of Transport Unions and the Finnish Seamen's Union have insisted, in a letter to the city government of Helsinki, that the lighting conditions in the port of Helsinki be improved without delay.

FRANCE

In reply to a direct request made by the Committee of Experts in 1962 the Government states the following.

Article 2 of the Convention. The Health and Safety Committees set up in accordance with the Order of 8 April 1959, together with the harbour-masters' offices, ensure enforcement of the relevant provisions. Various warnings have been issued in respect of infringements. However, access to vessels is sometimes very difficult owing to the encumbrment of the quayside.

Article 14. The provisions of this Article are generally respected in all ports.

Article 17, paragraph 3. Decisions and summaries of regulations are not generally posted up in shipyards or in places commonly used for handling operations, but they are communicated to all harbour undertakings and to all the trade union organisations.

ITALY

The Ministry of the Mercantile Marine is at present studying the information received from harbour-masters in response to a circular on the framing of local regulations to implement the provisions of the Convention.

New regulations have come into force for the ports of Imperia, La Spezia, Marina di Carrara, Messina, Naples, Olvia, Porto Torres, Salerno, Savona and Trieste.

Regulations are in the process of being drawn up for other ports.

Furthermore, the Ministry has requested the competent maritime authorities in a special circular, copy of which is attached to the report, to declare each year the number of accidents, together with the causes thereof.

NORWAY

The Maritime Directorate has issued new regulations as regards a "competent person" as mentioned in Article 9 of the Convention. The I.L.O. *Code of Practice on Safety and Health in Dock Work* will be translated into Norwegian.

SPAIN

Order of 24 February 1962.

Order of 18 May 1962.

In reply to the request made by the Committee of Experts the Government states that effect is given to paragraphs 3 to 6 of Article 5 of the Convention by the above-mentioned orders.

Section 286 of the Order of 18 May 1962 states categorically that the standards contained in international conventions must be observed, and in the list given the Convention has pride of place.

UNITED KINGDOM

The Docks (Training in First Aid) Regulations, 1962.

The above-mentioned regulations prescribe the requirements to be satisfied by persons competent to render first aid as required by Article 13 (1) of the Convention.

* * *

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

Canada, Finland, India, Italy, New Zealand, Pakistan.

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

Argentina, Chile, Mexico, Sweden.

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
Cameroon (Eastern Cameroon) 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		
Guinea ¹	21. 1. 1959		
Ivory Coast ¹	21. 11. 1960		
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

Federal Act of 5 April 1962 (*Bundesgesetzblatt*, No. 113), to amend the Federal Act respecting the employment of children and young persons.

The main purpose of this Act, which prohibits absolutely the admission to employment of children and subjects the employment of young persons over 12 years of age to the conditions imposed by Article 3 of the Convention, is to amend the provisions of the 1948 Act concerning the employment of children and young persons along the lines indicated by the Committee of Experts, in order that Austria may fully meet the obligations deriving from ratification of Conventions Nos. 5 and 33.

CAMEROON

The draft decree designed to ensure that the national legislation coincides perfectly with the provisions of Article 3 of the Convention was due for submission to the Advisory Commission on Labour before 31 December 1962.

CHAD

The changes requested by the Committee of Experts are being borne in mind, but cannot be effected until after the revision, at present under consideration, of the Act of 15 December 1952 establishing a Labour Code. The stage reached in the work in this connection gives grounds for the belief that Chad will have a new Labour Code before the end of the current year.

CONGO (BRAZZAVILLE)

Under Act No. 61-44 of 28 September 1961 school attendance is now compulsory for all children aged between 6 and 16.

Measures are at present being studied with a view to introducing the provisions of Article 3, paragraph 1 (c), of the Convention into national legislation.

The request by the Committee concerning application of paragraph 4(b) of the same Article is no longer applicable in the light of the compulsory school attendance provisions.

GABON

See under Convention No. 5.

Act No. 88/61 of 4 January 1962 (Labour Code) fixes the minimum age for admission to employment at 16 years. Certain exceptions may be authorised in the future by decree in the light of circumstances and the nature of the work concerned.

IVORY COAST

Decree No. 61-189 of 18 May 1961 amending the Order of 28 April 1954 subjects the delivery of individual work permits for children between the ages of 12 and 14 to the conditions laid down in Article 3 of the Convention.

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 constituting the Labour Code of the Malagasy Republic. Decree No. 62-152 of 28 March 1962 fixing conditions of work for children, women and pregnant women.

The Order of 5 February 1954 providing for exceptions in respect of domestic and light work was repealed by the above-mentioned decree. Any exceptions authorised on the basis of section 79 of the new Labour Code would observe the restrictions contained in Article 3 of the Convention.

The decree prohibits the employment of young persons aged under 18 in heavy work or in work constituting a risk to health or morality.

MALI

Act No. 62-67/AN-RM of 9 August 1962 to establish a Labour Code.

Section 239 of the new Code states: "Children shall not be employed in any undertaking, even as apprentices, before the age of 14, unless an exception is authorised by order of the Ministry of Labour in the light of local circumstances and the work to be performed."

Order No. 12-70 of 21 April 1954 fixes the types of jobs and the categories of undertakings in which young persons may not be employed, as well as age limits with regard to such prohibition.

MAURITANIA

The fact that labour inspectors are empowered under section 4 of Order No. 240 of 17 September 1954 to withdraw employment authorisations granted in respect of children aged under 14 is sufficient guarantee for the enforcement of the restrictions and safeguards provided for in Article 3 of the Convention. Nevertheless, the Government intends to bring its legislation completely into line with the Convention.

NIGER

A new Labour Code is under study, in which it will be possible to incorporate the existing texts and, where relevant, international Conventions. The draft may be adopted by the National Assembly in June 1963.

SENEGAL

Section 140 of the new Labour Code of 1 June 1961 reproduces section 118 of the Overseas Labour Code of 15 December 1952.

The observations of the Committee will be taken into account in the new orders to be issued by the Minister of Labour. Article 3 of the Convention is respected in practice.

SPAIN

As shown by the Order of 24 May 1962 approving the General Labour Act of the Equatorial Region, the present trend in labour legislation is towards fixing 15 years as the minimum age for admission to employment. This corresponds to the spirit of the Primary Education Act of 17 July 1945 providing for the organisation in schools of a supplementary training period for children aged between 12 and 15.

Article 7 of the Convention. This is fully applied by section 178 of the 1944 Employment Contracts Act, by section 3 of the Decree of 13 July 1940 and section 67 of the Regulations covering provincial labour offices.

TOGO

Order No. 93/MTAS-FP of 31 March 1961 subjects the exceptions to the minimum age for admission to employment to the restrictions and safeguards included in Article 3 of the Convention.

* * *

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

Argentina, Austria, Belgium, Cameroon, Central African Republic, Congo (Brazzaville), Gabon, Ivory Coast, Malagasy Republic, Mali, Mauritania, Netherlands, Niger, Senegal, Spain, Togo.

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

France, Guinea, Upper Volta.

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.

CHILE

In reply to the observation by the Committee of Experts to the effect that the Government was in a position to abolish employment agencies conducted with a view to profit and to regulate the functioning of those not so conducted, the Government states that there are not and have not been private agencies for the placement of private employees in Chile; that steps have been taken to obtain the deletion from the Municipal Revenues Act of the provision relating to the granting of licences to private agencies for the placement of domestic employees; that the Municipality of Santiago has been requested not to grant licences to persons wishing to set up agencies of this type; and that the competent authorities have been urged to promulgate the appropriate measures to correct the irregularities pointed out by the Committee of Experts.

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	France	23. 8. 1939
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

ARGENTINA

In reply to the observation and request made by the Committee of Experts in 1961 the Government states the following.

Article 3 of the Convention. Act No. 13561/49 respecting the non-limitation of entitlement to pension does not permit the voluntary continuation of the insurance, but does provide for the conservation of the rights of persons formerly compulsorily insured.

Article 6. Section 3 of the above-mentioned Act provides for the contributions of an insured person ceasing to be compulsorily insured without entitlement to benefit, to remain valid.

Article 8. Section 19, subsection 4, of the Penal Code provides that the pension rights of an imprisoned person devolve upon his wife, children under age or his aged or disabled parents.

Article 9. It has not been possible, for economic reasons, to bring the national legislation into harmony with this provision of the Convention whereby public authorities must contribute to the financial resources or benefits of insurance schemes.

CHILE

In reply to the request by the Committee of Experts the Government quotes in its report the latest version of section 2 of Decree No. 2259 with special reference to the amendment made by section 10, subsection 2, of Act No. 7571 of 1 October 1943, which specifies that employees entering the service of the State Railways after 10 May 1918 shall be entitled to retirement pension on the same conditions as those who did so before that date.

FRANCE

Act No. 60-793 of 2 August 1960 concerning admission of French auxiliary teachers in other countries to the voluntary old-age insurance scheme (*Journal officiel*, 4 Aug. 1960).

Act No. 61-1413 of 22 December 1961 extending the right of admission to the voluntary old-age insurance scheme to French employed persons residing or having resided in certain States and in the overseas territories (*ibid.*, 23 Dec. 1961).

Decrees Nos. 62-1439 and 62-1440 of 14 April 1962 fixing various old-age and invalidity benefit rates (*ibid.*, 15 Apr. 1962).

Supplementary financial estimates for 1962, Act No. 62-873 of 31 July 1962 (*ibid.*, 1 Aug. 1962).

The Acts of 1960 and 1961 made it possible for French auxiliary teachers in other countries and French employed persons residing in the overseas territories or in certain States previously under the sovereignty, protectorate or trusteeship of France, respectively, to be admitted to the voluntary old-age insurance scheme. The provi-

sions of the Act of 1961 are also extended to persons repatriated from Egypt and from other States to be listed by decree. Contributions under this voluntary insurance scheme are included in calculating eligibility for old-age insurance benefits.

Various other laws have been adopted raising the ceiling for remuneration to be taken into consideration in calculating old-age insurance benefits. In addition, in accordance with the conclusions of the Study Committee on Problems of Old Age, emergency measures have been adopted in favour of aged persons in the categories suffering the greatest hardship. These measures represent only a first stage, since the Government intends, in conjunction with the National Social Security Council and the French National Committee on Old Age, to examine ways and means of improving the situation of aged persons.

In reply to the request by the Committee of Experts in 1961 concerning differences in treatment of nationals and non-nationals with regard to payment of an additional allowance, the Government points out that Act No. 56-639 of 30 June 1956 concerning the National Solidarity Fund and subsequent legislation do not come within the field of the compulsory old-age insurance scheme within the terms of the Convention. The National Solidarity Fund covers both social assistance beneficiaries and old-age assistance beneficiaries, so that this coverage makes the legislation in question a form of assistance complementary to the old-age insurance scheme. The Government further states that, under section 25 of the Act of 30 June 1956, the additional allowance concerned is payable only provided that reciprocal agreements have been concluded. France has signed such agreements with a certain number of other countries, thereby guaranteeing nationals of those countries the right to receive the additional allowance under the National Solidarity Fund. The additional allowance is added to the basic benefit, and when such basic benefit is of a non-contributory nature foreigners are eligible subject only to a certain period of residence in France. The additional allowance is automatically subject to a residence condition such as provided for in Article 17 of the Convention.

The Government further refers to an apparent contradiction between Article 12, paragraph 3, of Convention No. 35 and Article 6, paragraph 1 (b) (ii), of Convention No. 97. The first of these assimilates foreigners to nationals with regard to eligibility for benefit payable from public funds. The second permits reservations to be made regarding non-discrimination as to nationality in connection with benefit payable exclusively from public funds. The Government inquires which of these two principles should have precedence over the other, since the additional allowance payable to beneficiaries under special social security systems is exclusively financed from public funds, which in the Government's opinion justifies the "particular provisions" provided for in national legislation with regard to payment of this benefit to foreigners.

The Government further recalls that the Act of 1962 (section 19 (II)) introduces state participation in the financing of the additional allowance granted by the National Solidarity Fund to persons insured under the general scheme. The Government goes on to say that, if the trend started by that Act continues, the arguments advanced in connection with the additional allowance payable to beneficiaries under special insurance schemes would be equally valid for beneficiaries under the general scheme.

ITALY

Act No. 579 of 5 July 1961 to establish a disablement and old-age pension fund for the clergy.

Act No. 580 of 5 July 1961 to establish a disablement and old-age pension fund for ministers of religion of faiths other than the Catholic faith.

POLAND

Ordinance of the Chairman of the Labour and Wages Committee dated 16 December 1960 to determine the homeworkers to be regarded as such for the purposes of the Decree respecting universal pension security (*Dziennik Ustaw*, No. 1, 1961, text 4).

- Ordinances of the Chairman of the Labour and Wages Committee dated 6 May 1961 and 8 January 1962 to determine the rate of contributions and benefits for members of workers' co-operatives employed in certain service establishments (*ibid.*, No. 26, 1961, text 127, and 1962, text 8).
- Ordinance of the Chairman of the Labour and Wages Committee dated 18 May 1961 to determine the basis for the calculation of contribution and benefit rates for workers in individual handicrafts workplaces (*ibid.*, No. 26, 1961, text 128).
- Ordinance of the Council of Ministers of 11 April 1962 amending the Ordinance respecting the suspension of pension rights (*ibid.*, No. 24, 1962, text 110).
- Act of 28 June 1962 concerning the grant of pensions to former landowners whose estates are under state management or have become state property, and to their dependants (*ibid.*, No. 38, 1962, text 166).
- Act of 28 June 1962 extending accident, health, old-age, disablement and life insurance to members of agricultural co-operatives, their dependants and persons in their service (*ibid.*, No. 37, 1962, text 165).

UNITED KINGDOM

National Insurance Act, 1960.

Family Allowances and National Insurance Act, 1961.

National Insurance Act (Northern Ireland), 1960.

Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962.

A graduated retirement pension scheme covering employed persons having earnings of more than £9 a week came into effect in April 1961. The benefits are related to contributions based on earnings and supplement the flat-rate benefits.

Further reciprocal agreements have been made with the Federal Republic of Germany and Turkey. Moreover, orders in council have been issued with a view to implementing the European Interim Agreement on Social Security.

* * *

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

Argentina, Chile, France, Italy, Poland, United Kingdom.

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1947
Bulgaria	29. 12. 1949	Peru	1. 2. 1960
Chile	18. 10. 1935	Poland	29. 9. 1948
Czechoslovakia	1. 7. 1949	United Kingdom	18. 7. 1936
France	23. 8. 1939		

ARGENTINA

See under Convention No. 35.

FRANCE

Order of 28 July 1961 revising old-age and invalidity pensions under the agricultural social insurance scheme.

For the Government's reply to the request made by the Committee of Experts in 1961 see under Convention No. 35.

JAMAICA (Voluntary Report)

Old-Age Pensions and Superannuation Schemes Law, 1958.

Sugar Workers' Pensions Scheme, 1960 (*The Jamaica Gazette*, No. 119, Supplement, 8 Dec. 1960).

A Sugar Workers' Pension Scheme was adopted in 1960 and is deemed to have been in operation as from 1 January 1959.

The Scheme applies to sugar workers, former sugar workers and aged and needy persons who were formerly registered cane farmers. No remuneration limit has been considered.

Provided a worker is under the age of 65 years (men) or 60 years (women), he may be permitted to join the Scheme; if at the age of retirement he has not achieved the qualifying minimum period of 140 weeks' contributions, he will be refunded the amount of his credit.

The appropriate rate of pension payable shall be determined on the following basis: in the case of a person who has had an average of not less than 14 pay weeks per annum for at least ten years during the period of 15 years immediately preceding the date of his retirement, a basic pension of 15 shillings per week plus an additional weekly sum varying proportionately with the amount of pension contribution made by the person will be payable.

The Scheme is financed by a weekly contribution paid by the workers and the employers. The rate of the worker's contribution is 2½ per cent. of his wages. The employer contributes a sum equal to the contribution of the sugar worker. The public authority at present contributes an amount to the administrative expenses.

The Scheme is administered by an autonomous institution, supervised by the Ministry of Labour. The Board administering this institution is tripartite.

POLAND

See under Convention No. 35.

* * *

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

Argentina, Chile, France, Italy, Poland, United Kingdom.

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		

CHILE

In reply to the request by the Committee of Experts the Government states in its report that, in virtue of the provisions of section 10 of Act No. 7571 of 1 October 1943, section 1 of Decree No. 2259 of 1931 also applies to employees entering the service after 10 May 1918. The report also lists the other legal provisions relating to disablement pensions.

In connection with the request, the report also gives the data obtained from the Directorate of Social Security concerning the qualifying periods for entitlement to a disablement pension under the legislation for the various categories of workers. According to the Directorate the legislation governing the Social Security Fund for Private Employees stipulates a period of three years' contribution.

The legislation for public employees is not consistent with Article 5 of the Convention, and the Directorate states that conditions analogous to those applicable to private employees will be incorporated the next time it is revised. However, the report states that Legislative Decree No. 256 of 1953 almost entirely eliminates the divergency noted in providing that civil service staff suffering from cancer, tuberculosis, cardiovascular or eye diseases are entitled to a disablement pension under certain conditions.

With regard to bank employees the Directorate states that in case of a common ailment a period of not less than ten years' contribution is required for entitlement to a pension.

FRANCE

Decree No. 60-993 of 12 September 1960 amending, *inter alia*, section 304 of the Social Security Code with regard to eligibility for invalidity pension (*Journal officiel*, 16 Sep. 1960).

Decree No. 61-300 of 31 March 1961 amending section 61 of the Decree of 29 December 1945 concerning application of the provisions of Book III of the Social Security Code (*ibid.*, 5 Apr. 1961).

Decree No. 61-1260 of 20 November 1961 extending the provisions of Decree No. 61-272 of 28 March 1961 to beneficiaries of certain invalidity pensions liquidated in accordance with section 10 of the Decree of 28 October 1935 (*ibid.*, 24 Nov. 1961).

Decree No. 62-439 of 14 April 1962 concerning certain provisions to improve old-age and invalidity benefits (*ibid.*, 15 Apr. 1962).

The Decree of 12 September 1960, replacing section 304 of the Social Security Code, states that invalidity providing pension eligibility is defined as reducing by not less than two-thirds the insured person's working or earning capacity, such reduction being assessed with regard to the normal remuneration payable in the same area to workers in the same category, in the occupation performed by the person concerned before interruption of employment followed by invalidity or before medical confirmation of invalidity if such invalidity was due to premature physical strain.

Several other laws and regulations have been adopted revising pension rates and remuneration taken into consideration in defining such rates.

For the Government's reply to the request made by the Committee of Experts in 1961 see under Convention No. 35.

ITALY

See under Convention No. 35.

POLAND

See under Convention No. 35.

UNITED KINGDOM

See under Convention No. 35.

Reciprocal agreements which include sickness insurance provision have been made with Switzerland, Turkey and the Federal Republic of Germany. Moreover, orders in council have been issued with a view to implementing the ratification by Greece, on 29 May 1961, of the European Interim Agreement on Social Security in so far as that ratification applies to Great Britain.

* * *

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

Chile, France, Italy, Poland, United Kingdom.

38. Invalidity Insurance (Agriculture) 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	1. 2. 1960
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
France	23. 8. 1939	United Kingdom	18. 7. 1936

FRANCE

See under Conventions Nos. 35 and 36.

POLAND

See under Convention No. 35.

* * *

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

Chile, France, Italy, Poland, United Kingdom.

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

This Convention came into force on 8 November 1946

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Czechoslovakia	1. 7. 1949
Ecuador	5. 2. 1962
Italy	22. 10. 1952

Countries	Ratification registered on
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

POLAND

See under Convention No. 35.

UNITED KINGDOM

See under Conventions Nos. 35 and 102.

Article 8 of the Convention. The minimum prescribed age in Great Britain is the minimum school-leaving age—usually the fifteenth birthday when this occurs in a school holiday or otherwise the end of the school term in which the fifteenth birthday occurs. The prescribed age is extended to 16 years if the child is incapacitated for regular employment for a long time, and up to 18 years if the child is receiving full-time instruction in a school or is a low-paid apprentice. The position is similar as regards Northern Ireland.

When an insured or pensioned mother dies, the National Insurance benefit for the child (guardian's allowance) is usually made conditional upon her having been a widow at the time of her death. In the case of illegitimate children, where the child's paternity has been admitted, established or adjudged by a Court of Law, guardian's allowance is not payable unless both the mother and father are dead. In other cases, guardian's allowance is payable on the mother's death.

* * *

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

Italy, Poland, United Kingdom.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Peru	1. 2. 1960
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Italy	22. 10. 1952	United Kingdom	18. 7. 1936

POLAND

See under Convention No. 35.

* * *

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

Italy, Poland, United Kingdom.

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

This Convention came into force on 22 November 1936

Countries	Ratification registered on
Afghanistan	12. 6. 1939
Argentina	14. 3. 1950
Belgium ¹	4. 8. 1937
Brazil ¹	8. 6. 1936
Burma ²	22. 11. 1935
Central African Republic ³	27. 10. 1960
Ceylon	2. 9. 1950
Chad ³	10. 11. 1960
Congo (Brazzaville) ³	10. 11. 1960
Dahomey ³	12. 12. 1960
France ¹	25. 1. 1938
Gabon ³	14. 10. 1960
Greece ¹	30. 5. 1936
Guinea ³	21. 1. 1959
Hungary	18. 12. 1936
India ¹	22. 11. 1935
Iraq	28. 3. 1938
Ireland ¹	15. 3. 1937
Ivory Coast ³	21. 11. 1960
Malagasy Republic ³	1. 11. 1960
Mali ⁴	22. 9. 1960
Mauritania ³	20. 6. 1961
Morocco ⁵	13. 6. 1956

Countries	Ratification registered on
Netherlands ¹	9. 12. 1935
New Zealand ¹	29. 3. 1938
Niger ³	27. 2. 1961
Pakistan ^{1 6}	22. 11. 1935
Peru	8. 11. 1945
Senegal ⁴	4. 11. 1960
Republic of South Africa ¹	28. 5. 1935
Switzerland ¹	4. 6. 1936
Togo ³	7. 6. 1960
United Arab Republic ¹	11. 7. 1947
United Kingdom ⁷	25. 1. 1937
Upper Volta ³	21. 11. 1960
Venezuela	20. 11. 1944

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

² See footnote 2 to Convention No. 1.

³ See footnote 4 to Convention No. 4.

⁴ See footnote 7 to Convention No. 4.

⁵ See footnote 8 to Convention No. 4.

⁶ See footnote 3 to Convention No. 1.

⁷ Has denounced this Convention.

GABON

Act No. 88/61 of 4 January 1962 respecting a Labour Code (*Journal officiel*, 4th year, No. 5, special issue, 1 Mar. 1962).

Decree No. 286/PR of 29 September 1962 to amend General Order No. 3759 of 25 November 1954 respecting the employment of women and pregnant women.

Following the comments by the Committee of Experts, the possibility of making exceptions to the prohibition of night work by women authorised under section 3, subsection 2, of the above-mentioned general order (suspension "when by reason of particularly cogent economic conditions the general interest so requires") has been excluded under the above-mentioned decree.

* * *

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

Gabon, Iraq, Mali.

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

Guinea, Hungary, Mauritania, Peru, Venezuela.

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
Algeria ¹	19. 10. 1962	Italy	22. 10. 1952
Argentina	14. 3. 1950	Japan	6. 6. 1936
Australia	29. 4. 1959	Luxembourg	3. 3. 1958
Austria	26. 2. 1936	Mexico	20. 5. 1937
Belgium	3. 8. 1949	Morocco	20. 5. 1957
Bolivia	19. 7. 1954	Netherlands	1. 9. 1939
Brazil	8. 6. 1936	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Norway	21. 5. 1935
Burma	17. 5. 1957	Panama	16. 2. 1959
Congo (Leopoldville) ²	20. 9. 1960	Poland	29. 9. 1948
Cuba	22. 10. 1936	Rwanda ²	18. 9. 1962
Czechoslovakia	1. 7. 1949	Republic of South Africa	26. 2. 1952
Denmark	22. 6. 1939	Spain	24. 6. 1958
Finland	20. 1. 1950	Sweden	24. 2. 1937
France	17. 5. 1948	Turkey	27. 12. 1946
Federal Republic of Germany	17. 6. 1955	United Kingdom	29. 4. 1936
Greece	13. 6. 1952	Uruguay	18. 3. 1954
Haiti	19. 4. 1955		
Hungary	17. 6. 1935		
Iraq	25. 7. 1941		
Ireland	15. 3. 1937		

¹ See footnote 1 to Convention No. 3.

² See footnote 6 to Convention No. 4.

AUSTRALIA (First Report)

Commonwealth.

The Commonwealth Employees' Compensation Act, 1930-59.

Australian Capital Territory.

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

New South Wales.

The Workers' Compensation Act, 1926-60.

The Workers' Compensation (Silicosis) Act, 1942-58.

The Workmen's Compensation (Broken Hill) Act, 1920-60.

Northern Territory.

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

Queensland.

The Workers' Compensation Acts, 1916-60.

South Australia.

The Workmen's Compensation Act, 1932-60.

Tasmania.

The Workers' Compensation Acts, 1927-60.

The Workers' (Occupational Diseases) Relief Fund Acts, 1954-60.

Victoria.

The Workers' Compensation Act, 1958.

Western Australia.

The Workers' Compensation Act, 1912-60.

The Mine Workers' Relief Act, 1932-58.

Article 1 of the Convention. Employees generally are entitled to compensation in respect of industrial accidents and occupational diseases 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 above-mentioned Commonwealth 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. The contingency giving rise to entitlement to compensation is differently defined in the different Acts. In some cases it is personal injury arising out of or in the course of the employment (New South Wales, Queensland and Victoria). In the Commonwealth and territorial legislation and in Western Australia it is personal injury by accident so arising. In South Australia and Tasmania it is personal injury by accident arising out of and in the course of the employment.

In differing circumstances under the Acts and ordinances an employee may be disqualified by his conduct from receiving compensation, e.g. where the injury is intentionally self-inflicted or is attributable to the serious or wilful misconduct of the claimant. Subject to any such disqualification, if the injury or disease results in a condition requiring medical care, total or partial incapacity for work, loss of, or of the effective use of, a part of the body specified in schedules to the Acts and ordinances, or death, compensation is payable.

The legislation limits the times within which notice of injuries must be given and claims made. There is provision for the medical examination of claimants and for the determination of claims as well.

(See also the Government's report on Convention No. 18 in *Summary of Reports on Ratified Conventions*, Report III (Part I), International Labour Conference, 46th Session, Geneva, 1962, pp. 42-45, for further information on the definition of the expression "occupational disease" and the conditions regarding compensation under the Commonwealth Act and the relevant legislation of the various states.)

Three states (New South Wales, Tasmania and Western Australia), in addition to general legislation on industrial injuries, have special legislation concerning compensation for silicosis and pneumoconiosis in mining operations. As regards this legislation the Government makes the following statement:

In New South Wales the contingency giving rise to entitlement to benefit, under the Workers' Compensation (Silicosis) Act, is that the worker has contracted a disease caused by the inhalation of silica dust and that his disablement for work, or death, was reasonably attributable to his exposure to the inhalation of silica dust in New South Wales in an employment to the nature of which the disease was due. Workers employed in mines to which the New South Wales Coal Mines Regulation Act applies or in or about the metalliferous mines at Broken Hill are excluded, as provisions are made for such cases by the Workers' Compensation Act and the Workmen's Compensation (Broken Hill) Act. The rates of compensation payable are the same as those payable in respect of accidents and diseases under the New South Wales Workers' Compensation Act. As regards the Workmen's Compensation (Broken Hill) Act, its operation is limited to metalliferous mines situated in the Broken Hill area of New South Wales. Under this Act a mineworker and his dependants are entitled to compensation where the mine-worker's death was caused by pneumoconiosis and/or tuberculosis or the mine-worker is suffering therefrom to such a degree that he should not be re-engaged or should be withdrawn from employment in the Broken Hill mines. Compensation

is not payable where a mineworker is capable of earning the current state basic wage.

In Western Australia, under sections 47 and 52 of the Mine Workers' Relief Act, a mineworker to whom the Act applies who is notified by the Minister after medical examination under the Act that he is suffering from silicosis in the advanced stage or silicosis with tuberculosis "shall be deemed (for the purposes of the Workers' Compensation Act) to have become totally and permanently incapacitated for work as the result of personal injury by accident arising out of or in the course of the employment in which he was engaged".

In Tasmania the Workers' (Occupational Diseases) Relief Fund Acts apply to employees in certain mining operations as defined in the Acts. An employee who is suffering from any of the diseases to which the Acts apply (including silicosis, pneumoconiosis, lead and arsenic poisoning) and is incapacitated from continuing to work as an employee, and the dependants of an employee whose death is caused by such a disease, are entitled to compensation at the rates prescribed, which correspond with those payable under the Workers' Compensation Act. The last-named Act does not apply where a worker is entitled to compensation under the Workers' (Occupational Diseases) Relief Fund Acts.

Article 2. The Government states that compensation for occupational diseases is payable under all Acts and ordinances in accordance with the general principles of the legislation relating to compensation for industrial accidents, and at the same rates as those prescribed for injuries resulting from industrial accidents.

Under some of the above-mentioned legislative texts, the diseases giving rise to entitlement to benefit are compensated on the basis of a schedule appended to the Act. This is the case in Victoria, under the Workers' Compensation Act; in South Australia, under the Workmen's Compensation Act; in Western Australia, under the Workers' Compensation Act; and in Tasmania, under the Workers' Compensation Acts.

On the contrary, under other texts, compensation is payable for any disease which is due to the nature of the employment, provided that the onus of proof that the disease in question was due to the employment lies with the worker.

The Government supplies full information on the application of the workmen's compensation legislation in the various states (see loc. cit., p. 45).

In addition, the Government states that, under the Workers' Compensation (Silicosis) Act of New South Wales, a special fund is set up from which claims are paid where the medical board constituted under the Act certifies that the conditions of entitlement are fulfilled. Under the Workmen's Compensation (Broken Hill) Act, claims are determined by a joint committee which includes an equal number of representatives of mine owners and mineworkers under an independent chairman.

Under the Workers' (Occupational Diseases) Relief Fund Acts of Tasmania claims are determined by a Special Fund Board which includes representatives of employers and employees with an independent chairman.

The silicosis compensation scheme established under Part IX A of the South Australian Workmen's Compensation Act provides for a Silicosis Compensation Fund which is administered by the Workmen's Compensation (Silicosis) Committee appointed by the Minister.

BELGIUM

Royal Order of 12 March 1962 to amend the Royal Order of 9 September 1956 containing a list of occupational diseases (*Moniteur belge*, 3 Apr. 1962).

Royal Order of 29 June 1962 amending the Royal Order of 9 September 1956 containing a list of occupational diseases (*ibid.*, 13 July 1962).

BOLIVIA (First Report)

Act of 14 December 1956 to promulgate a Social Security Code (*L.S.* 1956—Bol. 1).

Compensation in respect of occupational diseases is paid in accordance with section 39 of the Social Security Code when the medical service of the National Social Security Fund declares a permanent and total or partial incapacity for work. In each of the above-mentioned eventualities the person concerned is entitled to a pension of an amount proportional to the degree of incapacity for work. This is defined in sections 40 and 41 of the Code. Under the above-mentioned sections compensation is payable for occupational diseases on the same conditions as for industrial accidents. These conditions are laid down in sections 42 to 44, 48 to 54, 65 to 69 and 74 to 82 of the Code. The Code also contains in an appended schedule a list of harmful substances liable to give rise to diseases regarded as occupational and carrying entitlement to compensation on that account.

Section 114 of the Regulations issued in implementation of the General Labour Code also contains a list of occupational diseases, to which additions may be made by decision of the medical board set up by the Presidential Decree of 8 November 1946.

CONGO (LEOPOLDVILLE)

Legislative Decree of 2 February 1961 respecting contracts for the hire of services (*Moniteur congolais* (*M.C.*), 1961, No. 9) (*L.S.* 1961—Congo (Leo.) 1).

Legislative Decree of 29 June 1961 to establish a social security scheme (*M.C.*, 1961, No. 17) (*L.S.* 1961—Congo (Leo.) 2).

Ministerial Order No. 8/61 of 27 October 1961 laying down general regulations for the insurance scheme (*M.C.*, 1962, No. 1).

In accordance with the Legislative Decree of 29 June 1961 all workers subject to the regulations respecting contracts for the hire of services are eligible for compensation for industrial accidents and occupational diseases to the same degree and subject to the same conditions. The Government's report describes in detail the conditions of compensation and the categories of workers protected and their dependants.

See also under Convention No. 17.

FRANCE

For the Government's reply to the observations by the Committee of Experts on the limited scope of the French legislation in relation to Article 2 of the Convention and on other points of variance concerning the halogen derivatives of hydrocarbons of the aliphatic series, phosphorus or its compounds, epitheliomatous cancer of the skin and anthrax infection, see *Report of the Committee* (1962), p. 700.

HAITI

In reply to the repeated observations and requests by the Committee of Experts regarding changes to be made in the schedule of occupational diseases in order to bring it into line with the Convention with regard to poisoning by lead, mercury, phosphorus, arsenic, benzene or its homologues, halogen derivatives of hydrocarbons of the aliphatic series, anthrax infection, silicosis, radiation effects and epitheliomatous cancer of the skin, the Government states that it has once again asked the Board of the Social Insurance Institute to amend this list and that it deeply regrets the delay in complying with this essential formality.

REPUBLIC OF SOUTH AFRICA

Notice No. R. 90 of 27 April 1962 amending Acts No. 30 of 1941 and No. 7 of 1961 concerning Workmen's Compensation (*Government Gazette*, No. 229, 27 Apr. 1962).

The above notice follows the request by the Committee of Experts by extending the list of occupational diseases and occupations in accordance with the Convention, with regard to poisoning by the nitro- and amido-derivatives of benzene and pathological disorders due to radioactive substances other than radium or X-rays.

With regard to silicosis in association with tuberculosis, which was also mentioned by the Committee of Experts, the Government states that a proposed amendment was published in the *Government Gazette* of 10 November 1961 but that representations were made for the postponement of this step. The Government states, however, that the question is again under consideration and that it hopes that national legislation will be brought into conformity with the provisions of the Convention in this respect also.

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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 implementation:

Iraq, New Zealand.

43. Sheet-Glass Works Convention, 1934

This Convention came into force on 13 January 1938

Countries	Ratification registered on
Belgium	4. 8. 1937
Bulgaria	29. 12. 1949
Czechoslovakia	19. 9. 1938
France	5. 2. 1938
Ireland	15. 5. 1939
Mexico	9. 3. 1938

Countries	Ratification registered on
Norway	21. 5. 1935
United Kingdom ¹	13. 1. 1937
Uruguay	18. 3. 1954

¹ Has denounced this Convention.

MEXICO

Section 75 of the Federal Labour Code provides that a worker shall work additional hours at normal wages in various cases of urgency. These hours, not being overtime *sensu strictu*, are not required to be registered. A record is kept of other overtime, which is paid at twice the normal rate.

* * *

The report from *Belgium* 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:

Czechoslovakia, France, Ireland, Norway.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Bulgaria	29. 12. 1949
Czechoslovakia	12. 6. 1950
France	21. 2. 1949
Ireland	10. 6. 1937
Italy	22. 10. 1952
New Zealand	29. 3. 1938

Countries	Ratification registered on
Norway	20. 5. 1957
Peru	4. 4. 1962
Switzerland	14. 6. 1939
United Kingdom	29. 4. 1936

¹ See footnote 1 to Convention No. 3.

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

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	Luxembourg	3. 3. 1958
Argentina	14. 3. 1950	Malaya ⁴	11. 11. 1957
Australia	7. 10. 1953	Mexico	21. 2. 1938
Austria	3. 7. 1937	Morocco	20. 9. 1956
Belgium	4. 8. 1937	Netherlands	20. 2. 1937
Brazil	22. 9. 1938	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Nigeria ¹	17. 10. 1960
Byelorussia	4. 8. 1961	Pakistan ⁵	25. 3. 1938
Cameroon:		Panama	16. 2. 1959
Eastern Cameroon	29. 1. 1963	Peru	8. 11. 1945
Western Cameroon ¹	3. 9. 1962	Poland	15. 6. 1957
Ceylon	20. 12. 1950	Portugal	18. 10. 1937
Chile	16. 3. 1946	Sierra Leone ¹	13. 6. 1961
China	2. 12. 1936	Somalia ⁶ (ex-Trust Territory)	18. 11. 1960
Costa Rica	22. 3. 1960	Republic of South Africa	25. 6. 1936
Cuba	14. 4. 1936	Spain	24. 6. 1958
Cyprus ²	23. 9. 1960	Sweden	11. 7. 1936
Czechoslovakia	12. 6. 1950	Switzerland	23. 5. 1940
Dominican Republic	12. 8. 1957	Syrian Arab Republic	26. 7. 1960
Ecuador	6. 7. 1954	Tanganyika ¹	30. 1. 1962
Finland	3. 3. 1938	Tunisia	15. 5. 1957
France	25. 1. 1938	Turkey	21. 4. 1938
Gabon	13. 6. 1961	Ukraine	4. 8. 1961
Federal Republic of Germany	15. 11. 1954	U.S.S.R.	4. 5. 1961
Ghana ¹	20. 5. 1957	United Arab Republic	11. 7. 1947
Greece	30. 5. 1936	United Kingdom	18. 7. 1936
Guatemala	7. 3. 1960	Uruguay	18. 3. 1954
Haiti	5. 4. 1960	Venezuela	20. 11. 1944
Honduras	20. 6. 1960	Viet-Nam	6. 6. 1953
Hungary	19. 12. 1938	Yugoslavia	21. 5. 1952
India	25. 3. 1938		
Indonesia ³	20. 2. 1937		
Ireland	20. 8. 1936		
Italy	22. 10. 1952		
Ivory Coast	5. 5. 1961		
Japan	11. 6. 1956		
Lebanon	26. 7. 1962		

¹ See footnote 2 to Convention No. 15.

² See footnote 3 to Convention No. 15.

³ See footnote 7 to Convention No. 19.

⁴ See footnote 3 to Convention No. 17.

⁵ See footnote 3 to Convention No. 1.

⁶ See footnote 6 to Convention No. 16.

HONDURAS (First Report)

Decree No. 189 of 1 June 1959 to promulgate a Labour Code (*La Gaceta*, 15-18 and 20-23 July 1959, Nos. 16827-16834) (*L.S.* 1959—Hon. 1).

Decree No. 64 of 15 February 1937 to promulgate a Mining Code.

Article 2 of the Convention. Under section 128 of the Labour Code women may not be employed on work which the Labour Code, the Health Code or the health and safety regulations declare to be unhealthy or dangerous. Work underground appears among the occupations described as highly dangerous. Further, section 84 of the Mining Code expressly prohibits the employment of women underground in mines. Lastly, the Convention has become, through ratification, national law supplementing the labour legislation already in force.

The provisions of the Convention are applied by the Ministry of Labour and Social Assistance, the General Directorate of Labour, the General Inspectorate of Labour, the labour courts and appeal courts.

The ordinary courts have not given any judgments involving matters of principle regarding the application of the Convention.

HUNGARY

Order No. 11-1962 (IV.5) respecting the safety and physical integrity of women and minors (*Magyar Közlöny*, 9 Apr. 1962).

Order No. 4-1962 (IV.5) of the Minister of Labour respecting the safety and physical integrity of women and minors (*ibid.*, 9 Apr. 1962).

The new texts bring the legislation into line with the provisions of the Convention.

For the Government's reply to the observation made by the Committee of Experts in 1961 see *Report of the Committee* (1962), p. 701.

UNITED ARAB REPUBLIC

Order No. 64 of 11 February 1960 to prescribe the types of work on which it is unlawful to employ women, by reason of their being dangerous to health and morals, or arduous (*L.S.* 1960—U.A.R. 1).

Presidential Order No. 1900 of 1962 concerning the application of section 4 of Law No. 91 of 1959 (Labour Code) to workers employed by the Government or by public corporations and government departments with independent legal personality.

In reply to a direct request made by the Committee of Experts in 1962 the Government states the following.

Section 1 of Order No. 64 includes underground work in mines among the unhealthy or arduous types of work prohibited to women under section 132 of Law No. 91 of 1959.

By the above-mentioned Presidential Order, section 4 of Law No. 91 of 1959 has been extended to workers employed by the Government or by public corporations and government departments with independent legal personality.

YUGOSLAVIA

In reply to an observation made by the Committee of Experts in 1962 the Government states that section 76 of the Labour Relations Act has not been changed. However, the question of the application of this general provision does not arise in connection with underground work, in view of the special nature and conditions of such work. Furthermore, the Secretariat of Labour of the Federal Executive Council has given instructions to the inspection services not to take account of the general authorisation afforded by section 76 as concerns the employment of women underground in mines. Moreover, the interpretation given to section 76 by the official handbook concerning the application of the Labour Relations Act makes it clear that the employment of women underground in mines may not be authorised in virtue of this section.

* * *

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

China, Honduras, Hungary, Malaya, United Arab Republic, Venezuela, Yugoslavia.

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

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

BYELORUSSIA

As a result of measures taken during the previous period weekly hours of work now amount to 41. A large number of wage-earners and salaried employees at present now have a 36-hour week. The average number of hours per week for all wage-earners and salaried employees is below 40. The Communist party's programme established at its 22nd Congress calls for hours of work to be reduced to 35 per week in the next ten years, and to 30 hours for unhealthy or underground jobs.

UKRAINE

In reply to a request made by the Committee of Experts the Government states that the reduction of hours of work has not resulted in any decrease in the remuneration of workers, because wage rates have been adjusted. Average remuneration increased by 5 per cent. between 1959 and 1961.

U.S.S.R.

In reply to a direct request made by the Committee of Experts the Government states that by 31 March 1961 the average number of weekly hours of work was 40 for industrial workers and 39.4 for the national economy as a whole. More than 6 million workers, including workers engaged in underground and other arduous work, teaching staff and persons employed by scientific institutions, work for less than seven hours per day, that is for less than 40 hours per week.

Overtime constituted only one-half per cent. of the total hours worked in industry.

Measures taken to regulate wages in certain branches of the economy have resulted in an increase in the wages of workers. The programme of the Communist party established at its 22nd Congress provides that during the next ten years the working week should be reduced to 35 hours and to 30 hours for underground and unhealthy work.

* * *

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

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

48. Maintenance of Migrants' Pension Rights Convention, 1935*This Convention came into force on 10 August 1938*

Countries	Ratification registered on
Czechoslovakia	12. 6. 1950
Hungary	10. 8. 1937
Israel	16. 1. 1963
Italy	22. 10. 1952

Countries	Ratification registered on
Netherlands	6. 10. 1938
Poland	21. 3. 1938
Spain	8. 7. 1937
Yugoslavia	4. 1. 1946

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

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935*This Convention came into force on 10 June 1938*

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Czechoslovakia	19. 9. 1938
France	25. 1. 1938
Ireland	10. 6. 1937

Countries	Ratification registered on
Mexico	21. 2. 1938
New Zealand	29. 3. 1938
Norway	21. 7. 1936

MEXICO

In reply to a request made by the Committee of Experts the Government lists five automatic glass-bottle works and states that each of them keeps a record of all additional hours worked.

* * *

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

Czechoslovakia, France, Ireland, New Zealand, Norway.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Somalia ⁵ (ex-British Somaliland) .	18. 11. 1960
Belgium ¹	26. 7. 1948	Tanganyika ²	30. 1. 1962
Cameroon (Western Cameroon) ³ .	3. 9. 1962	United Kingdom ¹	22. 5. 1939
Congo (Leopoldville) ³	20. 9. 1960		
Ghana ²	20. 5. 1957		
Jamaica ²	26. 12. 1962		
Japan	8. 9. 1938		
Malaya ⁴	11. 11. 1957		
New Zealand ¹	8. 7. 1947		
Nigeria ²	17. 10. 1960		
Norway	7. 7. 1937		
Rwanda ³	18. 9. 1962		
Sierra Leone ²	13. 6. 1961		

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 2 to Convention No. 15.

³ See footnote 6 to Convention No. 4.

⁴ See footnote 3 to Convention No. 17.

⁵ Has confirmed its obligations under this Convention which the United Kingdom had previously declared applicable to British Somaliland.

GHANA

In reply to a request by the Committee of Experts the Government states that the Labour Ordinance will be revised and Article 7 of the Convention will be incorporated in it.

TANGANYIKA

In response to a request made by the Committee of Experts in 1959 the Government states that consideration is being given to the amendment of legislation to provide that workers recruited on written contracts of less than six months' duration should be medically examined and engaged on attested contracts.

* * *

The report from *Tanganyika* 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, Japan, Malaya, New Zealand, Norway.

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	Ivory Coast	5. 5. 1961
Argentina	14. 3. 1950	Kuwait	21. 9. 1961
Brazil	22. 9. 1938	Lebanon	26. 7. 1962
Bulgaria	29. 12. 1949	Libya	20. 6. 1962
Burma	21. 5. 1954	Malagasy Republic	10. 8. 1962
Byelorussia	6. 11. 1956	Mexico	9. 3. 1938
Chad	8. 6. 1961	Morocco	20. 9. 1956
Cuba	20. 7. 1953	New Zealand	10. 11. 1950
Czechoslovakia	12. 6. 1950	Panama	3. 6. 1958
Denmark	22. 6. 1939	Peru	1. 2. 1960
Dominican Republic	5. 12. 1956	Senegal	22. 10. 1962
Finland	23. 8. 1949	Syrian Arab Republic	26. 7. 1960
France	23. 8. 1939	Tunisia	15. 5. 1957
Gabon	13. 6. 1961	Ukraine	14. 9. 1956
Greece	13. 6. 1952	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	United Arab Republic	3. 7. 1954
Iraq	12. 5. 1960	Uruguay	18. 3. 1954
Israel	22. 8. 1951	Viet-Nam	6. 6. 1953
Italy	22. 10. 1952	Yugoslavia	26. 3. 1953

ALBANIA

In reply to the request made by the Committee of Experts in 1962 the Government states that the competent authorities are to consider the possibility of making some amendment to the provisions of the existing legislation.

ARGENTINA

In reply to the observation made by the Committee of Experts in 1962 the Government states that the commission created by Ministerial Decision No. 383, which is examining the possibility of bringing the national legislation into line with international labour Conventions, has prepared a draft Bill which expressly adapts the provisions of Decree No. 1740/45 to the text of the Convention. The Government adds that the courts have unfailingly held that days of absence from work on account of sickness or accident may not be deducted from holidays.

IRAQ (First Report)

Article 1 of the Convention. Section 2 of the Labour Code defines the line which separates the various undertakings specified in the Convention.

Article 2. Subsections 1 to 4 of section 13 entitle workmen and employees to annual leave on full wages at the rate of one day for each month of continuous employment.

Articles 6 and 7. The employer shall pay his workman or employee the wages and allowances owed him within two days of the cessation of his service.

Under section 48 of the Labour Code the employer must keep registers in order to facilitate the application of the law. A specimen copy of the annual leave record is attached.

PERU (First Report)

Legislative Decision No. 13284.

Act No. 9049 of 13 February 1940.

Act No. 13683 of 19 July 1961 (*El Peruano*, 26 Aug. 1961).

Presidential Decree No. 17 of 24 October 1961 issuing Regulations for Act No. 13683.

Presidential Decree of 9 May 1939.

Presidential Decree of 8 May 1959.

Presidential Decree of 27 October 1956.

Presidential Decree of 26 November 1956.

Presidential Decision of 29 March 1954.

Under Presidential Decree No. 17 workers employed by individuals or undertakings with legal personality, whatever their aims or objects, and under Act No. 9049 public employees, those of state-controlled companies or those in the service of banking, commerce and industry, have the right to paid holidays.

Article 1 of the Convention. The system of holidays applies to workers in industry, commerce and agriculture.

Article 2. Both wage and salary earners have the right to 30 consecutive days' paid holiday. Minors are also entitled to 30 days' holiday.

Days of absence for duly certified sickness, industrial accident, suspension by a disciplinary measure, leave for trade union leaders, authorised non-attendance and holidays shall be regarded as days worked for the calculation of the 260-day minimum which gives the right to annual holiday.

By order of the General Directorate of Labour dated 10 October 1940 holidays may not be divided.

Article 3. During their holidays employees receive the value of their monthly wage, and workers that of 30 days' pay.

Article 4. Social rights and benefit may not be forgone; any agreement to that effect is void.

Article 6. In case of dismissal for a reason imputable to the employer the national legislation provides that employed persons shall receive remuneration for their holiday even when dismissal occurs before the date of entitlement.

Article 7. During the first quarter of each year employers must make lists of their employees indicating the dates of their holidays and forward it to the General Directorate of Labour or the regional inspectorates.

Article 8. If the employer does not allow the worker to take holidays during the year following that in which he became entitled to them, the employer shall pay treble remuneration for the period worked.

The report adds a detailed description of the procedure for complaints regarding the right to holidays.

UNITED ARAB REPUBLIC

In reply to the direct request made by the Committee of Experts in 1962 the Government states the following.

Article 2, paragraph 3, of the Convention. Section 63 of Law No. 91 of 1959 (Labour Code) provides that a worker whose sickness is duly proved shall be entitled in any one year to 70 per cent. of his wages for the first 90 days, and to 80 per cent. for the next 90 days.

Article 3. No provision of Law No. 91 provides for the payment of a cash equivalent in lieu of benefits in kind.

Article 7. A copy of a file used under section 69 of Law No. 91 was enclosed.

* * *

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

Iraq, New Zealand, Peru.

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	Peru	4. 4. 1962
Denmark	13. 7. 1938	Philippines	17. 11. 1960
Finland	8. 4. 1947	Syrian Arab Republic	26. 7. 1960
France	19. 6. 1947	United Arab Republic	20. 5. 1939
Italy	22. 10. 1952	United States	29. 10. 1938
Liberia	9. 5. 1960	Yugoslavia	26. 5. 1961

LIBERIA

Article 5, paragraph 1, of the Convention. In reply to a direct request by the Committee of Experts for additional information the Government reports that in regard to the system of inspection an Office of Deputy Commissioner of Maritime Affairs has been established in New York, with jurisdiction throughout the world. The International Trust Company of Liberia has been appointed as agent to administer the regulations. The facilities of all Liberian consulates throughout the world are used by the agent as well as by the Commissioner of Maritime Affairs in the due enforcement of the licensing programme.

The report gives further information concerning the detailed application of the licensing programme, including the standard requirements for officers' certificates, the centralisation of authority for the control and issue of licences, the requirements for annual reports covering all officers serving on board Liberian vessels as well as the maintenance of complete files by the Commissioner of Maritime Affairs on all matters concerning the licensed officers serving in the Liberian merchant marine.

Paragraph 2. Adequate procedure is provided for detaining Liberian vessels in cases of failure to comply with the requirements of the Convention.

Paragraph 3. Liberia has no objection to the application of the provision of this paragraph and is taking measures to ensure that this is done.

Because of the short period since the Convention was ratified, insufficient statistics are available concerning the number of certificates issued and the number and nature of infringements reported.

PHILIPPINES (First Report)

The report states that the Bureau of Customs is not aware of any statutory or administrative implementation of the Convention.

The following certificates are issued to those who pass the prescribed examination: Master, Mate (First, Second and Third), Patron in the major coastwise trade, Patron in the minor coastwise trade, Marine Engineer (First, Second, Third and Fourth), Motor Engineer.

Certificates issued by a foreign country are not recognised for engagement on board vessels of the Philippines.

No provisions exist to permit detention of a vessel registered in the Philippines by Philippine authorities for breach of the provisions of the Convention.

* * *

The report from *New Zealand* reproduces the information previously supplied.

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	Mexico	15. 9. 1939
Bulgaria	29. 12. 1949	Morocco	14. 3. 1958
France	19. 6. 1947	Peru	4. 4. 1962
Italy	22. 10. 1952	United States	29. 10. 1938
Liberia	9. 5. 1960		

LIBERIA

In reply to a request made by the Committee of Experts in 1962 the Government states the following.

Article 3 of the Convention. The term "care" used in section 312 of the Maritime Law includes supplies of proper and sufficient medicines and therapeutic appliances.

Article 5, paragraphs 1 (b) and 2. The legislation provides for no limitations other than a limitation on payment of wages in whole or in part beyond the termination date of the seaman's engagement or the date the seaman is first discharged fit for duty, whichever occurs first.

Article 6, paragraph 3. According to the interpretation and application of the provisions of section 314 of the Law, the benefit includes the cost of transportation, accommodation and food of sick and injured persons.

Article 8. Under policies established by the Bureau of Maritime Affairs, the master must cause the personal property of the sick, injured or deceased seaman to be inventoried or accounted for and transmitted to the seaman's home, to the nearest Liberian consul or to the nearest consular officer of the country of which the seaman is a national.

Article 9. Pursuant to section 33 of the Law, settlement of disputes by circuit courts results in settlements comparable to those made by courts of other countries with a common law system following the British tradition.

Article 11. The Maritime Law applies to all seamen aboard Liberian flag vessels irrespective of nationality, race or domicile.

* * *

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

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
Algeria ¹	19. 10. 1962	Mexico	18. 7. 1952
Argentina	17. 2. 1955	Netherlands	8. 7. 1947
Belgium	11. 4. 1938	New Zealand	7. 6. 1946
Brazil	12. 10. 1938	Nigeria	16. 6. 1961
Bulgaria	29. 12. 1949	Norway	7. 7. 1937
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Canada	10. 9. 1951	Sierra Leone ²	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 ²	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		
Jamaica ²	26. 12. 1962		
Japan	22. 8. 1955		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 15.

ALBANIA

Decree No. 3484 of the Presidium of the People's Assembly, 9 April 1962.

Article 2 of the Convention. In reply to a direct request by the Committee of Experts the Government states that the above decree, which amends section 9 of the Labour Code, prohibits the conclusion of contracts of employment with children under 15 years of age in industry and maritime work.

Article 4. Article 15 of the Ordinance of the Council of Ministers, No. 14, dated 16 January 1958, states that all workers are to be supplied with work cards within five days of engagement, and that all the information inscribed on these cards should be entered in the register of personnel. This information includes the name of the employee and the date of his birth, thus ensuring strict control over the employment of minors.

GHANA

Shipping legislation is under consideration. Meanwhile the present legislation has been extended to cover the period ending 30 June 1963.

IRAQ

Articles 1, 2 and 4 of the Convention. The Government states in its report that Articles 1 and 2 are applied by Regulation No. 4 of 1961 issued under section 24 (c) of the Labour Law, No. 1, 1958, and that sections 8 and 11 of the said Regulation apply Article 4.

A specimen of the register, as required under Article 4, cannot be supplied in view of the fact that no person under 18 years of age is employed at present in Iraqi maritime navigation.

LIBERIA

In reply to a direct request made by the Committee of Experts in 1962 the Government states in its report that there is no need to keep a register of young persons under 16 years of age employed on board ships of over 1,600 tons gross registered tonnage, since the employment of children under 16 years is strictly prohibited. Consideration is being given to extend the prohibition to employ children under 16 years of age on all vessels.

SWITZERLAND (First Report)

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

Section 63 of the above-mentioned Act gives effect to the provisions of the Convention and applies to all sea-going Swiss vessels. The crew list must contain the indication of the date of birth of each member of the crew.

Supervision of the application of the Act is entrusted to Swiss consulates and to the Swiss Maritime Navigation Office.

TURKEY

Article 4 of the Convention. In reply to a direct request made by the Committee of Experts in 1962 the Government states in its report that the question of the inclusion of a space in the crew list, designed to contain the date of birth of young persons under the age of 16 years, will be considered when an amendment to the relevant regulations is examined.

* * *

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

Albania, Belgium, Byelorussia, Canada, France, Ghana, Iraq, Italy, Japan, Liberia, Netherlands, New Zealand, Norway, Switzerland, Turkey, United States, Yugoslavia.

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

Argentina, Brazil, Bulgaria, Ceylon, Denmark, Mexico, Sweden, Ukraine, U.S.S.R., Uruguay.

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	Norway	26. 8. 1938
Bulgaria	22. 7. 1960	Pakistan	26. 5. 1955
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
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		
New Zealand	8. 7. 1947		

¹ See footnote 2 to Convention No. 15.

ALBANIA

For the Government's reply to the observations by the Committee of Experts see *Report of the Committee* (1962), p. 702.

BULGARIA (First Report)

Ukase No. 544 to promulgate the Labour Code (*Izvestiya*, No. 91, 13 Nov. 1951) (*L.S.* 1951—Bul. 2).
Ukase No. 466 of 6 November 1957 to promulgate an Act to amend and supplement the Labour Code (*Izvestiya*, No. 92, 15 Nov. 1957) (*L.S.* 1957—Bul. 2).

Circular No. 21375 of 5 November 1958 of the Industrial Safety Directorate of the Central Council of Trade Unions.

Schedule of heavy or harmful jobs prohibited for young persons of between 14 and 16 years of age (*Izvestiya*, No. 65, 5 Aug. 1952).

Schedule of heavy or harmful jobs prohibited for young persons of between 16 and 18 years of age (*ibid.*, No. 12, 10 Feb. 1953).

Regulations supplementing the regulations concerning preliminary and periodical medical examination for wage-earners and salaried employees (*ibid.*, No. 12, 10 Feb. 1961).

Article 1 of the Convention. The provisions of the Labour Code apply to all wage-earners and salaried employees in undertakings, institutions and national economic organisations.

Article 2. The minimum age for admission to employment is fixed at 16 years. Persons aged between 15 and 16 may be admitted to employment only in exceptional circumstances and subject to authorisation by the labour inspectorate.

Article 4. Undertakings, institutions and organisations keep records of wage-earners and salaried employees aged under 18. These records must include the date of birth.

Article 5. Wage-earners and salaried employees aged under 18 may not be required to perform heavy or unhealthy work. Persons aged under 20 are not admitted to underground jobs in which there is a danger of contracting silicosis.

CHINA

Article 8, paragraph 3, of the Convention. In reply to a request for information made by the Committee of Experts in 1962 the Government states that provision has been made under section 48 of the draft Labour Law, prohibiting children from

admission to certain prescribed jobs and forbidding children under 15 years of age to work in mines, and will be transmitted to the Legislative Yuan for consideration. The Government adds that, since the provision is based on the Convention already ratified by it, it may be assumed that the provision will be adopted.

IRAQ (First Report)

Labour Law No. 1 of 1958, revised in 1961 (*Al-Waqayt'u al'Iraqiya*, No. 511, 12 Apr. 1961) (L.S. 1962—Iraq 1).

Regulation No. 4 of 1961 concerning the employment of women, young persons and children.

Article 1 of the Convention. Section 1, paragraph 5, and section 2-1-A of the Labour Law are applicable.

Article 2. Sections 6, 20 and 21 of the Labour Law and sections 2 to 6 of Regulation No. 4 are applicable.

Article 3. Section 3 of Regulation No. 4 applies this Article.

Article 4. Section 48 of the Labour Law meets this requirement. A specimen copy of the register was attached to the Government's report.

Article 5. Employment of children and young persons in dangerous work is prohibited under section 22 of the Labour Law and section 4 of Regulation No. 4.

ITALY

In reply to a request by the Committee of Experts the Government states that under the social insurance provisions the employer has to keep certain records, among them a staff register. All workers, including those under 18 years of age (Royal Decree No. 1765 of 17 August 1935), must be entered on this register, which must show, among other particulars, the surname, first name, date and place of birth. The Labour Inspection Service supervises the application of these provisions.

PHILIPPINES (First Report)

Act No. 679 of 8 April 1952: Woman and Child Labour Law (L.S. 1952—Phi. 1).

Act No. 1131 of 16 June 1954 to amend sections 3, 7 and 12 of Act No. 679 (L.S. 1954—Phi. 2).

Departmental Order No. 14-A of the Department of Labor, dated 3 September 1954, to define the term "immediate members of the family" in connection with the implementation of Act No. 679, as amended by Act No. 1131.

Act No. 2628 of 18 June 1960, amending Act No. 1826, known as the "National Apprenticeship Act of 1957" (*Official Gazette*, Vol. 56, No. 36, 5 Sep. 1960).

Article 1, paragraph 1, of the Convention. Section 2, paragraphs 1 and 2, of Act No. 679, as amended, applies this provision.

Paragraph 2. The Congress defines the line of division which separates industry from commerce and agriculture. National laws give a generic definition of industry, commerce and agriculture, and the respective executive departments enforcing them are granted discretion and powers to further classify occupations falling under each branch.

Article 2, paragraph 1. Section 2, paragraphs 1 and 2, of Act No. 679, as amended, applies this provision.

Paragraph 2. The term "members of the employer's family" has been incorporated in section 1 (c) (2) of Act No. 679, and defined under Department of Labor Order No. 14-A. Section 1 (c) (2) of Act No. 679, as amended, enumerates some family undertakings wherein members of the family of the employers are or

are not permitted to work. The procedure authorising employment in undertakings in which work is not harmful is promulgated by the Department of Labor.

Article 3. Under section 1 (c) (3) of Act No. 679 the prohibition of employment of minors shall not apply to work done in authorised vocational, technical or professional schools of a non-lucrative character.

Article 4. According to section 11 (b) of Act No. 679 every employer shall keep the birth certificates, educational certificates, medical certificates and special work permits pertaining to children employed by him. Forms have been devised by the Bureau of Women and Minors for the registration of children.

Article 5, paragraph 1. Under the Woman and Child Labour Law the higher ages of 16 and 17 years have been prescribed for children permitted to work or to be employed on certain kinds of work. Children aged 14 and 15 and those aged 12 and 13 years are allowed to work. The employment of the latter group is permitted only under certain conditions, i.e. when the family is in utmost financial need. In authorising the employment of children, the Bureau of Women and Minors issues employment certificates and special work permits with the approval of the Secretary of Labor.

Articles 6 to 8. These are not applicable.

The Bureau of Women and Minors, which was created under Act No. 2714 of 18 June 1960 and began to operate on 16 January 1961, has been authorised to enforce the Woman and Child Labour Law.

The Inspection and Field Services Division of the Bureau takes charge of the field services. Owing to budgetary restrictions in the current fiscal year, its personnel and inspection facilities are limited. Inspectors of the regional offices visit industrial, commercial and agricultural establishments and all places of work and recommend adoption of any necessary measures in order to improve the working conditions and promote the welfare of the workers, in particular that of women and young workers.

The Convention is well applied. Evaluation of the inspection reports and compliance with the pertinent legal provisions relating to the Convention show progressive trends.

The matter of minimum age for children was discussed with the most active labour unions in February 1962, and the consensus was that the age of 14 was quite appropriate to the country.

TANGANYIKA

Employment Ordinance, 1955 (Cap. 366) (L.S. 1955—Tan. 1).

Employment (Amendment) Ordinance, No. 10, 1960 (L.S. 1960—Tan. 1).

Article 1, paragraph 1, of the Convention. An "industrial undertaking" is defined in section 2 of the Employment Ordinance as in this paragraph.

Paragraph 2. The Employment of Children (Exempted Occupations) Order, 1957, excludes from the application of the Employment Ordinance, 1955, certain specified agricultural occupations not involving the use of machinery, which form part of an industrial undertaking as defined in the ordinance.

Article 2. Section 81 (1) of the Employment Ordinance prohibits employment of children under 15 years in an industrial undertaking.

Article 3. Section 81 (2) provides an exemption in conformity with this Article.

Article 4. Section 85 (1) requires an employer to maintain a register of all young persons under 18 years employed in an industrial undertaking with particulars of their age or apparent age.

The legislation is administered by the Labour Division of the Ministry of Health and Labour.

* * *

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

Albania, Byelorussia, Bulgaria, China, Ghana, Iraq, Italy, Luxembourg, Pakistan, Philippines, Tanganyika, Ukraine, U.S.S.R.

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

New Zealand, Norway.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	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.

ITALY

Act No. 1325 of 29 November 1961 amending Act No. 653 of 26 April 1934 concerning protection of employment of women and children (*Gazzetta Ufficiale*, No. 320, 28 Dec. 1961).

Article 3, paragraph 6, of the Convention. In reply to a request by the Committee of Experts the Government states that the Ministry of Labour and Social Welfare is at present preparing a draft decree to define "light work" in which children aged between 13 and 15 may be employed.

LUXEMBOURG

See under Convention No. 59.

The draft Bill concerning protection of children and young workers has undergone a number of amendments in order to allow for the observations by the Committee.

UKRAINE

The jobs in which persons aged under 18 may not be employed are listed in a schedule which was approved on 29 August 1959.

In accordance with the Federal Act of 17 April 1958, public education in the Ukraine was reformed in such a manner as to bring general education and vocational training into close association; in this manner schoolchildren participate in forms of socially valuable work within the framework of their curriculum.

* * *

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

Byelorussia, Italy, Luxembourg, Ukraine, U.S.S.R.

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

Bulgaria, New Zealand.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Peru	4. 4. 1962
Belgium	3. 10. 1951	Poland	17. 4. 1950
Bulgaria	29. 12. 1949	Rwanda ²	18. 9. 1962
Congo (Leopoldville) ²	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		
Netherlands	2. 5. 1950		

¹ See footnote 1 to Convention No. 3.

² See footnote 6 to Convention No. 4.

FINLAND

The report stresses that section 35 of the Building Regulations empowers the Ministry of Social Affairs to issue more detailed directives on the application of the Regulations. It also points out a few details from the revised Building Regulations of 1956 and from the Occupational Safety Act of 1958, which enforce the practical application of the Convention.

Article 15, paragraph 3, of the Convention. As to the full application of this Article the report gives details of the practical application of the relevant regulations.

The triennial report on the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937 (No. 53), is annexed to the Government's report.

FRANCE

The subcommittee of the Industrial Safety Committee formed to examine the draft public administration regulations to replace the Decree of 9 August 1925 is actively engaged in its work.

The draft regulations submitted to the subcommittee contain a much larger number of provisions with a wider scope than those in the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937 (No. 53).

MEXICO

The report states that the suggestion that the text of the Convention be added to the Regulations for Building Works and Urban Services in the Federal District has been passed on to the Federal District Department to be taken into account in the event of an edition being published. The Government intends to promulgate regulations on the subject to include all the provisions of the Convention rather than leave them scattered in various legislative texts.

In reply to the observations by the Committee of Experts the report stresses that the Federal Labour Act, Chapter VI, gives effect to Article 3, paragraphs (a), (b) and (c) of the Convention; Chapter 43.3 of the Regulations for Building Works and Urban Services in the Federal District gives effect to Article 8, paragraph 2, of the Convention; Chapter 42.4 of the Regulations gives effect to Article 11; section 7 of the Regulations gives effect to Article 12; Chapter 42.2 of the Regulations gives effect to Article 14; and Chapter VI of the Federal Labour Act gives effect to Article 17.

POLAND

Quoting administrative standards RN-0301, RN-0302, RN-0303, RN-0304, RN-0305, RN-0330 and RN-0331 the Government provides some specific measures that give effect to Article 8, paragraph 2 (b), of the Convention. It also states that the provisions of the Technical Specifications for the Performance and Acceptance of Building and Installation Works, published in 1958 by the Technical Department of the Ministry of Construction and Building Materials, give effect to Article 17.

SPAIN

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

Article 7, paragraph 2, of the Convention. Section 13 of the Royal Decree of 23 January 1916, where it is stipulated that the municipal architect must inspect scaffolds before they are used and issue a certificate of safety, gives effect to this provision.

Section 34 of the Regulations of 15 June 1952 applies also to scaffolds not erected by the workmen of the employer.

Article 9. There is no height limit for scaffolds, but effect is given by implication to this Article in the Safety Regulations of 1952 and 31 January 1940, where it is specified that scaffolds must fulfil the requisite safety requirements.

Article 12 and Article 14, paragraph 1. These provisions, relating to the methods used in the examination and testing of hoisting equipment and the determination of the safe working load, find their application in the Regulations of 1 August 1952 respecting the construction and installation of lifts and hoists.

Article 17. Effect is given by implication to this Article by section 100 of the General Safety and Hygiene Regulations, which refers to first aid.

* * *

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

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

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

Bulgaria, Congo (Leopoldville), Federal Republic of Germany, Hungary, 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
Algeria ¹	19. 10. 1962	Netherlands	9. 3. 1940
Australia ²	5. 9. 1939	New Zealand ²	18. 1. 1940
Austria ^{2 3}	26. 11. 1958	Norway ⁴	29. 3. 1940
Burma ^{3 4}	24. 11. 1961	Republic of South Africa ^{2 3}	8. 8. 1939
Canada	6. 4. 1946	Sweden ⁴	21. 6. 1939
Ceylon ³	25. 8. 1952	Switzerland ^{3 4}	23. 5. 1940
Chile ⁴	10. 5. 1957	Syrian Arab Republic ^{3 4}	26. 7. 1960
Cuba	7. 9. 1954	Tanganyika ²	19. 11. 1962
Czechoslovakia	12. 6. 1950	United Arab Republic ^{3 4}	5. 10. 1940
Denmark ⁴	22. 6. 1939	United Kingdom	26. 5. 1947
Finland ⁴	8. 4. 1947	Uruguay	18. 3. 1954
France	28. 6. 1951		
Federal Republic of Germany	22. 6. 1954		
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Mexico	16. 7. 1942		

¹ See footnote 1 to Convention No. 3.

² Excluding Part II.

³ Excluding Part IV.

⁴ Excluding Part III.

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

New Zealand, Republic of South Africa.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on
Belgium ¹	26. 7. 1948
Cameroon (Western Cameroon) ²	3. 9. 1962
Congo (Leopoldville) ³	20. 9. 1960
Ghana ²	20. 5. 1957
Jamaica ³	26. 12. 1962
Malaya ⁴	11. 11. 1957
New Zealand ¹	8. 7. 1947
Nigeria ³	17. 10. 1960
Rwanda ³	18. 9. 1962
Sierra Leone ²	13. 6. 1961

Countries	Ratification registered on
Somalia ⁵ (ex-British Somaliland)	18. 11. 1960
Tanganyika ²	30. 1. 1962
United Kingdom ¹	24. 8. 1943

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

² See footnote 2 to Convention No. 15.

³ See footnote 6 to Convention No. 4.

⁴ See footnote 3 to Convention No. 17.

⁵ See footnote 5 to Convention No. 50.

GHANA

Article 4, paragraph 1, of the Convention. With reference to a direct request made by the Committee of Experts the Government states that the new Labour Bill under consideration contains provisions giving effect to this provision of the Convention.

* * *

The report from *Congo (Leopoldville)* 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:

Malaya, New Zealand, Tanganyika.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on
Cameroon (Western Cameroon) ¹	3. 9. 1962
Ghana ¹	20. 5. 1957
Guatemala	4. 8. 1961
Jamaica ¹	26. 12. 1962
Liberia	25. 5. 1962
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

Countries	Ratification registered on
Somalia ⁴	18. 11. 1960
Tanganyika ¹	30. 1. 1962
Tunisia	17. 12. 1962
United Kingdom ³	24. 8. 1943

¹ See footnote 2 to Convention No. 15.

² See footnote 3 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 9 to Convention No. 29.

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

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
Algeria ¹	19. 10. 1962	Netherlands	17. 6. 1958
Argentina	24. 9. 1956	Norway	28. 1. 1957
Belgium	5. 12. 1951	Peru	4. 4. 1962
Bulgaria	29. 12. 1949	Poland	13. 4. 1954
Canada	19. 3. 1951	Portugal	13. 6. 1952
France	9. 12. 1948	United Kingdom	6. 8. 1953
Ireland	12. 6. 1956		
Italy	22. 10. 1952		

¹ See footnote 1 to Convention No. 3.

BULGARIA

The Government annexes to its report a copy of new regulations concerning ships' sanitation, published in *Izvestiya*, No. 50, 22 June 1962.

FRANCE

Article 6, paragraphs (a), (b) and (c), of the Convention. In reply to a direct request concerning these provisions the Government states that the Circular of 9 January 1942 applying them has the force of a permanent instruction and adds that effect is also given thereto by the provisions of section 14 of the Act of 6 January 1954, which authorises labour or maritime inspectors to enforce all of the regulations relating to the safety of crews and passengers.

Article 7, paragraph 2. This provision is applied under section 3 of the national seafarers' collective agreement of 30 November 1950, which requires that complaints concerning working and living conditions on board ship be written in a log-book held in the joint custody of the crew and the maritime inspector.

Article 9, paragraphs 1 and 2. This provision is also applied by Chapter IV of Decree No. 54-1232 of 7 December 1954 respecting the preservation of food and drink, as well as by the Decree of 4 February 1930 modifying the Decree of 26 March 1909 empowering the general maritime inspectorate to enforce the relevant legislation.

ITALY

A committee appointed by the Minister of the Merchant Marine to improve and rationalise seafarers' nutrition has published a recommended list of dietetical values which is to be used as a reference for inspectors reviewing ships' food supplies.

An annual reporting procedure has been adopted in accordance with Article 10 of the Convention.

PORTUGAL

Articles 3, 5, 6, 8 and 10 of the Convention. Some information on the application of these Articles is included in the Government's report.

Article 11. The Government states that certification and vocational training of cooks and mess stewards is covered by Decree No. 23764 of 13 April 1934, Decree No. 41643 of 23 May 1958 and Decree No. 42978 of 14 May 1960.

For entrance to the examination for certification as mess steward the applicant must hold a shore hotel catering card, while applicants for the second and first class

cook's examination must have attestations of ability delivered by former employers. Cooks and stewards may also obtain certification after completing appropriate courses at the merchant marine vocational training schools.

* * *

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

Belgium, Bulgaria, Canada, France, Italy, Netherlands, Poland, Portugal, United Kingdom.

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

Argentina, Ireland, Norway.

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Norway	6. 3. 1952
Belgium	5. 12. 1951	Peru	4. 4. 1962
Bulgaria	29. 12. 1949	Poland	13. 4. 1954
Canada	19. 3. 1951	Portugal	13. 6. 1952
France	9. 12. 1948	United Kingdom	29. 7. 1949
Ireland	16. 6. 1951	Yugoslavia	6. 3. 1961
Italy	22. 10. 1952		
Netherlands	23. 2. 1951		

¹ See footnote 1 to Convention No. 3.

YUGOSLAVIA (First Report)

Labour Relations Act (*Službeni List*, No. 53/57).

Regulations concerning the obtaining of merchant marine crew certification (*ibid.*, No. 42/58, as modified by *ibid.*, No. 52/60).

Instruction of 18 July 1962 modifying the Instruction for merchant marine crew member certification examinations (*ibid.*, No. 36/62).

Decree concerning apprentices (*ibid.*, No. 39/52).

Decree concerning professional schools (*ibid.*, No. 39/52).

Regulations concerning trades and professions (*ibid.*, Nos. 19/50 and 26/50).

Regulations concerning final examinations for apprentices and Instruction concerning examinations for vocational training certificates (*ibid.*, No. 10/61).

Article 1 of the Convention. The first of the Regulations cited above are applicable to all merchant navy vessels without exception.

Article 4. Under the same Regulations all seafarers, including ships' cooks, must be at least 18 years of age; trainees must have spent six months at sea to be eligible for certification as ships' cooks.

Trainees may obtain the necessary vocational training by apprenticeship, vocational training schools or practical experience. On the completion of any one of these types of programme the trainee must complete a theoretical and practical examination conducted by a commission of experts in the trade, which is authorised to deliver a ship's cook's certificate.

In addition, under the above-mentioned Instruction, a trainee who already holds a ship's cook's certificate must pass an additional examination covering the specific items set out in paragraph 3 of this Article of the Convention.

Article 5. No use is made of this permissive clause.

Article 6. No use is made of this permissive clause.

The labour inspectorate is authorised to inspect and to ensure the application of the Regulations set out above.

* * *

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

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Argentina	17. 2. 1955
Belgium	5. 12. 1951
Bulgaria	29. 12. 1949
Canada	19. 3. 1951
Finland	15. 5. 1956
France	9. 12. 1948
Italy	22. 10. 1952
Japan	22. 8. 1955

Countries	Ratification registered on
Netherlands	17. 6. 1958
Norway	17. 2. 1955
Peru	4. 4. 1962
Poland	13. 4. 1954
Portugal	13. 6. 1952
Sweden	9. 1. 1962
Uruguay	18. 3. 1954

¹ See footnote 1 to Convention No. 3.

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

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on
Albania	3. 6. 1957
Algeria ¹	19. 10. 1962
Argentina	17. 2. 1955
Bulgaria	29. 12. 1949
Byelorussia	6. 11. 1956
Cuba	13. 1. 1954
France	28. 6. 1951
Guatemala	13. 2. 1952
Haiti	12. 4. 1957
Hungary	8. 6. 1956
Iraq	13. 1. 1951

Countries	Ratification registered on
Israel	23. 12. 1953
Italy	22. 10. 1952
Luxembourg	3. 3. 1958
Peru	4. 4. 1962
Philippines	17. 11. 1960
Poland	11. 12. 1947
Ukraine	14. 9. 1956
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954

¹ See footnote 1 to Convention No. 3.

PHILIPPINES (First Report)

Act No. 679 of 8 April 1952: Woman and Child Labour Law (*L.S.* 1952—Phi. 1).

Act No. 1131 of 16 June 1954, to amend sections 3, 7 and 12 of Act No. 679 (*L.S.* 1954—Phi. 2).

Act No. 1054 of 12 June 1954, to revise and consolidate Act No. 3961, as amended, relative to free emergency medical treatment, and Act No. 239, relative to free emergency dental treatment, for employees and labourers of commercial, industrial and agricultural establishments.

Department Order No. 14.

Act No. 2714 of 18 June 1960, establishing in the Department of Labor a bureau to be known as Bureau of Women and Minors (*Official Gazette*, Vol. 57, No. 2, 9 Jan. 1961).

Bureau of Women and Minors Policy Guide No. 1, 4 January 1962, regarding issuance of employment certificate and special work permit, under Act No. 679, as amended.

Article 1, paragraph 1, of the Convention. Section 4 of Act No. 679 provides for medical examination of persons below 18 years of age before entering employment in any shop, factory, commercial, industrial or agricultural establishment or other place of labour, by a qualified government physician or any other qualified physician approved by the Secretary of Labor.

Section 1 of Act No. 1054 requires the provision of free emergency medical and dental treatment by employers, at least once a year, for all employees and labourers.

Paragraph 2. This paragraph is incorporated in section 2 (1) (*aa*) to (*dd*) of Act No. 679.

Paragraph 3. The Congress has the sole authority to define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2, paragraph 1. This paragraph has been incorporated in section 4 of Act No. 679.

Paragraph 2. The physicians in the Department of Labor or Department of Health or any other qualified physician approved by the Secretary of Labor may certify the fitness for work of young persons.

Paragraph 3. This paragraph has been incorporated in section 4 of Act No. 679 and in the Bureau of Women and Minors Policy Guide No. 1.

Paragraph 4. Fitness for employment certified by the competent authority is defined and provided for in section 4 of Act No. 679, sections 1 to 5 of Act No. 1054, and Policy Guide No. 1.

Article 3, paragraph 1. Section 4 of Act No. 679 and the above-mentioned Department Order provide for medical examinations at intervals of six months or

less. Under section 2 of Act No. 1054 medical examinations are made at least once a year.

Paragraph 2. These examinations are made every six months or less, as the Secretary of Labor may require in exceptional cases involving high health risks. Re-examination for fitness for employment shall be required until the age of 21 years.

Paragraph 3. Section 4 (b) of Act No. 679 provides for medical examination at intervals of six months or less, as the Secretary of Labor may require in exceptional cases involving high health risks, to determine the continued fitness of the young persons for employment.

Article 4, paragraph 1. Section 4 (c) of Act No. 679 provides for medical examination and re-examination for fitness for employment until the age of 21 years, for occupations involving high health risks.

Paragraph 2. Section 4 (c) of Act No. 679 authorises the Secretary of Labor to declare that an occupation involves a high health risk or serious danger to the lives or health of young persons.

Article 5. Section 4 (a) of Act No. 679 provides that no expenses are charged to the child or his parents for medical examination.

Article 6, paragraphs 1 and 2. These are covered by section 4 (d) of Act No. 679. The Secretary of Labor shall refer to the appropriate authorities for vocational guidance and physical and vocational rehabilitation in the cases of children found by medical examination to require such service. The treatment, training and placement of young workers who are not fit for any job are taken care of by the Department of Health, the Department of Education and the Department of Labor.

Paragraph 3. It is the policy of the Bureau of Women and Minors to issue permanent permits only.

Article 7, paragraph 1. Under section 11 (b) and (c) of Act No. 679 an employer of children is required to keep the medical certificates of children working in his establishment, which are available for inspection by representatives of the Department of Labor and the Department of Health.

Paragraph 2. Act No. 2714 creating the Bureau of Women and Minors ensures the strict enforcement of this provision.

Articles 8 to 10. These Articles are not applicable to the Philippines.

The medical examination of young workers for fitness for employment is performed by the medical officers of the Department of Labor, or by qualified physicians of the Department of Health, or by physicians of good standing in the community approved by the Secretary of Labor.

The supervision and enforcement of the medical examination provisions of the law for young workers are entrusted to labour or health officers of the Department of Labor and the Department of Health, through the Bureau of Women and Minors.

Very few minors were employed in the 610 industrial and commercial establishments surveyed, as revealed in the inspection reports studied and evaluated during the fiscal year ending 30 June 1962. More minors work in agricultural enterprises; strictly speaking, they are not employed, but are helping their elders in jobs mainly falling under the category of piece-rate work. Hence these minors or young workers are generally not subjected to medical examination as they are "employed or hired" by their own parents to augment the family income.

* * *

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

Albania, Byelorussia, Ukraine.

The report from *Luxembourg* 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
Algeria ¹	19. 10. 1962	Iraq	5. 7. 1960
Albania	3. 6. 1957	Israel	23. 12. 1953
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Cuba	7. 9. 1954	Poland	11. 12. 1947
France	28. 6. 1951	Ukraine	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Haiti	12. 4. 1957	Uruguay	18. 3. 1954
Honduras	20. 6. 1960		
Hungary	8. 6. 1956		

¹ See footnote 1 to Convention No. 3.

BYELORUSSIA

The social circumstances which in other countries may lead to children and young persons being engaged in itinerant trading or other occupations carried on in the streets have been eradicated in Byelorussia, thus rendering irrelevant the provisions of Article 7, paragraph 2, of the Convention.

IRAQ (First Report)

Labour Law No. 1/1958 (*Al-Waqayl'u al'Iraqiya*, No. 511, 12 Apr. 1961), as amended.

Law No. 79/1960 ratifying Convention No. 78.

Regulations No. 4/1961 concerning the employment of women, young persons and children (*Al-Waqayl'u al'Iraqiya*, No. 490, 26 Feb. 1961).

Notification by the Director-General of Labour dated 12 October 1960.

Article 1 of the Convention. This is applied by sections 1 to 6 of the Law of 1958.

Article 2. Section 5 of the above regulations applies this Article.

Documents certifying fitness for employment are drawn up on special forms approved by the Ministry of Health. Medical examination covers chest X-ray, eye and general clinical examination.

Article 3. This is applied under section 5 of the regulations. Medical examination is carried out once a year and as required in exceptional cases.

Articles 4 and 5. The above-mentioned notification provides that medical examination shall be carried out once a year for all workers free of charge.

Article 6. Physical and vocational rehabilitation of children and young persons is the responsibility of the Physical Medicine and Rehabilitation Institute at the Ministry of Health and in a number of institutes administered by the Directorate-General of Social Services at the Ministry of Social Affairs.

Article 7. Medical certification of fitness is indicated by the official health authorities on the work permits, which are always available to labour inspectors. Medical examination of children and young persons engaged either on their own account or on account of their parents in itinerant trading or in places to which the public have access is carried out by the public health authorities and is indicated on their work permits.

Articles 8 and 9. The Convention is applied generally in the whole country. Application is supervised and enforced by a group of labour inspectors.

* * *

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

Albania, Byelorussia, Iraq, Luxembourg, Ukraine.

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	Peru	4. 4. 1962
Cuba	7. 9. 1954	Poland	11. 12. 1947
Dominican Republic	22. 9. 1953	Ukraine	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Israel	23. 12. 1953	Uruguay	18. 3. 1954

BYELORUSSIA

See under Convention No. 78.

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Lebanon	26. 7. 1962
Argentina	17. 2. 1955	Luxembourg	3. 3. 1958
Austria	30. 4. 1949	Morocco	14. 3. 1958
Belgium	5. 4. 1957	Netherlands	15. 9. 1951
Brazil	25. 4. 1957	New Zealand ²	30. 11. 1959
Bulgaria	29. 12. 1949	Nigeria ^{2 3}	17. 10. 1960
Cameroon (Western Cameroon) ^{2 3}	3. 9. 1962	Norway	5. 1. 1949
Ceylon	3. 4. 1956	Pakistan	10. 10. 1953
China ²	13. 2. 1962	Panama	3. 6. 1958
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	7. 9. 1954	Portugal	12. 2. 1962
Cyprus ^{2 4}	23. 9. 1960	Senegal	22. 10. 1962
Denmark	6. 8. 1958	Sierra Leone ^{2 3}	13. 6. 1961
Dominican Republic	22. 9. 1953	Spain	30. 5. 1960
Finland	20. 1. 1950	Sweden	25. 11. 1949
France	16. 12. 1950	Switzerland ²	13. 7. 1949
Federal Republic of Germany	14. 6. 1955	Syrian Arab Republic	26. 7. 1960
Ghana	2. 7. 1959	Tanganyika ^{2 3}	30. 1. 1962
Greece	16. 6. 1955	Tunisia	15. 5. 1957
Guatemala	13. 2. 1952	Turkey	5. 3. 1951
Guinea	26. 3. 1959	United Arab Republic	11. 10. 1956
Haiti	31. 3. 1952	United Kingdom ²	28. 6. 1949
India ²	7. 4. 1949	Yugoslavia	18. 8. 1955
Iraq	13. 1. 1951		
Ireland ²	16. 6. 1951		
Israel	7. 6. 1955		
Italy	22. 10. 1952		
Jamaica ^{2 3}	26. 12. 1962		
Japan	20. 10. 1953		

¹ See footnote 1 to Convention No. 3.

² Excluding Part II.

³ See footnote 2 to Convention No. 15.

⁴ See footnote 3 to Convention No. 15.

GREECE

In reply to the request made by the Committee of Experts in 1962 the Government supplies the following information.

The new tasks entrusted to the Labour Inspector under section 28, subsection 1 (a), of Royal Decree 868/60 to provide for the organisation of the Ministry of Labour do not interfere with the exercise of his other functions.

Sections 59 and 66 of the decree give effect to Article 5 of the Convention.

INDIA

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee* (1962), p. 703.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Labour Inspection Convention, 1947 (No. 81), adopted by the International Labour Conference at its 30th Session, 11 July 1947 (*Mémorial*, 1958, pp. 191 ff.). Grand-Ducal Order of 26 March 1945 respecting the reorganisation of the Labour Inspectorate and Mines Administration (*ibid.*, 1945, pp. 130 ff.).

Grand-Ducal Order of 22 February 1951 prescribing the recruitment and appointment conditions for the welfare and technical personnel of the Labour and Mines Inspectorate (*ibid.*, 1951, pp. 358 ff.).

Article 2 of the Convention. The Labour and Mines Inspectorate has competence for industrial undertakings, mining and quarrying undertakings and, in so far as they are covered by the law on weekly rest, commercial undertakings, road and rail transport undertakings and handicraft undertakings. Its powers also cover economic undertakings belonging to the State and communes and agricultural undertakings using power-driven machinery.

Article 3. The Grand-Ducal Order of 1945 defines the powers of the staff of the Labour and Mines Inspectorate.

Article 4. The above services are under the authority of the Minister of Labour, Social Security and Mines.

Article 5. The Labour and Mines Inspectorate and the social security institutions render mutual aid and assistance. The work of the Inspectorate is, by its very nature, characterised by constant co-operation with all concerned, in the public and private sectors.

Articles 6 and 7. In addition to state officials, the staff of the Labour and Mines Inspectorate includes eight worker-supervisors who are appointed at the proposal of the most representative trade organisation.

Article 8. There is a female welfare worker-supervisor of female and child labour on the staff of the Labour and Mines Inspectorate.

Article 9. The personnel establishment of the Inspectorate has been supplemented by the appointment of a physician-inspector. Experts can be temporarily attached to the Inspectorate for special investigations.

Article 10. The Inspectorate's annual report contains information about its staffing and work.

Article 11. The Labour and Mines Inspectorate has installations appropriate to its requirements, and its offices are open to all persons concerned every working day. Members of its staff, including the worker-supervisors, have the benefit of the same working and transport facilities as state officials and are compensated for travel and incidental expenses.

Article 12. Sections 13 to 16 of the Grand-Ducal Order of 1945 define the supervisory powers of the Labour and Mines Inspectorate.

Article 13. Infringements of the laws and regulations whose application is supervised by the Labour and Mines Inspectorate are recorded in official reports drawn up by the technical director and the technical inspectors, which enable the Minister of Labour to issue any necessary orders. Section 18 of the same text authorises the ordering of measures with immediate executory force.

Article 14. Section 17 of the 1945 Order applies these provisions.

Article 18. Section 25 of the same order contains the appropriate penal clauses.

Article 19. The 1945 Order provides for the preparation of the reports mentioned in this Article.

Articles 22 to 26. See under Article 2. Luxembourg has accepted the Convention as a whole, including Part II.

PAKISTAN

Road Transport Workers Ordinance, 1961.

West Pakistan Maternity Benefit Ordinance, 1958.

In reply to an observation made in 1962 the Government states that the amendment of the Factories Act, 1934, and the Mines Act, 1923, has been further delayed because, under the new Constitution of 1962, labour has become a subject within the sphere of provincial governments. However, efforts had been made to present a Bill, seeking to replace the Factories Act, 1934, before the National Assembly in March 1963.

Efforts are being made within available resources to publish annual reports within the time limit required by Article 21 of the Convention.

SPAIN (First Report)

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (*Reco-pilación legislativa*, 1939, p. 315).

Decree of 13 July 1940: Labour Inspection Regulations (*ibid.*, 1940, p. 186).

Decree of 26 January 1944: Labour inspection in workplaces run or administered by the State (*ibid.*, 1944, p. 68).

Order of 6 February 1945 issued under the Decree of 26 January 1944 (*ibid.*, 1945, p. 252).

Act of 21 July 1962 concerning the Labour Inspection Service (*Boletín Oficial del Estado*, 23 July 1962, p. 10272).

Article 2 of the Convention. Under section 2 of the above regulations the duties of the Labour Inspection Service extend to—

- (a) workplaces of all kinds, including railways and mines (the supervision of arrangements for workers' safety in mines and quarries is the exclusive responsibility of mining engineers);
- (b) merchant shipping and fisheries;
- (c) educational, welfare and penitentiary establishments where the inmates produce goods for sale; and
- (d) migration to and from Spain.

Article 3. The inspectors carry out prescribed duties (section 2 of the Act of 1939 and sections 3, 44 to 46 and 32 of the regulations) in connection with the enforcement of labour laws, conditions in industry and in general the improvement of the workers' morals and their physical, social and economic conditions. The inspectors' duties are both preventive and repressive. The inspectors are expected to report complaints and allegations made to them directly, as well as any difficulties and shortcomings they encounter in the course of their visits. Other duties, distinct from those listed in this Article of the Convention, are also entrusted to labour inspectors but do not interfere with the effective discharge of their primary duties.

Article 4. The Labour Inspection Service operates in each province under the orders of a head reporting directly to the Central Inspection Department in the Ministry of Labour.

Article 5. The trade unions, mining engineers, diplomatic and consular staff and the maritime authorities (with regard to immigration) co-operate with the Labour Inspection Service. The trade unions may call on the officials of the Labour Inspection Service to take action, specifying the service they wish to obtain and any complaint they have to make.

Article 6. Under section 5 of the Act of 1939 the inspectors are public servants. Sections 5 and 22 of the regulations lay down the conditions for entry and the inspectors' rights and duties.

Article 7. Entry to the National Labour Inspectorate is normally by competitive examination (sections 6 and 7 of the regulations). Successful candidates attend a practical course of not less than one month.

Article 8. There is no provision in either the Act or the regulations for any discrimination on grounds of sex with regard to membership of the National Labour Inspection Corps.

Article 9. It is laid down in section 7 (2) of the regulations that a certain number of posts may be reserved for filling by competitive examination among persons with certain professional or technical qualifications attested by the appropriate university degrees (lawyers, engineers of various kinds, medical practitioners, economists, etc.).

Article 10. The number of labour inspectors' posts in the technical inspector and inspector categories was laid down by the Act of 9 May 1950.

The need to adjust the number of inspectors to the requirements of economic development necessitated the adoption of the Act of 1962, which provided for an increase of one-third in the existing number of labour inspectors.

Article 11. The provisions of this Article are covered by sections 22 and 27 of the regulations.

Article 12. The right of free access without prior notice at any hour of the day or night to any establishment, as well as other rights specified in this Article, are recognised by sections 42 and 43 of the regulations.

Article 13. The Safety and Health Regulations and the Act of 1962 make inspection officials responsible for the inspection and examination of premises (including industrial plant) and the enforcement of the standards laid down in the regulations, and empower them to suggest appropriate penalties.

Article 14. Section 14 of the Act of 1962 specifically states that the Inspectorate must be notified of industrial accidents and cases of occupational disease.

Article 15. Sections 14, 12 and 39 of the regulations provide that the performance of inspection functions shall not be compatible with any direct or indirect interest in any industrial or commercial undertaking within the inspector's territorial jurisdiction; they also provide for the professional secrecy required under paragraphs (b) and (c) of this Article of the Convention.

Article 16. Inspectors are to visit workplaces at least once a year, or more frequently if dangerous work is involved or if large numbers of workers are employed.

Articles 17 and 18. The penalties required under these Articles are provided for in the regulations (sections 32, 44 to 46, 51, and 57 to 73).

Article 19. The chief provincial inspector forwards to the Central Labour Inspection Department monthly returns listing the visits made by the inspectors and the results achieved, together with a comprehensive list of the establishments visited during the year for whatever reason.

Articles 20 and 21. The Central Labour Inspection Department draws up an annual report on the results achieved during the year. This report is always to be published within 12 months of the end of the year to which it relates. The annual report of the Service for the year 1960 is appended to the report.

Articles 22 to 24. Since the Labour Inspection Service supervises workplaces of all kinds, all that has been stated in this reply applies also to inspection in commerce.

Article 25. The Government does not wish to exclude Part II of the ratified Convention from its acceptance.

Article 27. Section 17 of the Act respecting trade union collective agreements of 24 April 1958 provides that the Labour Inspection Service shall be empowered to impose penalties for any breach of the terms of such agreements.

UNITED ARAB REPUBLIC

In reply to an observation and direct request of the Committee of Experts the Government's report gives the following information.

The labour inspectors have the right to enter workplaces during and outside working hours (section 212 of Law No. 91 of 1959) (Labour Code).

They are empowered to carry out the functions as provided in Articles 12, paragraph 1 (c) (iii) and (iv), 13, paragraphs 1 and 2 (a), and 16 of the Convention.

* * *

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

Cyprus, Iraq, Japan.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

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	1. 7. 1952		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

GABON

See under Convention No. 87.

GHANA

Industrial Relations (Amendment) Act, 1960.

The purpose of the Industrial Relations Act, No. 56, 1958, is to prevent the development of a multiplicity of unions and the formation of splinter unions at the level of the undertaking under the auspices of the employers. Collective bargaining certificates are issued to ensure the recognition by employers of the existence of unions for collective bargaining purposes.

MALI

See under Convention No. 87.

MAURITANIA

Act No. 61-024 of 20 January 1961 respecting the settlement of collective labour disputes.
See also under Convention No. 87.

The above-mentioned Act lays down compulsory conciliation and arbitration procedures. It is the task of labour inspectors to proceed to compulsory conciliation. At a second stage, compulsory arbitration is carried out by an arbitration board composed of magistrates and employers' and workers' representatives. Provision is made for an appeal procedure affording the parties every safeguard.

* * *

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

Cyprus, Gabon, Ghana, Mali, Mauritania, Niger.

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

Cameroon, Somalia, Togo, Upper Volta.

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).

MALI

Act No. 62-67/AN-RM of 9 August 1962 to establish a Labour Code.

Labour inspectors must have a law degree and specialised training received in a school of administration.

The labour inspectorate co-operates directly with the trade unions; in addition, workers' delegates are allowed 15 hours' time off per month in which they are able to contact the labour inspectorate.

* * *

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

Central African Republic, Mali.

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

Congo (Leopoldville), Gabon, Mauritania, Togo.

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	Liberia	25. 5. 1962
Algeria ¹	19. 10. 1962	Luxembourg	3. 3. 1958
Argentina	18. 1. 1960	Malagasy Republic ²	1. 11. 1960
Austria	18. 10. 1950	Mali ⁴	22. 9. 1960
Belgium	23. 10. 1951	Mauritania ²	20. 6. 1961
Bulgaria	8. 6. 1959	Mexico	1. 4. 1950
Burma	4. 3. 1955	Netherlands	7. 3. 1950
Byelorussia	6. 11. 1956	Niger ²	27. 2. 1961
Cameroon:		Nigeria ²	17. 10. 1960
Eastern Cameroon ²	7. 6. 1960	Norway	4. 7. 1949
Western Cameroon ²	3. 9. 1962	Pakistan	14. 2. 1951
Central African Republic ²	27. 10. 1960	Panama	3. 6. 1958
Chad ²	10. 11. 1960	Paraguay	28. 6. 1962
Congo (Brazzaville) ²	10. 11. 1960	Peru	2. 3. 1960
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	25. 6. 1952	Poland	25. 2. 1957
Dahomey ²	12. 12. 1960	Rumania	28. 5. 1957
Denmark	13. 6. 1951	Senegal ⁴	4. 11. 1960
Dominican Republic	5. 12. 1956	Sierra Leone	15. 6. 1961
Finland	20. 1. 1950	Sweden	25. 11. 1949
France	28. 6. 1951	Syrian Arab Republic	26. 7. 1960
Gabon ²	14. 10. 1960	Togo ²	7. 6. 1960
Federal Republic of Germany	20. 3. 1957	Tunisia	18. 6. 1957
Greece	30. 3. 1962	Ukraine	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Guinea ²	21. 1. 1959	United Arab Republic	6. 11. 1957
Honduras	27. 6. 1956	United Kingdom	27. 6. 1949
Hungary	6. 6. 1957	Upper Volta ²	21. 11. 1960
Iceland	19. 8. 1950	Uruguay	18. 3. 1954
Ireland	4. 6. 1955	Yugoslavia	23. 7. 1958
Israel	28. 1. 1957		
Italy	13. 5. 1958		
Ivory Coast ²	21. 11. 1960		
Jamaica ²	26. 12. 1962		
Kuwait	21. 9. 1961		

¹ See footnote 1 to Convention No. 3.² See footnote 4 to Convention No. 4.³ See footnote 2 to Convention No. 15.⁴ See footnote 7 to Convention No. 4.

ALBANIA

There is no provision in the legislation by which foreign workers may not be members of unions. No case has arisen in practice of a foreign worker being denied such membership.

As regards union membership of persons belonging to agricultural co-operatives, see under Convention No. 11.

The managers of undertakings have the same right to organise as other workers.

The Labour party of Albania has embodied in its programme all the aspirations of the Albanian people and so there are no bases for the creation of another party. The social organisations have accepted the leadership of the party for the building of socialism in Albania.

ARGENTINA (First Report)

Constitution of 1853, as amended in 1860, 1876, 1898 and 1957 (*L.S.* 1957—Arg. 2), art. 14 and 14bis.

Act No. 14455/58, to make legal provision for industrial associations of employees (*L.S.* 1958—Arg. 1).
Statutory Regulations No. 5822/58.

Article 2 of the Convention. Article 14 of the Constitution lays down, *inter alia*, the right of “association for useful purposes”, and article 14*bis* provides that “Labour in its various forms shall be protected by laws guaranteeing every employee... the free and democratic organisation of trade unions, which shall be recognised by the mere fact of their being entered in a special register”. The exercise of the right to organise is also provided for in Act No. 14455. Under section 2 of that Act “employees shall be entitled to establish and become affiliated to industrial associations and trade unions in full freedom and without previous authorisation”.

Sections 3, 5, 7 and 8 of the Act lay down basic requirements with which industrial associations of employees must comply. There is as yet no legislation concerning industrial associations of employers, but they may be formed in full freedom in accordance with the constitutional principles cited above. For civil servants and the personnel of public undertakings there are no special provisions governing the constitution of trade unions, and both categories of staff are covered by Act No. 14455 (section 3).

Article 3. Section 38 of Act No. 14455 provides that “in no case shall the administering authority intervene in the management or administration of any industrial association...”. To ensure that workers’ trade unions serve their proper purpose and to safeguard the rights of members, the Act requires compliance with certain prerequisites laid down in sections 1, 7, 9 to 13, and 30.

Article 4. Under Act No. 14455 industrial associations all have the same general rights, but the Act also confers special rights on associations which meet specified prerequisites, and grants them “trade status”, which gives them a certain legal position based on their character as the most representative unions (section 18).

With regard to the latter associations, and only in respect of their “trade status”, there can be a possibility of suspension or withdrawal of rights for reasons laid down by law. However, this in no way affects the existence of the industrial association. In such cases, moreover, the union concerned may appeal to the courts (section 37).

Article 5. Under section 2 of the Act first-degree industrial associations are entitled to establish or become affiliated to federations for the activity concerned. Federations and unions are entitled to establish or become affiliated to higher associations. The right to become affiliated includes the right not to become affiliated and to cease to be affiliated. Affiliation is in all cases subject to compliance with the requirements of the by-laws.

Although there is no statutory provision for the affiliation of national trade union organisations to international organisations, there is no prohibition either. In practice most of the larger industrial associations are affiliated to international trade union organisations.

Article 6. Under section 28 of the Act federations and confederations in general may exercise the same rights and are subject to the same obligations as first-degree associations, subject to the restrictions placed on the affiliated trade unions or federations by their by-laws.

Article 7. Corporate status is granted to associations “that aim mainly at promoting the common good, provided they have property of their own, are entitled under their by-laws to acquire property and are not dependent on government associations” (section 33, paragraph 5, of the Civil Code).

Under section 43 of the Civil Code to obtain a government authorisation or grant of corporate status an application must be lodged at the office of the General Legal Inspector. Under section 7 of the Regulations of 27 April 1933 an application

is to be accompanied by—(a) a copy of the Constitution; (b) a copy of the minutes of the meeting at which the rules were approved; (c) a copy of the rules; (d) a copy of the minutes of the meeting which elected the members of the executive committee and the auditors (if they are elected); (e) a list of members; (f) a statement of assets; (g) a complete list of the members of the executive committee and of the auditors; (h) the report and balance sheet for the last financial year, and (i) a copy of the minutes of the meeting at which it was decided to secure incorporation and approval of the rules.

The law does not require that an association should have a specified number of members.

Article 8. Trade unions are under a constitutional obligation to respect the law of the land. Section 158 of the Penal Code provides that any employer or worker who coerces another on his own account or on that of a third party to compel such other worker or employer to leave or join a particular workers' or employers' organisation shall be liable to imprisonment for one year.

Article 9. With regard to the armed forces and the police, there are no special provisions concerning the establishment of trade unions, both these occupations being covered by Act No. 14455 (section 3).

There are bodies which guarantee freedom of association, for example the National Industrial Relations Council set up under section 47 of Act No. 14455, whose competence extends to the whole country and which is located in the federal capital.

The ordinary courts have issued numerous decisions on questions of principle relating to this Convention. The Government reproduces a few examples.

BELGIUM

In reply to a direct request by the Committee of Experts the Government states that the nuclear safety service belongs to the safety and police group of services.

The Government adds that, by reason of the functions of this service, it is not possible to establish a different system for its administrative and technical personnel on the one hand and members having the status of police officer on the other.

The Government further adds that the statute regulating the right of association for members of the public services is not expressly applicable to the two categories of staff of which the nuclear safety service is composed; there is nothing, however, to prevent them forming a union or joining existing unions.

BYELORUSSIA

During the period under review a new Criminal Code was adopted. Under section 133 of the Code interference with the lawful activity of trade unions or their organs is a punishable criminal offence.

In Byelorussia, where the Communist society has recently entered a period of construction, the role of the trade unions and other public organisations is constantly increasing in importance.

CAMEROON

Ordinance No. 62/OF/24 of 31 March 1962 supplementing section 9 of the Act of 15 December 1952 to establish a Labour Code.

The above-mentioned ordinance prohibits the appointment to the leadership or administration of a trade union and the nomination as union representatives on boards, courts and bodies created in virtue of the Labour Code, of union members to whom section 9 of the Labour Code applies (persons who have ceased carrying on their occupation after doing so for one year or more).

In reply to a request by the Committee of Experts the Government gives the following information regarding the application of the law respecting the state of emergency.

In no case have trade union meetings been prohibited when they were to be held on trade union premises; in no case have unions applying for authorisation to hold a general meeting or congress on premises hired for the purpose been refused that authorisation.

In no case has the temporary closure measure, provided in section 5, subsection 1, of Ordinance No. 60-52 of 7 May 1960 respecting the state of emergency, been applied to union premises.

The report adds that the restrictions inherent in the proclamation of the state of emergency, and particularly those concerning movement of persons, have hampered union activities, sometimes appreciably, particularly in regard to the election of staff delegates which, like all operations of this kind, includes a phase of itinerant canvassing; it was impossible, however, to exempt trade unionists from measures of general scope.

CONGO (BRAZZAVILLE)

In reply to a request by the Committee of Experts the Government states that Act No. 19/60 of 11 May 1960, establishing the compulsory advance declaration of associations and authorising the dissolution of associations contrary to the general interests of the nation, is not applicable to trade unions.

DENMARK

As regards civil servants of the State no changes have been made during the period under review.

As regards civil servants in local government the competence of the Parliamentary Commissioner (*ombudsmand*) has been extended by Act No. 142 of 17 May 1961 to cover to a certain extent the local government; in this connection the Home Office has drawn up standard regulations for persons in local government service relating to disciplinary prosecution and penalties corresponding to those applying to civil servants (Circular of 23 March 1962, text of which was attached to the Government's report).

The texts of the Parliamentary Commissioner Act, No. 203, of 11 September 1954, and Act No. 142 of 17 May 1961, amending the former Act, were likewise annexed to the report.

GABON

Constitutional Law No. 1/61 of 21 February 1961.

Act No. 88/61 of 4 January 1962 respecting a Labour Code (*Journal officiel*, 4th year, No. 5, special issue, 1 Mar. 1962).

Protocol of 30 April 1955 recommending the conclusion of collective agreements concerning freedom of opinion, freedom of association and the exercise of the right to organise.

Under section 54 of the above-mentioned Law "treaties or agreements duly ratified have, from the time of their promulgation, an authority superior to that of laws...". This provision applies to international labour Conventions.

FEDERAL REPUBLIC OF GERMANY

A Bill designed to replace previous enactments on freedom of association and the right to organise is now before the German Parliament. At the present time it is impossible to say when this Bill will be passed or what provisions it will make.

GUINEA

Constitutional Law of 1958.

Labour Code (Act No. 1/AN/60) (L.S. 1960—Gui. 1).

Ordinance No. 048/PRG of 8 October 1959 to issue general rules for public servants (*Journal officiel*, 10 Oct. 1959).

Under section 5 of the above-mentioned ordinance public servants have the right to organise and the right to strike.

Unions of public servants must, within two months of their foundation, deposit their constitutions and the list of members of the committee of management with the commandant of the region or mayor, who communicates them to the Ministry of Labour, the Ministry for the Public Service, the Ministry of the Interior, the Ministry of Justice and the Attorney-General. The same formalities apply in case of amendment of the constitution or changes in the membership of the committee of management.

HUNGARY

In reply to the observations made by the Committee of Experts, the Government, after stating that it does not intend to amend its legislation because it considers that this legislation provides very effective safeguards for the rights of trade unions and their freedom of organisation, gives the following information in its report.

Freedom of association is guaranteed by the Constitution, and the establishment of trade unions is subject to no prior authorisation on the part of the administrative authorities (section 56/2). Associations are bodies of a different kind from workers' and employers' organisations; section 15/1 of Legislative Decree No. 18 of 1955 provides that the said decree shall not apply to the trade unions. The Civil Code also distinguishes between associations and trade unions. With regard to the latter no registration with a government agency is required.

The amount of recognition granted to trade unions is considerable, and any statutory definition of what is meant by a "trade union" would add nothing to the rights of trade unions; on the contrary, it might open the door to a refusal of recognition. Moreover, if the law were to determine the functions of trade unions their rights and freedom of action would be diminished. Admittedly some legislation deals with the rights of trade unions (Labour Code, Legislative Decree No. 53/1953/XI. 28); however, they do not create such rights but merely note their existence. The administrative authorities do not intervene in trade union affairs; the trade unions themselves establish the rules that are to govern their activities, and the law merely endorses them.

The Central Council of Trade Unions was built up by the workers and best corresponds to their needs. They therefore have had no need to form organisations unconnected with the Central Council.

In defining the meaning of the term "trade union" the law must take account of the *de facto* situation, and that is why it mentions only the Central Council of Trade Unions. If it mentioned other organisations this would imply non-recognition by the State of the existing organisation.

Organisations of non-wage-earning workers (barristers, craftsmen, etc.) are not covered by Legislative Decree No. 18 of 1955 and are completely independent.

IRELAND

With regard to the request of the Committee of Experts about the position of civil servants the Government states that the conditions with which staff associations must comply in order to be recognised are set out in paragraphs 5 and 6 of the Scheme of Conciliation and Arbitration for the Civil Service. A copy of this Scheme was

appended to the Government's report. As already indicated, recognition for the purposes of this Scheme is in practice granted, following consultation with the general staff panel, to representative staff associations which comply with the Scheme. Recognition is not required for purposes other than participation in the Scheme.

ISRAEL

Article 3 of the Convention. The Government reiterates that the proper interpretation of section 18 of the Law of 1909 permits interference by the police only in cases of necessity, and in order to prove that there is such necessity the police have to obtain, prior to entry, an official document issued by the Ministry of Police or the District Commissioner authorising the entry. However, in order to dissipate any doubts, the Ministry of Labour has asked the Police Headquarters to include provisions in the Police Orders to the effect that, notwithstanding any provision of section 18 of the Law of 1909, the police shall have right of access to premises of associations which are workers' or employers' organisations only in accordance with the provisions of the Criminal Procedure (Arrest and Searches) Ordinance, 1924.

Article 4. The Law does not require authorisation of associations, but only registration, which is automatic. Associations which have not registered cannot be dissolved or suspended by administrative authority, because at any time they can submit the required notification and thus be registered.

ITALY

The unions are private associations governed by their own rules. The only activities in which they may lawfully engage are those of a trade union character, i.e. those connected with their structure and functions. If unions infringe this principle they will be prosecuted by law and declared unlawful. Their members will be deemed legally responsible and liable even to penal sanctions.

The General Confederation of Italian Industry has submitted observations on Act No. 1589 of 22 December 1956 concerning the denationalisation of industrial undertakings in which the State holds a majority interest, and on Act No. 741 of 14 July 1959 concerning the laying down of minimum labour standards. The Government submits comments on these observations and refers to decisions by the Constitutional Court of Italy maintaining that this legislation does not run counter to freedom of association.

LUXEMBOURG (First Report)

Constitution (art. 11, para. 5, and art. 26).

Act of 10 February 1958 approving the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Act of 11 May 1936 to guarantee freedom of association (*L.S.* 1936—Lux. 2).

Act of 21 April 1928 respecting associations not formed for purposes of gain and public utility establishments.

The ratification of the Convention has given it force of law, as is the continuous practice in accordance with custom and jurisprudence.

Article 2 of the Convention. Article 26 of the Constitution provides: "Luxembourgers have the right to form associations. This right cannot be subject to any previous authorisation." This basic provision has been supplemented by paragraph 5 of article 11 which "guarantees the liberties of trade unions". Article 26 must be interpreted as recognising the right to organise for all Luxembourgers without exception, that is to say as covering members of the army, the militia and the police. Foreign nationals, on the other hand, are not covered, at least in theory,

though in practice they have the right to organise; but the legislation retains the option of restricting this right, if necessary, where they are concerned.

Restrictive or repressive measures in the matter of freedom of association may be taken only in virtue of the Penal Code. This is done only if the exercise of the right to organise endangers public order, morals or the rights of individuals.

In practice workers' organisations do not as a rule acquire legal personality; they have, however, complete freedom in the matters covered by Articles 2 to 7 of the Convention. Employers' organisations, on the other hand, are not formed for purposes of gain, within the meaning of the Act of 21 April 1928. Their formation and acquisition of legal personality are subject to the conditions enumerated in sections 1 to 3 of the Act.

There are no special provisions applicable to the formation of organisations by certain categories of workers.

Article 3. Associations not formed for purposes of gain may not engage in industrial or commercial operations or seek to provide material gain for their members; the Act determines the minimum content of their constitutions and specifies that they may be amended only by the general meeting.

Article 4. Associations not formed for purposes of gain, as also *de facto* associations, are not liable to administrative dissolution or suspension; sections 18 to 26 of the Act contain the rules for the judicial, statutory and legal dissolution of associations not formed for purposes of gain.

Article 5. There is, in practice, no restriction of the right of organisations to federate.

Article 6. The general rules relating to workers' and employers' organisations apply.

Article 8. It is hardly necessary to state that no association may rightfully pursue unlawful or immoral aims; there are, however, no legal texts on the subject other than sections 322 to 326 of the Penal Code, whereby it is a penal offence to form an association "for the purpose of damaging persons or property".

MALI

Constitution of 22 September 1960: Preamble.

Act No. 62-67/AN-RM of 9 August 1962 to establish a Labour Code (Part VI, Ch. I).

The Labour Code was drafted in accordance with the provisions of the international Conventions ratified by Mali.

Although not covered by the Labour Code, public servants have the right to organise. The same applies to the police.

Under sections 281 and 282 of the Labour Code trade unions may draw up their constitutions and rules, elect their representatives and formulate their programmes in full freedom.

Under section 289 trade unions may be dissolved only by a voluntary decision, in accordance with their rules or by a court order; in no case may they be dissolved by administrative authority.

Unions may form federations "of any kind whatsoever". The provisions applying to first-degree trade unions are also applicable to trade union federations, which are entitled to join international organisations of workers (or employers).

Employers' and workers' organisations have legal personality.

Under section 306 employers are prohibited, subject to specified penalties, from engaging in discrimination in the employment of workers by reason of trade union membership or activities.

MAURITANIA

Act No. 61-033 of 31 January 1961 respecting the formation and operation of trade unions, repealing the provisions of Act No. 52-1322 of 15 December 1952 to establish a Labour Code.

Act No. 61-024 of 20 January 1961 respecting the settlement of collective labour disputes.

All citizens, including civil servants, have the right to organise.

Act No. 61-033 specifies that there must be not less than 20 members at any meeting for the formation of a union. It prohibits employees of the public services from being members of workers' unions in the private sector and, conversely, employees in the private sector from being members of unions belonging to the public sector. The separation of the public and private sectors obliges the unions in the private sector to recruit leaders from their own ranks instead of calling upon more educated leaders in the public service, as is often the practice in developing countries. This separation is in any case attenuated by the fact that associations between public and private unions are nevertheless possible. The Act also stipulates that union rules must necessarily cover certain subjects, but without limiting freedom of drafting.

National legislation imposes no restriction regarding the right to organise for the armed forces and police.

MEXICO

The Government insists that there is no restraint on the freedom of association of workers in the service of the State, since the law merely grants legal personality solely to the union representing a majority of the workers, to meet the need of the public authorities to know with whom they are to negotiate. Minority associations may be formed without prior authorisation, but they are not granted legal personality.

Workers in positions of trust are not supposed to belong to trade unions because their interests are not the same as those of the other workers, being the same as those of the employer. A worker is in a position of trust not because the employer so decides but by the very nature of things. Even though workers in positions of trust may not belong to the union they retain the right of association among themselves.

The statutory provision which prohibits the re-election of trade union leaders is intended to avoid perpetuations which induce excessive rigidity in the activities of the unions. This system strengthens the unions and promotes the free interplay of democratic forces.

The unions of workers in the service of the State are prohibited from adhering to federations or confederations of industrial or agricultural workers because workers in the service of the State have special terms and conditions of service.

NIGER

Ordinance No. 59-101 of 4 July 1959 which, in section 1, gave the President of the Republic the right to dissolve by decree any trade union "the activities of which seriously disturb public order and endanger the principles of democracy, the community and the Republic" has been rendered void in virtue, on the one hand, of the Constitution, which was promulgated on 8 November 1960, and the fundamental principles contained therein, and, on the other, of the ratification of the Convention in 1961, since international conventions likewise take precedence over domestic laws.

Section 11 of Act No. 62-12 of 13 July 1962 establishing a Labour Code provides only for voluntary, statutory or judicial dissolution of trade unions.

NORWAY

Act of 18 July 1958 respecting disputes in the public services.

PAKISTAN

With reference to the observations of the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, the

Government states that amendment of Establishment Division Notification No. 6/1/48/EST (SE) of 30 August 1948, to bring it into line with the provisions of Articles 2 and 5 of the Convention, is under way.

PERU (First Report)

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

Public employees are covered by the Civil Service Statute and Civil List, which provide that "public employees may associate for cultural, sports, assistance or co-operative purposes only. The said associations may not take the name or structure peculiar to trade unions, adopt trade union modes of action, exercise coercion in their claims or resort to strikes".

In accordance with this provision and in virtue of section 28 of Presidential Decree No. 009 public employees are not covered by the decree, as they are servants subject to special conditions which will be covered by their own legislation.

Two channels are open to them in the protection of their rights or advancement of any necessary claims, namely the hierarchical channel—or recourse to the immediate superior—giving the complainant employee the possibility of taking his complaint or claim up to the highest authority of a state department; or the second channel, provided in section 67 of the Civil Service Statute and Civil List, which provides as follows: "The public employee may have recourse to the National Civil Service Board whenever he considers that his rights under the present Statute have been violated."

For registration purposes the document by which the trade union is constituted has to be signed by over 50 per cent. of the workers of the centre, fundamentally because it is desirable for there to be one trade union only for each centre, with a democratically elected management committee.

The country's trade union history shows that there has always been a single trade union in each of the various centres; the attempt has therefore been made to preserve this custom—which has given satisfactory results—and not to permit the proliferation of small trade unions.

There is no incompatibility between the Presidential Decree of 23 March 1936 and Presidential Decree No. 009 since Presidential Decree No. 009 repealed that of 1936, creating new procedures for the formation, registration, dissolution, and liquidation of trade unions.

The prohibition in section 6 of Decree No. 009 to the effect that trade unions may not officially engage in political activities is based on the fact that a trade union is formed for the pursuit of specifically trade union aims and not as a means to other ends which do not benefit the union. A trade union officially engaging in politics would not be able to achieve economic, social and cultural aims if these prejudiced political interests.

It should be made clear that in this context the term "politics" should be construed as party activity and not in the wider meaning, that is, concern with national problems and co-operation in possible solutions from the appropriate institutional angle.

In regard to the observation according to which section 23 of Presidential Decree No. 009 is incompatible with Articles 5, 6 and 2 in that it requires a minimum of five trade unions to form a federation and of ten federations to form a confederation, see the remarks summarised above.

There are no legal provisions concerning the affiliation of trade unions to international trade union organisations, from which it follows, on the basis of the Constitu-

tion, that no one is obliged to do what the law does not require or is prevented from doing what it does not prohibit.

The legal provisions concerning the security of the State are attached to the report.

PHILIPPINES

The Bill to amend Act No. 875 was not considered by Congress and has not been revived.

The Philippines Association of Free Labor Unions (Manila) has challenged the constitutionality of Act No. 1942 (enacted on 22 June 1957) which amended section 23(e) of Act No. 875. Act No. 1942 gave the Secretary of Labor power to investigate the financial transactions of registered unions and to examine their books. The Association claims that this Act violates Conventions Nos. 87 and 98. The Department of Labor agrees that prior registration of labour organisations, under Act No. 875, may be a limitation on the workers' right to organise, but it is of the opinion that the power given the Secretary of Labor regarding trade union accounting is not unconstitutional or in violation of the said international Conventions since it does not lead to the revocation of the registration or permit of the union concerned.

POLAND

In reply to a request from the Committee of Experts the Government has appended to its report copies of a number of legislative texts.

See also *Report of the Committee* (1962), pp. 706-707.

SENEGAL

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

There is no provision in the legislation or regulations in force prohibiting national occupational organisations from joining international occupational organisations.

The prohibition of the formation of associations without previous authorisation holds only for foreign associations formed on the national territory.

When an association sheds its occupational character to become of a politically subversive nature, the Government reserves the right to dissolve it by administrative authority. Appeal may be made to the courts for the annulment of dissolution imposed in these circumstances.

SWEDEN

The report published on 26 February 1960 concerning the right of negotiation for civil servants was the subject of a series of discussions in the autumn of 1961 and January 1962 between the Ministry for Civil Service Affairs and representatives of the four main organisations of civil servants. These discussions covered highly intricate problems such as the right of negotiation for civil servants under the Right of Association and of Collective Bargaining Act, 1936, the right to strike for government employees, a basic agreement for the creation of a sort of public employees' labour market council to deal with conflicts threatening essential public services, and the right to conclude collective agreements and to bring disputes regarding the interpretation and application of certain standards before the Labour Court. Such reforms would probably require amendments to the Constitution. A government Bill on this matter is not to be expected before 1965.

TUNISIA

In reply to a direct request by the Committee of Experts regarding the right of assembly the Government states that there are no special criteria applicable to union

meetings. If they are private, they are entirely free to meet. If they are public, they must conform to the Decree of 6 August 1936, which is general in scope; the principle behind this decree is that public meetings may be held without previous authorisation but that the public authority must be given prior notice.

UKRAINE

A new Penal Code has come into force; section 132 provides that interference in the legal activities of trade unions and their representatives shall be punished by penal servitude of not more than one year or by loss of the right to perform certain functions for not more than three years.

In reply to one of the Committee's observations it is stated that a new draft Civil Code is being prepared in which section 18 of the present Code will be replaced by provisions under which the establishment and dissolution of workers' organisations will be governed by those organisations' own rules.

See also *Report of the Committee* (1962), p. 708.

U.S.S.R.

The new penal codes of the republics of the Union contain provisions to protect the unions in their lawful activities.

With regard to the observations made by the Committee of Experts, they are considered to be repetitions of earlier observations to which the Government has replied on various occasions.

UNITED ARAB REPUBLIC

Order No. 117 of 27 April 1960 concerning registers to be kept by trade unions.

Ministerial Order No. 151 of 25 August 1959 concerning registration of collective labour contracts.

Authorised employers' representatives have the right to establish occupational organisations according to the provisions of Act No. 384 of 1956 respecting societies and private organisations.

The application of section 4 of Law No. 91/1959 (Labour Code) has been extended by Presidential Decree No. 1900 of 1962 to cover "workers employed by the Government or by public establishments and administrative units having independent legal personality".

Section 4 of the Labour Code applies now to public servants, in accordance with the decree referred to in the preceding paragraph.

The Labour Code applies to persons who work for wages of any kind. Its provisions are not applicable to self-employed workers, but they have the right to establish and join organisations in accordance with Act No. 384 of 1956.

Employers have the right to establish organisations in accordance with Act No. 384 of 1956 referred to in the preceding paragraph, and they can also join industrial and commercial chambers.

The ministerial order referred to in section 164 of the Labour Code has been promulgated as No. 115 of 1960 respecting model rules for trade unions.

Trade unions are established without previous administrative authorisation. The mere convening of the constituent general assembly is sufficient to institute the union according to section 165 of the Labour Code. The board of the union elected by the constituent general assembly shall within 15 days of its election deposit with the competent authority the following: (a) two copies of the rules signed by the members of the board. Section 164 of the Labour Code states the particulars which should be included in the rules. The same section authorises the Minister of Social

Affairs and Labour to issue an order embodying model rules to serve as a guidance for trade unions when drafting their own rules; (b) two copies of the minutes of the general assembly in which the board of the trade union was elected.

These documents should be deposited by a representative of the board of the union, together with an introductory letter from the Federation of Trade Unions. Such a letter is a mere formality and does not involve any interference by the Federation in the formation of trade unions, which are free to join the Federation, or not to join. This provision was introduced at the request of the Second Annual Conference of Egyptian Trade Unions held in January 1959.

The competent administrative authority referred to in the Labour Code is the Ministry of Labour. The aim of sections 164 (13) and (14) as amended is to avoid excessive administrative expense in unions and to guarantee that the funds of the members are used to serve the union's constitutional aims.

The measures of supervision referred to in section 4 of Act No. 132 of 1960 serve merely to prevent abuse and to protect the members of the trade unions against misuse of their funds. The United Arab Republic ratified Convention No. 81 in 1956.

The ministerial order, referred to in section 175 of the Labour Code, respecting the forms and conditions according to which trade union registers shall be kept, was issued as No. 117 of 1960, and a copy was appended to the Government's report.

The ministerial order referred to in section 106 of the Labour Code was issued as No. 151 of 1959, and a copy was likewise appended to the report.

The dissolution of a trade union referred to in section 180 of the Labour Code is enforced only if "the Court considers that [the] infringement [committed] warrants the dissolution of the trade union". The court discusses every case and gives its decision accordingly, and, needless to say, it may not agree with the dissolution of the trade union.

After the promulgation of the Socialist laws in July 1961 and the National Charter in May 1962, the Minister of Labour issued an order to establish a technical committee to review and amend the labour legislation taking account of the new régime and the international conventions which the country has ratified.

The remarks made by the Committee of Experts have been duly reported to the Higher Labour Consultative Council, which undertakes the preparation and amendment of labour Acts before promulgation.

YUGOSLAVIA

Referring to the direct request by the Committee of Experts the Government supplies the following information in its report.

The 1946 Associations Act is not and never has been applicable to trade unions. In Special Instruction No. 13074 of 11 April 1951 from the Ministry of the Interior (which has since become the Secretariat of State for Home Affairs) it is expressly stated that "the provisions of the Associations Act are not applicable to trade unions. The Confederation of Yugoslav Trade Unions, the various occupational associations and their committees and branches are not required to ask for permission of our public bodies in respect of their constitution and activities and are not obliged to register with our authorities".

It is also made clear in Special Instruction No. 13074 that "economic associations" (i.e., for example, occupational associations of economic undertakings founded under the Act respecting association for economic purposes and therefore not registered with the authorities) are likewise outside the scope of the 1946 Associations Act. The Instruction is couched in these terms: "Neither does the [1946] Act concern associations which are not formed with a view to furthering the political, cultural and

social activities of citizens but have a different character, their members being not individuals but bodies corporate.”

According to administrative procedure the decisions taken by administrative bodies are as a rule final; it is possible, however, under the same procedure to appeal to the competent supreme court. This is the procedure that should be followed when challenging decisions taken in respect of the matters referred to above.

As regards the definition of the term “trade union”, the Government states that the national legislation contains no such definition. The definition may be found, however, in the provisions of trade union rules specifying the role and functions of the unions.

Trade unions are formed in full independence and are free to become affiliated or not to the Confederation of Yugoslav Trade Unions. The legislation places no limitation on the right of trade union affiliation, or on the existence of a union outside the Confederation.

The provisions of section 11 of the 1957 Labour Relations Act (as amended), which guarantee the rights of trade unions to protect and defend the interests of workers, are by way of being a statement of principle, and hence their scope is the widest possible and they apply to all trade unions, whether or not these are affiliated to the Confederation of Yugoslav Trade Unions.

Consequently the fact that the Yugoslav trade union movement forms a solid bloc and that all the unions are affiliated to the Confederation is the result neither of administrative measures nor of legislative enactments, but represents the free expression of the will of the members of the unions.

In reply to the request by the Committee of Experts for clarification as to the statutory force of the Rules of the Confederation of Yugoslav Trade Unions under internal law, the Government states that these are a single enactment governing the organisation, activities and functions of the Confederation. In consequence, under national law, the said rules have the force of an autonomous measure.

The Government adds that the same principle applies in the case of the rules of occupational associations where these govern their organisation, functions and terms of reference.

The right to organise, being a universal right provided for under the Constitution of 1946 and reaffirmed by the Constitutional Law of 1953, is acknowledged to each individual, and in consequence to individual producers. There is no measure to suppress or limit the right of occupational association for such persons.

Agricultural producers have organised themselves by means of “different forms of co-operation of direct material benefit to them”. They, like all other citizens, are allowed to form different organisations under the Act of 1946.

According to the Rules of the Confederation of Yugoslav Trade Unions (section 4 of Part II), any person in employment who agrees to be bound by the rules of a trade union may join that union. In view of the fact that employers in the private sector (handicrafts workers and agricultural producers) and self-employed persons are not “in an employment relationship”, they cannot join existing trade unions.

However, as the legislation places no restriction on the association of these categories of persons, it is perfectly lawful for self-employed persons and handicrafts workers to form and join their own occupational associations.

As far as the right to organise is concerned, managers of undertakings are in exactly the same position as other members of the community who are in an employment relationship (Part II, sections 4 and 5, of the Rules of the Confederation). In practice the managers of undertakings are members of the trade unions formed by the wage-earning and salaried employees of their undertakings.

In Part III, section 35, of the Rules of the Confederation it is stated that “the councils of the... Confederation have the status of bodies corporate and assume

liability for their commitments towards third parties". Similar provisions may be found in the rules of individual trade unions.

As far as national legislation is concerned, the status of a body corporate is governed not by civil law " but by the provisions respecting association in the different spheres " (as regards trade unions, see the preceding paragraph).

As the Associations Act of 1946 does not apply to trade unions, they are not obliged to give notice of their meetings.

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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 implementation:

Argentina, Cameroon, Denmark, Italy, Ivory Coast, Mauritania, Netherlands, Norway, Sweden, Yugoslavia.

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

Austria, Bulgaria, Chad, Dominican Republic, Finland, France, Honduras, Malagasy Republic, Togo, United Kingdom, Upper Volta.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Libya	20. 6. 1962
Argentina	24. 9. 1956	Luxembourg	3. 3. 1958
Australia	24. 12. 1949	Netherlands	7. 3. 1950
Belgium	16. 3. 1953	New Zealand	3. 12. 1949
Brazil	25. 4. 1957	Nigeria	16. 6. 1961
Bulgaria ²	29. 12. 1949	Norway	4. 7. 1949
Canada	24. 8. 1950	Peru	6. 4. 1962
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Sierra Leone ⁴	13. 6. 1961
Cyprus ³	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 ⁴	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		
Japan	20. 10. 1953		

¹ See footnote 1 to Convention No. 3.

² Has denounced this Convention.

³ See footnote 3 to Convention No. 15.

⁴ See footnote 2 to Convention No. 15.

BELGIUM

A service specialising in the resettlement of Belgian citizens repatriated from the Congo has been set up by three royal orders.

On 17 January 1962 an Employment Working Group was formed of representatives of ministerial departments, semi-official establishments, the highest ranks of the teaching profession and the main occupational organisations.

CYPRUS

With the help of an I.L.O. expert the service carried out its first employment survey in February 1962 and instituted a training course for placement officers.

JAPAN

The Law for partial amendment of the Law concerning provisional measures for displaced coal-miners, of 3 March 1962, established a regional employment security office covering a number of prefectures in the south-western region of Japan to facilitate interregional placement of displaced workers in the area (particularly displaced coal-miners).

The Employment Promotion Projects Corporation Law of 6 June 1961 established the Employment Promotion Projects Corporation for the purpose of facilitating geographical and occupational mobility of workers. Functions of the Corporation include building and operating workers' housing; payment of removal expenses to workers who have to change their residence to take up new employment; provision of loans for the construction of workers' housing to employers who employ displaced

workers; and organisation of courses for the retraining of displaced workers. The Corporation is under the supervision of the Ministry of Labour and works closely with the public employment security offices.

SPAIN (First Report)

Employment Exchanges Act of 10 February 1943 (*L.S.* 1943—Sp. 2).

Regulations issued under the Employment Exchanges Act of 10 February 1943: Decree No. 1254 of 9 July 1959 (*Boletín Oficial del Estado (B.O.E.)*, No. 176, 24 July 1959).

Order of 1 October 1958 regulating the powers of the General Directorate of Employment of the Ministry of Labour (*B.O.E.*, No. 247, 15 Oct. 1958).

Order of 13 June 1961 respecting provincial employment services (*B.O.E.*, 26 June 1961).

Act of 22 July 1961 establishing a national unemployment insurance scheme.

Order of 14 November 1961 containing regulations issued under the Act of 22 July 1961.

Act of 22 December 1960 to regulate emigration (*B.O.E.*, No. 307, 23 Dec. 1960).

Order of 4 August 1938 respecting the registers of contracts of apprenticeship to be maintained by placement offices (*B.O.E.*, 6 Aug. 1938).

Order of 23 September 1939 to make apprenticeship compulsory for workers under 20 years of age and to lay down rules for their registration with the employment exchanges (*B.O.E.*, 3 Oct. 1939) (*L.S.* 1939—Sp. 2).

Decree of 5 April 1938 respecting the Disabled Ex-Servicemen's Corps (*B.O.E.*, 14 Apr. 1938).

Decree of 25 August 1939 respecting the placement of ex-servicemen in private employment (*B.O.E.*, 16 Sep. 1939).

Contract of Employment (Consolidation) Decree of 26 January 1944 (*L.S.* 1944—Sp. 1).

Article 1, paragraph 1, of the Convention. It is the responsibility of the State to organise the placement of workers by means of a free exclusive public national service (Act of 10 February 1943 (section 1) and Placement Regulations dated 9 July 1959 (section 2)).

Paragraph 2. The provisions of the law are in accordance with this paragraph regarding the essential duty of an employment service. The Placement Regulations define the purposes of placement operations.

Article 2. The contents of this Article are covered by the Act and Regulations. The organisation of state, trade union and joint advisory and deliberative bodies which participate in the employment and placement scheme, together with the powers of these bodies, are dealt with in section 1 of the Act and sections 2, 4, 97 and 98 of the Regulations.

Article 3, paragraph 1. Placement services have been established at the national, provincial, district and local levels (Employment Exchanges Act (section 2) and Regulations (section 4)).

Paragraph 2 (*a*) and (*b*). Even though it is not necessary to review the organisation of the network of offices owing to the existence of a nation-wide placement service which is available to the entire population, provision is made for such a review by section 98 of the Regulations.

Article 4, paragraphs 1 and 2. Details of the organisation, composition and functions of the provincial and district placement committees are given in sections 32 to 40 of the Regulations. The boards of the economic and social departments of the National Organisation of Spanish Trade Unions appoint the employers' and workers' representatives on these committees, the main function of which is to put forward schemes for preventing or absorbing unemployment.

Paragraph 3. The committees are made up of equal numbers of employers and workers (Regulations, sections 32 and 38).

Article 5. The National Organisation of Spanish Trade Unions makes proposals to the Ministry of Labour regarding referrals of workers to employers and migratory movements (Employment Exchanges Act, sections 15 and 16).

Article 6, paragraph (a) (i). The points dealt with in this paragraph are covered by the Placement Regulations, Part III, sections 42 to 51.

Paragraph (a) (ii). Employers are required to supply information about vacancies (section 5 of the Employment Exchanges Act and sections 53 to 57 of the Regulations).

Paragraph (a) (iii). The law stipulates that placement offices must refer applicants with the skills and physical capacities required by employers.

Paragraph (a) (iv). The procedure for referring applicants and vacancies from one employment office to another is prescribed by law (Employment Exchanges Act, section 15, and Chapter IV, Part III, sections 60 to 73 of the Regulations).

Paragraph (b) (i). The General Directorate of Employment publishes information about new occupations and technical trades in order to attract new entrants. The placement of workers in areas away from their homes is covered by sections 69 to 72 of the Order dated 1 October 1958.

Paragraph (b) (ii) and (iii). See under Article 5.

Paragraph (b) (iv). The Act of 22 December 1960 regulates emigration, and the General Directorate of Employment is responsible for enforcing it.

Paragraph (c). The Employment Exchanges Act and its Regulations deal with the compilation and analysis of information on the state of the employment market; the desirability of providing information about the needs of various occupations or industries and prospects of employment therein; the compilation of statistics regarding the foregoing (together with migration); and co-operation in preparing plans for achieving a high and stable level of employment and proposing appropriate schemes.

Paragraph (d). The compulsory national unemployment insurance scheme was introduced by an Act dated 22 July 1961, and regulations for its application were issued in the form of an order dated 14 November 1961.

Paragraph (e). The Placement Regulations define the relationship between the administrative services of the Ministry of Labour and the National Organisation of Spanish Trade Unions, provincial, district and special placement offices, local registration offices and provincial and district boards. The Order of 1 October 1958 also deals with the subject covered by this paragraph (section 1 (25) and (27)).

Article 7, paragraph (a). The Employment Exchanges Act and its Regulations provide for the establishment of special placement offices wherever large numbers of workers are concentrated and to cater for certain occupations whenever the labour authorities authorise the establishment of such independent offices outside the jurisdiction of the district offices.

Paragraph (b). War-disabled workers are granted preferential treatment in employment under the Decree of 5 April 1938, the Decree of 25 August 1939 and the Order of 30 July 1940; persons disabled by employment injuries must also fill a prescribed percentage of minor jobs of a sedentary nature.

Article 8. The law regulates the placement of apprentices, and the provincial offices are responsible for carrying out vocational guidance and training schemes.

Article 9. The General Directorate of Employment and the provincial employment services are staffed by civil servants. The National Organisation of Spanish Trade Unions has a statutory responsibility for operating the district placement offices, and employs special staff for this purpose (section 9 of the Employment Exchanges Act and sections 8 and 97 of the Regulations). The Ministry of Labour is responsible for the establishment, modification and inspection of placement services (section 98 of the Regulations).

Article 10. Section 5 of the Employment Exchanges Act and sections 52 to 59 of the Regulations make it compulsory for workers and employers to make use of the placement offices.

Article 11. Private placement agencies, even if non-profit-making, are not allowed.

Article 12. Provisional exceptions are made to the application of this Convention in the case of the equatorial and western African provinces, owing to geographical circumstances. The legislation on the subject is sufficiently flexible to enable special provision to be made if in the interests of these areas. Details of these exceptions will be supplied later.

The provincial employment offices are responsible for the running of placement services, offices and registration offices for carrying out classification and placement, and for supervising the establishment and co-ordinating the operations of the provincial and district boards. The Labour Inspectorate is responsible for enforcing the laws on the placement and employment of aliens.

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

89. Night Work (Women) Convention (Revised), 1948

This Convention came into force on 27 February 1951

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Luxembourg	3. 3. 1958
Austria	5. 10. 1950	Netherlands	22. 10. 1954
Belgium	1. 4. 1952	New Zealand	10. 11. 1950
Brazil	25. 4. 1957	Pakistan	14. 2. 1951
Congo (Leopoldville) ²	20. 9. 1960	Philippines	29. 12. 1953
Costa Rica	2. 6. 1960	Rumania	28. 5. 1957
Cuba	29. 4. 1952	Rwanda ²	18. 9. 1962
Czechoslovakia	12. 6. 1950	Senegal	22. 10. 1962
Dominican Republic	22. 9. 1953	Republic of South Africa	2. 3. 1950
France	21. 9. 1953	Spain	24. 6. 1958
Ghana	2. 7. 1959	Switzerland	6. 5. 1950
Greece	27. 4. 1959	Syrian Arab Republic	1. 12. 1949
Guatemala	13. 2. 1952	Tunisia	15. 5. 1957
India	27. 2. 1950	United Arab Republic	26. 7. 1960
Ireland	14. 1. 1952	Uruguay	18. 3. 1954
Italy	22. 10. 1952	Yugoslavia	20. 6. 1956
Kuwait	21. 9. 1961		
Lebanon	26. 7. 1962		
Libya	20. 6. 1962		

¹ See footnote 1 to Convention No. 3.

² See footnote 6 to Convention No. 4.

AUSTRIA.

Pending the enactment of new legislation on hours of work, the Federal Minister of Social Affairs submitted to the competent bodies, on 11 June 1962, a federal Bill respecting night work of women, intended to bring the national regulations into harmony with the provisions of the Convention. He hopes that this procedure will enable the desired end to be more quickly achieved.

Meanwhile, the Austrian Congress of Chambers of Workers recognises that the situation has improved as a result of the efforts of the labour inspectorate.

LUXEMBOURG

Act of 10 February 1958 approving the Night Work (Women) Convention (Revised), 1948 (*Mémorial*, 1958, pp. 209-212).

Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (*ibid.*, No. 17, 31 Mar. 1932, p. 177) (*L.S.* 1932—Lux. 1).

Grand-Ducal Order of 6 January 1933 to amend the Grand-Ducal Order of 30 March 1932 (*Mémorial*, No. 2, 14 Jan. 1933, p. 17) (*L.S.* 1933—Lux. 1).

Articles 1 and 3 of the Convention. Women irrespective of age may not be employed during the night at any public or private industrial workplace or in any branch thereof. In general, a very limited number of women are employed in Luxembourg. Of a total of 57,000 industrial workers only about 1,000 are women.

Article 2. Night rest must be of not less than 11 consecutive hours' duration covering the period from 10 p.m. to 5 a.m.

Article 4, paragraphs (a) and (b). The prohibition of night work does not apply in the cases mentioned.

Article 5. So far, no suspension of the provisions in force has been ordered, nor are any such suspensions contemplated for the future.

Article 6. The night work period may be reduced to ten hours on 60 days of the year in the cases mentioned.

Managers of undertakings wishing to avail themselves of the exceptions allowed in the national provisions corresponding to those contained in Articles 4 and 6 of the Convention must inform the Labour Inspector in advance and, at the same time, provide him with a chart showing the number of women workers involved and the duration and type of work to be done. This same chart must be posted in a prominent place on the premises of the undertaking.

The implementation of the pertinent national provisions is supervised by the labour and mines inspectorate which is responsible to the Ministry of Labour and Social Security.

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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 implementation:

Austria, Czechoslovakia, Luxembourg, Pakistan, Rumania, Yugoslavia.

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	Lebanon	26. 7. 1962
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	Peru	4. 4. 1962
Ghana	4. 4. 1961	Philippines	29. 12. 1953
Greece	30. 3. 1962	Tunisia	26. 4. 1961
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
India	27. 2. 1950	Uruguay	18. 3. 1954
Israel	23. 12. 1953	Yugoslavia	20. 2. 1957
Italy	22. 10. 1952		

PAKISTAN

In reply to an observation made by the Committee of Experts in 1962 the Government indicates in its report that action in respect of the amendment of the Factories Act, 1934, to bring its provisions into line with those of the Convention, is progressing satisfactorily.

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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 implementation:

Byelorussia, Pakistan, Ukraine.

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

Czechoslovakia, Yugoslavia.

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Belgium	30. 8. 1962
Brazil	8. 6. 1954
Costa Rica	2. 6. 1960
Cuba	29. 4. 1952
Denmark	30. 9. 1950
Finland	22. 12. 1951
France	26. 10. 1951

Countries	Ratification registered on
Ireland	21. 7. 1952
Netherlands	17. 6. 1958
Norway	29. 6. 1950
Poland	13. 4. 1954
Portugal	29. 7. 1952
Sweden	18. 7. 1950
United Kingdom	6. 8. 1953

¹ See footnote 1 to Convention No. 3.

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

Brazil, Portugal.

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Jamaica ²	26. 12. 1962
Austria	10. 11. 1951	Morocco	20. 9. 1956
Belgium	13. 10. 1952	Netherlands	20. 5. 1952
Bulgaria	7. 11. 1955	Nigeria ²	17. 10. 1960
Cameroon:		Philippines	29. 12. 1953
Eastern Cameroon	29. 1. 1963	Rwanda ³	18. 9. 1962
Western Cameroon ²	3. 9. 1962	Sierra Leone	15. 6. 1961
Congo (Leopoldville) ³	30. 9. 1960	Somalia (ex-British Somaliland) ⁵	18. 11. 1960
Costa Rica	2. 6. 1960	Syrian Arab Republic	7. 6. 1957
Cuba	29. 4. 1952	Tanganyika ³	30. 1. 1962
Cyprus ⁴	23. 9. 1960	Turkey	29. 3. 1961
Denmark	15. 8. 1955	United Arab Republic	26. 7. 1960
Finland	22. 12. 1951	United Kingdom	30. 6. 1950
France	20. 9. 1951	Uruguay	18. 3. 1954
Ghana	4. 4. 1961		
Guatemala	13. 2. 1952		
Israel	30. 3. 1953		
Italy	22. 10. 1952		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 15.

³ See footnote 6 to Convention No. 4.

⁴ See footnote 3 to Convention No. 15.

⁵ See footnote 5 to Convention No. 50.

AUSTRIA

In reply to an observation by the Committee of Experts the Government indicates that the directives for awarding government contracts have not yet been approved, but that steps are being taken to reach a decision on a ministerial level as soon as possible, and in any event before the 47th Session of the Conference. It would then be possible for the Government to advise the I.L.O. of the full implementation of the Convention. The Austrian Congress of Chambers of Workers has again pointed out the necessity of bringing the laws and regulations on labour clauses into full conformity with the provisions of the Convention.

DENMARK

Regulations for the application of the Convention are now being considered.

* * *

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

Cyprus, Philippines.

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	Malagasy Republic ²	1. 11. 1960
Algeria ¹	19. 10. 1962	Malaya	17. 11. 1961
Argentina	24. 9. 1956	Mali ⁵	22. 9. 1960
Austria	10. 11. 1951	Mauritania ³	20. 6. 1961
Brazil	25. 4. 1957	Mexico	27. 9. 1955
Bulgaria	7. 11. 1955	Netherlands	20. 5. 1952
Byelorussia	4. 8. 1961	Niger ²	27. 2. 1961
Cameroon:		Nigeria ³	17. 10. 1960
Eastern Cameroon ³	7. 6. 1960	Norway	29. 6. 1950
Western Cameroon ³	3. 9. 1962	Philippines	29. 12. 1953
Central African Republic ²	27. 10. 1960	Poland	25. 10. 1954
Chad ²	10. 11. 1960	Senegal ⁵	4. 11. 1960
China	16. 11. 1962	Sierra Leone	15. 6. 1961
Congo (Brazzaville) ²	10. 11. 1960	Somalia ⁶ (ex-British Somaliland)	18. 11. 1960
Costa Rica	2. 6. 1960	Spain	24. 6. 1958
Cuba	29. 4. 1952	Syrian Arab Republic	7. 6. 1957
Cyprus ⁴	23. 9. 1960	Tanganyika ³	30. 1. 1962
Dahomey ²	12. 12. 1960	Togo ²	7. 6. 1960
Ecuador	6. 7. 1954	Tunisia	28. 5. 1958
France	15. 10. 1952	Turkey	29. 3. 1961
Gabon ²	14. 10. 1960	Ukraine	4. 8. 1961
Greece	16. 6. 1955	U.S.S.R.	4. 5. 1961
Guatemala	13. 2. 1952	United Arab Republic	26. 7. 1960
Guinea ²	21. 1. 1959	United Kingdom	24. 9. 1951
Honduras	20. 6. 1960	Upper Volta ²	21. 11. 1960
Hungary	8. 6. 1956	Uruguay	18. 3. 1954
Iraq	12. 5. 1960		
Israel	12. 1. 1959		
Italy	22. 10. 1952		
Ivory Coast ²	21. 11. 1960		
Libya	20. 6. 1962		

¹ See footnote 1 to Convention No. 3.

² See footnote 4 to Convention No. 4.

³ See footnote 2 to Convention No. 15.

⁴ See footnote 3 to Convention No. 15.

⁵ See footnote 7 to Convention No. 4.

⁶ See footnote 5 to Convention No. 50.

GABON

Act No. 88/61 of 4 January 1962 respecting a Labour Code (*Journal officiel*, 4th year, No. 5, special issue, 1 Mar. 1962).

Order No. 259 IT/GA/LS of 8 February 1954 to specify the allocation of daily rations and to fix the maximum value of their reimbursement.

Order No. 260 of 8 February 1954 concerning the allocation of workers' housing and fixing the value of the reimbursement of such housing.

HONDURAS (First Report)

Constitution (*L.S.* 1957—Hon. 5).

Decree No. 189 of 1 June 1959 (Labour Code) (*La Gaceta*, 15-18 and 20-23 July 1959) (*L.S.* 1959—Hon. 1).

Article 1 of the Convention. Sections 360 and 361 of the Labour Code define wages.

Article 2. Wage legislation applies to all persons to whom a wage is paid or is payable, without any exceptions whatsoever.

Article 3. Wages must be paid in legally valid currency (article 112 (3) of the Constitution and section 365 of the Code).

Article 4. In certain occupations employers are allowed to pay a part of wages in kind. The Government states that wages may not be paid in the form of alcoholic beverages or harmful drugs. Section 366 of the Code fixes the proportions for payment of wages in kind, which may not exceed 30 per cent. of cash payment in the case of agricultural workers. Free supplies granted by the employer may not be assimilated to wages.

Article 5. This article is applied by section 369 of the Code.

Article 6. National legislation permits the worker to make free use of his wages. Section 96 (1) of the Labour Code forbids employers to force workers to purchase consumer or other goods from specified persons or shops.

Article 7. No direct steps have been taken in order to prevent stores established by the employer from being operated on a profit-making basis, but workers are indirectly protected by sections 13 and 14 of the Code.

Article 8. Debts contracted by workers with the employer through excessive wage advances or through civil liability arising through employment must be paid off over not less than five wage periods. Upon expiry of the employment contract the employer may carry out a final settlement. In other cases workers' debts to the employer may be paid off only in so far as the debtor's wages are subject to attachment (section 372 of the Code).

Article 9. This Article is applied under section 26 (2) of the Labour Code prohibiting employers from demanding or accepting money from workers with a view to their admission to employment or in respect of any other advantage.

Article 10. The Constitution (article 112 (5)) and the Labour Code (section 371) state that the minimum wage is not subject to attachment except for payment of alimentary pensions (subject to a maximum of 50 per cent.) or in order to pay for the worker's housing or for food bought for him or his family.

Article 11. Article 112 (4) of the Constitution states that wages due shall have priority in payment of debts in the event of the employer's bankruptcy. Section 374 of the Code provides that sums due to workers in respect of wages earned during the preceding year shall have priority rights in the event of insolvency or bankruptcy and shall therefore be paid within 30 days following the formal decision by the labour magistrate.

Article 12. Section 368 of the Code provides that the parties shall fix periodicity of payment of wages but that wages shall not be paid at intervals of more than one week for manual workers. If the wage consists in participation in the employer's profit, a weekly or monthly sum shall be fixed which must be paid to the worker in proportion to his requirements. Final liquidation shall be made not more than once per year. There is no precise legal provision regarding final settlement of the total sum of wages due. Nevertheless, when an employment contract is terminated the employer is required to pay the worker all wages due. If he refuses, the worker may have recourse to the competent authorities.

Article 13. This Article is applied by section 369 of the Labour Code.

Article 14. In accordance with section 363 of the Labour Code the wage is fixed freely by the parties, subject to a minimum equivalent to the minimum wage. Section 364 lists the various ways of calculating remuneration. The Code further requires all persons employing more than ten workers in an industrial undertaking, more than five in a commercial undertaking, or more than 20 in an agricultural undertaking, to draw up works rules. Section 92 of the Code states that these rules shall stipulate the various types of wages and the jobs to which they correspond as well as the place, day and hour of payment and the periods between each payment.

Article 15. The Minister of Labour has distributed a large number of copies of the Labour Code to all trade union organisations in the country.

Article 17. The Convention is applied throughout Honduras.

IRAQ (First Report)

Labour Law No. 1, 1958, as amended (*Al-Waqayl'u al'Iraqiya*, 16 Mar. 1958) (L.S. 1961—Iraq 1).

Articles 1 and 2 of the Convention. Sections 1 (1) and 2 of the Labour Law are applicable.

Articles 3 and 4. Sections 28 to 30 of the Labour Law give effect to these provisions.

Articles 5 to 7. Sections 31 to 33 of the Labour Law apply these Articles.

Article 8. Sections 33 and 34 of the Labour Law are applicable.

Articles 9 and 10. Sections 88 and 34 of the Labour Law cover these provisions.

Article 11. Sections 34 and 69 of the Labour Law apply this Article.

Articles 12 and 13. Sections 32 and 99 of the Labour Law give effect to these provisions.

Article 14. Workers are informed verbally or in writing, on engagement, of the wages agreed upon and of any changes that take place in their wages in the course of employment. At the time of each payment they are informed of the particulars of their wages for the pay period.

Article 15. Laws and regulations giving effect to the provisions of the Convention are published, together with the text of the Convention, in the official gazette and in the local press.

Article 17. The Convention is applied throughout the country.

The Ministry of Social Affairs and the Directorate-General of Labour are responsible for ensuring the application of the above-mentioned legislation. Application is supervised and enforced by labour inspectors. Contraventions are investigated and dealt with in accordance with the law, and repeated breaches are referred to the labour court.

UNITED ARAB REPUBLIC

The following information is supplied in reply to a request by the Committee of Experts.

Article 2 of the Convention. The question of the exclusion of casual workers from the scope of Part II, Chapter II, of the Labour Code will be considered by the committee set up to amend and revise the Code.

Article 4. Benefits in kind are normally specified in the works rules or are established in accordance with custom.

Article 9. Under section 19 of the Code, payments by an unemployed person are prohibited both for the purpose of obtaining work and for the purpose of retaining employment.

* * *

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

Central African Republic, Israel, Mali, Mauritania, Togo.

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

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
Algeria ^{1 2}	19. 10. 1962	Japan ³	11. 6. 1956
Belgium ²	4. 7. 1958	Libya ³	20. 6. 1962
Bolivia ²	19. 7. 1954	Luxembourg ²	15. 12. 1958
Brazil ²	21. 6. 1957	Netherlands ²	20. 5. 1952
Ceylon ³	1. 5. 1958	Norway ²	29. 6. 1950
Costa Rica ²	2. 6. 1960	Pakistan ²	26. 5. 1952
Cuba ²	3. 2. 1953	Poland ²	25. 10. 1954
Finland ²	22. 12. 1951	Senegal ³	22. 10. 1962
France ²	10. 3. 1953	Sweden ²	18. 7. 1950
Federal Republic of Germany ²	8. 9. 1954	Syrian Arab Republic ²	7. 6. 1957
Gabon ²	13. 6. 1961	Turkey ³	23. 1. 1952
Guatemala ²	3. 1. 1953	United Arab Republic ²	26. 7. 1960
Israel ³	19. 6. 1961		
Italy ²	9. 1. 1953		
Ivory Coast ²	22. 5. 1961		

¹ See footnote 1 to Convention No. 3.

² Has accepted the provisions of Part II.

³ Has accepted the provisions of Part III.

BOLIVIA (First Report)

Presidential Decree No. 288 to create employment exchanges, dated 4 April 1945 (*Leyes Sociales de Bolivia*, 1945, No. 3) (L.S. 1945—Bol. 1).

Fee-charging employment agencies, whether operated for profit or not, have been suppressed by Presidential Decree No. 288, by which free public employment offices were created and placed under the authority of labour inspectors. An employment department has since been established in the Manpower Section of the Ministry of Labour, which is responsible for regulating the placement of the unemployed and of workers seeking their first job.

PAKISTAN

In reply to the observations made by the Committee of Experts in 1962 the Government expresses its regret that the proposed legislation has not yet been enacted. However, efforts are being made to expedite the enactment of the legislation.

UNITED ARAB REPUBLIC (First Report)

Law No. 91/1959 (Labour Code) (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—U.A.R. 1).

Section 12 of Law No. 91/1959 provides that the unemployed worker has the right of free registration at any public employment office. Section 19 of the Law provides that an employment agency may not collect a fee from an unemployed person for placing him in employment.

Under section 18 of the Law voluntary associations and occupational organisations may set up employment agencies, but these must supply the competent authority with a monthly report on their activities and keep records for this purpose.

Application of the Law is entrusted to labour inspection offices established in the different districts of the country.

* * *

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

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ^{1 2}	19. 10. 1962	New Zealand ⁶	10. 11. 1950
Belgium	27. 7. 1953	Nigeria ^{3 4}	17. 10. 1960
Cameroon (Western Cameroon) ^{3 4}	3. 9. 1962	Norway	17. 2. 1955
Cuba	29. 4. 1952	United Kingdom ⁷	22. 1. 1951
Cyprus ^{4 5}	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		
Jamaica ^{3 4}	26. 12. 1962		
Netherlands	20. 5. 1952		

¹ See footnote 1 to Convention No. 3.

² Has excluded the provisions of Annex II.

³ See footnote 2 to Convention No. 15.

⁴ Has excluded the provisions of Annexes I, II and III.

⁵ See footnote 3 to Convention No. 15.

⁶ Has excluded the provisions of Annex I.

⁷ Has excluded the provisions of Annexes I and III.

BELGIUM

European Economic Community Regulation No. 15 of 16 August 1961 setting out the first measures to effect the free movement of workers within the Community under Articles 48 and 49 of the Rome Treaty (*Journal officiel des Communautés européennes*, 4th year, No. 57, 26 Aug. 1961) came into force on 1 September 1961.

Within the framework of the Organisation for Economic Co-operation and Development a system of international clearance of employment vacancies and requests came into force between the States Members of that Organisation on 1 July 1961.

FEDERAL REPUBLIC OF GERMANY (First Report)

Emigration Act of 9 June 1897 (*Reichsgesetzblatt (RGBl.)*, p. 463) and Notices Nos. 2451 of 14 March 1898 (*RGBl.*, p. 39) and 2989 of 23 August 1903 (*RGBl.*, p. 274) issued under the terms of section 21 of the above-mentioned Act (operation of emigration undertakings and agencies).

Ordinance of 14 February 1924 to remedy abuses in connection with emigration (*RGBl.*, Part I, p. 107).

Ordinance of 28 June 1935 concerning the placement, recruitment and engagement of workers for employment abroad (*RGBl.*, Part I, p. 903) and regulations of 8 January 1936 relating to application of the above-mentioned ordinance (*Deutscher Reichsanzeiger*, No. 7, p. 1).

Aliens Control Ordinance of 22 August 1938 (*RGBl.*, Part I, p. 1053).

Agreement of 30 October 1961 between the Government of the Federal Republic of Germany and the Government of Turkey concerning the placement of Turkish workers in the Federal Republic (*Bundesarbeitsblatt*, 1962, No. 3, p. 69).

Agreement of 16 April 1962 between the Government of the Federal Republic of Germany and the Government of the Italian Republic concerning the recruitment of Italian workers and their placement in the Federal Republic (replaces the agreement of 20 December 1955).

European Economic Community Regulation No. 15 of 16 August 1961 setting out the first measures to effect the free movement of workers within the Community under Articles 48 and 49 of the Rome Treaty (*Journal officiel des Communautés européennes*, 4th year, No. 57, 26 Aug. 1961).

Basic Law for the Federal Republic of Germany, 23 May 1949 (*Bundesgesetzblatt (BGBl.)*, Part I, p. 1) (*L.S.* 1949—Ger.F.R. 1) (section 3 (3): prohibition of discrimination).

Placement and Unemployment Insurance Act, amended text of 3 April 1957 (*BGBl.*, Part I, p. 321) (*L.S.* 1957—Ger.F.R. 3) (sections 37 (2): publication of offers of employment abroad; 42: recruitment for employment abroad and recruitment abroad for employment in the Federal Republic; 43: permits for non-German workers; and 54: recruitment for employment abroad and recruitment abroad for employment in the Federal Republic).

Ninth Ordinance, dated 20 November 1959, relating to application of the above-mentioned Act (permits for non-German workers) (*BGBL.*, Part I, p. 689).

Staff Representation Act of 5 August 1955 (*BGBL.*, Part I, p. 477) (*L.S.* 1955—Ger.F.R. 1) (section 56 (1): prohibition of discrimination).

Works Constitution Act of 11 October 1952 (*BGBL.*, Part I, p. 681) (*L.S.* 1952—Ger.F.R. 6) (section 51: prohibition of discrimination).

Article 1 of the Convention. Information on the subjects mentioned in this Article has been communicated regularly to the I.L.O. since 1950.

Article 2. The Federal Office (Emigration Service) and public information offices established by welfare organisations or other bodies give prospective emigrants free information and advice on questions related to emigration and living and working conditions in immigration countries. In addition, the Federal Institution for Placement and Unemployment Insurance, which is responsible for recruitment and placement of workers seeking employment abroad, makes available to prospective emigrants information on work contracts, wages and other employment conditions and on recruitment and placement procedures. The Federal Institution also provides similar information to foreign workers coming to take up employment in the Federal Republic, and its recruitment missions in certain countries give information to foreigners interested in the possibilities of employment in the Federal Republic.

Article 3. Paragraph 48 of the Emigration Act and paragraph 144 of the Penal Code lay down penalties for spreading misleading propaganda concerning emigration. The Ordinance of 14 February 1924 ensures that persons contemplating emigration receive reliable information on which to base their decision.

The Placement and Unemployment Insurance Act also contains a number of safeguards against misleading propaganda relating to emigration and immigration: prior authorisation or special mandate for publication of offers of employment abroad, recruitment and placement of workers for employment abroad and recruitment of workers abroad for employment in the Federal Republic, when this is not undertaken by the Federal Institution itself. An ordinance on the recruiting and placement of emigrant and immigrant workers is being prepared.

In order to prevent the issue of misleading propaganda by placement offices conducted with a view to profit, the Federal Government has exchanged lists of all such duly authorised offices with other European States so that it may co-operate with these offices as necessary and supervise their activities in the Federal Republic.

Article 4. In the Federal Republic there are public, church and other bodies which facilitate the departure and travel of migrants.

Under agreements with the Intergovernmental Committee for European Migration the Federal Government has facilitated payment of the overseas transport costs of persons in need of financial assistance. When foreign workers recruited under government agreements arrive in the Federal Republic the Federal Institution ensures that they are routed to their place of work and taken care of during the journey and on arrival.

The Federal Government endeavours to simplify administrative formalities for immigrants and emigrants. In order to overcome language difficulties the Federal Institution uses interpreters, when necessary, during recruitment operations.

Article 5. In the case of organised recruitment of foreign workers under inter-governmental agreements the workers concerned are, in principle, examined before departure by Federal Institution doctors on the staff of the recruitment missions or by other reliable doctors. Foreign workers admitted to the Federal Republic outside the framework of intergovernmental agreements are also required to undergo a medical examination before being granted a final residence permit. The official sickness insurance scheme and the supervision exercised by the health services

ensure adequate health protection for migrant workers and their families after arrival.

As a rule, German emigrants are examined before departure by reliable doctors from the immigration country, who usually act in co-operation with doctors from the Federal Institution and the health services. There is a permanent medical service in emigrant camps. The competent authorities ensure adequate medical protection and satisfactory hygienic conditions on ships used for transport of emigrants.

Article 6. Section 3 (3) of the Constitution prohibits discrimination on the grounds mentioned in Article 6 of the Convention. Section 51 of the Works Constitution Act of 11 October 1952 makes employers and works councils responsible for ensuring that there is no discrimination on these grounds in undertakings. The Staff Representation Act of 5 August 1955 contains provisions (sections 56 and 91) designed to prevent such discrimination in Federal, Land and communal administrative services, in the administrative services of public institutions and foundations and in Federal and Land courts. Various provisions ensure equality between migrant workers and nationals, in particular in the following fields: freedom of association, social security, income tax, and legal proceedings.

Article 7. The Federal Ministry of Labour and Social Affairs, the Federal Institution and the services concerned with migration—especially the Federal Office (Emigration Service)—co-operate closely with the competent authorities of other member States, both on a bilateral basis and within the framework of international organisations. The placement services of the Federal Institution are available free of charge to all persons seeking employment, including foreign immigrants.

Article 8, paragraph 1. The Federal Republic is not a party to any international agreement providing for the return of migrant workers and members of their families on the grounds mentioned in this paragraph. Illness and injury do not normally constitute grounds for returning a migrant worker to his country of origin or the country from which he has emigrated and may only lead indirectly to his return if they cause him to become indigent. The worker does not, however, become indigent as long as he is entitled to sickness insurance benefits or to a disablement pension or to pension insurance payments for unfitness for work. A migrant worker admitted on a permanent basis runs little risk of becoming indigent as a result of illness or injury; even if he does, however, the competent authorities (welfare organisations and the aliens control service) show the greatest reluctance to return him to his country of origin or the country from which he has emigrated. If the indigent person is a national of a State which has ratified the European Convention on Social and Medical Assistance he may, under the terms of Article 7 of that Convention, be repatriated only if he has no close ties in the country of residence and has been there for less than five years (or less than ten years if he had reached the age of 55 years before he arrived there).

Paragraph 2. This paragraph is not applicable because migrant workers are not admitted to the Federal Republic on a permanent basis upon arrival.

Article 9. There is no legal restriction on the transfer of part of the earnings and savings of migrant workers to their country of origin.

Article 10. Since ratifying the Convention the Government of the Federal Republic has concluded agreements with the Governments of Spain and Greece concerning the recruitment and placement of workers from those countries. These agreements, like those concluded with the Government of Italy in 1955 and with the Government of Austria in 1958, contain provisions deriving from application of the Convention and its annexes. The contracting parties to the above-mentioned agreements have agreed, pursuant to their application, to improve methods of recruitment and placement.

Article 11. Frontier workers are defined as persons who, while maintaining their domicile in the frontier region of a given country, are employed as wage-earners in the frontier region of a neighbouring country and return to their place of domicile at least once a week.

There is no definition of the term "short-term entry". However, section 10, subsection 4, of the Ninth Ordinance, dated 20 November 1959, issued under the Placement and Unemployment Insurance Act, lays down that no work permit is required by foreign workers who, while maintaining their domicile abroad, are employed in the Federal Republic at conferences or gatherings of major scientific or artistic interest, provided that the duration of such employment does not exceed eight days in any one place or that it is carried on in connection with festivals.

ANNEX I

Article 3, paragraphs 3 (b) and 4. Under section 54 of the Placement and Unemployment Insurance Act private agencies or persons may not engage in recruitment and placement of emigrants or immigrants without a special mandate from the Federal Institution; these agencies and persons shall be subject to the supervision of the Federal Institution and shall comply with its instructions. Sections 210 and 211 of the Act lay down penalties for infringement of the above-mentioned provisions.

Article 5. There is no system of supervision of the contracts of employment of migrants recruited otherwise than under intergovernmental agreements.

Article 6. Special welfare services have been established by private organisations for migrant workers and their families whose integration in the Federal Republic presents special difficulties (e.g. Italian, Spanish and Greek immigrants). The Federal Government subsidises the work of these special services and considers it desirable to extend the scope of their activities rather than to replace them by state services. The assistance provided by these different services covers a wide range of questions (e.g. social security, local customs, housing, cultural and recreational activities and language training) but does not include interpretation, because the persons providing the assistance are familiar with the language of the migrants concerned.

Article 7. See under Article 10 of the Convention and Article 5 of this annex.

ANNEX II

Article 3. See under Annex I, Article 3.

Article 5. To the Government's knowledge there has not been any collective transport of migrants in transit through the Federal Republic during the period under review.

Article 6. The agreements concluded with Italy, Spain and Greece concerning the recruitment and placement in the Federal Republic of workers from those countries specify that before leaving his country of origin the worker shall receive a copy of the contract of employment signed by his future employer. The contract indicates the occupational category in which the worker will be employed and provides information on his wages and other conditions of work. The Federal Institution and its recruiting committees in the above-mentioned countries ensure that the clauses of the contract are observed and give the worker, before his departure, a brochure containing information on general conditions of life and work in the Federal Republic.

Article 7. See under Annex I, Article 6.

Article 12. See under Article 10 of the Convention and Article 6 of this annex.

ANNEX III

The personal effects of migrant workers and of members of their families as well as the tools and equipment used by such workers for the carrying out of their particular trades are exempt from customs duties. This exemption is granted both to foreign workers entering the Federal Republic and to German emigrants returning home. The relevant provisions appear in the Ordinance of 14 June 1961 applying the Customs Act.

ITALY

Agreement of 6 August 1960 between the Government of the Italian Republic and the Government of the Kingdom of the Netherlands concerning the recruitment and placement of Italian workers in the Netherlands (*L.S.* 1960—Int. 7).

European Economic Community Regulation No. 15 of 16 August 1961 setting out the first measures to effect the free movement of workers within the Community under Articles 48 and 49 of the Rome Treaty (*Journal officiel des Communautés européennes*, 4th year, No. 57, 26 Aug. 1961).

Agreement of 16 April 1962 between the Government of the Italian Republic and the Government of the Federal Republic of Germany concerning the recruitment of Italian workers and their placement in the Federal Republic (replacing the agreement of 20 December 1955).

The above-mentioned instruments came into force during the period.

NETHERLANDS

Treaty of 7 June 1956 establishing a common employment market between the Benelux countries (*Tractatenblad (Tb.)*, 1956, No. 98) in force on 1 November 1960.

European Economic Community Regulation No. 15 of 16 August 1961 setting out the first measures to effect the free movement of workers within the Community under Articles 48 and 49 of the Rome Treaty (*Journal officiel des Communautés européennes*, 4th year, No. 57, 26 Aug. 1961).

Agreement of 6 August 1960 between the Governments of the Netherlands and Italy concerning the recruitment and placement of Italian workers in the Netherlands (*L.S.* 1960—Int. 7).

Agreement of 8 April 1961 between the Governments of the Netherlands and Spain concerning the recruitment and placement of Spanish workers in the Netherlands (*Tb.*, 1961, No. 59).

The above-mentioned instruments came into force during the period.

UNITED KINGDOM

The Commonwealth Settlement Act, 1962 (10 and 11 Eliz. 2, Ch. 17), extends until 31 May 1967 the provisions of earlier legislation under which the U.K. Government may contribute a maximum of £1.5 million annually toward the cost of schemes to assist persons emigrating from the United Kingdom to other parts of the Commonwealth.

The Commonwealth Immigrants Act, 1962 (10 and 11 Eliz. 2, Ch. 21), places the following limitations, valid from 1 July 1962 to 31 December 1963, on the immigration (hitherto unrestricted) of Commonwealth citizens, British-protected persons and citizens of the Republic of Ireland (other than persons ordinarily resident in the United Kingdom and the wives or children under 16 of persons resident in the United Kingdom):

- (1) admission to the United Kingdom will be subject (except in the case of students and persons able to support themselves and their dependants without working) to the possession of a Ministry of Labour employment voucher;
- (2) admission may be refused on the grounds of health, criminal record, national security or previous deportation.

The Act also authorises the deportation of Commonwealth citizens, British-protected persons and citizens of the Irish Republic who are convicted of offences punishable by imprisonment and whose deportation is recommended by the Court. However, persons who have been continuously resident in the United Kingdom for five years may not be recommended for deportation.

Under the terms of bilateral and multilateral agreements certain restrictions on the payment of social security benefits to nationals of the following countries have been removed: Federal Republic of Germany (family allowances and unemployment benefits); Greece (family allowances, old-age, invalidity and survivors' benefits); Switzerland (sickness benefits); and Turkey (sickness, maternity and death benefits, old age and invalidity pensions, widows' and orphans' benefits, benefits relating to industrial accidents and diseases).

* * *

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

Belgium, Cyprus, Federal Republic of Germany, Italy, New Zealand, Norway, United Kingdom.

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

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
Algeria ¹	19. 10. 1962	Ivory Coast	5. 5. 1961
Argentina	24. 9. 1956	Jamaica ²	26. 12. 1962
Austria	10. 11. 1951	Japan	20. 10. 1953
Belgium	10. 12. 1953	Liberia	25. 5. 1962
Brazil	18. 11. 1952	Libya	20. 6. 1962
Bulgaria	8. 6. 1959	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Malaya	5. 6. 1961
Cameroon:		Morocco	20. 5. 1957
Eastern Cameroon	29. 1. 1963	Niger	23. 3. 1962
Western Cameroon ²	3. 9. 1962	Nigeria ²	17. 10. 1960
Chad	8. 6. 1961	Norway	17. 2. 1955
China	11. 10. 1962	Pakistan	26. 5. 1952
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Poland	25. 2. 1957
Denmark	15. 8. 1955	Rumania	26. 11. 1958
Dominican Republic	22. 9. 1953	Senegal	28. 7. 1961
Ecuador	28. 5. 1959	Sierra Leone ²	13. 6. 1961
Finland	22. 12. 1951	Sudan	18. 6. 1957
France	26. 10. 1951	Sweden	18. 7. 1950
Gabon	29. 5. 1961	Syrian Arab Republic	7. 6. 1957
Federal Republic of Germany	8. 6. 1956	Tanganyika ²	30. 1. 1962
Ghana	2. 7. 1959	Tunisia	15. 5. 1957
Greece	30. 3. 1962	Turkey	23. 1. 1952
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Guinea	26. 3. 1959	U.S.S.R.	10. 8. 1956
Haiti	12. 4. 1957	United Arab Republic	3. 7. 1954
Honduras	27. 6. 1956	United Kingdom	30. 6. 1950
Hungary	6. 6. 1957	Upper Volta	16. 4. 1962
Iceland	15. 7. 1952	Uruguay	18. 3. 1954
Indonesia	15. 7. 1957	Yugoslavia	23. 7. 1958
Iraq	27. 11. 1962		
Ireland	4. 6. 1955		
Israel	28. 1. 1957		

¹ See footnote 1 to Convention No. 3.

² See footnote 2 to Convention No. 15.

ARGENTINA

Decree No. 6582/54.

In reply to a request for information made by the Committee of Experts the report states that the provisions of Act No. 14455/58 are applicable to workers who, without being civil servants, are employed in public undertakings. The report adds that section 8 of Decree No. 6582/54 constitutes the regulations referred to in the second paragraph of section 4 of Act No. 14250.

BYELORUSSIA

The Government reports that legislative changes are mentioned under Conventions Nos. 11 and 87.

DENMARK

As from 1 July 1962, the Rules of Negotiation, 1960, formerly communicated to the Office, are no longer in operation, and new rules have not yet been laid down.

Copies of the English and Danish texts of the general agreement concluded between the central industrial organisations in 1960 and replacing the agreement of September 1899, are enclosed; the agreement expressly recognises the right to organise and to bargain collectively.

FEDERAL REPUBLIC OF GERMANY

Reference is made to the report for the period from 1 July 1957 to 30 June 1958. The German Confederation of Trade Unions has drawn attention to the fact that when workers are engaged it is sometimes difficult to protect them against discrimination because of membership in a trade union, as it is often difficult to pinpoint discriminatory measures taken.

GHANA

When extending an authorisation prior to the registration of a trade union, the Minister acts on the advice of the Registrar. The Trade Unions Ordinance is still in effect as regards registration, and sections 11, 12 and 13 are applicable in respect of the issue and withdrawal of representation certificates.

The position whereby a certificate may not be issued in respect of persons in the public service or persons in the service of a municipal council or a council subject to the Local Government Ordinance, does not create a wholly unsatisfactory situation as far as negotiations in respect of other workers employed by other administrations and public services are concerned, since their conditions of service generally follow those of government servants.

GUINEA

For legislation see under Convention No. 87.

Under Ordinance No. 1 of 3 October 1958 all the collective agreements concluded previously for former French West Africa remain in force. The provisions of sections 5 and 7 of these various collective agreements are agreed measures ensuring the protection of employers' and workers' organisations against acts of anti-union discrimination or interference one with another.

In response to a direct request by the Committee of Experts the Government's report gives a list of the collective agreements in force, of which there are nine. It states that the number of workers covered by these agreements will soon be known from a statistical survey.

HAITI

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

With regard to workers employed in public undertakings section 221 of the Labour Code states: "... However, in the case of public services whose activities may be assimilated to those of commerce and industry, employees shall be covered by the provisions of this Code."

Article 2 of the Convention. With regard to proper protection against any form of intervention the Code contains several provisions (sections 4, 5, 7, 261 and 289). Section 265, in particular, prohibits representatives of the employer from joining the same trade union as the employees of an undertaking.

IRELAND

In connection with the report furnished for the period 1956-57 it is pointed out that new regulations—the Representative Bodies Regulations, 1962—were made by

the Minister of Justice and came into effect on 13 April 1962. A copy of the regulations is enclosed. A scheme of conciliation and arbitration for the police force was introduced in June 1959.

ITALY

In reply to a request made by the Committee of Experts the Government states that acts of anti-union discrimination prejudicial to workers may be brought to the notice of the administrative or judicial authorities in accordance with the procedure established by law, by the contract of employment or by a collective agreement. The Government appended to its report the texts of court decisions in respect of acts of anti-union discrimination involving the dismissal of workers.

JAPAN

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee* (1961), pp. 758-760.

The Bill for the ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Bills to effect related changes in the legislation, including the repeal of section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law and section 5 (3) of the Local Public Enterprise Labour Relations Law, were submitted to the Diet on 13 April 1962, but were not passed.

LUXEMBOURG (First Report)

Constitution.

Act of 11 May 1936 to guarantee freedom of association (*Mémorial*, No. 39, 16 May 1936, p. 463) (L.S. 1936—Lux. 2).

Grand-Ducal Order of 6 October 1945 respecting the establishment, powers and organisation of a National Conciliation Office (*Mémorial*, 1945, p. 463).

In virtue of article 11, paragraph 4, of the Constitution all Luxembourg citizens are guaranteed the right to work and are assured the exercise of this right.

In addition, the above-mentioned Act prohibits and punishes acts aimed at exerting pressure on an individual to become, to refrain from becoming or to cease being a member of an association.

The National Conciliation Office (superseding the former National Labour Council) was created by Grand-Ducal Order of 6 October 1945. The purpose of the new Office is to promote collective bargaining by creating appropriate conciliation machinery. This machinery has brought about the extension of collective agreement coverage to over 80 per cent. of the country's industrial workers. At the same time, the Office has contributed effectively to the maintenance of social harmony by forestalling labour disputes or mitigating those which had not otherwise been settled by conciliation.

A Bill which is designed to constitute a comprehensive body of legislation on the subject of collective labour agreements is pending before the Chamber of Deputies.

MALAYA (First Report)

Employment Ordinance, No. 38, 27 June 1955 (section 8).

Trade Unions Ordinance, No. 23, 21 May 1959.

Section 8 of the Employment Ordinance protects the right of "labourers" to organise and also protects them against acts of anti-union discrimination in respect of their employment. The term "labourers" as defined in the ordinance includes all manual workers and by resolution passed by the Legislative Council also includes certain workers employed in retail trades and certain other activities. These workers

are protected mainly by their trade unions. Where allegations of anti-union discrimination are found to be true, administrative action can be taken by the Ministry of Labour and Social Welfare.

This applies also in a similar way to questions of acts of interference or of domination by employers of workers' organisations.

The right to organise is also respected by trade unions and employers' organisations under the voluntary system of industrial relations promoted by the Government. No special machinery is therefore needed to ensure respect for this right to organise.

The Department of Labour and Industrial Relations advises and assists trade unions and employers' organisations in the establishment of voluntary joint machinery. A number of joint councils are now in operation, and many collective agreements have been concluded through them. Whitley Councils and works committees are in operation for civil servants and other employees of public authorities.

Members of the armed forces and the police are not allowed to form trade unions, but machinery exists for consultation of their representatives by the authorities.

MOROCCO

There have been very few acts of interference and anti-union discrimination. In such instances the Ministry of Labour has intervened and, in the last resort, the labour courts have been called upon.

The Higher Council on Collective Agreements, which consists of state, employers' and workers' representatives, is studying wages and occupational classifications; it is consulted by the Minister of Labour on the application and scope of collective agreements. The Council's recommendations are promoting the speedy conclusion of collective agreements.

PAKISTAN

With reference to the observations of the Committee of Experts the Government points out that adequate protection against anti-union activities of the employers has been provided under section 28-1 of the Trade Unions Act, 1926, as amended by the Trade Union (Amendment) Ordinance, 1960.

POLAND

In reply to the request by the Committee of Experts the Government states that foundation and registration are not subject to any supervision by bodies other than trade union bodies, so that these operations are effected "within the framework of the autonomy of the trade union movement".

Managers of undertakings may join trade unions on the basis of the general principles applying to all workers and all trade unions.

The number of collective agreements at present in force amounts to 77, covering some 5,300,000 workers.

SYRIAN ARAB REPUBLIC

Section 75 of Law No. 91/1959 (Labour Code) was repealed by Legislative Decree No. 49 of 3 July 1962, by virtue of which the dismissal of a person working in a private establishment is governed by the rules and regulations determined in the new legislation.

As regards the protection of union organisations against any act of interference by each other, Legislative Decree No. 50 issued on 3 July 1962 prohibits workers from joining more than one union. It thus guarantees the absence of any influence of one

union on another as a result of the presence of persons simultaneously affiliated to two unions.

As regards collective labour contracts, if the authority refuses to register a contract it must notify the parties of the reasons for the refusal. This provision and the right to appeal to the administrative tribunal of the State Council give sufficient safeguards to the parties concerned. Order No. 639 of 15 December 1959 gives effect to the provisions of section 106 of the Labour Code. Section 237 of Law No. 279 of 1946 (Labour Code) provided that all workers employed by the Government in public undertakings, with the exception of civil servants, shall benefit from the provisions of the Law. Sections 4 and 5 of the Labour Code of 1959 exclude workers employed by the Government in public undertakings from the scope of its provisions. However, the established administrative practice has extended the provisions of the Labour Code to all government workers. In its Decision No. 41 of 16 January 1961 the Court of Appeal stated that the Labour Code is applicable to all government workers and employees when it is more favourable than the special system prevailing for government employees. There is, furthermore, an officially authorised union for government workers and employees.

TANGANYIKA

Employment Ordinance (Cap. 366).

Trade Unions Ordinance (Cap. 381).

Trade Union Regulations, 1957.

Trade Disputes (Arbitration and Settlement) Ordinance (Cap. 296).

Regulation of Wages and Terms of Employment Ordinance (Cap. 300).

Trade Unions (Amendment) Ordinance, 1959.

Employment (Amendment) Ordinance, No. 10, 1960.

The Employment (Amendment) Ordinance contains a new section 14 A applicable to all employees, giving them all protection against anti-union discrimination in their employment.

Article 2 of the Convention. No legislation is necessary to ensure the application of this Article.

Article 3. No special machinery has been found necessary for the purpose envisaged in this Article.

Article 4. It is government policy (applied by the Labour Division) to promote joint negotiation for fixing the terms and conditions of employment. Sixty per cent. of the country's labour force is covered by collective agreements. There is no other machinery for the purpose.

Article 5. The Convention does not apply to the armed forces. Police and prison officers may not form unions.

TURKEY

Certain intellectual workers are covered by Act No. 7286 of 29 May 1959. Section 22 of Act No. 5953 of 13 June 1952 to regulate relations between employers and workers in the press gives journalists the right to create unions under Act No. 5018.

The new Constitution gives all workers the right of association (section 46). The legislation on the application of this right is expected to be in force within two years of the first meeting of the National Assembly. Both the Labour Code and the Trade Union Act are being revised at present. *Inter alia*, the distinction between intellectual and manual workers is to be eliminated.

A Bill on collective agreements, strikes and lockouts has been submitted to the Assembly. The few collective agreements at present in force relate mainly to the textile and metallurgical industries.

UKRAINE

For the amendments made to the Penal Code to protect unions in their lawful activities see under Convention No. 87.

UNITED ARAB REPUBLIC

Article 1 of the Convention. Under section 231 of the Labour Code an employer who dismisses one of his workers or inflicts upon him any penalty to compel him to join, or not to join, a trade union or to withdraw from it, or for reasons of trade union activity or the execution of a union's legitimate decision, is punishable by a fine not exceeding E.£100.

Article 2. Sections 160, 162, 170, 175 and 187 of the Labour Code provide protection against acts of interference.

Article 4. The registration of collective agreements, according to section 92 of the Labour Code, does not discourage full development and utilisation of machinery for voluntary negotiation. The reasons for the refusal to register collective agreements must be stated.

Article 6. The application of section 4 of the Labour Code has been extended by Presidential Decree No. 1900 of 1962 to cover "workers employed by the Government or by public establishments and administrative units having independent legal personality". A copy of this decree was annexed to the report.

UNITED KINGDOM

On 6 September 1960 the Trades Union Congress passed a resolution to the effect that Article 2 of the Convention was being contravened in the banking and insurance industries in that only company unions are recognised by most of the employers, and calling upon the Government to take action to ensure the application of the Convention. In March 1961 the General Secretary of the Trades Union Congress wrote to the Minister of Labour concerning the recognition of trade unions in the banking and insurance industries and other practices considered to be contrary to the Convention. On 11 April that year, at a meeting between the Minister of Labour and representatives of the Trades Union Congress, the former recalled that the question of recognition was a matter for agreement between employers and employees and that he had no authority to compel an employer to recognise a particular union.

On 30 March 1962 the Trades Union Congress forwarded to the Director-General of the International Labour Office a communication dated 12 March 1962 from the National Union of Bank Employees containing allegations of infringements of trade union rights in the United Kingdom for consideration by the Committee on Freedom of Association. On 6 September 1962 the Minister of Labour forwarded to the Director-General evidence submitted by the banking employers and by the staff associations concerned in this complaint.

U.S.S.R.

Apart from the amendments made to the legislation with regard to penal sanctions in the event of obstruction of trade union activities, no other provisions have been adopted to ensure the application of the Convention.

YUGOSLAVIA

See under Convention No. 87.

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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 implementation:

Belgium, Federal Republic of Germany, Guinea, Haiti, Italy, Ivory Coast, Japan, Poland, Rumania, United Kingdom.

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

Albania, Austria, Brazil, Bulgaria, Finland, France, Honduras, Hungary, Indonesia, Israel, Norway, Philippines, Sweden, Tunisia.

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
Algeria ¹	19. 10. 1962	Morocco	14. 10. 1960
Austria	29. 10. 1953	Netherlands	11. 6. 1954
Brazil	25. 4. 1957	New Zealand	1. 7. 1952
Ceylon	5. 4. 1954	Peru	1. 2. 1960
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	13. 1. 1954	Senegal	22. 10. 1962
France	29. 3. 1954	Sierra Leone ²	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 1 to Convention No. 3.

² See footnote 2 to Convention No. 15.

MOROCCO (First Report)

Dahir of 28 rebia I 1355 (18 June 1936) respecting the minimum remuneration of wage-earning and salaried employees (*Bulletin officiel (B.O.)*, No. 1234, 19 June 1936, p. 740) (*L.S.* 1936—Mor. 3).

Dahir No. 1-57-182 of 19 ramadan 1377 (9 April 1958) to determine the conditions of employment and remuneration of agricultural employees (*B.O.*, No. 2377, 16 May 1958, p. 781) (*L.S.* 1958—Mor. 1).

Order of 28 September 1954 by the Secretary-General of the Protectorate to fix the minimum wage in agriculture (*B.O.*, No. 2188, 1 Oct. 1954, p. 1336).

Dahir No. 1-59-352 of 28 rebia II 1379 (31 October 1959) (*B.O.*, No. 2457, 27 Nov. 1959, p. 2001). Order by the Minister of Labour and Social Affairs of 20 ramadan 1377 (10 April 1958) (*B.O.*, No. 2379, 30 May 1958, p. 846).

Article 1 of the Convention. Minimum wages in agriculture are fixed through legislative channels. Orders by the Minister of Labour and Social Affairs have set up, in the provinces of the Kingdom, joint provincial agricultural labour committees, formed on the initiative of the occupational organisations and unions and composed of employers' and workers' delegates. These committees are responsible for formulating any suggestions relating to the regulation of labour and social legislation in agriculture.

Article 2. Section 1 of the Order of 1954 provides that the wage of agricultural workers must be partly in cash and, as customary, partly in kind. The part of the wage necessarily paid in cash is fixed by law. The increase in this element must in no case entail the reduction or suppression of advantages in kind.

Article 3. Section 4 of the Dahir of 1936 stipulates that payment of wages below the legal rate exposes the employer to fines, under section 463 of the Penal Code, without prejudice to the workers' right to take action under the Civil Code.

Article 4. Minimum wage rates in the form of dahirs or orders are published in the official gazette. The labour inspectorate is responsible for supervising the application of these wage-fixing dahirs or orders. Payment of lower wages exposes the employer to a fine. The worker is entitled to take civil action for the recovery of the amount by which he has been underpaid.

Article 5. The arrangements for fixing the minimum wages described above cover all agricultural workers.

UNITED KINGDOM

The Agricultural Wages Board for Northern Ireland has fixed minimum wage rates for female workers in agriculture in Northern Ireland.

Since January 1961 the Wages Board of Scotland has made one combined wages order covering all districts in Scotland, and benefits and their values which can be reckoned as part payment of wages in lieu of payment in cash are now common to all districts.

TUNISIA

In reply to the request by the Committee of Experts concerning statistical information on the number of workers covered the Government states that it has no accurate data. However, according to a recent estimate, their number can be assessed at about 400,000.

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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 implementation:

Austria, Ceylon, France, Mexico, Netherlands, New Zealand, Philippines, Tunisia, United Kingdom.

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

Brazil, Federal Republic of Germany.

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	Iceland	17. 2. 1958
Algeria ¹	19. 10. 1962	India	25. 9. 1958
Argentina	24. 9. 1956	Indonesia	11. 8. 1958
Austria	29. 10. 1953	Italy	8. 6. 1956
Belgium	23. 5. 1952	Ivory Coast	5. 5. 1961
Brazil	25. 4. 1957	Libya	20. 6. 1962
Bulgaria	7. 11. 1955	Malagasy Republic	10. 8. 1962
Byelorussia	21. 8. 1956	Mexico	23. 8. 1952
China	1. 5. 1958	Norway	24. 9. 1959
Costa Rica	2. 6. 1960	Panama	3. 6. 1958
Cuba	13. 1. 1954	Peru	1. 2. 1960
Czechoslovakia	30. 10. 1957	Philippines	29. 12. 1953
Denmark	22. 6. 1960	Poland	25. 10. 1954
Dominican Republic	22. 9. 1953	Rumania	28. 5. 1957
Ecuador	11. 3. 1957	Senegal	22. 10. 1962
Finland	14. 1. 1963	Sweden	20. 6. 1962
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
Honduras	9. 8. 1956		
Hungary	8. 6. 1956		

¹ See footnote 1 to Convention No. 3.

AUSTRIA

In a reply—communicated to the Conference—to the Committee of Experts' request in 1961, the Government states that 243 out of about 2,000 collective agreements examined prescribe different wage rates for men and women, regardless of whether or not work of equal value is performed. However, through supplementary agreements or new contracts, adjustments have been made for 133 trade groups affected by these collective agreements so that equal remuneration is ensured for work of equal value regardless of sex.

The Austrian Federation of Chambers of Workers is investigating the effect given to the principle of equal remuneration, but its report is still awaited.

BELGIUM

In order to guarantee application of the principle laid down in the Convention it is now provided that all discussion by joint councils on new wage agreements must include examination from the viewpoint of application of the Convention. It is even required that a report should be established in all cases of agreements for which binding force is requested. Where appropriate the council concerned is asked to review its position in order to reduce the differences between wages for men and for women.

During the period under review nine joint councils registered progress towards equal pay. The Equal Pay Committee of the National Labour Council studied the reports of 26 joint councils.

CHINA

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

The Ministry of the Interior sent telegraphic letters to all government agencies, civic bodies, schools, commercial firms, mines and other enterprises, and to the National Association of Industries and the National Association of Chambers of Commerce for transmission to their members, asking them to observe the principle of equal remuneration. By the same means of communication it also asked the Chinese Federation of Labour for observance and assistance by its members in the application of the said principle.

Since July 1962 the various enterprises of the Ministry of Economic Affairs have put into operation on an experimental basis the Regulations for the fixation of salaries based on job classification, and similar steps are being taken by the Ministry of Appointments in respect of civil servants. The Ministry of the Interior sent to the International Labour Office copies of 11 laws and regulations relating to the remuneration of civil servants and salaried employees and workers of public enterprises for transmission to the Committee of Experts. All these laws and regulations deal with scales of salaries and allowances for different categories and grades of employees and workers under their respective purview. In no case is there reference concerning the question of sex of employees and workers.

The Ministry also sent to the Office a copy of a collective agreement concluded between the Lutung General Factory of the Taiwan Chunghsing Paper Company and its trade union.

DENMARK (First Report)

Act No. 154 of 7 June 1958 respecting the salaries and pensions of civil servants (*Lovtidende*, 1958, No. XIV).

The principle of equal pay is applied in the public sector through the above-mentioned Act, which has made the salary of men and women civil servants independent of family responsibilities; consequently, there is no longer any difference, in fact or in law, between the remuneration of men and women civil servants. The same is true of other employees of the State, whether they are employed on conditions similar to those applying to civil servants or under special agreements, and of public employees in local government service.

As regards the private sector the determination of wages, hours of work and other conditions of work, including any provisions respecting job evaluation, is normally made in the form of collective agreements, and the Government has no influence on such determination.

Following the ratification of the Convention the Government requested the central industrial organisations to bear in mind, in future negotiations of collective agreements, the importance of the principle laid down in the Convention, and indicated that the Ministry of Labour was prepared to offer technical assistance in the matter.

The Government's request was followed up by the workers, who demanded equal pay for men and women workers in the course of the industrial negotiations of 1960-61. This demand was not met, but the new agreements provided for a committee to be set up by the central industrial organisations for the purpose of discussing and examining this problem. The committee was duly appointed and submitted its report in June 1962.

The ratio of women's wages to men's wages in 1960 averaged 73 per cent., varying from 80 per cent. in the stone, pottery and glass industry to 65 per cent. in the leather and leatherwork industry. In the field of commercial and office employees the wage differential, which was already smaller than in industry, was further reduced

at the time of the last negotiation of collective agreements, and the minimum wage of most women clerical employees is now about 90 per cent. of that of men employees. The collective agreements concluded in agriculture in 1961 have brought about an equalisation in the wages of men and women workers. The minimum wage of women workers in agriculture proper is 71.9 per cent. of that of men, as compared with the previous figure of 61.6 per cent. In forestry and nurseries the wages of women workers are 72 per cent. of those of men. The cost-of-living supplements granted since 1954 are identical for men and women workers.

If the principle of equal remuneration for men and women workers is to be fully applied this will have to be achieved, under Danish law, by means of agreements concluded between employers and workers.

The above-mentioned committee, which reported in June 1962, came to the following conclusions: the parties agreed that the requirement of equal remuneration would be met if Denmark adopted the system existing in Sweden, where in 1960 it was provided, in an agreement, to recommend the application of the principle in the course of a transitional period of five years and where employment was broken down into separate categories on the basis, *inter alia*, of job evaluation. The committee also agreed that further consideration should be given to the possibility of reaching a general agreement on the application of equal remuneration, to be recommended in the various occupational fields.

The Government believes that the question of the principle of equal remuneration, as formulated in the Convention, will be reconsidered by the parties on the basis of the report of the above-mentioned committee. The present industrial agreements were to expire on 1 March 1963, and there is reason to believe that the workers will renew their demand for the application of the principle of equal remuneration when the new agreements are negotiated.

FEDERAL REPUBLIC OF GERMANY

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

As appears from a recent decision the Federal Labour Court is now of the opinion that the principle embodied in section 3 of the Basic Law (Constitution) applies not only to collective agreement rates, but also to wages fixed above such rates and to wages not guaranteed by collective agreements.

The explanation for the differences in wage rates paid to men and women agricultural workers is mainly that men and women do very different work and that women generally perform work of less value. In addition, more men than women are eligible for the supplementary allowances granted under collective agreements.

The results of the studies at present being made on the problem of equal remuneration for work of equal value are not yet available. The Government observes that the work of the study group has proved more difficult than was thought in the beginning.

HAITI

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

There are no comprehensive regulations dealing with the salaries and wages of state employees and other civil servants; provision is made for their remuneration in the budget of the Republic. Outside the public sector, and apart from the arrangements made through collective agreements, machinery exists for fixing minimum wages for individual branches of activity or occupational groupings. Fourteen collective agreements covering establishments employing both male and female workers were signed in 1961-62.

As regards the application of Articles 3 and 4 of the Convention, reference is made to the role of the Central Wages Council, a tripartite body with the task of reviewing and interpreting the data concerning the wages paid in different undertakings.

INDONESIA

In reply to the request by the Committee of Experts the Government states that collective agreements fixing rates of remuneration are in force in plantations, rice mills, and the cigarette and petroleum industries. In cases not affected by collective agreements the principle of equal remuneration is nevertheless taken for granted, so that it is not considered necessary to contemplate further measures to associate organisations of employers and workers in any manner to secure the implementation of this principle.

ITALY

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

Progress in the application of the agreement between the federations has been made through embodying it in Presidential Decree No. 1009 of 2 January 1962. Seventy collective agreements covering about 1 million workers have now been concluded under the general agreement. Only in certain sectors, however, has completely equal pay been obtained, while elsewhere differentials amounting to as much as 7.2 per cent. have been retained.

Regarding the application of section 5 of Act No. 741 of 1959, and court decisions, the Government has not deemed it advisable to amend on its own initiative the agreements concluded, with a view to eliminating these differences, since such action would have been contrary to the spirit and objective of the Delegated Legislation Acts, Nos. 741 and 1029. However, the parties may apply to the courts for cancellation of clauses that provide for discrimination in respect of wages. No example of such a court decision is mentioned.

The establishment in Act No. 67 of six general categories and two categories for females (workers employed by the State) is explained by the fact that the last two categories relate to typically feminine work which is regarded as being of less value than the work done in the higher categories. In addition, the work in question does not even require any physical strength, an example being supervision of the mechanical packaging of salt.

Although at present there are no statistics of the distribution by wage bracket of women workers employed by the State, it can be estimated that on 1 October 1960 about a quarter of the women employed in government undertakings were classified in categories comprising both men and women.

Since then Act No. 90 of 5 March 1961 has introduced a new grading of government workers in which there are six grades plus a higher grade. One grade, the fifth, is for typically feminine occupations, but it involves no discrimination since not only is the work classified in that grade different from the work classified in the grade immediately above but it is also not of the same value.

The Italian General Confederation of Labour has made the following observations concerning discrimination in the public sector: (a) work classified in grades 1 and 2 when done by men has been classified in grades 6 and 7 (under the old classification) when done by women—this is disputed by the Government; (b) section 10 of Act No. 678 of 1959 concerning the establishment of a women's police force provides that certain allowances will be reduced by one-third in the case of women. According to the Government this reduction is due to the fact that women members of the police force have less extensive responsibilities than male

members (with reference to the maintenance of order, responsibilities and possible use of fire-arms, etc.). Moreover, in the same grade the basic pay is the same.

NORWAY

Negotiations are being carried out at present between the main organisations concerning technical changes to be made in the present wage system with a view to implementing the principle of equal remuneration. These changes are to be ready in time for the revision of the wage agreements in 1963.

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

Neither the national legislation nor the administrative regulations contain any provisions fixing rates of remuneration for civil servants, public employees or any other category of workers. The salaries of civil servants are fixed by wage agreements, such agreements being subject to the approval of the Storting. Wages of employees who are not civil servants are also fixed by agreement between the Government and employees concerned.

In the private sector, with the exception of home industries, wages are fixed by agreements following free negotiations; in home industries wages are fixed by local wage committees. No special rates are fixed for men. In the case of settlement of disputes by compulsory arbitration by wage committees, it is an established practice for such committees to take decisions independently without any directives from the Government. It would be contrary to this practice if the government authorities should instruct the committees to fix rates of remuneration in accordance with the principle of equal pay.

The main organisations of employers and employees have agreed upon a frame agreement concerning job evaluation indicating what method to use when introducing a job evaluation system into an undertaking.

PHILIPPINES

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

The new Bureau of Women and Minors has been making surveys and inspections of establishments employing a large number of women in order to ensure, among other things, the application of the Convention. The reports of 610 establishments employing 24,168 women workers indicate that in the majority of cases women workers receive as much as the male worker for a similar kind or type of work. In office work a woman's salary even exceeds that of her male counterpart.

Collective agreements filed with the Bureau of Labor Relations, though in general applicable to men, women and young persons in industry, do not contain any specific provision covering equal pay for men and women for the same kind of work or in the same job; this shows that the same remuneration is paid to men and to women.

Wage boards have been created in four industries.

Workers involved in public contracts are generally men and young persons doing casual and light work.

UNITED ARAB REPUBLIC

In reply to a request by the Committee of Experts the Government states that all minimum wage rates fixed pursuant to Part III, Chapter VI, of Law No. 91/1959 (Labour Code) are uniform for men and women workers. According to section 130

of the Labour Code female workers are subject without discrimination to all the stipulations governing the employment of male workers in the same job.

In government offices no such discrimination exists, because there is only one scale for both sexes, who are equally treated in both remuneration and promotion. The Productivity Department of the Ministry of Industry is carrying out a job evaluation project. In addition the joint consultative boards referred to in section 113 of the Labour Code are concerned with elaboration of wage policy in the industries which these boards represent. Workers and employers are represented in wage committees, joint consultative boards, and the Higher Labour Consultative Council. Through their participation in these bodies they can secure the implementation of the principle of equal remuneration.

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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 implementation:

Austria, Belgium, China, Denmark, Federal Republic of Germany, India, Indonesia, Norway, Philippines, Poland, U.S.S.R.

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

Albania, Byelorussia, Brazil, Bulgaria, Haiti, Hungary, Mexico, Ukraine.

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	New Zealand	24. 7. 1953
Austria	14. 6. 1954	Norway	30. 9. 1954
Belgium	20. 3. 1954	Peru	1. 2. 1960
Brazil	25. 4. 1957	Poland	8. 10. 1956
Cuba	7. 9. 1954	Senegal	22. 10. 1962
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 ²	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
Malagasy Republic	10. 8. 1962	Yugoslavia	30. 4. 1955
Morocco	14. 10. 1960		
Netherlands	27. 11. 1958		

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

BRAZIL

In response to the request made by the Committee of Experts in 1962 the Government states that the present statistical system does not enable a distinction to be made between infringements concerning holidays in agriculture and other infringements of the provisions of the Consolidation of Labour Laws, Part II, Chapter IV, and that by Order No. 160 of 29 May 1962 a special commission was set up to work out a plan for the systematic collection of statistical data concerning labour and social security.

MOROCCO (First Report)

Dahir No. 1-57-182 of 19 ramadan 1377 (9 April 1958) to determine the conditions of employment and remuneration of agricultural employees (*Bulletin officiel*, No. 2377, 16 May 1958, p. 781) (*L.S.* 1958—Mor. 1).

Article 1 of the Convention. Section 19 of the above-mentioned dahir provides that a paid annual holiday shall be allowed to every employee or apprentice having six months' continuous service with the same employer.

Article 2. The dahir makes provision for holidays with pay in agriculture (sections 19 to 29).

In the preparation of the dahir, the views of the most representative employers' and workers' organisations were taken into account. Orders of the Minister of Labour and Social Affairs have created joint agricultural labour committees in the provinces, formed at the suggestion of the occupational organisations and unions and made up of employers' and workers' delegates. These committees are responsible for formulating suggestions relating to the regulation of labour and social legislation in agriculture.

Article 3. Section 20 of the dahir specifies that after six months of continuous service the length of the holiday shall be not less than six working days with one additional working day for each additional month of continuous service.

Article 4. The dahir contains no express indication of categories of persons with regard to which the provisions of the Convention are inapplicable.

Article 5, paragraph (a). The length of holiday for young workers under 15 years of age is fixed at twice, and that of young workers between 15 and 18 years of age at one-and-a-half times, the length of the statutory holiday.

Paragraph (b). The statutory length of the annual holiday is increased by one working day for every whole period of five years in the service of the same employer, whether continuous or otherwise.

Paragraph (c). A permanent employee whose contract is dissolved after the probation period and before he has completed six months of continuous service is entitled to holiday compensation equivalent to one working day for each month of service completed.

Paragraph (d). Periods during which the effective fulfilment of the contract is suspended for any one of the following reasons are regarded as periods worked: industrial accident or occupational disease; illness not exceeding 80 days; authorised absences not exceeding one week; interruptions to work not caused by the employee.

Article 6. The dahir does not provide that the holiday may be divided. There are plans, however, to incorporate an amendment to allow agricultural workers to divide their holidays with pay provided that one holiday period shall be of not less than the six working days between two days of weekly rest.

Article 7. Section 25 of the dahir states that the worker shall receive holiday remuneration equal to the remuneration which he would have received during the period of the holiday, if he had continued at work.

Section 26 specifies that in the case of employees usually paid by piece rates, the holiday remuneration shall be equal to one-twenty-sixth of the wages received since the previous holiday or since the date of entering the undertaking.

Article 8. Any agreement by which a worker undertakes to forgo his holiday, even in return for a compensatory payment, is void.

Article 9. A worker with six months or more of continuous service whose contract is dissolved before he has been able to take the whole of the annual leave to which he is entitled receives a compensatory payment corresponding to the number of days of holiday that he has been unable to take. Any working month begun shall be counted in the calculation of the compensation.

Article 10. The application of the agricultural labour legislation is supervised by the staff of inspectors and supervisors of social legislation in agriculture.

UNITED ARAB REPUBLIC

For the Government's reply to the observation by the Committee of Experts see the information supplied under Convention No. 52.

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

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	¹ Has accepted the provisions of Parts II to X.
Denmark ²	15. 8. 1955	² Has accepted the provisions of Parts II, IV to VI and IX.
Federal Republic of Germany ¹	21. 2. 1958	³ Has accepted the provisions of Parts II to VI and VIII to X.
Greece ³	16. 6. 1955	⁴ Has accepted the provisions of Parts V, VII and IX.
Iceland ⁴	20. 2. 1961	⁵ Has accepted the provisions of Parts V, VI and X.
Israel ⁵	16. 12. 1955	⁶ Has accepted the provisions of Parts V, VII and VIII.
Italy ⁶	8. 6. 1956	⁷ Has accepted the provisions of Parts II, III, V, VI and VIII to X.
Mexico ⁷	12. 10. 1961	⁸ Has accepted the provisions of Parts II to VIII and X.
Netherlands ⁸	11. 10. 1962	⁹ Has accepted the provisions of Parts II to VII.
Norway ⁹	30. 9. 1954	¹⁰ Has accepted the provisions of Parts II, III, V, VIII and IX.
Peru ¹⁰	23. 8. 1961	¹¹ Has accepted the provisions of Parts VI to VIII.
Senegal ¹¹	22. 10. 1962	¹² Has accepted the provisions of Parts II to IV and VI to VIII.
Sweden ¹²	12. 8. 1953	¹³ Has accepted the provisions of Parts II to V, VII and X.
United Kingdom ¹³	27. 4. 1954	¹⁴ Has accepted the provisions of Parts II to VI, VIII and X.
Yugoslavia ¹⁴	20. 12. 1954	

BELGIUM

PARTS II, III, VIII AND IX

Royal Order of 20 June 1962 to amend the Royal Order of 22 September 1955 respecting the organisation of sickness and invalidity insurance (*Moniteur belge*, 14 July 1962).

Ministerial Order of 6 April 1962 to amend the Ministerial Order of 22 September 1955 giving effect to the Royal Order respecting the organisation of sickness and invalidity insurance and to bilateral and multilateral social security agreements in so far as they concern sickness and invalidity insurance (*ibid.*, 23 May 1962).

PARTS V AND X

Act of 17 July 1961 to increase retirement and survivors' pension rates for wage-earners, salaried employees and independent insured persons (*ibid.*, 1 Sep. 1961).

Royal Order of 24 August 1961 to increase the benefits provided for in sections 3 and 18 of the Royal Order of 28 May 1958 making rules, in connection with the organisation of the retirement and widows' pension scheme, for the National Retirement Fund for Mineworkers (*ibid.*, 1 Sep. 1961).

Royal Order of 24 August 1961 to amend the Royal Order of 28 May 1958 making rules, in connection with the organisation of the retirement and widows' pension scheme, for the National Retirement Fund for Mineworkers (*ibid.*, 1 Sep. 1961).

Royal Order of 24 August 1961 to amend the Legislative Order of 25 February 1947 co-ordinating and amending the Acts respecting the retirement scheme for mineworkers and allied workers (*ibid.*, 1 Sep. 1961).

Royal Order of 2 April 1962 to amend the Royal Order of 28 April 1958 giving effect to section 20 of the Act of 21 May 1955, as amended by the Act of 1 August 1957, and section 25 of the Act of 12 July 1957 respecting retirement and survivors' pensions for salaried employees (*ibid.*, 6 Apr. 1962).

Act of 3 April 1962 respecting retirement and survivors' pensions for wage-earners and salaried employees (*ibid.*, 6 Apr. 1962).

Royal Order of 3 April 1962 to amend the Legislative Order of 25 February 1947 co-ordinating and amending the Acts respecting the retirement scheme for mineworkers and allied workers (*ibid.*, 6 Apr. 1962).

Royal Order of 4 April 1962 to give effect to section 11 of the Act of 3 April 1962 respecting retirement and survivors' pensions for wage-earners and salaried employees (*ibid.*, 6 April 1962).

Royal Order of 27 April 1962 to amend the Royal Order of 9 May 1959 making the General Savings and Retirement Fund responsible for keeping the individual accounts provided for in section 2, paragraph 1, of the Act of 21 May 1955 respecting retirement and survivors' pensions for wage-earners (*ibid.*, 23 May 1962).

PART VI

Royal Order of 26 February 1959 to prescribe additional contributions to be paid by shipowners to the Mercantile Marine Mutual Fund (*ibid.*, 7 March 1959).

Royal Order of 30 April 1962 to prescribe the average annual wage of merchant seamen for the purpose of applying the Act of 30 September 1929 respecting compensation for employment accidents incurred by seafarers (replaces that of 21 March 1958) (*ibid.*, 12 May 1962).

Royal Order of 1 June 1962 to amend the Royal Order of 10 April 1954 respecting the granting of allowances to certain categories of seafarers incurring employment accidents (*ibid.*, 21 June 1962).

Royal Order of 1 June 1962 to amend the Order of the Regent of 23 May 1949 granting supplementary allowances to certain beneficiaries (*ibid.*, 7 July 1962).

Royal Order of 12 March 1962 (*ibid.*, 3 Apr. 1962), and Royal Order of 29 June 1962 (*ibid.*, 13 July 1962) to draw up a list of occupational diseases.

The following information is given in the report, mostly in response to a direct request made by the Committee of Experts.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

PART VIII. MATERNITY BENEFIT

PART IX. INVALIDITY BENEFIT

Article 10, paragraph 2, of the Convention. There is no statutory provision to oblige practitioners and specialists to keep to the basic fee scales; some clinics and dispensaries place the services of general practitioners and specialists at the disposal of insured persons at fees prescribed by the insurance scheme. It may be added that changes in the sickness and invalidity insurance scheme are at present under consideration.

As regard the sharing by beneficiaries in the cost of pre-natal and post-natal care, the report indicates that insured women may have free pre-natal consultations arranged by the National Children's Welfare Organisation or go to a doctor of their choice.

With respect to the application of the rules for the reimbursement of obstetrical benefits (100 per cent. of the basic fee), the report refers to the replies given above.

Articles 12, 18, 52, 58 and 69. As concerns the refusal of benefit provided for in the legislation where the contingency originates "in an accident occurring in connection with a physical exercise performed during or in preparation for a competition or exhibition", the legislation does not permit the coverage of such risks.

Where the contingency originates "in an accident occurring in gainful employment in respect of which the person concerned is covered by the family allowances scheme for self-employed persons but which is outside the range of occupations liable to social security" special insurance has to be taken out against these risks.

Where the contingency originates "in circumstances resulting from belligerent action, other than the exceptional cases specified in the regulation", such circumstances bring into play special compensation arrangements.

Where the contingency originates "in an accident occurring while the injured person was subject to the authority of any educational or training institution or a youth, sporting or recreational organisation", educational institutions are required to insure their students against accidents with an approved insurance carrier; no such obligation is imposed, however, in the case of youth, sporting or recreational organisations.

Where the contingency originates "in an accident caused by drunkenness on the part of the injured person", the report states that in practice drunkenness is determined on the basis of the reports drawn up by the competent authorities.

The report declares that sections 133 and 134 of the Order of 22 September 1955 correspond to various paragraphs of Article 69 of the Convention.

Article 16. The rate of compensation is based on the real earnings of the worker up to a maximum of B.Fr.6,250 per month, so that the maximum daily remuneration amounts to B.Fr.250 in the case of workers working a six-day week.

In calculating benefit the current scheme takes as the standard beneficiary a fitter or turner in the metal trades.

The wage of a skilled male labourer is calculated on the basis of an eight-hour working day; family allowances and compensation are also calculated on the basis of a day's wage in June 1962. The wage is calculated at B.Fr.278.60.

Indicating that the rate of benefit payable during the time basis is B.Fr.150, and that the amount of family allowances payable to a standard beneficiary with two children under six years of age during the same period is B.Fr.37.85, the Government states that the sum of these benefits amounts to 59.2 per cent. of the sum of the standard wage plus the family allowances payable during employment.

The amount of benefit payable to a woman worker during the time basis is B.Fr.150, which represents 53.8 per cent. of the standard wage.

Article 49, paragraph 2. See above under Article 10, paragraph 2.

Article 58. Invalidity benefit is replaced by old-age benefit in the case of beneficiaries who fulfil the requirements laid down by the provisions applicable to pensions.

Article 68. The legislation on sickness and invalidity insurance (including maternity and death) makes no distinction between nationals and non-nationals.

PART IV. UNEMPLOYMENT BENEFIT

Article 24. "Notorious misconduct" as referred to in section 102 of the Order of 26 May 1945, which excludes from entitlement to benefit "unemployed persons whose misconduct is notorious", is taken to mean any manner of behaviour which is shocking to public opinion and gives rise to notoriety. It may originate in facts which give grounds for concluding that there may have been misconduct, convictions, reports by the police or by local authorities, etc. The provision whereby benefit might be suspended when "dismissal is due to a circumstance stemming from" the will of the worker was found to give rise to certain difficulties in application. It has been replaced by another under which the penalty may be imposed where a worker has been dismissed "for just reasons, having regard to his attitude", which means that if an employer finds himself obliged to dismiss a worker because of his actions, behaviour or conduct there may well be reasons to justify his decision; in any case the facts leading to the breaking of the contract should be evaluated by the competent bodies. The report adds that the qualifying periods for entitlement to unemployment benefit will henceforth be the following: 75 days during the ten months preceding the application in the case of workers under 18 years of age; 150 days during the ten months preceding the application in the case of workers from 18 years of age up to but not including 26 years of age; 300 days during the 18 months preceding the application in the case of workers from 26 years of age up to but not including 36 years of age; 450 days during the 27 months preceding the application in the case of workers from 36 years of age up to but not including 50 years of age; 600 days during the 36 months preceding the application in the case of workers aged 50 or over.

A worker who does not fulfil these conditions can none the less obtain recognition of his entitlement to unemployment benefit if he can show proof of a certain amount of time spent in employment—at least half the qualifying period of 75, 150, 300,

450 or 600 days—during the ten months prior to the period of 10, 18, 27 or 36 months, whichever is applicable.

PART V. OLD-AGE BENEFIT

PART X. SURVIVORS' BENEFIT

Articles 28 and 65. The report shows how the benefit is calculated for a man and a woman reaching retirement age after 30 years in employment. As from 1 January 1962 the retirement and survivors' pension rates have been tied to index 110 and vary according to fluctuations in the index, being increased or reduced each time the index rises or falls 2.75 points.

The amount of each increase or reduction is fixed at 2.5 per cent. of the amounts tied to index 110. The increases or reductions become operative as from the second month following the end of a period during which the index has stood for two successive months at a figure which justifies a change.

Articles 30, 64 and 69. Old-age and survivors' benefit may be suspended in the cases mentioned in Article 69 (a) to (d) and 69 (a) to (e) respectively.

Article 62. Since 1 January 1962 the rate of the survivor's pension has been equal to 60 per cent. of the retirement pension (dependent spouse) which a deceased husband was drawing at the time of his death or to which he would have been entitled if he had reached normal pensionable age.

Article 63. Since 1 January 1962 the following requirements have to be fulfilled for entitlement to survivors' benefit: (a) the deceased worker must either have been regularly and primarily engaged in an occupation during the 12 months prior to his death, or have been receiving a retirement pension during this same period; (b) the worker must have been engaged in such an occupation for at least half the period between 1 January 1926 (or his twentieth birthday if this occurred later than 1 January 1926) and the date of his death. The pension is reduced by 25 per cent. if the worker has not been employed in the required manner for at least half this period, and by 50 per cent. if he has not been so employed for at least a quarter of it; (c) if proof cannot be shown of the worker's having been so employed during the 12 months immediately prior to his death, his widow is none the less entitled to a portion of the survivor's pension proportional to the number of calendar years during which her deceased husband was employed in such a manner between 1926 (or the year in which he reached his twentieth birthday, if this was later than 1926) and the year of his death, to the exclusion of other years.

Article 71. In respect of old-age and survivors' insurance the insurance contributions paid in 1961 by workers represented 40.42 per cent. of total resources.

PART VI. EMPLOYMENT INJURY BENEFIT

Articles 31 and 71. It is not intended to alter the system of financing. While there is no doubt that, juridically speaking, an employer is not obliged to take out insurance, the great majority of workers are in fact covered by insurance taken out by employers preferring for financial reasons to seek full coverage.

Article 33. A sufferer from an occupational disease not listed in the schedule to the Royal Order of 9 September 1956 is deemed to be the victim of an industrial accident and is compensated as such if the cause of his pathological condition is a sudden and abnormal happening outside his control, occurring in the course of and arising out of his employment.

Article 36. A tripartite committee of the National Labour Council is examining the possibilities of adapting pensions to fluctuations in the cost of living.

Article 41. The persons protected comprise all persons bound by a contract for the hire of services.

Article 42. The periodical payments made for each child are as follows:

Period from 1 January 1961 to 30 June 1962		
	Per day B. Fr.	Per month (lump sum) B. Fr.
First child	17.85	446.25
Second child	20.—	500.—
Third child	29.—	725.—
Fourth child	31.—	775.—
Fifth and each subsequent child	34.—	850.—

Increment according to Age (Period from 1 July 1960 to 30 June 1962)		
	Per day B. Fr.	Per month B. Fr.
At six years of age	4.20	105.—
At ten years of age	7.35	183.75

The report also gives figures for increased allowances for orphans (a higher and a lower scale) and for the children of disabled workers.

Article 44, paragraph (a). As required by this paragraph the report compares the totals of, firstly, the daily wage of an ordinary adult male labourer (B. Fr. 204.80), as determined in accordance with Article 66 of the Convention, multiplied by the total number of children of persons protected (B. Fr. 1,511,060), i.e. B. Fr. 309,465,088; and, secondly, expenditure by the family allowances funds, whose average daily expenditure for the fourth quarter of 1961 was B. Fr. 37,356,772.

The latter total is approximately 12.1 per cent. of the former.

Article 45. Family benefit may be suspended if the person concerned is resident abroad with his children.

FEDERAL REPUBLIC OF GERMANY

PARTS II, III AND VIII

Act of 12 July 1961 concerning the modification and completion of the Act to improve the economic protection of wage-earners in the event of sickness (*Bundesgesetzblatt*, Part I, p. 913).

PARTS II, IX AND X

Act of 30 June 1961 concerning social assistance (*ibid.*, Part I, pp. 815 and 1875).

PARTS IV AND XII

Thirteenth Ordinance respecting the application of the Placement and Unemployment Insurance Act. Dated 8 June 1961 (*ibid.*, Part I, p. 688).

Fifteenth Ordinance respecting the application of the Placement and Unemployment Insurance Act. Dated 20 January 1962 (*ibid.*, Part I, p. 33).

PARTS V, VII, IX AND X

Third Law concerning the adjustment of pensions under the pensions insurance schemes. Dated 19 December 1960 (*ibid.*, Part I, p. 1013).

Fourth Law concerning the adjustment of pensions under the pensions insurance schemes. Dated 20 December 1961 (*ibid.*, Part I, p. 2009).

Fourth Ordinance concerning changes in the basic amount in the computation of pensions. Dated 14 December 1960 (*ibid.*, Part I, p. 996).

Fifth Ordinance concerning changes in the basic amount in the computation of pensions. Dated 23 November 1961 (*ibid.*, Part I, p. 1929).

PARTS V, IX AND X

Craftsmen's Insurance Act of 8 September 1960 (ibid., Part I, p. 737).

PART VI

Second Law concerning the preliminary revision of monetary benefits in the statutory accident insurance. Dated 29 December 1960 (ibid., Part I, p. 1085).

PART VII

Law of 14 August 1952 concerning compensation for war damages (ibid., Part I, p. 446), amended several times, ultimately by an Act of 26 June 1961 (ibid., Part I, p. 785).

PARTS VII, XII AND XIII

Law of 18 July 1961 concerning the granting of family allowance for a second child and the establishment of a family allowance fund (ibid., Part I, p. 1001).

PART II. MEDICAL CARE

Article 12 of the Convention. In reply to the request for information made by the Committee of Experts in 1962 the Government supplies the following information.

According to section 184 of the Insurance Code and the Reich Minister of Labour's Ordinance of 2 November 1943 the granting of hospitalisation is left to the discretion of the sickness insurance fund. Nevertheless, the fund cannot arbitrarily refuse hospitalisation, but must base the decision on an equitable estimation, susceptible to revision by the social security tribunals. These tribunals have very strict rules. It is therefore hardly conceivable that a sickness insurance fund would be authorised to refuse a medically necessary hospitalisation.

In accordance with these provisions the Government has proposed in its Bill concerning the reorganisation of sickness insurance that hospitalisation should become obligatory in the case where the sickness can be diagnosed or treated only in a hospital. The Federal Diet was not able to adopt this Bill during its last session. The Government has accordingly announced for the present session another Bill which will no doubt contain a corresponding provision.

The limiting provisions which existed in some Länder of the Federal Republic of Germany with reference to the hospitalisation of family members have been repealed with effect from 1 August 1961 by the Act concerning the modification and completion of the Act to improve the economic protection of wage-earners in the event of sickness. Family members now receive medical care and hospitalisation under the same conditions and to the same extent as the insured person.

The duration of hospitalisation has been changed by the above-mentioned Act with effect from 1 August 1961. Hospitalisation is now granted without limit of time but with regard to the same sickness for at most 78 weeks within three years from the beginning of the incapacity for work. Hospitalisation in the case of tuberculosis is granted without any limit at all; the Act concerning social assistance, which came into force on 1 June 1962, provides that after the expiration of the above-mentioned terms the costs are taken over by another service.

PART III. SICKNESS BENEFIT

Article 16. By the Act concerning the modification and completion of the Act to improve the economic protection of wage-earners in the event of sickness the benefit provisions have been changed with effect from 1 August 1961. The daily

rate of cash sickness benefit for a beneficiary without dependants is now fixed at 65 per cent. of the regular wage. The benefit is increased by 4 per cent. for the first dependant and by 3 per cent. for each subsequent dependant, with a ceiling of 75 per cent. of the regular wage.

In the cases of wage-earners whose remuneration is not paid on a monthly basis the amount of regular wages is obtained by dividing the earnings during the last wage period (at least four weeks) by the number of remunerated hours and those hours during which the wage-earner has abstained from work without valid excuse. Isolated payments are not taken into account. The result is then multiplied by the number of working hours per working day (one-fifth or one-sixth of regular weekly working hours). Cash sickness benefit is granted for each work-day and remunerated holiday.

For other insured persons the basic wage is considered as the regular wage. Basic wage is the part of the remuneration corresponding to one calendar day. In this case cash sickness benefit is granted for each calendar day.

The maximum amount of the regular wage is 25.67 DM per day of the week and 30.80 DM per working day; the maximum amount of the basic wage is 22 DM per calendar day.

Article 17. In the case of an industrial accident or an occupational disease cash sickness benefit is granted from the day on which incapacity for work has been stated by a physician, in other cases of incapacity for work from the following day.

Cash sickness benefit is paid in principle without limit of duration. For incapacity due to the same sickness, however, the benefit cannot be paid for more than 78 weeks over a three-year period.

PART V. OLD-AGE BENEFIT

Article 27. Since 1 January 1962 craftsmen are also compulsorily insured within the wage-earners' pension insurance scheme by the Craftsmen's Insurance Act.

Article 28. The general basis of assessment has been prescribed by the Federal Government for 1961 at 5,325 DM and for 1962 at 5,678 DM. The limit for the assessment of contributions has been fixed for 1961 at 10,800 DM (miners 13,200 DM) and for 1962 at 11,400 DM (miners 13,200 DM). (See sections 1256, subsection 1 (a), and 1385, subsection 2, of the Wage-Earners' Pension Insurance Act in conjunction with the Fourth and Fifth Ordinances concerning changes in the basic amount in the computation of pensions.)

Accordingly the current benefits have been increased by 5.4 per cent. from 1 January 1961 and by 5 per cent. from 1 January 1962 (see section 1272 of the Wage-Earners' Pension Insurance Act in conjunction with the Third and Fourth Laws concerning the adjustment of pensions under the pensions insurance schemes).

PART VI. EMPLOYMENT INJURY BENEFIT

Article 34. Under the Second Law concerning the preliminary revision of monetary benefits in the statutory accident insurance the amount of the assistance benefit has been changed with effect from 1 January 1961. The minimum amount is now 100 DM, the maximum amount 350 DM per month.

Article 35. By the same law periodical payments under the employment injuries scheme have been reviewed and adjusted with effect from 1 January 1961.

PART VII. FAMILY BENEFIT

Article 40. Under the Law concerning the granting of family allowance for a second child and the establishment of a family allowance fund, which came into

force on 22 July 1961, family allowances are now granted for the second and each following child.

Article 41. Family allowances for the second child are granted under the condition that the annual earnings of the parents do not exceed 7,200 DM. Entitlement to family allowance for the third and each following child exists regardless of the amount of earnings.

Article 42. The amount of family allowances is 25 DM for the second, and 40 DM for the third and each following child.

For beneficiaries of a maintenance grant under the Law concerning compensation for war damages (resulting from expulsion and destruction during and after the war) the children's allowance has been augmented by a recent amendment of the Act to 49 DM per month for each child.

PART X. SURVIVORS' BENEFIT

Article 62. In reply to the request for information by the Committee of Experts the Government supplies the following information.

The amount of pension paid to a "standard beneficiary" would be 3,437 DM per year if no "additional period" were counted.

Yet there are hardly any conceivable cases where a typical skilled worker enters working life so late that no "additional period" could be taken into account after 15 years of contributions; that would be the case only if a worker entered working life at the age of more than 40 years.

This is also the reason why in the remarks on Article 62 only the cases of additional periods of 25, 20, 15 and 10 years have been dealt with.

PART XIII. COMMON PROVISIONS

In reply to the request for information by the Committee of Experts regarding sickness benefit the Government supplies the following information.

Under section 192, paragraph 1 (2), of the Insurance Code and a corresponding provision in the Statutes the sickness benefit may be suspended if the insured person's illness has been wholly or partially wilfully induced or if he is guilty of participation in a brawl or fight. In both cases the conduct of the insured person is the cause of the sickness which determines his entitlement to the benefit. There is the following difference: the case of wilfully induced sickness is a deliberate act on the part of the insured person and therefore falls within the purview of Article 69, paragraph (e), of the Convention.

In the case where he is guilty of participation in a brawl or fight it is not generally the intention of the insured person to wilfully contract an illness. In this case suspension is justified simply by the fact that the insured person by his own fault (whether intentionally or through negligence) becomes involved in the brawl or fight. This is, for example, the case where the insured person commits a bodily attack on another worker or so insults him as to provoke him to violent assault. As a rule the conduct of the insured person will justify the accusation of a punishable act (bodily injury or insult). Self-defence within the limits of the law excludes the assumption of guilty participation.

Regarding unemployment benefit section 84 of the Placement and Unemployment Insurance Act is conceived as follows.

Paragraph 1 contains the principle of neutrality of the labour administration in the case of labour disputes.

This principle is based on the general principle of public administration, acknowledged in the Federal Republic of Germany, that the State shall not intervene in the fixing of work conditions by the employers and workers, especially in the field of

labour administration, as contributions are paid in equal shares by the employers and workers.

Paragraph 2 contains the statement that any employment benefit is suspended when unemployment is due to a trade dispute.

Paragraph 3 makes an exception to the provisions of paragraph 2 in granting unemployment benefit under certain circumstances without regard to the origin of the unemployment. This provision, which is designed to prevent the persons concerned, and particularly those who do not take part in the dispute, from suffering undue hardship, is tantamount to a restriction of the provision in section 69 (*i*) in favour of the employee. It enables unemployment benefit to be granted in cases where, according to section 69 (*i*), this benefit could be refused.

According to paragraph 4 the decision whether and from what date undue hardship exists lies with the self-governing administration in which employers and workers are equally represented.

The Federal Institution which administers the unemployment scheme is based on the principle of self-government. Employers and employees have equal rights. The Governing Body of the Federal Institution is authorised to issue instructions for the cases in which undue hardship is to be assumed. It has not issued such instructions since the notification of the amended text of the Placement and Unemployment Act of 3 April 1957. Until then the instructions issued on 27 March 1928 by the Governing Body of the former Reich Institution are applicable by analogy. These rules do not prescribe the cases in which undue hardship is to be assumed, but the cases in which no undue hardship is to be assumed. Thus, the assumption of undue hardship is dismissed in the following cases:

- (1) in the cases where the result of a labour dispute would influence the working conditions of employees whose unemployment is due to the dispute without their taking part in it;
- (2) when employees of an undertaking become unemployed because other employees of the same undertaking take part in a labour dispute;
- (3) when in several similar or linked undertakings which are situated in the same commune or economically linked communes and which belong to the same employer, employees become unemployed because other employees of one of these undertakings take part in a labour dispute;
- (4) when the closing down of an undertaking is the inevitable consequence of the labour dispute because the continuation of work depends exclusively on the supply of electricity, gas, water, semi-finished or manufactured goods by the undertaking where the labour dispute takes place.

In so far as the assumption of undue hardship is not specifically excluded by the above provisions the Governing Body of the Land Employment Office decides whether undue hardship is to be assumed for the purpose of granting unemployment benefit despite the fact that the unemployment is due to a labour dispute.

In addition to its report, the Government communicated the observations of the German Confederation of Trade Unions according to which the provisions of section 84 of the Placement and Unemployment Insurance Act, which authorises the suspension of the right to unemployment benefits even if the person concerned has not actually participated in the strike, are incompatible with Article 69 (*i*) of the Convention which permits such a suspension only in the case of persons who have taken an active part in the strike.

In its comments on these observations the Government indicated that when it was necessary to decide whether the wording of section 84 was compatible with Article 69 (*i*) of the Convention, the decision was based on the English and French texts of Article 69, which were the authentic texts. This Article does not provide that

the worker concerned must have actively participated in the labour dispute, nor that the trade dispute should have arisen in the undertaking to which the worker belongs. The decisive factor is simply that the stoppage of work which caused the loss of employment was due to a labour dispute and not to any other cause.

Article 71. The contribution rate was 2 per cent. of wages until 31 July 1961. From 1 August 1961 until 31 March 1962 no contribution at all was levied on account of the financial position of the scheme at that time. For the period from 1 April 1962 until 31 December 1963 the contribution rate has been fixed at 1.4 per cent. of insurable wages (see section 164, paragraph 1, second sentence, of the Placement and Unemployment Insurance Act in conjunction with the Thirteenth and Fifteenth Ordinances respecting the application of the Placement and Unemployment Insurance Act).

GREECE

Legislative Decree No. 4202/1961 concerning maintenance of social security rights in the case of a change of insurer (*Ephemeris tes Kyberneseos*, No. 175, V.A., 19 Sep. 1961).

Act No. 4169/1961 concerning rural social insurance (*ibid.*, No. 81, V. A., 18 May 1961).

Royal Decree No. 57/1961 concerning an increase in pensions granted by the Social Insurance Institution (*ibid.*, V. A., 2 Feb. 1961).

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

PART II. MEDICAL CARE

Article 10 of the Convention. In accordance with section 16 of the regulations of the Social Insurance Institution concerning pharmaceutical care, insured persons are not required to bear any part of the cost of therapeutic serum or medicaments prescribed in the case of pregnancy or confinement or their consequences. It is hoped that it will soon be possible to relieve insured persons of any payment of maternity care expenses as a result of the improved financial position of the Institution.

PART VI. EMPLOYMENT INJURY BENEFIT

Articles 32 and 38. In accordance with section 29, paragraph 7 (c), of Act No. 1846/1951 as amended by section 8 of Act No. 3083/1954, payment of a pension is suspended if the beneficiary performs an occupation or is employed in work providing him with earnings above a certain level. The Government believes that this rule is not in conflict with the Convention, since Article 32 states that the contingency covered is loss of earning capacity by the insured person as a result of an accident or occupational disease, and benefit eligibility for the widow may be made conditional on her being presumed to be incapable of self-support.

Article 33. The industries and occupations listed in the tables contained in Ministerial Order No. 24699/1164 of 30 May 1952 employ 760,000 workers.

PART VIII. MATERNITY BENEFIT

Article 49. See above under Article 10 (Part II).

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65, paragraph 10. In the very near future an order will be issued to regulate pensions granted before 1960 by the Social Insurance Institution.

ISRAEL

Article 65, paragraph 10, of the Convention. In reply to a request by the Committee of Experts the Government supplies the following information.

Period under Review	Cost-of-Living Index (Basis: Jan. 1959 = 100)	Index of Earnings in Industry (Average 1958 = 100)
A. Beginning of period: July 1960	101.3	108.7
B. End of period: July 1962	118.5	127.7
C. Percentage $\frac{A}{B}$	85	85

Old-Age Benefit

Period under Review	Benefit	
	Average per Beneficiary	Benefit for Standard Beneficiary
A. Beginning of period: July 1960	49.65	61.81
B. End of period: July 1962	55.70	68.96
C. Percentage $\frac{A}{B}$	89	90

Employment Injury Benefit

Period under Review	Benefit			
	Average per Beneficiary		Benefit for Standard Beneficiary	
	Invalidity Monthly Benefit ¹ (Total Permanent Incapacity)	Survivors' Monthly Benefit	Invalidity Monthly Benefit	Survivors' Monthly Benefit
A. Beginning of period: July 1960 . .	173.2	131.1	152	137
B. End of period: July 1962	195.3	150.5	168	152
C. Percentage $\frac{A}{B}$	89	87	90	90

¹ The average invalidity pension (40 per cent.) was computed by establishing the average pension rate between 25 per cent. minimum pension and 100 per cent. maximum pension.

Survivors' Benefit

Period under Review	Benefit	
	Average per Beneficiary	Benefit for Standard Beneficiary
A. Beginning of period: July 1960	49.16	78.29
B. End of period: July 1962	52.69	87.35
C. Percentage $\frac{A}{B}$	93	90

ITALY

PART VII

Act No. 1038 of 17 October 1961 amending the codified text of family allowance rates (*Gazzetta Ufficiale*, No. 260, 18 Oct. 1961).

Act No. 1442 of 18 December 1961 containing transitional provisions with regard to family allowances paid before entry into force of Act No. 1038 of 17 October 1961 (*ibid.*, No. 15, 18 Jan. 1962).

PART V. OLD-AGE BENEFIT

Article 27 of the Convention. Paragraph (a) is applied. All workers aged over 14 are covered, irrespective of the economic sector in which they are employed. The percentage of persons protected amounts to 89 per cent. of all workers. (If paragraph (b) were applied, the percentage of persons protected out of the total population would amount to 40 per cent.)

Article 28. It is intended that Article 66 should be applied. The average wage for an ordinary adult male labourer in the engineering industry amounted to an annual figure of 469,950 liras for 1961, to which 39,624 liras as family allowances in respect of workers' wives should be added. The annual pension of the standard male beneficiary after 30 years' contributions amounts to 290,171 liras, which is equivalent to 56.94 per cent. of the standard labourer's total wages.

The average wage for women in 1961 amounted to 416,975 liras a year. The annual pension for a standard female beneficiary after 30 years' contributions amounts to 217,062 liras, or 52.06 per cent. of the standard wage.

The statistical information requested under Article 65 refers to the period from 1 July 1960 to 30 June 1962.

Period under Review	Cost-of-Living Index	Earnings Index (Industry)
A. Beginning of the period.	68.59	97.32
B. End of the period	74.72	108.99
C. Percentage $\frac{A}{B}$	91.80	89.29

During the period under review the rate for periodical payments was not revised.

PART VII. FAMILY BENEFIT

Article 41. The number of persons protected cannot be exactly established owing to the lack of statistical data. For the general scheme (I.N.P.S.) only the number of workers for a whole year is known (6,627,000 in 1960) whereas under other schemes (state officials and employees of local public administrations and public services) family allowances are granted directly by the employer and there are no special statistics concerning the number of persons protected in this regard.

Article 42. The average level of family allowances paid under the general scheme in 1960 amounted to approximately 45,160 liras per year for each dependent child. The report gives a table showing the variation in allowance rates between the three major sectors of employment of breadwinners. In addition, the report shows that under Act No. 1564 of 10 December 1960 officials whose monthly remuneration does not exceed 50,000 liras are entitled with effect from 1 October 1960 to an additional 1,000 liras per month in respect of each dependant, in addition to family allowances.

Article 44. The total of family allowances paid in 1960 in respect of children of workers covered by the general scheme (I.N.P.S.) is calculated at 308,000 million liras. The number of child beneficiaries in 1960 amounted to 6,826,000. The annual wages of a standard labourer (see under Article 28) amount to 469,950 liras. The total of benefits granted constitutes 9.6 per cent. of the standard wage multiplied by the total number of children of protected persons.

PART VIII. MATERNITY BENEFIT

Article 48. Paragraph (a) is applied. In reply to a request by the Committee of Experts the Government states the number of categories of employed persons for whom maternity cash benefits are granted to women workers and wives of workers under insurance schemes. The number thus protected amounted to 6,848,417 on 31 December 1960. The percentage of persons protected amounted to 56.71 per cent.

The Government further states that with regard to maternity cash benefit for women workers and wives of workers no exception is made to the rule that benefit should be provided by insurance schemes or from public funds, in accordance with Article 71 of the Convention.

Article 49. In reply to a request by the Committee of Experts the Government reports that state officials and employees of local administrations and bodies subject to public law may enjoy free hospitalisation—including medicaments—in the case of confinement, under the system of direct benefits. Similarly any care provided in dispensaries subject to the insurance scheme is free of charge. It is only in respect of the purchase of medicaments that state officials and employees of local administrations must bear part of the cost.

Article 50. The standard wage rate for female industrial employees was 416,975 liras a year in 1961. The total of maternity cash benefit for women workers covered by insurance provisions is equivalent to 80 per cent. of the wage (333,580 liras a year).

PART XIII. COMMON PROVISIONS

Article 71. In 1960 funds earmarked for payment of invalidity, old-age and survivors' benefits for employed persons amounted to 898,318 million liras, whereas the approximate total of contributions paid by workers during the same period amounted to 230,995 million liras, representing 25.7 per cent. of the former figure. It is still not possible to supply figures relating exclusively to old-age benefits, since the Italian system treats invalidity, old-age and survivors' insurance as a financially indivisible whole.

With regard to maternity benefit the cost of the various schemes is borne entirely by the employer.

NORWAY

Invalidity Insurance Act, No. 1, 22 January 1960 (*L.S.* 1960—Nor. 1).
Rehabilitation Assistance Act, No. 2, 22 January 1960 (*L.S.* 1960—Nor. 2).

PART IV. UNEMPLOYMENT BENEFIT

Article 24 of the Convention. In reply to a request for information by the Committee of Experts the Government states that no regulations have been made under section 12 of the Unemployment Insurance Act of 28 May 1959 to fix a special waiting period in the case of certain categories of employees.

PART XIII. COMMON PROVISIONS

Article 71. In reply to a request for information by the Committee of Experts the Government states that recent amendments as from 9 April 1962 have modified

the part of the cost borne by the insured employees. Thus, under the Sickness Insurance Scheme (Parts II and III) in addition to the member's contribution the employer pays 75 per cent., the local authorities 25 per cent. and the State 20 per cent. Under the Old-Age Insurance Scheme in addition to the member's contribution the employer pays 100 per cent., the local authorities 24.6 per cent. and the State 18.4 per cent.

The data on the cost of the ratified parts of the Convention were the following for 1962:

Parts Ratified	Resources Allocated to the Protection of Employees, etc. (A)	Insurance Contributions Borne by Employees Protected (B)
	Mill. crowns	Mill. crowns
II	921	462
III	—	—
IV	118	35
V	912	408
Total . . .	1,951	905

The insurance contributions borne by the employees protected thus amounted to 46.4 per cent. of the resources allocated to the protection of employees.

SWEDEN

PART VI

Act No. 254 of 26 May 1961 to amend Act No. 1 of 3 January 1947 respecting public sickness insurance.

PART VII

Act No. 629 of 15 December 1961 to amend section 1 of Act No. 529 of 26 July 1947 respecting ordinary child allowances.

PART IV. UNEMPLOYMENT BENEFIT

Articles 22 and 24 of the Convention. In response to an observation made in 1961 the report states that a parliamentary committee was set up in 1960 to make a review of the unemployment insurance system and to deal in particular with the rates of benefits and requirements of international Conventions. It is expected that this committee will terminate its work in the course of 1963.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 34. In reply to a request for information made in 1961 the Government refers to the report on the application of Convention No. 17 for the period 1959-61 (see *Summary of Reports on Ratified Conventions*, Report III (Part I), International Labour Conference, 46th Session, Geneva, 1962, p. 39).

UNITED KINGDOM

National Insurance Act, 1960.
Family Allowances and National Insurance Act, 1961.
National Health Service Act, 1961.
National Health Service Contributions Act, 1961.

National Insurance Act (Northern Ireland), 1960.

Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962.

Health Service Contributions Act (Northern Ireland), 1961.

* * *

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

Belgium, Federal Republic of Germany, Greece, Israel, Italy, Norway, Sweden, United Kingdom.

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	6. 11. 1956	Ukraine.	14. 9. 1956
Cuba	7. 9. 1954	U.S.S.R.	10. 8. 1956
Ecuador	5. 2. 1962	Uruguay	18. 3. 1954
Hungary	8. 6. 1956	Yugoslavia	30. 4. 1955

BYELORUSSIA

In reply to a request made by the Committee of Experts in 1961 the Government states that collective farms have the right to decide for themselves questions concerning the internal life of the farm, including social and personal matters, i.e. length of maternity leave and the amount of childbirth allowance. All these questions are considered at general meetings of the members in accordance with the labour laws. The Central Ministry of Health, together with the Central Ministry of Agriculture, addressed a recommendation to collective farms in October 1956 appealing to them to follow the Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. dated 26 March 1956 concerning maternity leave.

The labour legislation does not contain any provisions limiting its application only to citizens of Byelorussia. Furthermore, under sections 122 and 123 of the Civil Code of the U.S.S.R. foreign nationals and stateless persons living in the republic enjoy civil rights on an equal footing with citizens.

A decision of the Presidium of the Central Council of Trade Unions dated 5 February 1955 states that if the interval between the day on which maternity leave was started and the confinement exceeds the prescribed period of pre-natal leave maternity allowance is payable for the total period of actual post-natal leave.

Employed persons may be dismissed in cases provided for by the Labour Code only with the consent of the competent trade union committee; in the case of an expectant mother the consent of the Labour Inspectorate is also required.

The new Penal Code approved by the Supreme Soviet provides that refusal to engage a woman for employment, or dismissal of a woman from her employment, either by reason of pregnancy or because she is nursing her child, shall be punished by corrective labour for not more than one year or by the dismissal of the offender from his post.

HUNGARY

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

Article 1 of the Convention. Sickness insurance is extended to members of farmers' co-operatives and other persons employed by them.

Article 6. Notwithstanding the waiver of restrictions concerning dismissal during absence from work on maternity leave, domestic servants are entitled to a maternity and confinement allowance representing 100 per cent. of their wages and consequently the effect is the same as prohibition of dismissal under the Convention.

The Government adds that it will nevertheless examine the possibility of taking further measures in this regard.

UKRAINE

Penal Code of 1 April 1961 (section 134).

Section 134 of the new Penal Code provides that "refusal to hire a woman on grounds of pregnancy or because she is nursing a child as well as curtailment of wages or dismissal of women for the same reasons will be punished by hard labour not exceeding ten months or ineligibility to hold certain posts for a period not exceeding two years".

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

Article 1 of the Convention. A letter of the Ministry of Agriculture of the U.S.S.R. and the Ministry of Public Health dated 1 October 1956 recommended introduction of certain modifications into the statutes for collective farms and specified that the procedure as regards granting of maternity leave should be that established in the Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. dated 26 March 1956.

Article 2. The labour laws cover all industrial, office and professional workers but contain no discriminatory or inequitable provisions whatsoever in respect of women workers of any nationality.

Article 3, paragraph 5. A decision of the Council of Ministers of the U.S.S.R. dated 26 December 1956 established that benefits are to be paid to all industrial, office and professional workers who fall ill while on regular or supplementary leave, for all days of the leave during which the illness lasts; such leave may be prolonged by the number of days of illness occurring during that leave. This provision covers all cases of illness during leave, without any exception; consequently if a pregnant woman falls ill during leave this leave will be prolonged by the number of days of illness.

Article 6. Section 134 of the Penal Code, referred to above, offers protection to women not only during maternity leave, but also throughout the pregnancy and period of nursing. It further extends legal protection both in cases of dismissal from work and in cases of refusal to grant employment.

U.S.S.R.

In reply to a request made by the Committee of Experts in 1961 the Government states that the duration of maternity leave for women collective farm workers, the amount of maternity allowance and the childbirth grant are determined by the members of collective farms themselves, in the light of the standards laid down by Soviet labour legislation.

However, it occurs in practice that state organs advise collective farms on particular matters. Reference may be made, as an instance, to a communication, No. 05-16/108 of 1 October 1956, by the Union Ministry of Health, as the authority responsible for matters of health protection throughout the population, jointly with the Ministry of Agriculture, recommending the collective farms, when making changes in their statutes, to bear in mind that a Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. dated 26 March 1956 fixed the maternity leave of women wage-earners and salaried employees at 112 calendar days—56 days before the confinement and 56 days (increased to 70 in case of a complicated confinement) thereafter.

No single legislative or regulative instrument on maternity protection contains any provision restricting its effect to citizens of the Soviet Union.

As regards leave for sickness arising out of pregnancy and notification of dismissal of women while on maternity leave the Government recalls its earlier reports.

Finally, the Government states that the new Penal Code of the R.S.F.S.R. punishes as a crime refusal to employ or dismissal of an expectant or nursing mother by reason of her condition.

YUGOSLAVIA

Article 6 of the Convention. In reply to the request by the Committee of Experts in 1961 concerning the application of this Article to certain categories of workers, the Government makes the following statement.

The provisions of section 330, subsection 2, of Part II of the Labour Relations Act, prohibiting the dismissal of pregnant women or mothers with children aged under eight months, have a wider scope and are also applied to workers other than those employed by economic organisations. Thus, under section 344 of the Act, the provisions of Part II are applied to employment regulations in social organisations; similarly, regulations adopted by economic undertakings in accordance with the Labour Relations Act may not lay down conditions less favourable than those established by the Act (section 345).

The Government further states that the provisions of Part II of the Act apply, *mutatis mutandis*, to women employed by private organisations, since conditions of work require that all such persons should be governed by collective agreements and that such agreements may not lay down conditions or rights less favourable than those provided for in the Act.

The Government also states that the provisions of Part II of the above-mentioned Act apply also to persons employed in co-operative organisations, since in accordance with section 16, subsection 3, the term "economic organisation" covers any economic undertaking, any shop operated by means of the resources of social property, any co-operative or independent section of a co-operative, any union of co-operatives or any association of economic organisations. However, the above-mentioned provisions do not apply to women employed in the state administration or in the public services. The Public Officials Act lays down similar conditions to those established in the Labour Relations Act. Thus, section 132, subsection 4, of the Public Officials Act prohibits the dismissal of pregnant women or women with children aged under eight months.

* * *

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

Byelorussia, U.S.S.R., Yugoslavia.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955*This Convention came into force on 7 June 1958*

Countries	Ratification registered on
Cuba	15. 8. 1957
Dominican Republic	10. 2. 1958
Iran	13. 4. 1959
Liberia	25. 5. 1962
Libya	20. 6. 1962
New Zealand	28. 6. 1956
Niger	23. 3. 1962

Countries	Ratification registered on
Nigeria	25. 10. 1962
Portugal	12. 4. 1960
El Salvador	18. 11. 1958
Syrian Arab Republic	7. 6. 1957
Tunisia	18. 12. 1962
United Arab Republic	18. 12. 1958

PORTUGAL (First Report)

Decree No. 43039 of 30 June 1960 repeals any legislation which is contrary to the provisions of the Convention, and particularly sections 351 to 355 and 359 (in respect of the part applicable to natives) of the Indigenous Labour Code. Section 33 of the Rural Labour Code, 1962, also provides that in no circumstances shall penal sanctions be applied to workers for breach of contract.

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	Liberia	25. 5. 1962
Australia	7. 6. 1960	Libya	13. 6. 1961
Austria	5. 3. 1958	Malaya	13. 10. 1958
Belgium	23. 1. 1961	Mali	28. 5. 1962
Cameroon (Western Cameroon) ¹	3. 9. 1962	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 ¹	17. 10. 1960
Costa Rica	4. 5. 1959	Norway	14. 4. 1958
Cuba	2. 6. 1958	Pakistan	15. 2. 1960
Cyprus ²	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	Rwanda ³	18. 9. 1962
Finland	27. 5. 1960	El Salvador	18. 11. 1958
Gabon	29. 5. 1961	Senegal	28. 7. 1961
Federal Republic of Germany	22. 6. 1959	Sierra Leone ¹	13. 6. 1961
Ghana	15. 12. 1958	Somalia { ex-British Somaliland ⁴	18. 11. 1960
Greece	30. 3. 1962	Sweden	8. 12. 1961
Guatemala	9. 12. 1959	Switzerland	2. 6. 1958
Guinea	11. 7. 1961	Syrian Arab Republic	18. 7. 1958
Haiti	4. 3. 1958	Tanganyika ¹	23. 10. 1958
Honduras	4. 8. 1958	Tunisia	30. 1. 1962
Iceland	29. 11. 1960	Turkey	12. 1. 1959
Iran	13. 4. 1959	United Arab Republic	29. 3. 1961
Iraq	15. 6. 1959	United Kingdom	23. 10. 1958
Ireland	11. 6. 1958		30. 12. 1957
Israel	10. 4. 1958		
Ivory Coast	5. 5. 1961		
Jamaica ¹	26. 12. 1962		
Jordan	31. 3. 1958		
Kuwait	21. 9. 1961		

¹ See footnote 2 to Convention No. 15.

² See footnote 3 to Convention No. 15.

³ See footnote 6 to Convention No. 4.

⁴ See footnote 5 to Convention No. 50.

CUBA (First Report)

Social Defence Code (*Códigos Penales Iberoamericanos, estudio de legislación comparada*, by Luis Jiménez de Asúa, Caracas, Editorial Andrés Bello).

Article 1, paragraphs (a) to (e), of the Convention. No forced labour exists for any of the purposes mentioned. Section 188 of the Social Defence Code provides that "anyone who has recourse to forced labour without legal authority in order to compel another person to act against his will will be punished...".

No modification of existing legislation is necessary to give effect to the provisions of the Convention.

DENMARK

In reply to a direct request made by the Committee of Experts in 1962 the Government supplies the following information.

Under section 100 of the Criminal Code liability is subject to the condition that the person concerned incites another to action against the State or brings about an

evident danger of such action. In any case the final decision as to the scope of the provisions rests exclusively with the courts.

Section 266 (*b*) of the Criminal Code is rarely applied in practice, and the few cases that have occurred are all related to gross anti-Semitic propaganda.

The provisions of section 132 (*a*) of the Criminal Code have never been applied in practice, and no association has been dissolved by judgment.

Section 121 of the Criminal Code relates only to utterances directly addressed to the injured person and not to defamatory comments, which are dealt with by the Law on Defamation.

Only two people have been committed to workhouses under sections 197 to 199 of the Criminal Code, and these two had served several previous sentences. Several women have been convicted for prostitution but have not been sent to workhouses.

The Act of 20 December 1929 respecting the organisation and partial abolition of compulsory work in local areas is still in force but is today very limited in practice (in fact it is applied only to rural areas). This law does not authorise forced labour within the meaning of the Convention. The performance of labour cannot be required to be carried out personally by the person liable. If he fails to fulfil his obligation the local council will arrange for the work to be done at his expense.

The sole purpose of section 52 of the Danish Seamen's Act, 1952, is to enable the shipmaster to take the seafarer back to his ship and not to force him to work, the basis of his obligation being the contract of employment which he has voluntarily accepted.

IRAQ (First Report)

The Baghdad Penal Code, 1918.

Law No. 85 of 1958 ratifying Convention No. 105.

Labour Law, No. 1, 1958 (*Al-Waqayi' u al'Iraqiya*, 16 Mar. 1958).

Emergency Relief Law, No. 37, 1961.

Forced or compulsory labour in any form is not permitted in Iraq for the purposes defined in the Convention.

Forced or compulsory labour is mobilised and used, however, in cases resulting in great and general damage such as floods, fire, earthquakes, collapse of buildings, etc. In such case the department concerned makes appropriate payments for services rendered.

Article 2 of the Convention. Sections 119 and 249 of the Baghdad Penal Code provide penalties for the illegal exaction of forced labour.

PHILIPPINES (First Report)

Constitution, 1935.

Civil Code: Republic Act No. 386, 1950.

Penal Code: Act No. 3815, 1932.

Anti-Slavery Act: Act No. 2071, 1911.

All the above-mentioned laws took effect long prior to the coming into force of the Convention. No amendment has yet been made to the pertinent provisions of these laws, as they are sufficiently broad in scope as to make the factual situations contemplated in the Articles of the Convention unlawful in the Philippines. Under the Constitution and the Penal Code the imposition of servitude is punishable as a crime. The Constitution further provides that no form of forced or compulsory labour may be imposed except as a punishment for a crime after conviction by a court.

PORTUGAL

Decree No. 43893 of 6 September 1961 repealing the Statute of the Indigenous Portuguese of the Provinces of Guinea, Angola and Mozambique (*Diário do Governo*, first series, No. 207, 1961).
Decree No. 44309 of 27 April 1962 to approve a Rural Labour Code for the Provinces of Cape Verde, Guinea, San Tomé and Príncipe, Angola, Mozambique and Timor, and to repeal the Indigenous Labour Code (*ibid.*, No. 95, 1962) (*L.S.* 1962—Por. 1).

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

Under the Penal Code, the expression of a political opinion or views merely ideologically opposed to the established political, social or economic system is not a crime, but only an act threatening the security of the State and attempts to change its structure or form of government by non-constitutional means (section 167) as also incitement or provocation to commit criminal acts (section 171). The national legislation states the principle that labour is a duty of social solidarity. This, however, is a statement of principle, a moral duty, and there are no legal means of exerting pressure to ensure its performance. The offences of lockout and strike are punishable by six months' to two years' penal detention (section 1 of Legislative Decree No. 23870 of 18 May 1934) and up to one year's imprisonment (section 2) according to the general system for prison sentences.

With reference to the recommendations in the report of the Commission to Examine the Complaint Filed by the Government of Ghana concerning the Observance of the Convention by Portugal the Government gives the following information.

A new Labour Code for overseas provinces was promulgated on 27 April 1962, repealing the provisions of the Indigenous Labour Code (including those mentioned in paragraphs 730 to 734 of the Commission's report). Sections 45 ff. of the new Code deal with the organisation of public placement services.

The Government has supplied a copy of a report made by the Governor of the District of Lunda, pursuant to paragraph 738 of the Commission's report, giving particulars of the organisation of recruiting by the agents and services of the Diamond Company of Angola, including the construction of three permanent recruiting centres with accommodation for workers in transit, and stating that since Decision No. 66-G of 28 October 1961 there has been no intervention whatever by the administrative authorities in recruiting of labour for the Diamond Company.

In a communication to the Angola authorities (the text of which is appended to the report), the Cassequel Agricultural Company states that the references to it in paragraph 749 of the report of the Commission of Inquiry are unfounded and can only be the outcome of regrettable misunderstandings. At 30 June 1962, the Company had in its employment 4,651 persons, of whom 2,585 were recruited workers. All recruitment operations had been effected by the Company directly without the intervention of recruitment agencies. The Company affirms that neither directly nor indirectly has it resorted to unlawful means prohibited by Portuguese legislation or international conventions. All workers recruited had presented themselves spontaneously to the Company's agents, and the voluntary nature of their contract had been confirmed before the administrative authorities. The Government also supplied the text of a report drawn up by the Chief Labour Inspector for Angola after an inspection of the Cassequel plantations conducted in accordance with paragraph 749 of the Commission's report. The Inspector states that all the workers interviewed on the spot alike affirmed that they had been subjected to no pressure of any kind on the part of the administrative authorities or indigenous chiefs. Accordingly the Chief Inspector concluded that no case of forced labour could be reported in the undertaking concerned, as the recruiting methods used were in accordance with the provisions of the Indigenous Labour Code. Lack of clarity or accuracy in the statements by certain workers in the course of the visit by the I.L.O. Commission

of Inquiry could be attributed to nervousness in the presence of many persons not in the service of the Company.

The new Rural Labour Code guarantees free choice of work and expressly prohibits all compulsion to work, including compulsory cultivation (sections 11 and 45 ff.).

The annual tax cannot be considered too high; penalties for non-payment of tax are laid down in Legislative Orders No. 3191 of 14 December 1961 (Angola), No. 1771 of 26 June 1962 (Guinea) and No. 2185 of 30 December 1961 (Mozambique). Under these texts debts to the tax administration for non-payment of tax are notified to the courts of distraint for action.

The vagrancy legislation is that incorporated in the Penal Code; for since the abolition of the special system applying to indigenous persons, the whole population of all the national territories comes under the same legal system (see under Convention No. 29).

Sections 292 ff. of the new Code reinforce the powers of the labour inspectorate, and sections 316 ff. prescribe penalties for infringement of the above-mentioned sections.

Sections 135 ff. of the new Code, dealing with public placement services and the development of vocational training programmes, meet the suggestions made by the Commission in paragraphs 762 and 763 of its report. Economic development measures are one of the main purposes of the five-year development plans prepared by the Government. The second plan is in progress.

As regards the social programme, the provisions of the new Code include measures concerning, for instance, equal pay for equal work, two weeks' paid holiday and social security, medical aid and maternity protection measures. Finally, section 289 of the new Code deals with the Labour Courts.

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

The report from the *United Arab Republic* reproduces the information previously supplied.

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		

BULGARIA (First Report)

Labour Code (*Izvestiya*, No. 91, 13 Nov. 1951) (*L.S.* 1951—Bul. 2), and Act to amend and supplement the Labour Code (*Izvestiya*, No. 92, 15 Nov. 1957) (*L.S.* 1957—Bul. 2).
Regulations on the hours of work and rest of wage and salary earners (*Izvestiya*, No. 21, 14 Mar. 1958) (*L.S.* 1958—Bul. 3).

The provisions of the Labour Code are applicable to employees of all undertakings, institutions and organisations. Both wage and salary earners are entitled to a weekly rest of 38 hours, or 24 hours if the work is done in shifts.

As a rule the weekly rest is given simultaneously to all the employees of an establishment and falls on a Sunday; where the nature of the work so demands, however, the internal rules may provide for a different arrangement.

In the case of work performed exceptionally on the weekly rest day, an equivalent rest period is granted during the working days which follow if the duration of the weekly rest is reduced below 24 hours.

Overtime is prohibited except in the cases provided for in section 46 of the Labour Code.

DENMARK

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

Hours of work for civil servants are governed by the Ministry of Finance circular of 1 December 1961.

Though the Act of 1954 does not expressly provide in all cases that wage-earners called upon to work on the normal day of weekly rest are entitled to compensatory rest, this is generally provided for such persons under collective agreements. Workers employed in newspaper distribution receive such compensation by an express provision of the Ministry of Social Affairs regulations of 21 March 1957. The repeal of subsection 2 of section 16 of the 1954 Act, specifically excluding messengers from entitlement to compensatory rest, is being considered.

The "exceptional circumstances" mentioned in section 12, subsection 4, of this Act are those covered by Article 13 of the Convention.

GHANA

The Convention will be applied by regulations issued under the Labour Ordinance, which is under examination for revision.

GUATEMALA

In reply to a direct request made by the Committee in 1962 the Government supplies the following information.

Section 30 of Presidential Decree No. 584, which contains the legal provisions governing the relations between the State, municipalities and corporate bodies maintained by public funds, and their workers, establishes (in subsection VI) their right to one day's rest with pay for every six consecutive days worked.

In all undertakings the day of weekly rest coincides with the day appointed by tradition, except in restaurants, hotels and cinemas, which avail themselves of this right on a weekday.

The General Inspectorate of Labour is responsible for determining the cases in which seventh-day work may be authorised in the cases specified in Article 8 of the Convention. When compensatory rest must be taken on different days, this is ensured through the staff of inspectors, who carry out inspections of undertakings. The regulations about to be issued on this subject will specify the form in which work on days of weekly rest must be authorised.

The workers of the undertaking are consulted collectively on their willingness to work on days of weekly rest; this is done through the intermediary of a Labour Inspector on the staff of the visiting section.

HAITI

Sections 110 to 119 of the Labour Code do not cover officials of the State or of state institutions. They do apply to the staff of public services the activities of which are assimilable to those of commerce and industry.

The special regulations to which reference is made in section 320 of the Code have not been embodied in a written text. Customs, immigration, port and hospital staff work according to the immediate needs of these services; however, in general, they benefit from the legal provisions on hours of work and weekly rest. These rules are general in character and apply to all the establishments listed in Article 3, paragraph 1, of the Convention. In the case of persons under special schemes, the right to compensatory rest can always be claimed.

IRAQ (First Report)

Labour Law, No. 1, 1958 (*Al-Waqayi'u al'Iraqiya*, 16 Mar. 1958).
Act No. 68 of 1960 ratifying Convention No. 106.

Articles 2 and 3 of the Convention. All industrial and commercial establishments, whether covered by the Labour Law or not, enjoy Friday as a weekly rest day. Section 12 (3) provides that certain employees in commercial undertakings may be employed on Fridays, but a weekly rest day is provided in lieu by collective agreement.

Article 4, paragraph 2. The competent authorities and representatives of workers' and employers' organisations concerned decide in doubtful cases whether the Convention applies.

Article 5, paragraph (a). Section 2 (1) (c) exempts members of the employer's family from the provisions of the Law.

Article 6 and 7. Section 12 (1) and (5) of the Law provides that Friday shall be the weekly rest day.

Article 8. Section 11 (4) permits temporary exceptions.

Article 9. Under section 12 (1) weekly rest shall be granted at full wages.

Article 10. The Inspection Service administers weekly rest provisions, and the Labour Law imposes penalties for infractions.

MEXICO

Regulations for workers in the service of the authorities of the Union (*Diario Oficial*, 17 Apr. 1941). Regulations of 20 December 1919 respecting weekly rest (*ibid.*, 1 Jan. 1920).

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

Article 2 of the Convention. Weekly rest for civil servants is governed by the Regulations for workers in the service of the authorities of the Union.

Article 3. A declaration accepting the provisions of the Convention for the establishments referred to in this Article is to be forwarded to the I.L.O. in the near future.

Article 7 and 8. No regulations have yet been issued on the basis of the Federal Labour Act, section 83, to modify the normal weekly rest scheme to suit the special needs of certain establishments; this scheme is merely adapted occasionally by collective agreement. The Regulations of 20 December 1919 respecting weekly rest specify for which establishments and in what conditions authorisation may be given for a day other than Sunday to be the day of weekly rest. There is no group of persons in commerce and offices subject to special weekly rest schemes.

PAKISTAN (First Report)

Weekly Holidays Act, 1942.

Working Journalists (Conditions of Service) Ordinance, 1960, and Working Journalists (Miscellaneous) Rules, 1960.

Railways Act, 1890.

East Bengal Shops and Establishments Act, 1951.

Punjab Trade Employees Act, 1940.

Sind Shops and Establishments Act, 1940.

North-West Frontier Province Trade Employees Act, 1947.

The last four texts listed apply to all persons employed in shops and commercial undertakings for public entertainment or amusement and in banks and insurance companies. The clerical staff of factories is covered by the Factories Act, 1934, and that of railways by the Railways Act, 1890.

The Government has made no declaration accepting the provisions of the Convention in respect of establishments listed in Article 3, paragraph 1, of the Convention; however, persons employed in theatres and places of public entertainment are covered by the Weekly Holidays Act, 1942 (section 4), as well as by the other texts in force, and wage-earning journalists by the 1960 Rules.

Persons employed in a managerial capacity are excluded from the scope of the above-mentioned legislation. The duration of weekly rest under the 1942 Act and other relevant texts is not less than one full day; in the Province of East Bengal the minimum is one day and a half. However, the rest period may be less than 24 consecutive hours in the case of railway employees, whose employment is essentially intermittent.

As far as possible, the rest period is granted simultaneously to all persons concerned in each establishment; the recommendations in Article 6, paragraphs 3 and 4, of the Convention are generally taken into account in the choice of the day of rest. Under section 6 of the 1942 Act and various provisions of the other relevant texts weekly rest must not entail any reduction of income for beneficiaries.

Section 11 of the 1942 Act and parallel provisions in the legislation in force in the provinces give the central and provincial governments power to grant exemptions

for any establishment or person. So far no occasion has yet arisen for applying special weekly rest schemes. Temporary exceptions are granted on the occasion of certain festivals or for stocktaking.

Section 7 of the 1942 Act provides that its application is to be enforced by inspectors. Penalties for infringement of the weekly rest provisions are laid down in the various texts mentioned above.

The application of the said provisions may be suspended by provincial governments in the circumstances stated in Article 13 of the Convention.

PORTUGAL (First Report)

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in commercial and industrial undertakings (*Diário do Governo*, first series, No. 199, 24 Aug. 1934, p. 1617) (L.S. 1934—Por. 5).

Act No. 2029 of 5 June 1948 (*Colecção Oficial de Legislação Portuguesa*, 1948, Vol. 1, p. 372).

Legislative Decree No. 579 of 6 November 1937 (Cape Verde).

Legislative Order No. 1103 of 4 October 1952 (Cape Verde).

Legislative Order No. 1164 of 22 May 1954 (Cape Verde).

Legislative Order No. 1330 of 9 February 1957 (Cape Verde).

Legislative Order No. 1595 of 28 April 1956 (Mozambique).

Legislative Order No. 2827 of 5 June 1957 (Angola).

Legislative Order No. 486 of 7 December 1959 (Guinea).

Article 1 of the Convention. The principle of weekly rest is established by law and applied through collective agreements.

Articles 2 and 3. Portuguese legislation on the subject is identical for industry and for offices. It covers all the establishments listed in Article 2, as well those in Article 3, with the exception of theatres.

Article 5. The 1934 Legislative Decree may exclude from its provisions persons in positions of trust, management or supervision and persons employed in small undertakings who are very near relations of their employers.

Article 6. Persons employed in commercial or industrial undertakings are entitled to one day's rest per week, which, in general, shall be Sunday and which may be another day only as an exceptional measure and for good reason.

Article 7. There has been no recourse to the permanent exceptions allowed by this Article of the Convention.

Article 8. Temporary exceptions may be allowed in special cases and on a duly supported application, grant of a day of weekly rest, to be taken within the three following days, then being compulsory; in practice these authorisations are only rarely granted, and in circumstances corresponding to those described in Article 8 and after consultation with the representative employers' and workers' organisations or the corporative committees.

Article 10. The administration of the above-mentioned provisions is ensured by the Ministry of Corporations and Social Welfare and supervised by the labour inspection service. Penalties for their infringement are provided in the 1934 Legislative Decree.

TUNISIA

Order of 3 September 1921 (*Journal officiel*, 21 Sep. 1921).

Act No. 59-12 of 5 February 1959 relating to the Public Service (*ibid.*, 3-6 Feb. 1959).

Circular No. 13 S.E.P. of 4 October 1962 relating to hours of work in the Public Service.

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

Article 2, paragraph (b), of the Convention. The Decree of 20 April 1921 covers all categories of workers referred to in this paragraph. Public officials, however, are subject to Act No. 59-12 of 1959; their hours of work have been laid down in Circular No. 13 S.E.P., giving them two days of rest each week, Saturday and Sunday.

Article 3. The Convention is applicable to persons employed in all the undertakings listed in Article 3 in virtue of either the Decree of 20 April 1921 or Act No. 59-12 of 1959.

Article 5. The lack of express positive provisions leads to the exclusion of the categories of workers referred to in this Article from weekly rest laws.

Article 7. The above-mentioned order completes the list of undertakings permitted to grant weekly rest by rotation, by virtue of section 2 of the Decree of 20 April 1921.

Article 8. No recourse has been had to the possibility of suppressing weekly rest by virtue of the Decree of 20 April 1921. Sections 95 and 96 of the draft Labour Code provide for compensatory rest in all cases of temporary exemptions.

Article 13. The draft Labour Code contains no provision similar to section 14 of the Decree of 20 April 1921.

UNITED ARAB REPUBLIC (First Report)

Law No. 91/1959 (Labour Code) (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—U.A.R. 1).
Ministerial Order No. 5/1961.

Sections 118 and 119 of the Labour Code regulate weekly rest. In some cases collective agreements provide for a longer weekly rest than the Code.

Articles 2 and 3 of the Convention. Only the employer's legal representatives, persons engaged in preparatory or complementary work which must be carried on outside normal hours, and caretakers and cleaners, are exempted from normal weekly rest legislation (see section 123 of the Labour Code).

A special national law lays down for all civil servants a weekly rest of 24 consecutive hours.

Article 4. There are no legislative provisions concerning this Article.

Article 5. See under Articles 2 and 3.

Article 7. There are no provisions relating to this Article.

Article 8. Section 120 of the Labour Code makes temporary exceptions in the matter of weekly rest in the case of persons engaged in special work such as stock-taking, etc.; prevention of accidents to plant; repair made necessary by *force majeure*; prevention of loss of perishable goods; and to deal with abnormal pressure of work due to special circumstances. In all these cases the worker is entitled to cash compensation equal to payment for the hours worked plus 25 per cent. Further, persons shall be granted compensatory rest of a total duration at least equivalent to the period provided for in Article 4. The exemptions must be authorised in each case by the labour inspection office.

Article 10. Section 221 of the Code punishes by fine employers who commit infractions.

YUGOSLAVIA

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

Article 2 of the Convention. The provisions on weekly rest contained in Part II of the Labour Relations Act are applicable, in virtue of section 374, to employees of social organisations, the rules of which must be at least as favourable as those of

economic organisations. They likewise apply to persons working for private employers, whose conditions of employment must be governed by collective contracts which must not restrict the statutory prerogatives of the workers. Co-operatives are deemed to be economic organisations (section 16, subsection 3, of the Act).

The employment of government employees is regulated by the Public Officials Act (although section 20 of the Labour Relations Act, which establishes entitlement to weekly rest, is in fact applicable to them). Civil servants generally enjoy a longer weekly rest period than members of economic organisations.

Article 3. All the categories of workers listed in this Article are covered either by the Labour Relations Act or by the Public Officials Act.

Article 6, paragraph 4. In accordance with Circular 849/55 of the Secretariat for Labour of the Federal Executive Council, every economic undertaking is free to fix a day of weekly rest appropriate to workers of a particular religion, in so far as the organisation of the work permits.

Article 8. The circumstances in which temporary exceptions to the normal arrangements for weekly rest may be authorised are set forth in sections 177 to 183 of the Labour Relations Act, which relate to overtime. Overtime may not amount to more than four hours per day or eight hours per week, which, bearing in mind that section 212 fixes the minimum duration of the normal weekly rest period at 32 consecutive hours, ensures in all cases that workers have at least 24 hours' rest.

* * *

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

Denmark, Iraq, Portugal.

107. Indigenous and Tribal Populations Convention, 1957

This Convention came into force on 2 June 1959

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	18. 1. 1960	Mexico	1. 6. 1959
Belgium	19. 11. 1958	Pakistan	15. 2. 1960
China	11. 10. 1962	Peru	6. 12. 1960
Costa Rica	4. 5. 1959	Portugal	22. 11. 1960
Cuba	2. 6. 1958	El Salvador	18. 11. 1958
Dominican Republic	23. 6. 1958	Syrian Arab Republic	14. 1. 1959
Ghana	15. 12. 1958	Tunisia	18. 12. 1962
Haiti	4. 3. 1958	United Arab Republic	14. 1. 1959
India	29. 9. 1958		

ARGENTINA (First Report)

Decree No. 2211/61 applying Act No. 14398 respecting land settlement.

Decree No. 845/61 (Indian Affairs Advisory Board).

Act No. 14561 (transfer to the Province of Jujuy of lands for the settlement of indigenous persons).

Act No. 14498 (organisation of Ministries of the National Executive).

Legislative Decree No. 2964/58 to amend Act No. 14398 respecting land settlement.

Legislative Decree No. 5467/61 (Indian Affairs Advisory Board—Amendments to Decree No. 845/61).

In Argentina the Indian problem as such disappeared many years ago. Indigenous persons have rights identical with those of the other inhabitants of the country and analogous legal protection.

Article 1 of the Convention. There are still groups requiring special attention if their capacities are to be used to the fullest in the interests of the community. To this end, Argentina has obtained the valuable co-operation of the International Labour Organisation through the technical assistance mission and the expert in Indian affairs.

Article 2. Various programmes have been arranged, such as the development of public lands by means of the preparation of land settlement plans. Plots of land have been handed over to indigenous persons for their use, the grant taking the form of a life usufruct—or, in some cases, full ownership (Province of Jujuy)—to promote productivity. Such plans specify the method of development in some cases of pasture lands, sources of water, etc. The said grants carry with them a series of obligations which the indigenous persons must fulfil: they must reside with their families on the land granted; refrain from changing the development schemes without the permission of the Advisory Board, from obstructing rights of way or access to the hills, streams, sources of water, common pastures, from felling trees or cutting shrubs of value, etc. These development programmes are carried out through the Indian Affairs Advisory Board, created by Decree No. 845.

Article 3. The many provisions listed under Article 2 are intended to promote assimilation of the indigenous population with the other inhabitants of the country and prevent racial discrimination.

Article 4. The settlers retain their own special modes of life in so far as they are compatible with those of the other inhabitants, and they are gradually becoming accustomed to the new conditions of life and work.

Article 5. The programmes of adaptation for indigenous populations have brought them considerably closer to the rest of the population. Measures for the advancement and improvement of their social or living conditions are able to go forward freely. They enjoy the civil liberties guaranteed by the Constitution to all the inhabitants of the country.

Article 7. Indigenous customs and institutions are respected in so far as they are not incompatible with the national legal system.

Article 8. The competent authorities undertake the punishment and prevention of crimes or offences without regard to the ethnic origin of the persons concerned.

Article 9. Protection against the exaction of compulsory personal services is provided by the general laws in force for all the country's inhabitants, without any discrimination whatsoever, and by the observance of international conventions prohibiting forced labour.

Article 11. See Article 2.

Article 12. The situations envisaged in this Article do not arise.

Article 13. The legal provisions mentioned above protect the indigenous populations from attempts by non-indigenous persons to take advantage of their ignorance of the law to deprive them of their right of ownership. The national or provincial authorities are responsible for specifying and supervising the way in which ownership is acquired and transferred.

Article 15. In regard to their contractual labour relations indigenous workers have exactly the same rights as the rest of the country's inhabitants. The legislation on the subject establishes no discrimination whatsoever.

Article 16. Indigenous populations have the opportunity to satisfy their needs for vocational training. There are technical vocational training schools, working on special programmes suited to the aptitudes of the pupils, the geographical position of the area, etc.

Article 17. Even when the cultural development of indigenous populations has not brought them to the level necessary to fit them for due technical training, programmes are worked out to suit the assimilation capacity shown by the said populations.

Article 18. Indigenous populations resolutely maintain their traditional working methods in rural industries; nevertheless, and as a result of the care exercised by successive governments, there is emerging a satisfactory trend towards the adoption of modern methods of agriculture and stock-raising.

Article 19. There is no distinction whatsoever as regards indigenous workers in the matter of social security.

Article 20. The appropriate authorities have paid particular attention to the attainment of a satisfactory level of health among indigenous populations, creating and maintaining many hospitals and health centres staffed by physicians, nurses, etc. The health problem is a matter of serious concern, since indigenous persons resist medical care, resorting to home practices handed down by beliefs or superstitions. This makes it a difficult task to get them to accept scientific methods of care and treatment, but continuing efforts are being made to give them confidence in the doctors.

Article 21. Access of indigenous populations to education centres is facilitated by every possible means. Failure of children to attend school is attributable to the parents alone. Educational establishments, when material circumstances permit, are the most advanced of their kind in all respects. Indigenous populations have access to all centres of study on the same conditions as the rest of the community.

Article 22. Teaching methods are laid down basically in accordance with the stage of development and level of aptitude reached by the indigenous population, taking into account, in addition to the elementary knowledge they must necessarily possess, the needs of the place in which they live as regards knowledge of industrial or rural crafts. For instance, there are training schools for regional teachers, whose graduates are destined for preference to fill vacancies in the areas inhabited by indigenous populations.

Article 23. The traditions of indigenous peoples are respected. Their mother tongues remain in use in the home environment, but obviously it is the aim of all good management to introduce them to the knowledge and study of the national language, for which purpose the necessary educational establishments are financed.

Article 25. There is no racial prejudice whatsoever in Argentina and hence none regarding indigenous populations.

Article 26. The purposes of this Article are fulfilled through the teaching dispensed in the schools.

Article 27. The Government has resolutely set about the implementation of the plans and measures for the social, economic and cultural development of indigenous populations; the Indian Affairs Advisory Board is at present the agency co-ordinating such services.

GHANA

Constitution.

Administration of Lands Act, No. 123, 1962.

Industrial Relations Act, No. 56, 1958.

Labour Ordinance (*Laws of Ghana*, Cap. 89).

State Lands Act, 1962.

Volta River Development Act, 1961 (Part IV, s. 29).

Minimum Remuneration Instrument, 1960.

Apprenticeship Act, No. 45, 1961.

Article 1 of the Convention. The Convention applies to rural populations in the Northern, the Upper and the Brong-Ahafo Regions.

Article 2. The social, economic and cultural development of the populations concerned is being achieved by community participation in programmes to meet individual, family or group needs in the following four fields:

- (1) adult literacy and basic education: in two forms—vernacular and English—this programme, supported by voluntary leaders (about 250), enables pupils to participate more fully in the development of their villages. Between 1955 and 1961 nearly 4,000 people learnt to read and write;
- (2) self-help constructional projects: a wide range of projects undertaken through self-help and communal labour supported by government financial grants includes street drains, feeder roads, dams and wells, post offices, schools and village halls. The idea is to help the people to replant the land and build better houses. In December 1961, 165 projects were in progress and more than 180 were waiting to be started;
- (3) women's work: this programme, which seeks to unite the female population and to improve their living conditions in the rural areas, has the support of the United Nations Children's Fund which provides transport, equipment and demonstration kits;
- (4) extension work: various government departments conduct educational campaigns aimed at bringing to the notice of the populations concerned new ideas such as compulsory education, payment of rates, registration of voters, compulsory footwear.

Article 3. In spite of the social, economic and cultural conditions of the populations concerned, they nevertheless enjoy all the benefits of national legislation.

Articles 4 to 5. The Constitution (section 13) guarantees that "no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief". The process of integration and assimilation is designed to help the populations concerned to develop their own cultural and religious values, as well as their social background, in order to fit them into the society of more advanced communities in the country.

Article 6. Economic development projects are intended to provide the populations with educational, health, transport, communication, water, market and office facilities.

Article 7. The principal tribal groups of the population are as follows: Dagomba, Komkomba, Chokosi, Gonja, Lobi, N'chumuru, Mamprusi, Frafra, Kusasi, Nankanni, Builsa, Kassena, B'moba, Busanga, Dagarti, Sissala, Wala. Their laws relate to marriage and inheritance.

Article 8. Throughout the country, customary laws and practices operate on a parallel basis with governmental legislation.

Article 9. Forced or compulsory labour is prohibited under the Labour Ordinance (section 110) except in cases provided by section 109 of the ordinance. Violations are punishable by fine or imprisonment.

Article 10. Discrimination does not exist in any form in the country. The law on all matters applies with equal respect to all.

Article 11. Under the Constitution "No person should be deprived of his property save where the public interest so requires and the law so provides". Customary land tenure—individual or collective—is recognised by the law. The provisions of the Administration of Lands Act protect members of the population in their use and occupation of land.

Article 12. Privately or collectively owned property may be expropriated for public interest only on payment of a fair compensation (State Lands Act, 1962, and section 10 of the Administration of Lands Act, 1962). Two resettlement schemes being carried out by the Government should be mentioned: (a) Frafra Resettlement Scheme which has become necessary through the over-population of Zuarungu (Upper Region) and the consequent shortage of fertile land from which the population can earn a livelihood; (b) Volta River Development Scheme, which implies the resettlement of about 67,000 persons, who will be displaced as a result of the flooding of the Volta basin.

Article 13. Rights of inheritance to customary lands are recognised by law. Landowners are only required to observe certain fundamental principles, for example good town planning, proper use of natural resources, protection of public health, payment of rates, taxes and duties.

Article 14. A forestry and agriculture system, under which one-acre plots are allocated to farmers for three-year periods to enable them to plant food and tree crops, has been instituted in areas where there is a land shortage. The Government is promoting land development through soil conservation, agricultural research, veterinary services, soil fertilisation, irrigation, organisation of agricultural co-operatives and provision of agricultural credit.

Article 15. It is an offence for any person to recruit workers without a licence from the Commissioner of Labour (Labour Ordinance, section 5). Due consideration is given to the effect of recruitment on the birth rate, health, welfare and development of the population before a licence is issued. Protection is secured to workers, as

to conditions of employment, through collective bargaining, and the Industrial Relations Act, 1958, provides favourable conditions for negotiations. There is no discrimination in respect of employment and remuneration against any category of workers and the Minimum Remuneration Instrument, 1960, prescribes the minimum wage of 6s. 6d. per day for all workers, male or female, without discrimination.

Articles 16 to 18. The Apprenticeship Act, 1961, regulates apprenticeship training throughout the country. Pre-apprenticeship courses are given in mechanical engineering, crafts and agricultural mechanics. Scholarships are available for vocational guidance training.

Article 19. The Government proposes to establish, as a branch of the Labour Department, a National Pensions and Insurance Scheme, which would cover the populations concerned.

Article 20. The Government assumes the responsibility of providing the populations concerned with adequate health services. In areas where religious missions assume such responsibility, the Government provides supplementary financial assistance. Projects to build several regional hospitals and laboratories are under consideration.

Article 21. The populations concerned have the same access to educational facilities at all levels as other members of the national community.

Article 23. Pupils are taught to read and write in tribal languages where such languages are written. In areas where scripts of tribal languages have not been developed, instruction is given in the language most commonly used by the group. In the middle schools and above English is used as a means of instruction in conjunction with the mother tongue.

Article 24. The school curriculum is set up to meet the requirements of this Article.

Article 25. The position in the country does not warrant the introduction of educational measures with the object of eliminating prejudices against the populations concerned since they do not exist.

Article 26. The Department of Social Welfare and Community Development conducts literacy classes and encourages social practices and customs considered necessary for general, social and cultural development.

Article 27. The State Control Commission and the Planning Commission assisted by Local Planning Committees administer the programmes instituted for the benefit of the populations concerned.

INDIA

Hyderabad State Tribal Regulations.
Bombay Prohibition Act.
Penal Code (ss. 497 and 498).
Code of Criminal Procedure (s. 488).
Central Provinces Land Alienation Act, 1916.
Tribal Areas Regulations, 1959.
Orissa Land Reforms Act, 1955.
Tenancy Act, 1955.
Punjab Security of Land Tenure Act, 1953.
Stay of Eviction Proceedings Act, 1957.
Assam Land Revenue Regulations (Ch. X).
Land Reform Act, 1960.

Article 1 of the Convention. On the basis of the 1961 census the tribal population is estimated to have increased to about 30 million.

Article 2. Under article 339 of the Constitution a Scheduled Areas and Scheduled Tribes Commission was appointed on 28 April 1960 to investigate, report and make recommendations on the problems of scheduled tribes. One recommendation concerns the establishment of directorates to supervise the welfare of scheduled tribes in states where the populations concerned exceed 1 million.

Article 6. An amount of 612 million rupees has been allocated under the Third Five-Year Plan for the development of the populations concerned. The three main projects are—

- (1) economic uplift: under this programme priority is given to the economic rehabilitation of persons engaged in shifting cultivation and working of forests through multi-purpose co-operatives to meet the credit needs of tribal agriculturists and artisans. Other measures cover land development, agricultural assistance, improvement of stock-raising, development of fisheries, organisation of training-cum-production centres, assistance to village industries and development of communications;
- (2) education: this aspect of the plan provides scholarships and free places for students;
- (3) health scheme: prevention of endemic diseases, itinerant medical units, maternity and child welfare centres and provision of drinking water in different areas.

It is also proposed to establish tribal development blocks with populations of 25,000 each in order to promote the intensive and co-ordinated development of tribal areas on the general pattern of community development, but modified to suit tribal conditions. The main objectives of the scheme are to promote the harmonious development (economic, political, social, cultural and moral) of village communities; to develop a spirit of community life; to make villages self-sufficient; and to develop self-reliance in the individual and initiative in the community.

Article 7. Although specific information is available only about some states and territories, it would appear that customary laws are generally in force and are, to some extent, recognised in all the states. Under the Constitution the states may make special laws respecting their tribal populations, and state governors have special powers to modify central and state laws in their application to tribal areas and to frame regulations, in particular for the protection of the populations concerned respecting their rights to land, the allotment of waste land, and money-lending activities.

Article 8. The authorities and courts generally take into account the customs of the populations concerned in penal matters. The report gives examples of the practice followed in this matter in various areas.

Article 11. Forms of land ownership vary among the populations concerned. Land may be owned by individuals, clans, villages, or by some other arrangement. Laws and regulations are in force among these populations to safeguard their rights in respect of allotment, occupation, use, sale or transfer of tribal lands. The report gives examples of land tenure systems in existence in a number of areas and of legislative measures taken to safeguard the ownership rights of members of the scheduled tribes.

Article 12. Persons whose lands are acquired for public purposes are entitled to full compensation under the Land Acquisition Act, 1894 (section 23), for the resulting loss or damages. Families displaced from their lands are generally rehabilitated by the authorities. In determining compensation for displacement, the courts are required to consider—(a) market value of the land; (b) loss of standing crops or trees; (c) damage sustained through severance of such land from the owner's other land; (d) damage sustained by reason of the acquisition affecting the owner's

other property; (e) expenses incidental to the owner's change of residence or place of business as a result of the acquisition; (f) diminution of the yield from the land between publication of the declaration under section 6 of the Land Acquisition Act and acquisition.

In addition, an award equivalent to 15 per cent. of the market value of the land is made to the owner in consideration of the compulsory nature of the acquisition.

Article 14. The Commissioner for Scheduled Castes and Scheduled Tribes has made some recommendations, and action either has been taken or is proposed by the various state governments to rectify the shortcomings in the agrarian programmes. Appendix I to the report gives detailed information on such action.

Article 15. Members of the populations concerned are on an equal footing with the rest of the national population with regard both to recruitment in private undertakings and in taking up employment in locations of their choice. On a recommendation of the Scheduled Areas and Scheduled Tribes Commission the state governments instruct all the local authorities to follow the policy which they have laid down in regard to representation of scheduled tribes in government services. The Union Government has laid down a policy to ensure that protection envisaged in the Constitution is made effective in practice, but the representation of the scheduled tribes in central and state services is below the prescribed percentage because of the lack of suitable candidates. The report gives details of this policy.

Articles 17 and 18. The Second Five-Year Plan (1956-61) has registered achievements in the field of rural industries and vocational training in a number of areas. Achievements at the central level have included the establishment of various training centres (for carpentry, bricklaying, masons, bee-keeping) and co-operative societies, the creation of marketing organisations for Tussar cocoons, and the establishment of craft centres and cottage industrial training schools. At the state level achievements have included the establishment of handicraft centres, production-cum-training centres and marketing centres for tribal arts and crafts products. The report gives explanations concerning the various achievements.

Article 20. During the Second Five-Year Plan period 259 maternity and child welfare centres and 179 health centres were opened; 9,324 wells and 331 tanks were constructed, and 69 water supply schemes were completed. Campaigns against yaws and venereal diseases were continued in a number of areas.

Article 21. Achievements during the Second Five-Year Plan period included the erection of new schools and hostels in a number of areas and offers of scholarships and other grants. On the recommendation of the Scheduled Areas and Scheduled Tribes Commission the Government accepted to provide mid-day meals, free books, slates, stationery and clothes to schoolchildren in tribal areas before the introduction of compulsory primary education and to appoint as teachers in tribal areas tribal boys who pass standards VII and VIII.

Article 22. Several research institutes have conducted socio-economic studies in a number of areas among members of the populations concerned, but these studies have been of an academic and historical nature, with little stress on applied research in the field of tribal economy. The Commission has therefore recommended to re-define the functions of the institutes on a more economic basis.

Article 26. The report indicates various steps taken by the state governments to make known to the populations concerned their rights and duties.

MEXICO (First Report)

Constitution (*Las cláusulas económico-sociales en las Constituciones de América*. Buenos Aires, Editorial Losada, S.A., 1948, Vol. II).

Agrarian Code (*Leyes y Códigos de México*. Mexico City, Editorial Porrúa, S.A., 1953).

Article 1 of the Convention. The Convention applies to about 3 million indigenous persons, or 11.2 per cent. of the total population, living in 43 ethnic groups, the most important of which are the Nahuatl (Aztec), Maya and Zapotec groups.

Article 2. The National Indian Institute and its co-ordinating centres develop programmes whose main object is the integration of indigenous populations into the life of the country. These programmes include the development of communications, creation of health services, establishment of schools to give primary education and vocational training, the stimulation of the economy through the improvement of farming and the encouragement of handicrafts and industry, as well as other assistance and welfare measures.

In addition to the Institute there are other public authorities active in this field, such as the Directorate-General of Indian Affairs of the Ministry of Public Education and the Administration of the National Park in the Mezquital Valley.

Article 3. The above-mentioned bodies provide special protection for the indigenous populations through their legal aid services.

Article 4. The Indian co-ordinating centres are directed by anthropologists, which guarantees that methods of persuasion are used to secure from the indigenous community its assent to and active co-operation in the introduction of the changes which will improve its living conditions.

Article 5. Nothing is undertaken without the consent of the indigenous population, which generally assists in the building of roads and school or medical premises. The Institute deals directly with the constitutional and traditional village authorities in the formulation and development of programmes; the close relations between the co-ordinating centre for the Tarahumara region and the Tarahumara Supreme Council may serve as an example.

Article 6. Agricultural programmes have been intensified with the improvement of traditional crops, the introduction of new ones and the protection of land against erosion. The exploitation of natural resources by indigenous populations has been encouraged, and the Institute is empowered to organise *ejidos* and communities which retain communal status, so that they may exploit their woodlands for their own benefit. At present there is a plan to set up industrial units to exploit forests not only for the purpose of obtaining wood but also of producing, *inter alia*, paper and chemical products. There are also co-operative transport and consumer undertakings, *ejido* shops, carpentry and sewing workshops and other services under the Institute's management.

Article 7. The majority of indigenous groups retain, to varying extents, their customary law as regards ownership and usufruct of communal lands and woodland, their traditional rules of conduct, matrimony, inheritance and certain penal and civil matters.

Article 8. Traditional forms of control in the indigenous communities are giving way to national law.

Article 9. The Constitution prohibits the exaction of compulsory personal services. Nevertheless, in practice, about 200 persons are still bound to such service in the state of Chiapas. The Institute is actively combating these vestiges of the *peon* system, on the one hand by legislation and on the other by providing technical

and economic assistance for *peones* and former *peones*; it has, for instance, assisted the latter to establish themselves in autonomous communities, in certain cases.

Article 10. The Institute and its co-ordinating centres have a qualified legal staff which provides its services free of charge for indigenous communities and persons in matters of penal and civil law, land and general legal aid. Indigenous persons are citizens with full rights bound by national and not by special laws.

Article 11. In the regions where the Institute's co-ordinating centres are active, there are three types of land ownership, *ejido*, common ownership and private ownership. Both in the *ejido* and in communal lands, members of the collectivity concerned have the right only to the usufruct of the plots which they work and may in no case alienate, mortgage or sell them. Pastures, woodlands, mineral and other similar resources belong to the entire community, and when they are worked the proceeds must be used for purposes of value to the community such as schools, clinics, roads, markets, etc.

Article 12. The term "habitual territory" means the lands which are *de facto* or *de jure* the property of Mexican citizens according to the provisions of the Agrarian Code. This Code permits the expropriation of lands for reasons of public utility, though the State must compensate the persons concerned for their expropriation, transfer them to other lands, build dwellings for them, etc.

In the area covered by the Papaloapan co-ordinating centre there are about 11,700 Mazatec Indians who were transferred there from the lands which are covered today by the President Miguel Alemán Reservoir. When resettling them the State built new housing, distributed to them areas of cultivable land equivalent to those they formerly possessed, compensated them for their plantations of coffee, sugar cane and fruit trees. Water has been brought to the new villages, and some roads and schools have been built.

Article 13. The Agrarian Code (section 46) and the Constitution (article 27, paragraph VIII) safeguard communities possessing land from the danger of invasion or despoilment of their lands by persons alien to them, making provision for the restoration to the said communities of lands of which they have been deprived when it is proved that they are the rightful owners and were unlawfully deprived of them.

Article 14. The Agrarian Programme includes the assignment of additional lands to the communities and the provision of the means for agricultural development. This raises problems of the restoration of seized lands to the indigenous communities, of demarcation of communal lands and recognition of rights thereto, of implementation of presidential decisions granting final possession, and of the extension of *ejidos*.

The Institute is trying out land settlement projects as an alternative measure to the assignment of additional lands. To this end initial steps have already been taken to settle the Las Margaritas area, state of Chiapas, with indigenous population groups from the heights of Chiapas. Other similar plans are being studied.

It is difficult to obtain agricultural loans for indigenous communities because credit institutions do not as a rule consider indigenous persons eligible for loans, but the Institute has acted as loan administrator itself, granting on occasion small advances to communities for the promotion of agricultural development.

The Institute advises the communities on how to use their land to the best advantage and organises the indigenous peoples so that they may obtain the best prices for the sale of their agricultural products.

Article 15. The Institute is deploying its efforts with a view to obtaining for indigenous persons working in the state of Chiapas the benefits of the social services to which they are entitled.

Articles 16 and 17. Access of indigenous persons to occupations is limited on the one hand by their low level of culture, individual aspirations and low economic level and, on the other, by the lack of state educational facilities adequate to reach Indian areas. Nevertheless indigenous persons, like non-indigenous persons, may obtain scholarships to urban and rural normal schools. In certain cases there are special schools, such as the boarding schools for indigenous persons, among which may be mentioned those set up by the Institute for the training of indigenous "promoters" of both sexes, for their specialisation in education, health, agriculture and domestic economy and to assist them in entering other vocational schools.

Article 18. By agreement between the National Indian Institute and the National Institute of Anthropology and History, the Popular Arts and Crafts Board has been created to protect folk handicrafts.

Article 19. The Social Insurance Act applies to all wage-earners and their families without distinction as to race, whether or not they belong to a tribal unit.

In practice the Social Insurance Institute is endeavouring to see that its benefits reach increasingly large numbers of workers.

Article 20. In its seven areas the Institute has set up 19 clinics and 14 medical posts, with a staff of 22 physicians, four health officials, six rural nurses, two bacteriologists, one dentist and 40 indigenous health promoters. Over 300,000 indigenous persons benefit from these services, which were created only after a study of the general and health conditions in the regions.

Article 21. See Articles 16 and 17. In the areas where there are co-ordinating centres (Tzeltal-Tzotzil in Chiapas, Mazateca and Mixteca in Oaxaca, Tarahumara in Chihuahua, Maya in Yucatán and Cora Huichol in Jalisco and Nayarit) 180 special three- to six-class primary schools have been set up for the indigenous population; in these schools over 12,000 pupils receive instruction from a staff including 220 indigenous promoters specially trained to teach at the primary level and in adult programmes.

In addition establishments of the boarding school type (*escuelas albergue*) have been created in areas where the population is extremely scattered. Scholarships are likewise provided for indigenous students to enable them to attend regional secondary schools run with Institute support, and there are scholarships for students of both sexes wishing to go on to higher or other studies.

Articles 22 and 23. The measures taken to adapt educational programmes to the stage reached in the integration process include the provision of a certain elasticity in timetables to suit the natural and traditional rhythm of life in the area; the simplification of curricula in the primary grades; the preparation of primers and other visual material in the indigenous language and in Spanish; and the employment of skilled indigenous staff.

Ethnological surveys are carried out before the programme is formulated and put into effect.

The communities are consulted beforehand on the way in which the vernacular and Spanish are to be used in teaching. The use of the vernacular is neither forbidden nor restricted, and its value is brought home to those who speak it.

Article 24. The curricula are based on the common curricula of the federal system. Use is also made, as a means of practical education, of school orchards, workshops and sewing rooms.

Article 25. The measures taken to eliminate any prejudice there may be against indigenous populations include the promotion of close social relations between indigenous and non-indigenous persons by means of artistic, sporting and other events; and the demonstration to non-indigenous persons by live example of the

potential or actual equality of indigenous persons with those belonging to other groups of the population.

Article 26. The measures adopted include individual or group talks by officials or employees of the co-ordinating centres, the use of traditional marionettes and the preparation of special aids commented on by the leaders for the benefit of children and adults in their own language.

Article 27. The National Indian Institute is the main authority responsible for administering programmes relating to matters covered in the Convention.

Articles 28 and 29. The provisions of these Articles are taken into account.

PAKISTAN (First Report)

Principles 4 and 5 of the Principles of Policy of the Constitution.

Article 1 of the Convention. Precise information in respect of the population concerned is not available. The three main areas inhabited by the population concerned are the former Sind and North-West Frontier Provinces and the Province of East Pakistan. In the Chittagong Hill Tracts of East Pakistan the population concerned is estimated at 249,729, while in the partially excluded areas and the Madhupur Hills of the Mymensingh District it is put at barely 93,000.

Article 2. In December 1951 a tribal agricultural colony was established in the Ghaggi District.

In the former Province of Sind a special committee appointed to consider measures for the so-called criminal tribes recommended the abolition of the correctional settlement in which thousands of Hur tribesmen had been detained. In the former North-West Frontier Province members of the population concerned have been offered employment in hydro-electric and mining schemes, and a university has been established in the area.

In the Mymensingh District the provincial government exercises permanent supervision among the tribal groups concerned through revenue and welfare officers, who are assisted by Aboriginal Welfare and Protection Boards composed of members of the population concerned. These officers introduce programmes of educational, social and economic improvement in the tribal areas, encourage members of the tribal population to take up employment in the public services, the police force and the army and grant stipends to members of tribal groups to pursue advanced studies.

Article 5. In the Chittagong Hill Tracts the population concerned is entitled to elect representatives to Parliament.

Article 7. In East Pakistan the population concerned has some autonomy in local administration and retains its customary laws.

Article 11. Although no land is reserved for the population concerned in tribal areas, their right to the use and ownership of land is protected.

Article 14. In the Chittagong Hill Tracts shifting agriculture is authorised and members of the population concerned residing in the reserve forest area are given one acre of land per head in order to cultivate forest plants.

Article 17. As regards vocational training, members of the population concerned are instructed in improved methods of agriculture and are offered stipends to study medicine, veterinary science and agriculture.

Articles 20 and 21. In the Mymensingh District health and educational facilities are maintained for the population in general, and a total of 3,000 aboriginal pupils are attending the schools. In the Chittagong Hill Tracts there are medical centres for each *thana*, with branches in the interior. A leper colony has also been established.

In addition, there are six primary schools attended by about 10 per cent. of the children of school age.

Article 25. Principle 4 of the Principles of Policy of the Constitution provides for the promotion of the educational and economic interests of backward peoples and people living in backward areas, while Principle 5 advocates measures for the advancement of underprivileged tribes on a level of equality with other members of the national community.

Article 29. The provincial governments of West and East Pakistan are responsible for members of the population concerned in their respective areas.

PORTUGAL (First Report)

Decree No. 43893 of 6 September 1961 repealing the Statute of the Indigenous Portuguese of the provinces of Guinea, Angola and Mozambique (*Diário do Governo (D.G.)*, first series, No. 207, 1961).

Decree No. 43894 of 6 September 1961 to approve regulations for the occupation and concession of land overseas.

Decree No. 43896 of 6 September 1961 concerning local authorities (*regedorias*) in the overseas provinces.

Decree No. 43897 of 6 September 1961 to regulate private law relations overseas and recognise indigenous social usages and customs.

Decree No. 44309 of 27 April 1962 to approve a Rural Labour Code for the provinces of Cape Verde, Guinea, San Tomé and Príncipe, Angola, Mozambique and Timor, and to repeal the Indigenous Labour Code (*D.G.*, No. 95, 1962) (*L.S.* 1962—Por. 1).

Angola.

Legislative Instrument No. 3237 of 2 May 1962 to establish a Technical Committee for Rural Redisposal under the Provincial Settlement Council.

Article 1 of the Convention. In the view of the Government the Convention covers the population of the continental African overseas provinces, i.e. Guinea, Angola and Mozambique, which were previously governed by the Indigenous Statute.

As regards Timor, part of the population has already been fully integrated; the rest of the population, while they cannot be considered as tribal or semi-tribal, have, nevertheless, not yet attained the level of social and economic advancement achieved by the other islands; hence, they are considered to be covered by the Convention.

The other overseas provinces, namely the Cape Verde Islands and San Tomé and Príncipe, are not affected by the Convention.

Since the repeal of the Indigenous Statute for the provinces of Guinea, Angola and Mozambique, 1954, by Legislative Decree No. 43893 the delimitation between indigenous and developed integrated populations has ceased to exist, as well as the juridical differentiation between the various groups of population.

For the purpose of applying the Convention populations who live in the areas of traditional local authorities and have not opted for coverage by written law may be considered as "indigenous populations".

The results of the population census carried out on 31 December 1960 are not yet known.

Article 2. The Government has developed programmes of co-ordinated and systematic action for the protection of the populations concerned and their integration into the national community. In the province of Angola, for example, five major programmes are being carried out. The first is concerned with the stimulation of agricultural production, the improvement of methods of cattle-breeding and the development of inland fisheries. The objective of the second programme is to improve, equip and expand health services, organise training of nursing personnel and also to improve the standards of health of the population concerned through such schemes as raising their levels of nutrition, promoting hygiene, protection against

epidemics, providing water and housing facilities on a modern scale. The third programme is concerned with the improvement of labour conditions, social security and the development of vocational education schemes among the populations concerned. The promotion of social justice through welfare measures is the goal of the fourth programme, while the fifth is concerned with raising educational levels through the development, expansion and improvement of facilities for general as well as technical education.

As an additional means of promoting the integration and development of the populations concerned the Angola authorities have established, by virtue of Legislative Instrument No. 3237, a Technical Committee for Rural Redisposal under the aegis of the Provincial Settlement Council. The Committee is responsible for resettling the members of the populations concerned in larger communities and bringing them into direct contact with more developed elements of the population. The aim of such contacts is to stimulate the social, cultural and economic progress of the populations concerned, as well as to contribute to social harmony in the national community.

In the province of Mozambique various programmes of integration are also being implemented. Among these are small-scale agricultural hydraulic works, swamp recovery, farm development, the Limpopo Settlement Scheme, and the social co-operation schemes. Under the Limpopo Settlement Scheme European and African families are being settled side by side in village communities and provided with various modern amenities, such as health and social services. Another scheme, similar to that of the Limpopo, is being put into effect under the *Revue* Development and Settlement Plan (District of Manica-Sofala). The Zambesi Development and Settlement Plan is still at the study stage.

The social co-operation schemes (regulated by Ordinance No. 14020 of 4 June 1960) are still at the planning stage. They are intended to provide Africans who wish to become members with educational, social, technical and financial assistance. A pilot social co-operation scheme with 1,242 participants has already obtained excellent results.

Numerous measures, including the Blimate Settlement Scheme, have also been carried out in the province of Guinea in order to integrate the populations concerned.

The public authorities responsible for carrying out the various programmes of integration cannot all be enumerated separately because they constitute the essence of the whole administration. In Angola, for example, the authorities supervising the different programmes include the civil administration, education, welfare, public works, military and agricultural services.

Article 3. As the great majority of the population of the territories in which the Indigenous Statute formerly applied no longer require special protection, this Statute has been repealed.

Article 4. It is impossible to list all the measures applied; no uniform method can be adopted since the respective stages of development of members of the populations concerned must be taken into consideration.

Article 5. Legislative Decree No. 43896 gives effect to the provisions of this Article.

Article 6. All the various projects for economic development are aimed at raising the level of the populations and improving their conditions of life. However, the Cambande Dam in Angola may be mentioned as an example.

Article 7. It is not possible to enumerate any particular groups affected, since any member of the population may opt for coverage by written private law. Decree No. 43897 recognises customary law in private law relations. Recourse to custom in other fields of law is not permitted.

Article 8. Decrees Nos. 43897 and 43898 both give effect to this provision.

Article 9. The Rural Labour Code, issued under Decree No. 44309, expressly prohibits personal service.

Article 10. Decree No. 43897 (particularly section 10) gives effect to the provisions of this Article.

Articles 11 to 14. These are covered by Decree No. 43894, which approves regulations for the occupation and concession of land overseas.

Article 15. The Rural Labour Code contains provisions which fully comply with the principles laid down concerning recruitment and conditions of employment.

Article 16. Discrimination in respect of vocational training facilities is forbidden by legislation.

Articles 17 and 18. The general principles laid down in these Articles are respected by Portuguese legislation. Action is being taken to preserve the artistic values and cultural patrimony of the populations concerned through museums, itinerant exhibitions, institutes (e.g. the Institute of African Languages) and study missions.

Article 19. Part VII of the Rural Labour Code complies exhaustively with the provisions of this Article.

Article 20. Medical assistance is provided in general by government services, private organisations and religious missions. Important health services are functioning, particularly in the provinces of Mozambique and Guinea. The medical services of Mozambique comprise, *inter alia*, health centres; central, regional and rural hospitals; special hospitals for mental diseases and tripanosomiasis; leper hospitals; maternity homes; child care and tuberculosis establishments; child welfare posts. The number of out-patients under treatment in 1961 was 1,706,372, and the number of patients hospitalised 96,334.

In Guinea the health services include one central, one subregional and nine regional hospitals; one leper hospital; one maternity home; child welfare centres; laboratories; and 39 medical posts distributed on a geographical basis.

A World Health Organisation committee of experts has recently conducted an examination of the health services of the overseas provinces.

See also Article 2 above respecting the major health programme carried out in Angola.

Article 21. The principle of non-discrimination in the educational field is implemented by legislative measures.

In Mozambique, for example, education is provided at various levels: pre-primary, adjustment, primary (including courses for adults), arts and crafts, agricultural, vocational and technical, secondary (academic as well as technical), ecclesiastical, and artistic.

The report gives statistical data concerning establishments and pupils in the province of Mozambique in 1961.

Article 23. The "adjustment programme" mentioned under Article 21 is aimed at the objectives of this Article.

Articles 24 to 26. All the legislative measures issued and the information set out above demonstrate the interest of the Government in giving effect to the principles contained in these Articles of the Convention.

Article 27. In the performance of their duties the administrative authorities pay attention to the principle laid down in this Article.

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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 implementation:

Argentina, Ghana, India, Mexico, Portugal.

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

Belgium, Haiti.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

Countries	Ratification registered on	Countries	Ratification registered on
Ghana	19. 2. 1960	Mexico	11. 9. 1961
Guatemala	28. 11. 1960	Tanganyika	26. 11. 1962
Honduras	20. 6. 1960	Tunisia	26. 10. 1959
Ireland	17. 6. 1961		

GHANA (First Report)

Ghana Merchant Shipping (Transitory Provisions) Act, 1957.

Ghana Merchant Shipping (Transitory Provisions) (Amendment) Act, 1962.

Article 1 of the Convention. Section 2 of the Act excludes masters, pilots and apprentices.

Article 2. Section 18 of the Act requires the issue of a seaman's book to all seafarers which contains, as well as an employment record, all of the matters set out in Article 4, paragraph 3, of the Convention.

Article 3. This provision is not contained in the national legislation.

Article 4. The seaman's book and identity document set out the information required in paragraphs 1, 3, 5, 6 and 7 of the Article.

Article 5. Section 18 of the Act does not set any expiration date on the seafarer's book and identity document, so that a seafarer may always re-enter.

Article 6. Section 18 of the Act permits all holders of an approved seaman's book to enter Ghana.

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

110. Plantations Convention, 1958

This Convention came into force on 22 January 1960

Countries	Ratification registered on	Countries	Ratification registered on
Cuba	30. 12. 1958	Liberia	22. 7. 1959
Guatemala	4. 8. 1961	Mexico	20. 6. 1960
Ivory Coast	5. 5. 1961		

IVORY COAST (First Report)

- Act No. 52-1322 of 15 December 1952 to establish a Labour Code (*L.S.* 1952—Fr. 5), as amended by Decree No. 55-567 of 20 May 1955 (*L.S.* 1955—Fr. 3).
- Order No. 4804 ITLS/CI of 20 July 1953 to determine the manner of observing the period of weekly rest (*Journal officiel de la Côte-d'Ivoire (J.O.C.I.)*, 30 July 1953, p. 701).
- Order No. 4806 ITLS/CI of 20 July 1953 to specify the cases in which accommodation must be furnished and the standards to which it must conform (*J.O.C.I.*, 30 July 1953, p. 705).
- Order No. 4807 ITLS/CI of 20 July 1953 to specify the regions and categories of workers to whom it is compulsory for a daily food ration to be supplied, and the composition of the said ration (*J.O.C.I.*, 30 July 1953, p. 706).
- Order No. 6742 ITLS/CI of 8 October 1953 making it compulsory to issue pay slips and keep a register of payments as required by section 101 of the Labour Code.
- Order No. 4088 ITLS/CI of 26 May 1954 to prescribe the occupational categories and length-of-service bonuses for labourers, manual workers, drivers of motor vehicles and persons employed in agricultural and allied undertakings, as amended by Order No. 205 MTAS of 31 December 1957 and by Decree No. 61-143 of 15 April 1961.
- General Order No. 5254 IGTLA/AOF of 19 July 1954 issued in application of section 115 of the Labour Code, respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 31 July 1954, p. 1337) (*L.S.* 1954—F.W.A. 2).
- Order No. 396 IGTLA/AOF of 18 January 1955 respecting the application of the statutory provisions in the Labour Code in respect of medical or health services in undertakings (*J.O.A.O.F.*, 29 Jan. 1955, p. 213).
- Order No. 397 IGTLA/AOF of 18 January 1955 to classify undertakings for the purposes of fixing the minimum standards to be observed by employers in connection with medical and health personnel (*J.O.A.O.F.*, 29 Jan. 1955, p. 215).
- Order No. 398 IGTLA/AOF of 19 January 1955 to lay down conditions governing the setting-up and equipping with medical supplies and dressings of infirmaries, dressing stations and first-aid posts (*J.O.A.O.F.*, 29 Jan. 1955, p. 216).
- Order No. 2631 ITLS/CI of 15 April 1955 to prescribe a model register of daily visits (*J.O.C.I.*, 1 May 1955, p. 321).
- Order No. 2632 ITLS/CI of 15 April 1955 to provide for the setting-up of medical services operated jointly by several undertakings (*J.O.C.I.*, 1 May 1955, p. 322).
- Order No. 2633 ITLS/CI of 15 April 1955 to specify the manner in which establishments employing fewer than 1,000 workers may make use of the medical centres or official dispensaries in order to provide a medical or health service for their employees (*J.O.C.I.*, 1 May 1955, p. 323).
- Decree No. 55-972 of 16 July 1955 issued in application of section 108 of the Labour Code (*J.O.A.O.F.*, 20 Aug. 1955).
- Order No. 8868 ITLS/CI of 13 December 1955 to establish a scheme of family benefits for wage-earners in the Ivory Coast (*J.O.C.I.*, 15 Dec. 1955).
- Order No. 1433 ITLS/CI of 27 February 1956 to lay down the internal rules of the Family Benefits Equalisation Fund for the Ivory Coast (*J.O.C.I.*, 1956, p. 181).
- Act No. 56-332 of 27 March 1956 to amend the annual leave scheme (*J.O.A.O.F.*, 5 May 1956, p. 769).
- Act No. 56-416 of 27 April 1956 to ensure freedom of association and protection of the right to organise (*J.O.A.O.F.*, 16 June 1956, p. 1114) (*L.S.* 1956—Fr. 1).
- General Order No. 10844 IGTLA/AOF of 17 December 1956 to give effect to those provisions of the Labour Code which continue to be applicable and to the Act of 27 March 1956 concerning annual leave (*J.O.A.O.F.*, 29 Dec. 1956, p. 2569).

- Decree No. 57-245 of 24 February 1957, as amended by Decree No. 57-829 of 23 July 1957 and by Ordinance No. 58-875 of 24 September 1958, respecting compensation for and the prevention of industrial accidents and occupational diseases in the overseas territories (*L.S.* 1957—Fr. 1).
- Order No. 1300 TAS of 17 September 1958 to give force of law to the following decisions:
- Decision No. 148-58 AT, dated 8 August 1958, of the Territorial Assembly of the Ivory Coast, prescribing the conditions in which coverage against the contingencies specified in the amended Decree of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases is made incumbent on the undertakings governed by the Decree of 4 June 1958 (insurance companies);
 - Decision No. 187-58 AT of 10 September 1958 specifying the manner of application of Decree No. 57-245 of 24 February 1957, as amended;
 - Decision No. 188-58 AT of 10 September 1958 respecting the application to prisoners in the Ivory Coast of the Decree of 24 February 1957, as amended.
- Order No. 654 MTAS of 30 October 1958 to prescribe wage zones, guaranteed inter-trade minimum wages and the maximum rate to be charged for accommodation and the daily food ration, effective as from 1 November 1958 (*J.O.C.I.*, 3 Nov. 1958).
- Order No. 771 MTAS of 12 January 1959 to fix minimum wages and prescribe the categories of workers in occupations and branches of activity not governed by existing collective agreements (*Journal officiel de la République de Côte-d'Ivoire (J.O.)*, 17 Jan. 1959, p. 146).
- Decree No. 59-30 of 22 April 1959 to approve insurance carriers to provide coverage throughout the territory of the Ivory Coast against the risks of industrial accidents and occupational diseases (*J.O.*, 9 May 1959).
- Decree No. 59-167 of 29 September 1959 respecting the general reorganisation of the manpower offices (*J.O.*, 10 Oct. 1959, p. 900).
- Decree No. 59-168 of 29 September 1959 to establish a Manpower Office, determine its headquarters and its territorial jurisdiction and prescribe the composition of its managing board (*J.O.*, 10 Oct. 1959, p. 902).
- Decree No. 60-237 of 29 July 1960, as amended by Decree No. 62-40 of 9 February 1962, to lay down special regulations for the corps of supervisory staff (*J.O.*, 20 Aug. 1960, p. 900).
- Decree No. 60-244 of 29 July 1960 respecting the sum to cover expenses payable by employers using the services of the Ivory Coast Manpower Office to bring workers into the country from Upper Volta (*J.O.*, 20 Aug. 1960, p. 904).
- Act No. 60-277 of 31 August 1960 to amend certain provisions of Decision No. 187-58 AT of 10 September 1958 (*J.O.*, No. 47, 9 Sep. 1960).
- Act No. 60-278 of 31 August 1960 to reassess the pensions and special allowances payable under the legislation concerning industrial accidents and occupational diseases (*J.O.*, No. 47, 9 Sep. 1960).
- Agreement signed on 9 March 1960 between the Government of the Republic of Upper Volta and the Government of the Republic of the Ivory Coast concerning the conditions of engagement and employment of Upper Volta workers in the Ivory Coast, ratified by Act No. 60-276 of 2 September 1960 (*J.O.*, 17 Sep. 1960, p. 1051).
- Decree No. 60-292 of 10 September 1960 to prescribe the maximum rate to be charged for the daily food ration (*J.O.*, 24 Sep. 1960, p. 1094).
- Decree No. 61-190 of 18 May 1961 to reassess the pensions and special allowances payable under the legislation concerning industrial accidents and occupational diseases (*J.O.*, No. 38, 8 June 1961).
- Act No. 61-320 of 17 October 1961 respecting the protection of public health in respect of certain endemo-epidemic diseases (*J.O.*, 2 Nov. 1961, p. 1468).

The labour legislation is applicable in principle to all wage-earners, including agricultural workers.

PART I. GENERAL PROVISIONS

Article 1, paragraph 1, of the Convention. Since the Ivory Coast is situated in the tropical region, all agricultural undertakings regularly employing hired workers are deemed to be plantations. Plantations for coffee, cocoa, bananas, palm oil, rubber, pineapple, tobacco, citrus, etc., are to be found.

Paragraph 2. No decision has been taken with a view to adding other crops to the list in paragraph 1, for under the legislation the term "agricultural undertaking" has a much wider meaning than the term "plantation" as used in the Convention.

Article 2. No discrimination of any kind is made under the law.

Article 3. No Part of the Convention has been excluded from ratification.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Article 7. Under section 178 of the Labour Code, in regions where a manpower office is established no form of private placement bureau may be opened or maintained except by the trade unions, and this prohibition does not give rise to any payment of compensation.

A Manpower Office now exists which covers the entire country.

Any act of occupational recruitment is punishable by the penalties prescribed in section 229 of the Labour Code.

Since the agreement on the recruitment of labour from Upper Volta was signed on 9 March 1960 only the manpower services of Upper Volta and the Ivory Coast have been permitted to recruit workers in Upper Volta for employment in the Ivory Coast.

Article 8. No licences are issued for the engagement and recruitment of workers, employers being obliged on all occasions to apply to the Manpower Office.

Article 9. Under section 32 of the Labour Code every contract of employment which is for a specified duration exceeding three months or which makes it necessary for workers to live away from their usual place of residence must be recorded in writing at the Manpower Office.

The agreement of 9 March 1960 requires employers wishing to employ workers from Upper Volta to apply in writing to the Manpower Office for the Ivory Coast. The Manpower Office for Upper Volta draws up the contracts of employment on behalf of the employers.

Article 10. The contract of employment drawn up in the cases referred to in section 32 of the Labour Code (see under Article 9 above) must state, *inter alia*, the identity of the employer and of the worker and the conditions of employment, particularly as regards wages and accommodation.

Article 11. The Manpower Office in the place of recruitment does not visa the contract of employment until it has assured itself that the worker has been medically examined and received the compulsory inoculations. A worker whose contract has not been visaed is not allowed to make the journey.

Under the agreement of 9 March 1960 workers from Upper Volta intending to emigrate to the Ivory Coast must undergo a medical examination prior to signature of the contract of employment. They have further medical examinations on arrival in the Ivory Coast and are also vaccinated against malaria.

Article 12. Migrant workers may be transported in various kinds of vehicles (train, aircraft or truck). For trucks a transport licence must be obtained stating the maximum number of passengers that may be carried. The migrant workers are convoyed by an official appointed by the Manpower Office for Upper Volta.

Articles 13 to 15. Under section 125 of the Labour Code and the agreement of 9 March 1960 the expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the voyage and the expenses of their repatriation, must be borne by the employer. He must pay a sum to cover these expenses to the Manpower Office for the Ivory Coast. Coffee and cocoa planters and banana growers, however, are exempt from this payment under section 3 of Decree No. 60-244 of 29 July 1960.

The Manpower Office bears the cost of repatriating the worker in the cases referred to under paragraphs (a), (b) and (c) of Article 14 of the Convention.

Article 16. Section 107 of the Labour Code and the agreement of 9 March 1960 prohibit the payment to workers of advances of wages.

Article 17. As recruitment is always carried out by public services there is no danger of there being any misleading propaganda.

Moreover, section 228 of the Labour Code provides for penalties to be imposed on any person exerting or attempting to exert any form of compulsion on a worker to induce him to accept or not to accept employment.

Article 18. The journey from the place of embarkation to the place of employment is generally effected in one single stage. If a stopover has to be made, however, the representatives of the Manpower Office for the Ivory Coast are authorised to prepare premises where the migrant workers may spend the night. Those conveying the workers ensure that they are given meals during the journey.

Article 19. Migrant workers and their families undergo medical examinations prior to their departure and on arrival.

Medical attendance is provided free of charge during their journey to the Ivory Coast on presentation of the travel document issued to the official conveying them by the Manpower Office for Upper Volta.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

Article 20. Under the Labour Code a contract of employment may be for a specified or unspecified duration. The former may not cease before its term except in the cases specified in the contract or in the event of serious misconduct by one party towards the other. Contracts of unspecified duration may be broken off by either party, subject to notice being given.

A contract of employment for a specified duration may not exceed two years. It may provide for a minimum period of engagement not exceeding 12 months, after which the worker's family may join him at the employer's expense.

In the agricultural and allied sector practically all contracts are for an unspecified duration with a maximum term of engagement.

In the case of workers who come from far distant countries contracts are concluded for a period of 30 months if it is a worker's first engagement and 20 months for subsequent engagements. At the end of a period of service a contract may not be broken off unless notice is given.

In the case of migrant workers from Upper Volta the agreement of 9 March 1960 stipulates that contracts of employment must be for a duration of six months, and that workers may be accompanied by their families so long as they do not bring more than two wives each and their children are not more than 16 years of age.

Articles 21 to 23. There is no provision in the legislation for any penal sanctions for breach of a contract of employment.

PART IV. WAGES

Article 24. Chapter IV of the Labour Code stipulates that collective agreements shall contain, *inter alia*, provisions regarding wages. In the agricultural sector, however, for various reasons such as the weakness of the trade union movement, the frequent turnover of staff and the delicate position of the economy, it has not been possible to conclude any collective or intra-undertaking agreement.

The Labour Code provides that in default of a collective agreement minimum wage rates shall be prescribed by the Government after receiving the recommendations of the Labour Advisory Board, on which workers and employers are represented in equal numbers (ten representatives each).

The Government supplies data on the minimum wage rates for workers in agricultural undertakings as fixed by Orders No. 654 of 30 October 1958 and No. 771 of 12 January 1959. The report gives a breakdown of the different categories of workers employed in agricultural undertakings.

Article 25, paragraph 1. Workers and employers are informed of minimum wage rates in the following manner.

It is compulsory for decrees or orders fixing minimum wages to be published in the official gazette, and at the time of publication information is given in the press. The texts of these enactments are posted up at the headquarters of each inspectorate of labour and social legislation and at the headquarters and branch offices of the Manpower Office. They are sent to the chief officers of all administrative areas for posting up. They may also be consulted at the headquarters of the employers' and workers' organisations and at the regional or local offices of such organisations. The workers' organisations also notify the staff representatives elected in accordance with Order No. 6595 IGTLs/AOF of 14 September 1953 in all agricultural undertakings employing more than ten workers.

At the time a contract is signed it is read to the workers in order that they may be informed of the conditions of wages offered to them, as required by section 32 of the Labour Code.

Paragraph 2. Workers who are paid wages at less than the minimum or agreed rates may apply to the inspector of labour and social legislation, who will attempt to achieve an amicable settlement of the dispute. If this is not possible the case goes before the labour court. Proceedings in respect of payment of wages must be brought within six months.

For the payment of outstanding wages workers are entitled to preference as prescribed by section 104 of the Labour Code in addition to the preference accorded under the Civil Code.

Article 27. The payment of wages wholly or partly in kind is prohibited under section 99 of the Labour Code, subject to the provisions of sections 92 and 93, which require that accommodation and foodstuffs shall be furnished by the employer in certain cases which are specified in Orders Nos. 4806 and 4807 of 20 July 1953.

Section 99 of the Labour Code prohibits the payment of all or part of the wages in the form of alcohol or alcoholic liquors, under pain of a fine or imprisonment.

Limits to the amount which may be withheld from a worker's wages are prescribed in respect of accommodation by Order No. 654 of 30 October 1958 and Decree No. 60-432 of 14 December 1960, and in respect of food by Decree No. 60-292 of 10 September 1960.

The agreement of 9 March 1960 provides for migrant workers from Upper Volta to receive a ration suited to their dietary habits.

A watch is kept on the contents of the food ration by the labour inspectors, in co-operation with the staff representatives and the workers' organisations, to ensure that they are wholesome and of good quality and are distributed daily.

The amount withheld from wages in payment for accommodation and food may in no case exceed the actual value of the same.

All benefits—including food and housing—furnished by the employer form an integral part of the wages and must be taken into account when calculating remuneration during leave, compensation in lieu of notice or damages. The pay slip handed to the worker must state the amounts which have been deducted from the wages due.

Article 30. After defining what is meant by a company store, section 110 of the Labour Code goes on to prescribe the conditions which must be fulfilled for the opening of such a store to be authorised. One of these conditions is that the workers are not obliged to obtain their supplies there, while another stipulates that goods must be sold for immediate cash payment and without profit.

It is unlawful for such stores to sell alcohol or spirits. Their operation is subject to inspection by the labour inspector, who may order them to be temporarily closed in the event of abuse. Furthermore, the Minister of Labour is empowered to order the permanent closing of a company store.

Breaches of the provisions respecting company stores are punishable by fines.

Article 31. Apart from compulsory levies in respect of housing and food and any contributions which may be prescribed by collective agreements and contracts, no stoppages from wages are permissible save by attachment or garnishment or by voluntary assignment, signed in the presence of the magistrate at the place of residence or the labour inspector, for the repayment of cash advances made by the employer to the worker. Payments on account of uncompleted work are not regarded as advances. Attachment or garnishment of wages and repayment of advances may be effected only up to the limits laid down by Decree No. 55-972 of 16 July 1955. The procedure established by this decree and the small proportion of the wage which is attachable guarantee that wages are effectively protected.

Infringements of the above provisions are punishable by fines or short terms of imprisonment.

Article 33. Section 100 of the Labour Code stipulates that wages shall be paid at regular intervals not exceeding 15 days in the case of workers hired by the day or week, or one month in the case of workers hired by the fortnight or month. Monthly payments must be made within eight days of the end of the month of employment in respect of which the wage is payable. Section 100 likewise prescribes the intervals at which wages should be paid in the case of piece work, as well as stipulating that in the event of termination or breaking of the contract the wages and allowances must be paid as soon as employment ceases, except where there is a dispute.

Article 34. See under Article 25, paragraph 1, above.

Furthermore, a worker is informed of the wage conditions attaching to his employment through the pay slip which is compulsorily issued to him. The slip must give particulars, *inter alia*, of the wage (in cash and in kind), any bonuses, allowances, deductions in payment for supplies as provided for under the regulations (food and housing) or due to voluntary assignment or attachment or garnishment, and the total net remuneration. Each undertaking keeps a register where it records the same information as is on the pay slip.

Article 35, paragraph (a). The Convention has been published in the official gazette of the Republic of the Ivory Coast.

Paragraph (b). The Minister of Labour and Social Affairs, together with the inspectors of labour and social legislation, are responsible for ensuring compliance with the provisions corresponding to Articles 26 to 34 of the Convention.

Paragraph (c). The Labour Code and the Penal Code both provide for penalties (fines or imprisonment) for any violation of the provisions respecting wages.

PART V. ANNUAL HOLIDAYS WITH PAY

Article 37. All wage-earners are entitled to holidays with pay as prescribed by legislation. The employers' and workers' organisations, represented on equal terms on the Labour Advisory Board, were consulted in respect of General Order No. 10844.

Article 38. Section 122 of the Labour Code entitles all workers to annual leave after a year's service.

A worker is entitled to leave if at the beginning of the annual leave period he has been working for his current employer for a period equivalent to one month of effective service. Leave accrues at the rate of one-and-a-half working days for each month of service.

Workers from countries outside West Africa are entitled to leave only after 30 months during their first engagement and 20 months during subsequent engagements. According to the report the long leave of five days per month of service formerly granted to such workers is no longer provided for under Ivory Coast legislation, which seeks to make no distinction between nationals and workers from other countries.

Article 39, paragraph (a). Young workers and apprentices under 18 years of age are entitled to two working days' leave per month of work accomplished, whatever the length of their service.

Paragraph (b). The duration of leave is increased by two working days after 20 years of service, whether continuous or not, with the same undertaking; by four days after 25 years, and by six days after 30 years. The total amount of leave, however, may not exceed 24 days for 12 months of service.

In addition, women workers or apprentices who are under 21 years of age on the last day of the reference period are entitled to two extra days' leave for each dependent child, and women over 21 for the fourth and each subsequent dependent child, this being applicable only to children under 15 years of age. Only one day's extra leave is given if the amount of annual leave to which the woman would normally be entitled is six days or less.

Paragraph (c). As the minimum period giving entitlement to leave is one month of effective service, the leave granted will be proportionate to the number of months of service, rounded off to the full number of working days immediately above.

It is unlawful to pay compensation in lieu of annual leave not taken save where the contract is broken off or expires.

Paragraph (d). As paid annual leave is expressed in terms of working days, public holiday and days of weekly rest are not counted.

Periods where the contract of employment is suspended owing to an industrial accident or occupational disease, or to an illness certified by an approved medical practitioner, so long as such period does not exceed six months, and maternity leave, are deemed to be periods of service.

Article 40. All wage-earners taking leave are entitled to an allowance equal to one-sixteenth of their total earnings in respect of 24 working days in an average month in the case of workers covered by the general scheme, one-sixth in the case of workers entitled to five days' leave per month of service, and one-twelfth in the case of young persons under 18 years of age.

Total earnings include all the components of the wage such as commission, bonuses and benefits of all kinds (including benefits in kind in the form of food and accommodation) or allowances in lieu of such benefits. They do not include output bonuses or the allowance for hardship due to climatic conditions and expatriation awarded to workers from countries outside West Africa. The allowance payable for each day of extra leave for reasons of length of service or family responsibilities is equal to the allowance payable for the main leave period divided by the number of working days contained therein.

Article 41. Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, is *ipso jure* null and void.

Article 42. If a contract is broken off or expires before the worker has become entitled to leave, compensation must be paid to the worker based on the rights which have accrued to him.

Such compensation is payable at the time employment ceases, and may be claimed up to two years from the day employment comes to an end. The worker may endeavour to arrange for an amicable settlement through the labour inspector or, if the dispute cannot be resolved, take the matter before the labour court.

PART VI. WEEKLY REST

Article 43. Weekly rest is compulsory for all wage-earners, including agricultural workers. It must consist of at least 24 consecutive hours and should fall as a rule on a Sunday.

Articles 44 and 45. Under Order No. 4804 of 20 July 1953 weekly rest may be given in rotation in certain types of undertakings, including agricultural undertakings when there is urgent harvesting to be done.

Suspension of the weekly rest period, carrying entitlement to a compensatory rest period, is permitted in the case of some categories of workers such as watchmen and personnel needed to carry out urgent essential work for the prevention or reparation of accidents, the organisation of rescue operations, etc. Young persons under 18 years of age and women or girls must not be affected by such suspensions. In addition agricultural undertakings whose workload is exceptionally heavy at certain times may suspend the weekly rest period, on condition that compensatory time off is given during the month which follows.

PART VII. MATERNITY PROTECTION

Article 46. Under the national legislation all women wage-earners, including agricultural workers, may benefit without any discrimination under the provisions concerning maternity protection. No regard is had to the legitimacy or illegitimacy of the child.

Article 47. The granting of maternity leave is not subject to any qualifying period of employment with the same employer. The period of leave is 14 weeks, six of which have to be taken after confinement. The leave may be prolonged by three weeks in the event of illness duly certified as arising out of pregnancy or confinement.

A woman may not be required to perform work (particularly carrying, pushing or dragging loads) which may be harmful to her during the period prior to her maternity leave. She may leave her work without notice and without liability on her part.

Article 48. During her maternity leave a woman is entitled to half her wages, which sum is paid to her by the Family Benefits Equalisation Fund.

Article 49. For a period of 15 months following her confinement a woman worker is entitled to nursing breaks, which are counted as working hours and may not exceed one hour per day, divided into two periods of 30 minutes each.

Article 50. It is not lawful for an employer to dismiss a woman during her maternity leave, under pain of the penalties prescribed in section 226 of the Labour Code.

Moreover, any notice of dismissal given to a woman before maternity leave is suspended during her absence and continues again only on expiry of the maternity leave.

PART VIII. WORKMEN'S COMPENSATION

Article 51. In conformity with section 2 of Decree No. 57-245 of 24 February 1957, the legislation respecting compensation for and the prevention of industrial accidents and occupational diseases embraces all workers covered by the Labour Code, including agricultural workers, without distinction on grounds of sex or nationality.

The report gives information on the conditions under which benefits in cash and in kind are granted and the amount of such benefits, which are payable by the employer or by the insurance carrier.

Article 52. No agreements have been signed.

Occupational accident victims or their dependants receive the benefits to which they are entitled irrespective of their nationality or place of residence.

Article 53. No special agreements have been made.

Employers are required to sign contracts with approved insurance carriers assuming full liability towards all their employees.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Article 54. The right of association of employers and workers is guaranteed by the provisions of the Labour Code whereby trade unions may be formed in full freedom on condition that the formalities of registration are observed and that the object of the association is the study and defence of economic, industrial, commercial or agricultural interests.

The practical results of the exercise of this right in the agricultural sector may be seen in the existence of a trade union of agricultural and allied workers, affiliated to the Ivory Coast National Union of Workers (about 3,000 members), and the Ivory Coast Agricultural and Forestry Federation, which groups together three organisations of employers, of which the African Agricultural Union (some 12,000 undertakings and small planters) and the Ivory Coast Banana and Fruit Co-operative (243 undertakings or groupings) are the most important.

Article 55. The Labour Code (Chapter II of Part VIII) lays down the procedure for dealing with collective labour disputes, which consists of an initial conciliation phase, handled by the labour inspector (disputes in the agricultural sector rarely go beyond this stage), followed by a recommendation phase, in charge of an expert appointed by agreement between the parties or by the Minister of Labour, and finally a third phase of arbitration before the Arbitration Board.

Strikes and lockouts are banned during the different phases of this procedure, as is violation of a conciliation agreement, recommendation or arbitration award which has become enforceable.

When an attempt at conciliation in the presence of a labour inspector appears likely to break down, it is customary to take the dispute to the Minister of Labour, who endeavours to persuade the parties to reach agreement.

In the agricultural sector it is not uncommon for collective stoppages of work to take place while the conciliation procedure is going on, and the final task of the labour inspector is often to save the workers from the consequences of the application of section 218*bis* of the Labour Code, which lays down that workers who fail to observe the ban on strikes during the conciliation procedure may be punished by loss of entitlement to compensation in lieu of notice and to damages for breach of contract.

During the years 1960 and 1961 collective disputes over wages affected respectively three and 12 undertakings employing 850 and 880 workers, and led to a loss of 4,075 and 2,340 days of work.

Article 56. It is compulsory for the inspector of labour and social legislation to intervene in collective disputes at the conciliation stage and as an intermediary during the recommendation and arbitration phases, being required, *inter alia*, to notify the parties of the expert's recommendation or the award of the Arbitration Board.

The experts who act during the recommendation phase or serve as judges on the Arbitration Board are chosen from a list of prominent persons selected on account of their moral standing and competence in economic and social matters. They may be public officials, but public officials in responsible or administrative grades may not appear on the list of experts. The experts on the Arbitration Board may make inquiries of trade unions, require the parties to produce accounting documents or

financial information and have recourse to other experts such as chartered accountants.

Article 57. Under section 74, subsection 1, of the Labour Code collective agreements may provide for agreed arbitration machinery for the settlement of collective labour disputes. No such machinery has been set up in the agricultural sector, however, and the procedure referred to above in connection with Article 55 is used to settle disputes.

Workers' and employers' organisations are associated in the procedure primarily as parties to a dispute or as representatives of the parties during the different phases of the procedure. They notify the labour inspector that there is a dispute, play an active part during the conciliation phase, appoint the expert for the recommendation phase and may oppose the expert's recommendation. Finally, at the arbitration stage, they submit memoranda and make observations.

Article 58. Section 42 (second paragraph) of the Labour Code and Act No. 56-416 of 27 April 1956 ensure to all workers, including agricultural workers, adequate protection against all acts of anti-union discrimination in respect of their employment. The Code stipulates that dismissal on account of a worker's trade union activity or membership is wrongful. The 1956 Act prohibits an employer from taking account of trade union membership or the pursuit of trade union activities in reaching any decision on such matters as recruitment, the management and allocation of work, vocational training, promotion, remuneration, the award of social benefits, disciplinary action and dismissal; deducting trade union dues from the wages of his employees or paying such dues on their behalf; or exerting pressure either for or against any trade union organisation whatsoever.

Any breach of these provisions gives rise to penalties and liability before the civil courts.

In addition, section 20 of the Labour Code and the Act of 1956 provide that any agreement designed to compel an employer to recruit or retain in service only such persons as are members of a union having a particular mark or label of which he has made use shall be *ipso jure* null and void.

Article 59. Acts of interference by an employer generally consist in the exertion of pressure either for or against a trade union, or in the aid which he may give to such an organisation by deducting union dues from the wages of his employees and paying them on their behalf. These acts are unlawful and punishable by law. Any organisation which is subjected to interference is empowered under section 13 of the Labour Code to bring civil proceedings against the offending organisation or against any individual.

Moreover, at the time of signing any collective agreement the employers' and workers' organisations concerned are obliged to undertake to respect the free exercise of the right to organise on both sides and the freedom of opinion of the workers.

Articles 60 and 61. Chapter IV of Part III of the Labour Code (sections 68 to 80), dealing with collective agreements, confers on all associations of employers and workers the right to conclude collective agreements in full freedom.

PART X. FREEDOM OF ASSOCIATION

Article 62. The Labour Code embodies the principle of freedom of association, which is expressed as the right to establish and to join unions in full freedom and to establish federations of unions.

Sections 4 and 5 of the Labour Code prescribe the conditions of procedure and substance which must be complied with in establishing a trade union.

Article 63. In matters connected with the study and defence of economic, industrial, commercial and agricultural interests trade union organisations enjoy

the fullest possible freedom in their administration, functioning and management.

Article 64. Under section 11 of the Labour Code (except in the case of voluntary dissolution or dissolution prescribed by the statutes), dissolution cannot take place unless it is ordered by a court.

Article 65. Section 24 of the Labour Code allows unions to form themselves into any manner of federation, it being understood that this covers their freedom to affiliate with international organisations of employers and workers.

Article 66. The provisions applicable to trade unions are also applicable to federations of trade unions.

Article 67. Trade unions and federations of trade unions acquire full legal personality by the simple act of registering their statutes.

Article 68. The following Acts of a general nature may apply to workers' and employers' organisations: Act No. 59-118 of 27 August 1959 to strengthen the measures to maintain public order, and Act No. 59-231 of 7 November 1959 respecting the state of emergency.

Article 70. See under Article 58 above.

PART XI. LABOUR INSPECTION

Article 71. There is no special labour inspectorate for plantations or agriculture. The inspectorate of labour and social legislation is responsible also for inspection in the agricultural sector.

Article 72. Section 28 of Act No. 59-135 of 3 September 1959 stipulates that only graduates of an institute of higher education may be appointed as labour inspectors. The National School of Administration provides training for the civil service, but the inspectors at present working in the country have received their training either at the Institute of Advanced Overseas Studies in Paris or at the former National School for Overseas France. The latter are technical co-operation officials placed at the Ivory Coast's disposal by France.

Article 73. As is made clear by sections 145, 168 and 190 of the Labour Code, workers and their representatives have the opportunity of communicating freely with the labour inspectors.

Article 74. The inspectors of labour and social legislation ensure that the laws and regulations enacted on behalf of the workers are complied with; assist employers and workers with advice and recommendations; co-ordinate and supervise the services and bodies which assist in giving effect to the social legislation; carry out all studies and inquiries bearing on the various social problems within their competence; ensure the execution of the general directives of the Minister of Labour dealing with labour, manpower or social security matters, prepare Bills, draft regulations and ministerial decisions and issue the instructions necessary for their implementation.

Article 75. In conformity with section 159 of the Labour Code the legal substitute of the inspector of labour when he is absent or unable to act is the chief officer of the administrative area.

The reports of government inspectors are communicated to the Minister of Labour when they refer to labour or manpower questions or the social position in the areas inspected.

Collaboration between the inspectors and the workers is ensured through the appointment of staff representatives (sections 164 to 169 of the Labour Code).

Collaboration between employers' and workers' organisations and the labour inspectors is further assured through the Labour Advisory Board (section 162 of the Labour Code) and the Technical Advisory Committee on Occupational Hygiene and Safety (section 133 of the Code).

Article 76. Under the General Civil Service Regulations labour inspectors are assured of stability of employment and are independent of external influences.

Article 77. Premises, offices and transport facilities are placed at the disposal of the labour inspectors, who are entitled to reimbursement of expenses incurred in the performance of their duties.

Article 78. As stated in section 154 of the Labour Code, labour inspectors have the powers set forth in this Article of the Convention. At the start of their inspection they must notify the head of the undertaking or establishment.

Article 79. Sections 151 and 152 of the Labour Code, and section 30 of Decree No. 60-237 of 29 July 1960, impose on labour inspectors the obligations listed in this Article of the Convention.

Article 80. An employer must notify the labour inspectorate within 48 hours of every industrial accident or case of occupational disease in the undertaking (section 137 of the Labour Code and section 16 of Decree No. 57-245 of 24 February 1957).

Any breach of these provisions is punishable by fine.

Article 81. Under Order No. 244 of 10 June 1946, labour inspectors must visit undertakings employing more than 20 workers at least once a year and undertakings employing more than 50 workers at least twice a year.

Articles 82 and 83. Part IX of the Labour Code prescribes the penalties to be imposed in case of violation of its provisions or of the regulations issued to administer it.

Sections 134 to 136 of the Labour Code refer to the opportunity open to the labour inspector of having recourse to the procedure of serving formal notice on the employer in matters concerning occupational hygiene and safety and health of the workers.

In addition, section 230 of the Labour Code provides for penalties to be imposed on persons obstructing or attempting to obstruct the labour inspectors in the performance of their duties.

Article 84. The labour inspectors draw up reports on their visits to undertakings and each year submit a statistical review of their activities.

PART XII. HOUSING

Article 85. Section 92 of the Labour Code requires an employer to provide accommodation for his workers in certain cases to be determined in accordance with section 95.

The Labour Advisory Board, on which the employers' and workers' organisations—including the agricultural trade associations—are represented on an equal footing, was consulted in respect of Order No. 4806 of 20 July 1953, issued in application of sections 92 and 95 of the Labour Code.

Under this order the employer's obligation to provide accommodation for his workers may in certain cases be replaced by the provision of the necessary means of transport or the granting of a travel allowance.

Article 86. Sections 2 to 8 of Order No. 4806 of 1953 lay down minimum standards and specifications of accommodation, which include, *inter alia*, specifications concerning construction materials and methods, lighting, ventilation and air space, water supply and sanitary facilities. In addition, housing units must be equipped with a kitchen, and each family should be housed separately.

Standards are also laid down in respect of dormitories.

Article 87. The labour inspectors are responsible for enforcing the provisions respecting accommodation. Contravention of these provisions is punishable by the penalties prescribed in section 226 of the Labour Code.

Article 88. The maximum amount which may be charged for accommodation per working day has been fixed as the equivalent of the guaranteed inter-trade minimum wage for half an hour's actual work.

The problem of the time to be allowed to discharged workers to vacate their accommodation does not arise. Since it is incumbent upon the employer to transport his workers from their normal place of residence, the said workers will leave their accommodation only when the employer provides them with a means of transport.

PART XIII. MEDICAL CARE

Article 89. The organisation of medical services in undertakings is governed by the provisions of sections 138 to 144 of the Labour Code. The orders giving effect to these provisions were made after receiving the recommendations of the Technical Advisory Committee on Hygiene and Safety set up under section 133 of the Labour Code, on which the employers' and workers' organisations are represented in equal numbers.

Article 90. Orders No. 397 of 18 January and No. 398 of 19 January 1955 lay down minimum standards in respect of medical and health services, respectively as regards their staffing and as regards premises, the equipping of premises and the provision of medical supplies and dressings. These standards vary according to the category of the establishment, which depends on the number of workers it employs. The average number of workers in agricultural establishments generally causes them to be placed in categories 5 and 4, i.e. in the categories for establishments employing respectively fewer than 100 and from 100 to 249 workers. Such establishments are required to have only a nurse and an infirmary (or a dressing station in the case of establishments employing from 20 to 100 workers).

Order No. 396 of 18 January 1955 contains provisions respecting, *inter alia*, the compulsory medical examination of workers, the medical attendance to be given them by industrial physicians or nurses, or the duty of the employer to have them treated outside the undertaking.

Agreements for the provision of medical care may be concluded with the physicians at the public health centres in the case of establishments employing fewer than 1,000 workers and situated within 25 kilometres of such centres. Such establishments are required, nevertheless, to have staff and premises available to give first aid.

The opportunity afforded under the above-mentioned provisions has been widely taken advantage of by agricultural establishments, except in the Abidjan area, where there are private practitioners with whom undertakings arrange contracts for part-time attendance. There are a few rare cases of farms—such as the I.R.H.O., a palm-tree plantation at Grand Drewin in Sassandra—with their own staff physician.

Article 91. Act No. 61-320 of 17 October 1961 lays down the basic principles in respect of protection against certain endemic diseases. It deems the whole country to be a zone of endemicity for a certain number of diseases (such as smallpox, yellow fever, leprosy, tuberculosis, malaria, etc.). Periodic medical examinations for the diagnosis and control of these diseases are compulsory for the whole population. After each examination a health card is issued to each citizen. Vaccination against smallpox and yellow fever is compulsory. Employers are required to have the workers in their employ vaccinated.

MEXICO (First Report)

Constitution (*Legislación sobre trabajo*. Andrade S.A., 6th ed., 1960, Vol. I, p. 13).

Federal Labour Act of 18 August 1931 (*ibid.*, p. 27).

Regulations of 6 March 1934 respecting employment exchanges (*ibid.*, p. 659).

Regulations for the Federal Labour Inspectorate, 1934 (ibid., p. 639).

Social Insurance Act (ibid., p. 103).

Regulations of 18 August 1960 for the Rural Workers' Compulsory Social Insurance Scheme (ibid., p. 1046-12-15).

PART I. GENERAL PROVISIONS

Article 1 of the Convention. There are plantations of several types, the most important of which are, in order of volume of production, those of sugar-cane, maize, citrus fruits, cotton, bananas, coffee, tobacco, coconut and cocoa. Pineapple cultivation has increased in recent years, while that of tea, rubber, oil palm, cinchona and textile fibres is less considerable.

It has not been found advisable to make the Convention applicable to crops other than those listed above.

Article 2. Mexican labour legislation contains no form of discrimination. The principle of equal pay for equal work is laid down in article 123 of the Constitution and section 86 of the 1931 Federal Labour Act.

Article 3. The Convention has been ratified in its entirety.

Article 4. The provisions of this Article have been taken into consideration.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Articles 5 and 6. These provisions have been taken into consideration.

Article 7. In the fifth chapter, the 1934 Regulations respecting employment exchanges lay down the conditions for the operation of private employment agencies.

Article 8. Private employment agencies may operate only by way of exception and subject to Labour Department authorisation.

Article 9. In Mexico most employment exchanges are official and run by civil servants. The Directorate of Social Welfare of the Labour Department is in charge of the inspection and supervision of official or private employment agencies through the intermediary of labour inspectors.

Article 10. As required by sections 19 and 20 of the Regulations respecting employment exchanges, whenever a worker is registered in one of these exchanges an index card must be filled in recording all particulars concerning his person, family and occupation. On the basis of this information the worker is provided with a card duly authenticated for identification purposes. This card must show whether the worker is unemployed or not and the kind of occupation sought.

Employment exchanges operate locally, and recruitment goes beyond these limits only when an exchange cannot meet an employer's request.

The legislation provides for communication of information between local and central exchanges.

Article 11. Section 19 of the Regulations respecting employment exchanges provides that the worker's state of health and apparent physical fitness to perform the work must be entered on the index card filled in at the time of registration.

In places where tropical or endemic diseases exist, employers are bound, under the Federal Labour Act, to supply their workers with the preventive medicaments specified by the local health authority.

Articles 13 to 15. In accordance with article 133 (XXVI) of the Constitution and sections 29 and 30 of the Federal Labour Act the expenses of the journey of recruited workers and of their families, if any (to the place of work or to the place of origin in case of repatriation), are borne by the employers.

Article 16. Section 91 of the Federal Labour Act provides that a worker's debts to the employer on account of advances of wages may be settled by deductions from wages not exceeding 30 per cent. of the amount over and above the minimum wage.

Article 17. In order to prevent misleading propaganda the Federal Labour Act provides that employers engaging workers for employment abroad or at a place not less than 100 kilometres distant from the place of residence must draw up the contract of employment in writing and defray the worker's expenses of transport and board and repatriation expenses. They are obliged to make a deposit in cash to guarantee payment of these expenses (section 24 of the Federal Labour Act).

Moreover, any worker who is deceived with respect to the conditions of employment may cancel his contract within 30 days, in which case the employer shall owe him compensation equivalent to three months' wages, without prejudice to any other payments.

Article 18. There is a special agreement governing the migration conditions of Mexican agricultural labourers going to work in the United States.

Article 19. Section 19 of the Regulations respecting employment exchanges recommends the medical examination of the worker at the time of registration. Employers must register workers with the Social Insurance Institute.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

Article 20. If, upon the expiration of the period covered by the contract, the causes out of which it arose and the occasion for the work still exist, the contract will be prolonged for such time as the said circumstances continue.

However, the contract of employment shall not be binding for longer than the period previously stipulated and shall not exceed one year to the detriment of the worker.

Articles 21 and 22. There are no penal sanctions for failure to comply with the contract of employment.

PART IV. WAGES

Article 24. Minimum wages are fixed by special boards on which workers and employers are represented on an equal footing. Sections 414 to 428 of the Federal Labour Act contain provisions on working methods and procedure to be followed by the special minimum wage boards.

Article 25. The final decision fixing the minimum wage must be published in the appropriate official bulletin before 31 December of the current year. A copy of this decision is also kept by the municipal authority, to which workers may apply for information about wages.

The application of the minimum wage rates is supervised by labour inspectors who may visit the plantations and proceed to all necessary inquiries.

Workers who have been paid wages at less than the minimum rate may claim, by judicial proceedings undertaken within one year, the amount by which they have been underpaid.

Article 26. Under section 89 of the Federal Labour Act wages must be paid in legal currency. Payment in merchandise, promissory notes, vouchers or any other token alleged to represent legal currency is prohibited and subject to penal sanctions.

Article 27. The basic part of the salary must always be paid in cash, but certain additional payments are also included in the wage and may be paid in kind under section 86 of the Federal Labour Act. The rulings of the Supreme Court of Justice lay down, in matter of wages, the legal principles whereby any payment to the worker is his as of right and any economic advantage granted to him in return for his normal and regular work is included in the wage.

Article 28. Under section 90 of the Federal Labour Act wages must be paid directly to the worker or the person whom he appoints as his legal representative.

Article 30. Section 112 of the Federal Labour Act prohibits an employer from requiring workers to purchase articles for personal consumption in a specific shop or place.

Every shop, especially if it sells food, is subject to close supervision by the authorities.

Article 31. The minimum wage may not be subject to deductions. These may be made in the part of the wage exceeding the minimum wage and to an amount not exceeding 30 per cent. These deductions are authorised to pay debts to the employer: advances of wages, excess payments, errors, loss, damage, purchase of goods produced by the undertaking itself, or benefits of any kind.

Article 32. Section 112 of the Federal Labour Act prohibits the employer from demanding or accepting any payment from workers in exchange for admission to employment or for any other reason connected with the conditions of employment.

Article 33. Wages are paid at regular intervals—every week for manual workers (section 87 of the Federal Labour Act). When the contract is terminated by the employer, he must pay the worker wages due and three months' wages as compensation.

Article 34. In the case where the contract is in writing (see Article 17 above), the worker is aware of the wage conditions, as they must of necessity appear in the contract.

Article 35. The legislation giving effect to Articles 26 to 34 of the Convention has been published in the official gazette. Labour inspectors are responsible for supervising compliance in accordance with section 403 of the Federal Labour Act.

Penalties for any infringements are specified in section 683 of the Federal Labour Act.

PART V. ANNUAL HOLIDAYS WITH PAY

Articles 36 to 38. Under section 82 of the Federal Labour Act all workers who have been employed for more than one year are entitled to not less than six working days' holiday with pay. This minimum period may be extended by collective agreement.

Article 39, paragraph (a). Young workers under 16 years of age have 12 working days' annual holiday.

Paragraph (b). The minimum duration of the annual paid holiday is increased by two working days for every additional year's service to a maximum of 12 days.

Paragraph (d). As holidays with pay are working days, public and customary holidays are not included. Absences due to sickness or accident which are regarded as justified are likewise excluded.

Article 40. Workers receive wages in full during paid holidays, in accordance with section 93 of the Federal Labour Act. In the case of piece work the wage is taken as the average for the preceding month.

Article 41. Under section 15 of the Federal Labour Act the provisions of this Act which grant any advantage to workers may in no case be renounced.

PART VI. WEEKLY REST

Article 43. Section 78 of the Federal Labour Act provides that for every six days' work every worker is entitled to not less than one day of rest with full pay, which day in general must be Sunday.

Article 44. No exception is allowed to the provisions regarding weekly rest.

PART VII. MATERNITY PROTECTION

Article 47, paragraph 1. Under section 79 of the Federal Labour Act a woman is entitled to eight days' rest before the probable date of her confinement, and one month afterwards.

Paragraph 2. Maternity leave is due without any qualifying period of employment.

Paragraphs 3 and 4. Since the ratification of the Convention has made these provisions binding, women plantation workers must have 12 weeks' maternity leave, six of which must be taken after confinement.

Paragraphs 6 and 7. In every case of illness women workers are always entitled to leave of the duration necessary for recovery.

Article 48. When a woman is absent from work on maternity leave she must receive her wages in accordance with section 79 of the Federal Labour Act. She must also be registered with the Mexican Social Insurance Institute, since she is entitled to the benefits provided under the Social Insurance Act.

Article 49. Nursing mothers are entitled to two special rest periods of half an hour each every day to nurse their children.

Article 50. Under Mexican law it is not unlawful for an employer to dismiss a woman during her absence on maternity leave, but she will then be entitled not only to the compensation provided by law, but also to the benefits due to her by reason of her condition. However, it is unlawful to dismiss a woman merely because she is pregnant or nursing her child, such reasons not being covered by section 121 of the Federal Labour Act listing the cases when an employer is entitled to cancel a contract of employment.

PART VIII. WORKMEN'S COMPENSATION

Article 51. In virtue of the Federal Labour Act (Part VI—Occupational Injuries, sections 284 ff.) and of the Social Insurance Act, all workers, including plantation workers, are insured against occupational accidents.

Article 52. Foreign nationals have the same rights as Mexicans where compensation for occupational accidents is concerned.

There is no residence qualification.

Article 53. See under Article 18.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Article 54. Workers and employers are entitled to join organisations for the study, advancement and defence of their common interests (Federal Labour Act, sections 232 and 234).

Article 55. The system of conciliation and arbitration boards established by the Federal Labour Act to consider disputes between employers and workers is sufficiently simple.

Articles 56 and 57. The Ministry of Labour and Social Welfare has an Agreements Department responsible for taking action to prevent disputes between employers and workers by promoting the conclusion or revision of collective agreements.

Employers' and workers' representatives are members of the Mexican conciliation bodies (Municipal and Federal Conciliation Boards, Central and Federal Conciliation Arbitration Boards).

Sections 336 to 366 and 500 ff. of the Federal Labour Act contain the provisions governing the constitution, powers and procedures of the various conciliation bodies, on which there are government representatives as well as employers' and workers' representatives.

Article 58. It is unlawful for employers to constrain workers by violence or any other means to relinquish membership of the union or organisation to which they belong or to perform any act in restraint of workers' rights (Federal Labour Act, section 112, III and V). No one may be compelled to become a member of an industrial organisation or to refrain from doing so (Federal Labour Act, section 234).

Article 59. In accordance with the definition in section 232, the creation of joint employers' and workers' organisations is not allowed.

Article 60. There is no need for special machinery.

Article 61. The Federal Labour Act lays down the principle of voluntary negotiation between employers and workers and contains, in sections 42 to 67, the provisions governing the collective contract of employment (conditions for conclusion, content, duration, scope, etc.).

PART X. FREEDOM OF ASSOCIATION

Article 62. Employers and workers have the right to organise, under sections 232 ff. of the Federal Labour Act, and need no previous authorisation. Workers' organisations must have an initial membership of not less than 20 members and those of employers of not less than three. An industrial organisation is not legally constituted until it has been registered with the competent authorities (Conciliation and Arbitration Board or Ministry of Labour and Social Welfare).

Article 63. The Federal Labour Act specifies (section 246) the particulars which must be included in the rules, but leaves the organisation free to decide its objects, the method of appointing the management committee, the conditions for admission of members and the date of general meetings.

Article 64. Employers' and workers' organisations may not be dissolved or suspended by administrative authority.

Article 65. Under section 255 of the Federal Labour Act industrial organisations may form federations and confederations.

Article 66. Federations and confederations have the same rights as industrial organisations.

Article 68. Article 9 of the Constitution specifies that there may be no restriction of the right of peaceful association or assembly for lawful purposes. In accordance with article 29 of the Constitution individual guarantees may be suspended only in a case of extreme gravity involving danger to society.

PART XI. LABOUR INSPECTION

Article 71. Chapter VII of Part VIII of the Federal Labour Act provides for a system of labour inspection which is governed by regulations published in November 1934.

Article 72. There is a training establishment for officials of the Ministry of Labour and Social Welfare. Under the Regulations for the Federal Labour Inspectorate there are four different categories of inspectors, whose qualifications are indicated in rules 3 to 5 of the regulations mentioned in the preceding paragraph.

Article 73. Workers and their representatives have every facility for communicating freely with the inspectors.

Article 74. The inspectors supervise compliance with the labour legislation, take steps to prevent disputes between workers and employers, take part in the social education of the workers by means of talks and supply them with information on such subjects as rights and obligations under labour legislation, occupational injuries and how to avoid them, health and the dangers of taking alcohol or drugs.

Article 75. Chapter IV of the Regulations for the Labour Inspectorate relates to the work of inspectors in promoting the social education of workers and establishes the forms and conditions in which inspectors are to co-operate with workers in pursuit of this aim.

Article 76. Inspectors have stability in employment.

Article 77, paragraph 1. The Regulations for the Labour Inspectorate rule that inspectors shall establish, so far as the requirements of the service permit, their hours

of attendance at their offices and post those hours at the entrance to the said offices. They have free transport, postal and telegraphic facilities in the performance of their duties.

Paragraph 2. The Labour Inspectorate reimburses to labour inspectors all expenses incurred in the performance of their duties.

Article 78. Inspectors may visit plantations, like any other undertaking, at any hour of the day or night, interrogate the staff of the undertaking without witnesses and require the production of all documents and registers which have to be kept by law. They may also carry out investigations in case of complaints, oral or written, concerning infringement of the law (Federal Labour Act, section 404, and Regulations for the Federal Labour Inspectorate, rule 30).

Inspectors are also responsible for verifying the posting of any notices required by law as a safety measure for the prevention of accidents.

Article 79. Inspectors accepting gifts from employers or workers or revealing secrets relating to processes of manufacture and operations which come to their knowledge in the performance of their duties are liable to the penalties laid down in section 656 of the Federal Labour Act.

In most instances employers are informed of the origin of the complaint which occasioned the visit of inspection.

Article 80. Section 312 of the Federal Labour Act stipulates that the employer is bound to report every occupational accident to the Conciliation and Arbitration Board or Labour Inspectorate within 72 hours.

Article 81. Section 656 of the Federal Labour Act holds the inspector liable if he fails to pay regular visits under the conditions laid down in the relevant regulations to the workplaces in the region for the supervision of which he is responsible.

Article 82. Part XI of the Federal Labour Act lists the penalties for failure to comply with the provisions of the Act.

Article 83. See under Article 82 above.

Further, labour inspectors are entitled to the support of the civil and military authorities and of the police (Regulations for the Labour Inspectorate, rule 53).

Article 84. Inspectors are required to submit weekly reports to the Central Labour Inspection Office.

PART XII. HOUSING

Article 85. Under section 123 (XII) of the Constitution and section 111 (III) of the Federal Labour Act, it is the duty of the employer to provide his workers with suitable and healthy housing accommodation.

Article 86. Section 197 of the Federal Labour Act provides that the housing accommodation supplied to agricultural workers must satisfy the conditions indispensable to the life and the health of the workers.

Article 87. The employer is punishable by a fine of 500 pesos for failure to fulfil his obligation to supply agricultural workers with healthy housing accommodation free of charge.

Article 88, paragraph 1. Under section 111 (III) of the Federal Labour Act employers may charge for housing accommodation provided for workers a rent not exceeding one-half of 1 per cent. per month of the value of the property shown in the land register.

Paragraph 2. The collective contract specifies the time within which a dismissed worker must vacate his accommodation. Generally, however, as the question is one of a lease between employer and worker, the matter is one of civil law, and the procedure to be followed is the legal procedure normally applicable in such cases.

PART XIII. MEDICAL CARE

Article 89. The Regulations of 18 August 1960 make the medical services of the Mexican Social Insurance Institute available to agricultural workers (regular and seasonal).

Article 90. In addition to the social services provided under the existing social insurance scheme, the Ministry of Health and Public Assistance has set up 519 rural social welfare centres with qualified staff, including at least one physician and one or more certified midwives. In the rural health centres there are medical services which provide mother and child care, treat accident cases and injuries, and, in general, take part in health campaigns against poliomyelitis, tuberculosis, malaria, etc. Persons suffering from chronic diseases may go to the regional sanatoria which are situated in localities with between 2,000 and 20,000 inhabitants.

Article 91. See under Article 90. Special institutions have also been set up for the control of particularly dangerous diseases, such as malaria, tuberculosis, etc.

* * *

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

Ivory Coast, Mexico.

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
Ecuador	10. 7. 1962	Philippines	17. 11. 1960
Gabon	29. 5. 1961	Poland	30. 5. 1961
Federal Republic of Germany	15. 6. 1961	Portugal	19. 11. 1959
Ghana	4. 4. 1961	Somalia	8. 12. 1961
Guatemala	11. 10. 1960	Sweden	20. 6. 1962
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	Upper Volta	16. 4. 1962
Iraq	15. 6. 1959	Ukraine	4. 8. 1961
Israel	12. 1. 1959	U.S.S.R.	4. 5. 1961
Ivory Coast	5. 5. 1961	United Arab Republic	10. 5. 1960
Liberia	22. 7. 1959	Yugoslavia	2. 2. 1961

BULGARIA (First Report)

For the summary of the Government's report see *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 47th Session, Geneva, 1963, p. 6.

BYELORUSSIA (First Report)

Constitution.
Code of Labour Legislation.
Criminal Code.
Code of Criminal Procedure.

The institution of Soviet authority has abolished all social and juridical basis for discrimination in every sphere of economic, public, cultural, social and political life. The legislation in force prohibits all discrimination in employment and occupation on the basis of sex, race, colour, nationality, religious or political convictions or social origin, and provides ample and strong safeguards against such discrimination.

In accordance with the Constitution it is the responsibility of the Public Prosecutor's Office to ensure strict observance of the law by all ministries and institutions attached thereto, as well as by civil servants and ordinary citizens.

Enforcement of the labour legislation is also handled by the trade unions, which have set up for this purpose a technical and juridical inspectorate, legal advice centres and a corps of voluntary technical inspectors.

Article 1 of the Convention. The Constitution guarantees equal rights to citizens, irrespective of their nationality, race or sex, in all spheres of economic, public, cultural, social and political life. These provisions also cover discrimination on the basis of colour, since they forbid discrimination for reasons of nationality or race.

Under the Constitution and the Criminal Code, any direct or indirect restriction of rights or, conversely, the granting of any direct or indirect privileges to citizens

because of their race or nationality, as well as any propaganda preaching exclusivism or hatred or national or racial superiority, are punishable by law.

The Soviet Control Commission attached to the Council of People's Commissaries of the U.S.S.R., by a decision taken in May 1936, drew the attention of public, economic and other bodies to the inadmissibility of dismissal or refusal to employ a citizen where such action was motivated by the social origin of the individual concerned.

The Constitution bestows on all citizens freedom to practise their religion, and the Criminal Code provides for penalties in the event of infringement of these constitutional provisions.

All citizens are entitled to work, i.e. they are entitled to a guaranteed job with remuneration for their work according to the amount done and its quality. In a society founded on the principle that "each one gives according to his abilities, to each one according to his work", citizens are free from all forms of exploitation, and equal and extensive opportunities for performing creative work and receiving education are open to every member of the community.

The constitutional rights of citizens in relation to rest, and material security in old age, in times of sickness and of loss of working capacity, as well as the right to education, are established and respected with absolutely no exception.

The Constitution, being a basic law, predetermines the character of all the other laws, standard-setting instruments and collective agreements. The labour laws, and the legislation as a whole, are based on the principle of equal rights for all workers and the inadmissibility of any form of discrimination in employment and occupation.

The legislation in force prohibits unjustified refusal of admission to employment on grounds other than the occupational capacities of the worker (for example pregnancy, social origin, conviction by a court of law, political opinions, etc.).

The Code of Labour Legislation lays down regulations governing the employment relationship of wage-earners and salaried employees founded on equality of rights for all workers. They are binding on all government, co-operative and public bodies. Under the Criminal Code employers breaking the rules set forth in this Code lay themselves open to prosecution by the criminal courts or administrative authorities.

Neither in law nor in practice is there any form of discrimination as defined in the Convention. Nor is it necessary to determine other distinctions, exclusions or preferences which have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Article 2. At the time Soviet authority was instituted a national policy of equality of opportunity and treatment in employment or occupation was proclaimed and is applied. It has led to the eradication of any discrimination which may have existed in these fields.

Article 3, paragraph (a). The legislation in force and the entire practice of the Communist system ensure the widest collaboration between workers, directors of undertakings and the various bodies and agencies of the public authorities.

Paragraph (b). The legislative enactments in pursuance of the policy of non-discrimination are brought to the knowledge of the population through all available information media (press, radio, television), by the arrangement of conferences, talks, legal consultations, etc.

Paragraph (c). No statutory provisions or practices exist which could lead to the institution of discrimination.

Paragraph (d). The policy of non-discrimination is applied generally. It is pursued in the case of both employment under the direct control of government bodies and employment not under such control.

Paragraph (e). Observance of this policy is guaranteed in the activities of vocational guidance, vocational training and placement services. Every citizen is

absolutely free to choose his occupation; he has the right to improve his skills, receive training and progress within the sphere of his activity.

Article 4. No limitation in connection with employment or occupation is placed on persons suspected of activities prejudicial to the security of the State. Under the Code of Criminal Procedure any person prosecuted on charges of having engaged in an activity prejudicial to the security of the State has the right to appeal to the competent bodies both at the preliminary inquiry and hearing stage and during the court proceedings.

Article 5. The legislation in force provides for a privileged position in respect to employment and occupation to be given to women, young persons, the physically handicapped, etc.

CHINA (First Report)

Constitution, 25 December 1947 (L.S. 1947—Chin. 3).

Telegraphic letters of the Ministry of the Interior, reference TAI-Nei-Lou 86202, 84770 and 85772, issued on 29 May 1962.

Article 1 of the Convention. The Constitution stipulates that all citizens of the Republic of China, irrespective of sex, religion, race, class or party affiliation, shall be equal before the law.

In June 1962 the Ministry of the Interior asked the employers' and workers' organisations and the National Association of Chambers of Commerce by telegraphic letters to state their views as to whether any distinction, as laid down in paragraph 1 (a), existed which might have the effect of nullifying or impairing equality of opportunity or treatment in the field of employment or occupation. No replies have, however, so far been received. The meaning of "discrimination" given in these telegraphic letters is exactly the same as that defined by the Convention.

Article 2. Apart from the relevant provisions in the Constitution, the Ministry of the Interior advised the Ministries of Economic Affairs, Communications and Finance, the Provincial Government of Taiwan, the National Association of Industries, the National Association of Chambers of Commerce, and the Chinese Federation of Labour, among others, that they should instruct their organs, bodies, schools, commercial firms, factories, mines and other enterprises, and their members, not to practise any form of discrimination, exclusion and preference based on race, colour, sex, religion, political opinion, national extraction or social origin which would have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Article 3, paragraphs (a) and (b). The Minister of the Interior, in addition to sending the telegraphic letters to the national employers' and workers' organisations as described under Article 2, requested the same organisations in June 1962 to see to it that their members incorporate the principle of non-discrimination in their educational programmes.

Paragraph (c). The Minister of the Interior also asked that inspection be made to verify whether statutory provisions and practices which are inconsistent with the principle of non-discrimination are still in effect, and if so, that these be repealed or modified. The Ministry of the Interior, having checked the existing statutory provisions, reports that no provision exists which is inconsistent with the policy of the Convention.

Paragraph (e). By a telegraphic letter of June 1962 the Ministry of the Interior asked the Social Affairs Department of the Taiwan provincial government to ensure that all the public and private vocational guidance centres within the province do not practise any distinction in the sense of the Convention in the activities of vocational guidance, vocational training and placement.

Paragraph (f). No traditional discrimination in employment and occupation, as described by the Convention, has ever existed in the country. By ratification of the Convention, together with the various administrative measures taken in this connection, this problem has aroused public interest, further helping to prevent discrimination.

Article 4. No statutory provision has so far been made.

Article 5. The Ministry of the Interior is consulting various interested government agencies and bodies as to the need for special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance.

COSTA RICA (First Report)

Constitution.

Act No. 2694 of 22 November 1960.

In accordance with the last provision of article 129 of the Constitution, section 198 (a) of the Education Code and the term "married women" in section 144 of that Code are to be regarded as having been deleted in consequence of the ratification of the Convention.

Act No. 2694 prohibits any kind of discrimination on grounds of race, colour, sex, age, religion, marital status, publicly expressed belief, national extraction, social origin, descent or financial position that would limit equality of opportunity or treatment in the field of employment or occupation.

See also the Government's reply in *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 47th Session, Geneva, 1963, pp. 17-18.

DENMARK (First Report)

Constitution.

Act No. 100 of 4 March 1921 respecting equal opportunity for women and men for appointment to public posts and offices.

Civil Servants (Salaries and Pensions) Act, 1958.

The Constitution provides that no person, for reasons of his creed or descent, shall be deprived of the opportunity to enjoy fully his civil and political rights. It provides further that efforts should be made for any citizen capable of working to obtain work on terms likely to secure his existence. These provisions imply that no discrimination whatsoever of the nature dealt with in the Convention exists.

Article 1 of the Convention. In the public sector the only condition for appointment—apart from age, health, and occupational qualifications—is Danish nationality. This excludes any discrimination in the sense of this Article.

The only legislation which expressly prohibits discrimination in respect of employment and occupation in the public sector is that relating to equal opportunity of men and women for appointment to public posts and offices.

In the private sector no discriminatory rules exist in the field of employment. No rules have been laid down to prevent such discrimination as there was no requirement for this in the past.

Paragraph 2. Subject to this paragraph access to occupations requiring a public licence is not restricted by any discrimination of the kind dealt with in the Convention, either by law or in practice. Similarly, in the case of employment in private industry, the law does not provide for any restriction of free and equal opportunity in respect of employment and occupation, nor does any such discrimination exist in practice.

The Government considers that its obligation is confined to pursuing, in collaboration with the employers' and workers' organisations, a policy designed to promote

equality of opportunity and treatment and to fight against discrimination. Through the appointment of a standing committee composed of representatives of the Ministry of Labour and the two central industrial organisations, the Government maintains continuous contact with the latter with a view to the application of ratified Conventions. The Government has requested the employers and workers to observe, in connection with wage negotiations, the principle of equal remuneration, informing them that, if so desired, the Government is prepared to offer technical guidance in the implementation of the principle (see under Convention No. 100).

There is free and equal opportunity with respect to vocational training. No discrimination in the sense of the Convention has occurred in respect of conditions of work. So far there has been no need to take any special measures with a view to applying the policy laid down in the Convention.

Article 4. In the event of measures being taken of the nature referred to here—under the person affected will be entitled to bring the decision before a court.

Article 5. No decisions with respect to this Article have been made.

GABON (First Report)

Article 1, paragraph 4, of the Constitution states that “No one may be held at a disadvantage in his work by reason of his sex, origins, beliefs or opinions”, and the Labour Code of 4 January 1962 provides more explicitly that for the purpose of determining “whether or not a person is to be regarded as a worker, no account shall be taken of the legal position of the employer or of the employee” (section 1).

The Labour Code grants even foreign nationals the right to be entrusted with the administration or leadership of a union provided that they have resided one year in Gabon and have carried on a specified occupation for over six months (Title II).

Section 30, paragraph 4, of the Labour Code (attestation of contracts of employment) safeguards the worker against discrimination in matter of employment and occupation, since it makes the attestation dependent on verification that “the contract of employment complies with the law in force respecting labour matters”. Where wages are concerned, section 89 of the Code provides: “In equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status, subject to the provisions of this Title.”

These principles have been taken into consideration in the orders applying the Code and in collective agreements. Moreover, the legislation on family benefits, industrial accidents and occupational health contains no provision which could be interpreted as discriminatory in the matter of employment and occupation.

Labour inspectors, assisted by labour supervisors, and the labour courts see to the application of the provisions of the Labour Code in virtue of sections 144, 148, 152 and 176. They have not had to deal with any cases or lawsuits concerned with alleged discrimination in employment and occupation.

FEDERAL REPUBLIC OF GERMANY (First Report)

Basic Law for the Federal Republic of Germany, 23 May 1949 (*Bundesgesetzblatt (BGBl.)*, Part I, p. 1) (*L.S.* 1949—*Ger.F.R.* 1).

Works Constitution Act of 11 October 1952 (*BGBl.*, Part I, p. 681) (*L.S.* 1952—*Ger.F.R.* 6).

Staff Representation Act of 5 August 1955 (*BGBl.*, Part I, p. 477) (*L.S.* 1955—*Ger.F.R.* 1).

Federal Officials Act of 1 October 1961.

Act of 1 October 1961 concerning unification of the law relating to officials.

Federal Constitutional Court Act of 12 March 1951.

Placement and Unemployment Insurance Act, amended text of 3 April 1957 (*BGBl.*, Part I, p. 321) (*L.S.* 1957—*Ger.F.R.* 3).

Article 1 of the Convention. Neither in law nor in practice is there any form of discrimination as defined in this Article.

Article 2. The prohibition of discrimination is embodied as a constitutional principle in section 3 of the Basic Law. The grounds on which differential treatment is forbidden agree in substance with those mentioned in the Convention. This is a binding legal standard, not only a policy aim.

Article 3, paragraphs (a) to (d). The constitutional principle contained in section 3 of the Basic Law invalidates all previous contrary provisions.

Under section 51 of the Works Constitution Act the employer and the works council are required to see that there is no differential treatment of persons employed in the undertaking on account of their descent, religion, nationality, origin, political or trade union activity or attitude, or their sex. Corresponding provisions for public administrations are contained in sections 56 and 91 of the Staff Representation Act.

Determination of conditions of employment, whether by law or collective agreement, must be in accordance with the constitutional prohibition of discrimination, and parties to collective agreements are bound by section 3 of the Basic Law in the formulation of conditions of employment.

Section 8 of the Federal Officials Act provides that the selection of applicants for official posts must be made without regard to sex, descent, race, belief, religious or political opinions, origin or connections. Section 23 applies the same principle to promotions. A corresponding provision exists in the model regulations for Land legislation relating to officials.

There is no supervision by an administrative authority of the application of these provisions, but in the event of non-application an appeal can be made to the courts, that is, in the field of labour legislation, to the Labour Courts. In addition, under section 90 of the Federal Constitutional Court Act, anyone who maintains that section 3 of the Basic Law is being violated by a public authority in his case may submit a complaint to the Federal Constitutional Court.

Paragraph (e). The constitutional principle is binding on the Federal Institution for Placement and Unemployment Insurance, which has exclusive competence for placement in employment and apprenticeship and for vocational guidance. The activities of the Institution are subject to the supervision of the Federal Minister of Labour and Social Affairs.

Paragraph (f). No practical difficulties have yet arisen in the application of these provisions, nor have the employers' and workers' organisations pointed to the existence of any such difficulties.

Article 4. Any person affected by such measures has the right to defend himself in a court of law against any allegation of activities directed against the security of the State.

Article 5, paragraph 2. There have been no such determinations.

GHANA (First Report)

Constitution.

Labour Ordinance (*Laws of Ghana*, Cap. 89).

Labour Registration Act, 1960 (*L.S.* 1960—Ghana 1).

Apprentices Act, 1961 (*L.S.* 1961—Ghana 1).

Labour (Catering Trade Workers) (Minimum Remuneration) (No. 2) Order, 1961.

Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1962.

Minimum Remuneration Instrument, 1960, as amended by the Minimum Remuneration Instrument Order.

Article 1 of the Convention. There does not exist either in law or in practice any form of discrimination in respect of employment. The Labour Ordinance applies to all employees without discrimination.

Article 2. Section 2 of the Labour Ordinance gives effect to this Article.

Article 3. The Apprentices Act, 1961, which regulates the training of apprentices in industry, provides equal opportunities for vocational training for all young persons. An apprentice is defined in section 38 as "any person of either sex who has contracted to serve an employer and to learn and be taught an industry".

Under section 9 of the Labour Registration Act, 1960, the Minister responsible for labour has appointed Labour Advisory Committees, comprising equal numbers of representatives of employers' and workers' organisations, to advise and assist him in his functions under the Act, relating to the running of public employment centres which offer equal employment opportunities for all unemployed persons applying for work through them. Forty public employment centres have been established throughout the country since the Act was enacted.

GUATEMALA (First Report)

Constitution.

Labour Code (*L.S.* 1947—Guat. 1 and 1956—Gua. 2).

Section 14*bis* of the Labour Code prohibits discrimination on grounds of race, religion, political beliefs and economic position in social assistance, educational, cultural, recreational or commercial establishments created for workers in private undertakings or in those set up by the State for the working class in general, access to those establishments being subject to no conditions regarding workers' wages or jobs.

The Constitution states that Guatemala is a sovereign, free and independent nation, guaranteeing to its inhabitants respect for human dignity, enjoyment of the fundamental rights and privileges of man, security and justice, to promote the complete development of culture and to create economic conditions which are conducive to social well-being (article 1); it further states that all human beings are free and equal in dignity and rights and may not be subjected to servitude or to any other condition which humiliates their person (article 40); it declares illegal any discrimination on grounds of race, colour, sex, religion, birth, economic or social position or political opinion (article 42); and imposes on the State the obligation of guaranteeing to individuals the exercise of their constitutional rights (article 74).

No measures are taken which give rise to distinction, exclusion or preference nullifying or impairing equality of opportunity or treatment in employment or occupation, because any advantage causing inequality of rights between individuals is prohibited under the Constitution, which lays down that work is a right (article 112), that equal wages must be paid for equal work rendered under identical conditions of efficiency and seniority, that everyone shall have freedom to choose his work (article 116, paragraph 2), and that all Guatemalans shall have right of access under equal conditions to public offices or posts, for admission to which competence and honesty alone are to be taken into account (article 122). The provisions or practices relating to the distinctions, exclusions or preferences based on the qualifications required for certain posts are applied without difficulty by reason of the equality of rights and freedom of all to choose any work, unless a university qualification is indispensable for its performance, and to engage in the occupation or discharge the office they please; there is no discrimination respecting entry into educational centres for the purpose of study in conformity with individual vocation and preferences.

Neither in law nor in practice is there discrimination in employment and occupation, for which reason no particulars have been given; neither have the representative employers' and workers' organisations been consulted in relation to this matter.

The Ministry of Labour, through the General Inspectorate of Labour, supervises the application of the legislation and administrative regulations, the object of which

is the elimination of discrimination in employment and occupation. If the General Inspectorate of Labour is unable to amend the discriminatory practices of any recalcitrant employer, the Labour and Social Welfare Tribunals impose the appropriate fines, proceeding in accordance with the law. So far the Tribunals have imposed no penalties on the grounds of discrimination.

GUINEA (First Report)

Constitution of 12 November 1958 (*Journal officiel*, 12 Nov. 1958, p. 88).

Act No. 1/AN/60 of 30 June 1960, to establish the Labour Code of the Republic of Guinea (*L.S.* 1960—Gui. 1).

Article 1 of the Convention. The provisions of articles 25, 34 and 38 of the collective agreements in force, and of section 123 of the Labour Code recognise the principle of equal pay for work of equal value.

In virtue of the provisions in collective agreements concerning respect for freedom of association, employers must not have regard to the political or philosophical opinions, religious beliefs or social or racial origin of workers in reaching decisions as concerns engagement, the performance or allocation of work, disciplinary measures, dismissal or promotion.

Article 2. As regards the application of the Convention, an order of the Minister of Labour and Social Affairs of the type provided for in section 127 of the Labour Code, made after receiving the recommendations of the Labour Advisory Board, will regulate the measures taken to give effect to the provisions of the Convention.

HUNGARY (First Report)

Constitution: Act No. 20 of 1949.

Labour Code (*L.S.* 1951—Hun. 1).

The Constitution prohibits discrimination of any kind against citizens on the grounds of sex, religion or nationality. The Labour Code guarantees the right to remuneration in accordance with the quantity and the quality of the work done, and states that no distinction may be made between men and women or young persons and adults in fixing wages. Other labour legislation, such as the government decree enforcing the Labour Code, contains further provision against discrimination. Neither is there any discrimination in regard to vocational guidance, placement of workers, weekly rest, holidays, accident prevention, occupational health, social insurance, etc.

INDIA (First Report)

The Government refers to detailed information given in the report submitted under article 19 of the I.L.O. Constitution on the application of the Discrimination (Employment and Occupation) Recommendation, 1958. This report is summarised in *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 47th Session, Geneva, 1963, pp. 24-26.

IRAQ (First Report)

Provisional Constitution of 27 July 1958.

Labour Law No. 1/1958 (*Al-Waqayi'u al'Iraqiyya*, 16 Mar. 1958), as amended.

Articles 1 and 2 of the Convention. Discrimination, as defined in the Convention, does not exist, either in law or in practice. Article 9 of the Provisional Constitution provides that citizens are equal before the law in their public rights and obligations without discrimination on the grounds of race, origin, language, religion or belief. No difficulties have arisen in this respect.

Article 3. A policy of equality of treatment on this basis is pursued in all fields of activity.

Article 4. There are no legislative or administrative measures in relation to this Article.

Article 5. The Labour Code provides special protection and assistance to women, children and disabled workers, which cannot be deemed to be discrimination.

ISRAEL

State Service (Appointments) Law, 1959 (*Sefer Ha-Chukkim*, No. 279, 15 Apr. 1959).
Employment Service Regulations (Lodging of Objections Procedure), 1959.

In reply to direct requests by the Committee of Experts the Government states that the policy of non-discrimination is deeply rooted in the feelings and religious teachings of the Jewish people; there is no need to take any other measures to declare a specific national policy designed to promote equality of opportunity and treatment in respect of employment and occupation or to promote educational programmes to secure the acceptance and observance of the policy.

Negotiations for the signature of the collective agreement concerning equality of remuneration for equal work for men and women have not yet been concluded owing to difficulties in defining "equal work". Should negotiations fail, legislative steps will be taken to regulate this question.

Vocational training is not regulated by legislation, but it is promoted and subsidised by the Government in accordance with the general policy of non-discrimination.

Appointments to the upper grades of the state service are made by public announcements of vacancies and selection of candidates by a committee appointed under the State Service (Appointments) Law. Complaints of any form of discrimination can be lodged with the High Court of Justice.

During the period under review, 817 complaints alleging discrimination by the employment service were lodged with an objection committee; of these, 206 were found to be justified.

IVORY COAST (First Report)

Act No. 60-356 of 3 November 1960 to promulgate the Constitution of the Republic of the Ivory Coast (*Journal officiel (J.O.)*, 4 Nov. 1960).

Act No. 52-1322 of 15 December 1952 to establish a Labour Code (*L.S.* 1952—Fr. 5).

Act No. 59-135 of 3 September 1959 establishing the general status of the Public Service (*J.O.*, 12 Sep. 1959, pp. 838 ff.).

Act No. 59-231 of 7 November 1959 respecting the state of emergency (*J.O.*, 14 Nov. 1959, p. 1072).

Act No. 60-366 of 14 November 1960 to establish a Penal Code (*J.O.*, 24 Feb. 1961).

Act No. 61-201 of 2 June 1961 determining the composition, organisation, powers and functioning of the Supreme Court (*J.O.*, 13 June 1961).

Article 1 of the Convention. There is no discrimination either in legislation or in practice.

Article 2. The Constitution provides for equality for all before the law without distinction of origin, race, sex or religion. It respects all beliefs. Any particularist propaganda of a racial or ethnic nature, or any manifestation of racial discrimination, is punishable by law.

Article 3. Access to the various occupational training establishments (technical high schools, vocational training centres and apprenticeship centres) is open to all citizens without distinction as to race, origin, religion or sex. The Labour Code and Act No. 59-135 contain no discriminatory clause regarding access to employment or to the various occupations, or regarding conditions of employment.

The collective agreements on employment applicable in the Ivory Coast contain provisions prohibiting the various forms of discrimination. Article 7 of the collective agreement for the extraction and prospecting industries, of 18 December 1961, stipulates that "the undertaking being a place of work, employers engage not to consider the political or philosophical opinions, religious beliefs or social or racial origin of workers in taking their decisions concerning recruitment, remuneration, conduct or distribution of work, disciplinary action, dismissal or promotion".

Article 4. There is no special legislative or administrative measure governing the employment or occupational activity of individuals justifiably suspected of engaging in activities prejudicial to the security of the State. State action is governed by the provisions of the Code of Criminal Procedure. The sanctions applicable in matters of crime, offences and infringements are those of the French Penal Code, still in force in the Ivory Coast.

In virtue of Act No. 59-231 the Government may decree a state of emergency. Under section 4 of this Act the declaration of a state of emergency gives the Minister of the Interior power—(a) to create by decree protected or security areas where sojourn is subject to regulation; (b) to prohibit any person seeking to obstruct the action of the public authorities in any way from staying in the territorial district or any part thereof; (c) to assign a place of residence in another territorial district or given locality to any person residing in the area covered by the decree.

Persons affected by the application of one of the above-mentioned measures or by any arbitrary measure may appeal to the administrative chamber of the Supreme Court under section 73, subsection 2, of Act No. 61-201, on the grounds of action *ultra vires*.

Article 5. The special measures provided within the framework of the law for the benefit of needy and aged persons, disabled persons with family responsibilities, and women and children, have no discriminatory characteristics. All citizens fulfilling the conditions required by the legislation or administrative regulations may have the benefit of these measures without distinction as to origin, colour, race or religion.

LIBYA

The Ministry of Labour and Social Affairs does not believe that there is any necessity to promulgate legislation, since laws, traditions and principles are consistent with non-discrimination. The principles of non-discrimination in respect of employment, vocational training and vocational guidance will be taken into consideration when legislation is to be enacted.

Legislation has been adopted in respect of vocational rehabilitation of the disabled.

MALAGASY REPUBLIC (First Report)

Constitution of 29 April 1959.

Ordinance No. 60-119 of 1 October 1960 to establish a Labour Code (*Journal officiel*, 8 Oct. 1960, No. 125, p. 2012) (*L.S.* 1960—Mad. 1).

In its preamble the Constitution recognises the equality of all workers in the matter of employment and occupation.

Neither the Labour Code nor the texts implementing it contain any discriminatory measure.

MEXICO (First Report)

Constitution of 1917.

Federal Labour Act of 18 August 1931 (*Legislación sobre trabajo*. Andrade S.A., 6th Ed., 1960, Vol. I, p. 27).

Article 1, paragraph 1 (a), of the Convention. None of the forms of discrimination covered by the Convention is practised; rather, the legislation of the country provides for equality of opportunity and treatment in employment for all workers. The following legislative provisions may be quoted on the subject.

Article 4 of the Constitution specifies that "No person may be prevented from engaging in the profession, industry, commerce or labour which suits him, provided it is lawful, except as otherwise provided by judicial action in accordance with the law. The law shall determine which are the professions that require a licence for their practice, the conditions that must be fulfilled to obtain it, and the authorities to issue it".

Article 123 stipulates that "The Congress shall formulate labour laws which shall apply to workers, day labourers, employees, domestics and artisans and, in a general manner, to all labour contracts".

Paragraph VII of the same article states that "The same payment shall be made for equal work, without taking into account sex or nationality".

Section 86 of the Federal Labour Act provides that "The quantity and quality of the work shall determine the wage which shall be equal for equal work performed in equivalent posts with the same working day and the same conditions of efficiency, and distinctions shall not be made on grounds of age, sex or nationality".

Paragraph 1 (b). There is no distinction of any kind.

Paragraphs 2 and 3. The provisions of these paragraphs are taken into account.

Article 2. In the light of the provisional legal provisions and repeated and voluntary observance, it has not been considered necessary to take action to promote compliance.

Article 3, paragraph (a). The Government has not thought fit to seek the co-operation of employers' and workers' organisations in promoting the elimination of discrimination, because there is none.

Paragraph (b). The national legislation aims to have rational and scientific concepts prevail in education, eliminating fanaticism, ignorance and prejudice. Article 3 of the Constitution specifies that public education shall be directed towards the harmonious development of all the faculties of man and shall promote in him love of country and awareness of international solidarity in independence and in justice. Education shall be guided by a criterion of independence from any religious doctrine and, being based on scientific progress, shall be directed against ignorance and its consequences of servitude, fanaticism and prejudice; furthermore, it shall be democratic, national—without hostility or discrimination—and shall contribute to the improvement of social life by maintaining the ideals of fraternity and equal rights of all men, avoiding privileges of race, sectors, groups, sex and individuals.

Paragraph (c). No statutory provisions have been repealed, since there is no discrimination.

Paragraph (d). This has long been the practice in Mexico.

Paragraph (e). Vocational training in universities, technical schools and institutes throughout the country is accessible by reason of the facilities granted and low entry fees. Furthermore, employers are obliged to make provision for the technical instruction of workers or their children as indicated in section 111, paragraph XXI, of the Federal Labour Act.

Paragraph (f). See above.

Article 4. This is not the practice in Mexico. Legal action is taken against persons engaged in activities prejudicial to the security of the State. The Constitution (article 4) guarantees complete freedom in the exercise of occupation, industry or commerce, but authorises the suspension of this liberty "by judicial action when the rights of third parties are attacked or by governmental order issued in the terms that the law indicates, when the rights of society are infringed". In practice only penal

measures are taken against persons suspected of engaging in activities prejudicial to the security of the State and never measures affecting labour.

Article 5, paragraph 1. The provisions of this paragraph are taken into account.

Paragraph 2. No new special measures have been deemed to be discriminatory.

It is not necessary to take any kind of measures to prevent discrimination, because there is none. However, the observance of the legal provisions on the subject is supervised from the legal point of view by the central and federal conciliation and arbitration boards and the Supreme Court of Justice and from the administrative point of view by the Secretariat of Labour and Social Welfare (labour inspectors) and the Secretariat of Public Education.

NORWAY

Constitution.

Act respecting measures to promote employment, No. 9, dated 27 June 1947 (*L.S.* 1947—Nor. 2).

Article 1 of the Convention. There is no form of discrimination as defined in this Article, either in legislation or in practice, and it has not been necessary to amend any legislation.

The legislation governing public employment services provides that they shall be neutral and impartial.

Article 4. No measures or practices of the type described exist.

Article 5, paragraph 2. No special measures have been taken.

PAKISTAN (First Report)

Constitution of 1962.

Equal opportunity of all citizens and freedom of choice of occupation without discrimination on the grounds of religion, race, caste, colour, sex or place of birth or residence, has been guaranteed by the Constitution.

Entry into the public service cannot be denied on grounds of race, religion, caste, sex, or place of residence or birth. This principle may, however, be departed from where, in the public interest, it is desirable that a person who is to perform functions in relation to a particular area should be a resident of that area, or where duties of a particular kind require performance by a person of a particular sex. In addition, it is necessary to depart from this principle in order to ensure that, in the case of the central Government, persons from all parts of Pakistan and, in the case of a provincial government, persons from all parts of the province concerned, have an opportunity of entering public service.

The central Government is responsible for the observance of the principle laid down in the Constitution.

PHILIPPINES (First Report)

Constitution.

Republic Act No. 602: Minimum Wage Law (*L.S.* 1951—Phi. 1).

Republic Act No. 679: Woman and Child Labour Law (*L.S.* 1954—Phi. 2).

Revised Administrative Code.

The Constitution provides, among other things, that “no religious test shall be required for the exercise of civil or political rights”. Section 7 (*b*) of Republic Act No. 679 and section 9 of the Rules and Regulations implementing it prohibit the payment of a lower rate to women than to men for work of equal value. The Revised Administrative Code provides (article V, section 689) that no discrimination shall be exercised against or in favour of any person employed, examined or to be examined, because of his political or religious opinions or affiliations.

During the early days of the Republic discrimination in employment existed, but after the passage of many progressive labour laws those in management realised that the practice was inhuman. Trade unions and public-spirited citizens took an active part in the promotion of equal protection for wage-earners and elimination of discrimination based on sex as regards equal pay for equal work.

The inspection of industrial, commercial and agricultural establishments employing women is undertaken by the Bureau of Women and Minors and the regional labour offices in the provinces and chartered cities.

Section 18 (b) of Republic Act No. 602 provides that no Communist may hold office in the administration and enforcement of the Act.

POLAND (First Report)

Constitution.

Act of 2 July 1924 relating to the employment of minors (*Dziennik Ustaw*, 1948, No. 27, text 182) (section 16, subsection 3).

Decree of 13 June 1946 relating to particularly serious offences during the period of reconstruction of the State (*ibid.*, No. 30, text 192) with subsequent amendments (section 31).

Decree of 5 August 1949 on the protection of freedom of conscience and of religion (*ibid.*, No. 45, text 334) (section 2).

Decree of 14 August 1954 on welfare of the disabled and of members of the armed forces and their families (*ibid.*, 1958, No. 23, text 98) (section 26, subsection 3).

Circular No. 47 of the President of the Council of Ministers of 19 April 1960 respecting sole family breadwinners (*Monitor Polski*, No. 36, text 180).

Circular No. 85/9 of the Minister of Labour and Social Welfare and the Minister of Justice of 11 December 1958 respecting the increase and improvement of protection of persons discharged from penal establishments and families of prisoners (*Dziennik Urzędowy Ministra Pracy i Opieki Społecznej*, No. 9, text 60).

The Constitution and legislation guarantee all citizens equality of opportunity in all spheres of public, political, economic, social and cultural activity without distinction as to national extraction, race or religion, as also the right to employment. The violation of these principles by the conferment of privileges on the basis of nationality, race or religion is a punishable offence.

The Constitution guarantees women the same rights as men.

The principle of non-discrimination in the matter of employment or occupation is by nature general and universally observed. For that reason, there has been no need to promulgate laws against discrimination.

Persons engaging in an activity prejudicial to the security of the State incur a penalty but, on its expiry, are subject to no discrimination in the matter of employment or occupation unless exclusion from the particular occupation entered into the court's sentence.

Special measures of protection or assistance are provided for certain groups of employees for reasons such as sex, age, disablement and family responsibilities.

It is the function of the organs of justice to take action against any discrimination in the matter of employment and occupation. Certain special bodies are competent in cases of discrimination on the basis of religion or nationality, or arising in the field of employment.

No legal action based on discrimination in the matter of employment and occupation has been recorded during the period under review.

PORTUGAL

Legislative Decree No. 36173 of 6 March 1947 to regulate and standardise the form of collective employment agreements and the manner of making and publishing such agreements; and to lay down the principles to govern collective contracts and arrangements (*Diário do Governo (D.G.)*, Part I, 6 Mar. 1947, No. 52, p. 191) (*L.S.* 1947—Por. 1).

Decree No. 44309 of 27 April 1962 to approve the Rural Labour Code for the Provinces of Cape Verde, Guinea, San Tomé and Príncipe, Angola, Mozambique and Timor, and to repeal the Indigenous Labour Code (*D.G.*, 27 Apr. 1962, No. 95, p. 579; errata: *ibid.*, 7 and 25 June 1962, Nos. 130 and 143, pp. 793 and 869) (*L.S.* 1962—Por. 1).

Articles 1 and 2 of the Convention. The policy of non-discrimination is traditionally followed in Portugal. The principles are laid down in the Constitution and in the National Labour Statute, so that there is no need to issue special regulations on the subject.

As a restatement of constitutional principles reference may be made in special legislation to subsection 1 of the section in Legislative Decree No. 36173 of 6 March 1947 stipulating that collective agreements may not restrict freedom of employment and of choice of occupation, while section 69 of the Rural Labour Code proclaims equality of payment for work of equal value in the same undertaking and prohibits any discrimination in wages on the basis of sex, religion, social origin, occupational affiliation or race.

Article 3. Organisations of employers and workers co-operate spontaneously in order to promote the acceptance of the policy of non-discrimination.

There is no legislative provision for different remuneration for men and women workers. In the public services all wage levels are equal for similar work, without any distinction whatsoever. Nevertheless some private undertakings pay male workers higher rates than women for similar work. In agriculture as a general rule men's wages are higher than women's, since men's work is undoubtedly more strenuous than women's and may thus be regarded as different work.

Education programmes have not been changed as a result of the ratification of the Convention, since there is no discrimination in education.

Technical schools are open to both girls and boys. As a general rule schools are co-educational, although there are some which cater exclusively either for boys or for girls.

Article 5. It has so far been allowed for trade unions to include in collective agreements clauses laying down certain precautions in order to maintain a certain level of employment of men, particularly when local conditions encourage the tendency to employ a majority of women workers at lower rates. Allowance is undoubtedly made for the fact that women may also be heads of families, but in most cases the employment of men in certain sectors has to be facilitated depending on the local employment market. Nevertheless certain occupations are traditionally an exclusive or almost exclusive preserve of women.

TUNISIA

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

Articles 1 and 2 of the Convention. No measure to promote equality of opportunity or treatment in respect of employment and occupation either in the public or in the private sector is contemplated for the immediate future, and no case of discrimination within the meaning of the Convention has come to the notice of the competent authorities. There have been no legal rulings based on article 6 of the 1959 Constitution.

A national policy has been formulated concerning non-discrimination on grounds of sex; it has its legal basis in the Act on the status of the individual and has been given wide publicity through presidential speeches, lectures, various publications and the creation of regional and local committees.

Article 3. All national employers' and workers' organisations have been brought into the campaign for the social advancement of women.

No measure has been taken specifically to eliminate discrimination in the field of vocational training and access to employment and to the various occupations. The only educational programmes for this purpose concern women.

To ensure observance of the policy of non-discrimination in public employment, the statutes of the civil service provide for employee participation in the joint committees competent in the matter of careers for state employees. There are no data on the proportion of women and of members of minority religious groups at the various levels in the civil service.

The possession of Tunisian nationality for five years as a requirement for access to the civil service is intended to safeguard the national interests; similar conditions exist in many other countries.

The criteria observed where vocational training is concerned are strictly objective (examinations of academic type, tests, medical examinations) and assistance is granted only in the light of the social position of the persons concerned and their progress. There is no special measure to prevent discrimination in the selection, by placement services, of applicants for vacant posts.

In future it will be possible to supply information concerning women workers only, as the other relevant particulars are not ordinarily made the subject of official investigations, in order to avoid antagonising workers.

Article 4. A person considering himself the victim of discriminatory treatment has the right to appeal to the courts competent for workers bound by a contract of employment, for civil servants or for workers who fall into neither of these categories, as appropriate.

UKRAINE

Constitution.
Labour Code.
Penal Code.

In reply to the questions by the Committee of Experts the Government provides the following information.

Articles 1 and 2 of the Convention. The prohibition of all forms of discrimination relating to nationality and to race is also extended in the field of national legislation to cases such as discrimination on the basis of colour or of national origin, when this is different from a person's nationality. The prohibition of all forms of discrimination on the grounds of religion is based on article 104 of the Constitution, which proclaims the right of all citizens to freedom of worship. The Penal Code provides sanctions in the case of any violation of the guarantees established by this article.

Section 1 of the decision by the Soviet Control Commission of 22-26 May 1936 with regard to "special laws" which might be adopted is no longer applicable, since no special law has ever been proclaimed in this connection.

Article 3. The co-operation of organisations as mentioned in paragraph (a) is ensured by means of committees for the settlement of employment disputes within undertakings and institutions, in which the representatives of the workers and the management participate. The same purpose is served by legal provisions stating that an administration may not take any decision concerning the dismissal of a worker without the agreement of the trade union organisation.

Government policy regarding the prohibition of all forms of discrimination with regard to employment and occupation is communicated to the public through the publication of relevant legislation in newspapers, through the organisation of lectures, through legal consultations, etc. Prohibition of discrimination covers all activities in all undertakings, institutions and organisations, and absolute equality of all workers is attained in employment and occupation.

Article 4. Any person guilty of activity prejudicial to the security of the State is prosecuted in accordance with the Penal Code. Such persons are entitled to appeal

against actions or decisions of legal bodies during the investigation and hearing and to complain or appeal to a court of second instance with regard to the verdict reached.

Article 5. National legislation contains special measures for protection or assistance, as laid down in other international labour Conventions or Recommendations, which may not be considered as discrimination. Such measures relate in particular to advantages for women and young persons.

UPPER VOLTA (First Report)

Constitution.

Labour Code of 7 July 1962.

Decree No. 72/PRES/AST of 20 February 1960 concerning persons not covered by collective agreements (*Journal officiel*, 12 Mar. 1960, p. 195).

Act No. 50/60/AN of 25 July 1960 fixing conditions for temporary employees of administrations and public establishments of the Republic of Upper Volta (*ibid.*, 6 Aug. 1960, p. 707).

Article 1 of the Convention. There are no forms of discrimination as defined in this Article.

Article 2. The measures taken in order to formulate a national policy aimed at promoting equality of opportunity, treatment and conditions of employment come under the Labour Code and collective agreements.

Article 3. It is the responsibility of the Labour Inspectorate and the Manpower Service to apply a national policy of non-discrimination.

Article 4. Persons who are legitimately suspected of activities prejudicial to the security of the State or who are actually proved to be undertaking such activity may be barred from access to any form of employment in the public sector. However, such persons may find employment in the private sector.

Article 5. There are measures for the protection of women and children.

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

Constitutions of the U.S.S.R. and federated republics.

Penal Codes of the R.S.F.S.R. and other federated republics.

Labour Codes of the R.S.F.S.R. and other federated republics.

Regulations concerning the rights of factory and local trade union committees: Ukase of the Presidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958.

Regulations concerning procedures for the examination of labour disputes: Ukase of the Presidium of the Supreme Soviet of the U.S.S.R., dated 31 January 1957.

Decision of the Supreme Court of the U.S.S.R. in Plenary Session, No. 13, dated 13 September 1957.

Decision of the Council of Ministers of the U.S.S.R. respecting reduction of hours of work of young persons, dated 26 May 1956.

Regulations concerning the powers of the Public Prosecutor's Office in the U.S.S.R.: Ukase of the Presidium of the Supreme Soviet of the U.S.S.R., dated 24 May 1955.

The principles of non-discrimination were applied in the U.S.S.R. long before the Convention was drafted and adopted by the I.L.O. In the field covered by the Convention all legislation is contrary to discrimination, and no Act, regulation or other instrument involving or permitting any form of discrimination exists or can exist.

Article 1 of the Convention. All economic or social discrimination based on sex, race, colour, national extraction, religion, political opinion or social origin is prohibited. Any discrimination in respect of employment and occupation is consequently also prohibited.

According to the Constitution and the Penal Code any direct or indirect restriction of rights, and conversely any establishment of direct or indirect privileges, based on race or national extraction, and any propaganda fomenting racial or national exclusivism, hatred or contempt, are liable to punishment. Prohibition of all discrimination based on race or national extraction also covers discrimination based on colour.

The Constitution affords women equal rights to those of men in all fields of economic, public, cultural, social and political life, and particularly as regards work, wages, rest, social insurance and education. The report gives figures on the participation of women in various occupational sectors.

Freedom of conscience is laid down by article 124 of the Constitution, which provides for the disestablishment of the Church and recognises the freedom of all citizens to take part in religious services. Accordingly no citizen can claim any privilege over another in respect of religious belief or the absence of such belief, particularly in connection with employment. The Penal Code provides for the punishment of any infringement of the safeguards laid down by article 124 of the Constitution.

Under article 118 of the Constitution all citizens have the right to work. Discrimination in respect of employment or occupation, as it constitutes an infringement of labour legislation, involves criminal liability under the Penal Code.

Under current legislation no request for employment may be rejected without reason, and no person may be dismissed for reasons unrelated to his or her occupational skill. The management of an undertaking may not dismiss any person without the consent of the factory or local trade union committee. The regulations concerning examination of labour disputes are aimed at providing a maximum of defence for the interests of the workers.

All workers have an equal right to appeal against unjustified dismissal. If a dismissal is found to be unjustified the court orders the worker to be reinstated in his previous post.

All Soviet citizens without exception have the same constitutional rights to rest, education and material provision in old age, sickness and invalidity.

Neither in law nor in practice is there any kind of discrimination within the meaning of the Convention. Nor does any difficulty arise out of application of the provisions of Soviet legislation prohibiting discrimination.

Articles 2 and 3. A policy of equality of opportunity and treatment in respect of employment and occupation was proclaimed in the earliest days of the Soviet regime and has been applied ever since. Socialist society has eliminated social inequality and is now composed of two allied working classes—the industrial workers and the peasants, together with intellectual workers. Effective inequality at the economic and cultural levels between groups of various national extractions has been eliminated; in the previously backward national republics and regions there has been immense economic progress, and managerial and professional personnel have come into existence. The report gives information on the percentage increase in industrial production in several republics of the Union.

In accordance with the regulations which define the rights of factory and local trade union committees, these bodies are entitled to supervise managements with regard to social matters, particularly recruitment, dismissal and conditions of work within the undertaking.

The legislative instruments prohibiting discrimination are fully applied and are brought to the knowledge of the workers on a wide scale by publication in the press and by the arrangement of lectures, talks, consultation with counsel, etc. In general and special educational establishments the matters with which the Convention deals are studied on a wide scale.

The problems of equality between peoples, races, nations and other national groups, the sexes, etc., are covered in school curricula as part of such subjects as the history of the Soviet Union, politics and law, Marxist-Leninist principles and many others.

The policy of the equality of all citizens in respect of employment and occupation is applied under the authority and supervision of the public authorities, both in

government undertakings and institutions and in other organisations. This policy is fully observed in the work of institutions dealing with vocational guidance, vocational training and placement.

Under the Constitution all citizens are equally entitled to education, including vocational and technical training, without any kind of distinction, exclusion or preference such as might be based on considerations of sex, nationality, race, religion, political opinion, social origin, etc. School attendance for eight years and some polytechnic education are now compulsory for all citizens. Everything is done to develop and encourage continuance of general and vocational studies beyond that period, and to enable employed persons to continue their training.

There is no reason to abrogate any legislative provision or to modify any administrative provision or practice such as might create discrimination, for there are no provisions or practices of this kind.

Under the Constitution the responsibility for ensuring strict application of the law lies at the highest level with the Public Prosecutor of the U.S.S.R. The State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. supervises the activities of various public institutions and administrations as regards employment. The factory and local trade union committees directly supervise the application of labour legislation. This system of supervision by both public authorities and workers' organisations precludes any possibility of infringing the legislation which prohibits discrimination.

Article 4. There are no restrictive provisions as regards employment or occupation applying to persons suspected of activities prejudicial to the security of the State. Persons effectively engaging in such activities are punishable under current penal legislation. The penal laws and the laws regulating penal procedure afford to such persons—those charged with activity prejudicial to the security of the State—a body of rights intended to ensure thorough and objective elucidation of the alleged offence, at the time of charging, during the subsequent investigation and in course of the judicial proceedings; these rights include that of complaining against acts or decisions by the examining magistrate, the public prosecutor or the court, during investigation, in course of the judicial proceedings and after judgment has been given.

Article 5. The legislation in force gives particular protection to women and young workers. No woman may be refused employment, or dismissed from her employment, because she is an expectant or nursing mother. The conditions of engagement and employment of young workers are also strictly regulated.

Disabled persons have the same right to work as all other Soviet citizens. Those who are permanently incapacitated receive help and material assistance from the State and society, but this does not debar them from taking part in social labour if they so desire. In such a case the public authorities and services help the person to obtain the most suitable job and provide an opportunity for rehabilitation or the acquisition of new skills.

YUGOSLAVIA (First Report)

Constitution of 31 January 1946.

Penal Code of 2 March 1951.

Constitutional Act of 13 January 1953.

Act respecting employment relationships, 1957 (*L.S.* 1957—Yug. 2).

Nationality Act of 1 July 1946.

Act respecting public servants, 1957.

Decree respecting the organisation of the employment service, 29 March 1952 (*L.S.* 1952—Yug. 4).

Articles 1 and 2 of the Convention. According to the Constitution all citizens of Yugoslavia are equal before the law and enjoy equal rights, regardless of nationality, race and religion. No privileges on account of birth, position, property

or education are recognised. Any acts granting privileges to citizens or limiting their rights on grounds of difference of nationality, race or religion, and any propagation of national, racial, or religious hatred are contrary to the Constitution and punishable under article 21 of the Constitution. The Constitutional Act (section 5) guarantees the right to work as one of the fundamental rights. The Act respecting employment relationships provides for an equal right to work for all citizens, without regard to differences of sex, age, religion, political opinion, race, nationality, and social origin. Every citizen is free to choose his occupation and his place of work, and to change his employment relationship (sections 5 and 8 of the Act). To enable the citizen to exercise his rights, the law prescribes the duties of the employment service which, *inter alia*, include payment of compensation in the event of unemployment. Under sections 8 and 9 of the Act respecting employment relationships workers enjoy all the rights attaching to their employment relationship without regard to the differences enumerated in Article 1 of the Convention. For equal work and work performed under equal conditions workers have the same rights. The establishment of the amount of wages to be paid to a worker depends on the quantity and quality of his work. Trade unions have the right to defend the rights of the workers derived from the employment relationship. These rights, or those accorded by the Constitution and by other legislation, may not be limited by any decisions taken by the economic organisations or by any public service, by collective agreements or by any arrangement between the worker and the organisation. Yugoslav citizens enjoy, in addition to free choice of occupation, equal conditions of employment in occupations which are subject to an employment relationship, and in the professions. No discrimination exists regarding admission to schools, including vocational schools. Only in the case of criminal acts committed by workers, for which the Penal Code provides deprivation of the right of the worker concerned to exercise a specific trade or occupation, may the court prohibit the exercise of such a trade or occupation.

The draft of the new Constitution, which has already been submitted for public discussion, puts even more emphasis on the principles of non-discrimination than the 1946 Constitution. Thus, it provides that all jobs and posts in society shall be open to all citizens on the same conditions. Article 42 of the draft furthermore stipulates that all citizens shall be equal in their rights and obligations, without distinction of nationality, race, religion, sex, language, education or social origin. Finally, article 44 of the draft provides that all citizens have the right, under the same conditions, to acquire the knowledge and skill they need in the various types of scholastic institutions. Article 48 of the draft provides specifically that any arbitrary act interfering with or limiting human rights is anti-constitutional and punishable.

In practice, no difficulties whatsoever have been experienced in the fulfilment of the requirements for the establishment of an employment relationship, or in admission to specific jobs. While general fitness for certain work is determined on the basis of rules established by doctors of the public health service, the occupational aptitude of the workers is evaluated on the basis of their training and qualifications, or of tests provided for those who have not received formal vocational training but have acquired their aptitude through practical experience. The holding of competitions is a widely used practice for the filling of posts; it is compulsory in recruitment for management and other public service posts and is often employed for the recruitment of skilled workers.

Article 3. The activities of the public authorities and undertakings are guided by the principle of equality. Recruitment methods and procedures exclude all possibility of discrimination. While each individual enjoys full freedom to seek work, posts are generally filled through the employment office. Of the 213 offices established, six are offices of the Federal Republic, two are regional and 205 local. The administrative organs of these offices comprise representatives of the placement offices

themselves, and of economic undertakings, trade unions and social security institutions. Such an organisation enables adequate measures to be taken to ensure the widest employment opportunities. The draft of the new Constitution provides for measures to be taken by the community to create the widest possible employment opportunities for citizens in the exercise of their right to work. The employment offices endeavour to find work for the unemployed on the basis of their unemployment registers. In the selection of workers and their placement, the offices endeavour to eliminate all subjective factors. The fact that the offices are obliged to place first the workers receiving unemployment benefit and having the longest work experience can in no way be regarded as discrimination; on the contrary, this preference represents a measure of justice regarding those who have a long service record and whose sole source of income has been their wages. In addition to placement activities the employment offices are concerned with vocational training of the unemployed, the creation of new jobs through investments paid out of the funds of the offices, and the creation of new institutions providing temporary or permanent employment for workers who find it difficult to get work under normal conditions. In addition, the employment offices stimulate initiative and make suggestions to the competent organs regarding the creation of new jobs through the broadening of the field of production and the creation of new activities. Economic undertakings themselves have certain obligations with regard to the placement of workers. Thus, they are required to inform the employment service of each dismissal and to advise the service within five days of every new or vacant job; undertakings are required to engage workers sent to them by the employment service, on condition that they have the required qualifications. All these measures put the placement procedure on a broad and democratic basis and make any kind of discrimination impossible. While formerly the director or some other person decided individually on the engagement of a new worker, this decision is now made by the workers' council or a subcommittee set up by that council. The large number of scholarships provided by the community and the economic organisations, including those in schools for vocational training and management training, contribute to providing equal opportunity in access to employment. In addition, the Act respecting employment relationships provides that workers have a right to vocational training on a basis of equality. To this effect, economic organisations have vocational training centres where workers can receive appropriate practical and theoretical training. Amongst the important factors guaranteeing equal opportunity with regard to vocational training and employment are the activities of the vocational guidance offices administered by the employment services. The services of these offices are free of charge and available for all citizens, regardless of whether they seek work for the first time or whether they require retraining. All interested parties, in particular the trade unions, take part in the solution of problems concerning employment, vocational guidance and vocational training. They collaborate particularly in the preparation of plans for the social development of a specific region and in the implementation of the various measures taken.

Certain problems exist with regard to migratory movements from rural to urban areas. The continuous influx of unskilled workers, and, on the other hand, the fall in demand for such workers, raise problems of employment and training for those occupations in which skilled workers are needed. This problem exists in particular regarding women workers, since certain unfavourable factors, such as traditional conceptions regarding education of girls and women, their work outside the home and their domestic obligations, have had in the past an unfavourable influence on their opportunities for vocational training, either before or during their employment. In order to cope with this problem the following measures have been taken: enlargement of the network of institutions of general education and vocational training, and the

admission of girls from rural areas into these schools; vocational guidance; intensification of the educational activities of the people's universities; aid given to women with family responsibilities by the creation of various services; a campaign against conservative ideas, in particular in backward rural areas. As a result of these measures, the number of girls and women who attended vocational training schools rose considerably during the period 1954-55 to 1960-61. Thus, the number of pupils in schools for the training of medium and high-level supervisory staff rose from 13,549 to 47,381; in schools for the training of skilled and highly-skilled workers the number of female pupils rose from 205 to 582.

Article 4. In the case of measures taken against a worker as a result of a sentence pronounced by the competent court under the Penal Code such as the loss of the right to practise a given occupation—or, in severe cases, measures taken by decision of the Secretary of Internal Affairs, resulting in the loss of Yugoslav nationality, which measure makes it impossible to occupy a public post—the worker concerned has the right in the former case to appeal to the competent higher court, and in the latter case, to institute proceedings in the Federal Supreme Court. The draft of the new Constitution does not permit the deprivation of nationality of a Yugoslav citizen.

Article 5. The legislation provides special protection for certain categories of workers (women, young workers, disabled).

* * *

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

Byelorussia, Federal Republic of Germany, India, Israel, Portugal, Ukraine, U.S.S.R., Yugoslavia.

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	Mexico	9. 8. 1961
China	13. 2. 1962	Norway	22. 1. 1963
Denmark	27. 2. 1962	Peru	4. 4. 1962
Federal Republic of Germany . .	11. 2. 1963	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Tunisia	14. 1. 1963
Guinea	7. 11. 1960	Ukraine	4. 8. 1961
Israel	19. 6. 1961	U.S.S.R.	4. 5. 1961
Liberia	16. 5. 1960	Yugoslavia	2. 2. 1961

GUINEA (First Report)

The provisions of the Convention, ratification of which was registered on 7 November 1960, have not as yet been carried into effect. However, the appropriate regulations are now in the process of preparation.

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

113. Medical Examination (Fishermen) Convention, 1959*This Convention came into force on 7 November 1961*

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	2. 3. 1961	Peru	4. 4. 1962
China	13. 2. 1962	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Tunisia	14. 1. 1963
Guinea	7. 11. 1960	Yugoslavia	26. 5. 1961
Liberia	16. 5. 1960		

GUINEA (First Report)

See under Convention No. 112.

114. Fishermen's Articles of Agreement Convention, 1959*This Convention came into force on 7 November 1961*

Countries	Ratification registered on
China	13. 2. 1962
Guatemala	2. 8. 1961
Guinea	7. 11. 1960
Italy	10. 4. 1962
Liberia	16. 5. 1960

Countries	Ratification registered on
Peru	4. 4. 1962
Spain	7. 8. 1961
Tunisia	14. 1. 1963
Yugoslavia	22. 12. 1961

GUINEA (First Report)

Since the Convention was ratified nothing has yet been done to put it into effect. However, an order by the Ministry of Labour and Social Affairs will lay down conditions of employment for fishermen with regard to articles of agreement within the framework of the Convention.

115. Radiation Protection Convention, 1960*This Convention came into force on 17 June 1962*

Countries	Ratification registered on
Ghana	7. 11. 1961
Iraq	26. 10. 1962
Norway	17. 6. 1961

Countries	Ratification registered on
Spain	17. 7. 1962
Sweden	12. 4. 1961
United Kingdom	9. 3. 1962

GHANA (First Report)

A draft code of practice for the protection of persons against ionising radiations is being discussed. The code will supplement future legislation covering the scope of the Convention.

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, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Denmark, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Malagasy Republic, Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Senegal, 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 *Spain* states that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions.

The Government of *Ukraine* states that copies of its reports have been communicated to the Republican Council of Trade Unions and to the directors of numerous undertakings in the different branches of industry.

The Government of the *U.S.S.R.* states that copies of its reports have been communicated to the All-Union Central Council of Trade Unions and to the directors of various undertakings.

The Government of *Venezuela* states in certain cases that copies of its reports have been communicated to the representative employers' and workers' organisations.

The Government of *Yugoslavia* states that copies of its reports have been communicated to the Central Council of the Confederation of Yugoslav Trade Unions and to the competent economic agencies.

APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (Articles 22 and 35 of the Constitution)

3. Maternity Protection Convention, 1919¹

This Convention came into force on 13 July 1921

France. Ratification: 16 December 1950.
Applicable with 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.

*United Kingdom.*² Applicable with modification: Fiji, Singapore, Solomon Islands, Southern Rhodesia: 27 March 1950.

Decision reserved: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands,

Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Swaziland, Zanzibar: 27 March 1950.
No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention was revised in 1952 by Convention No. 103.

² Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when that Convention comes into force.

FRANCE

Comoro Islands.

Article 3, paragraph (a), of the Convention. In reply to the request made by the Committee of Experts in 1961 the Government states that there is no provision in the national legislation and regulations for a formal ban on the employment of women during the six weeks following confinement.

Paragraph (c). With regard to the concluding phrase of this paragraph (mistake of the medical adviser in estimating the date of confinement) the Government indicates that there is no provision in the legislation guaranteeing payment of the maternity allowance until the confinement takes place, should this be later than the presumed date.

The Government adds, however, that these loopholes have but small consequences in practice owing to social conditions in the Comoro Islands, an Islamic territory where very few women are in employment.

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 3 concerning *France*.

French Polynesia.

Order No. 177/IT of 2 July 1956 concerning the employment of women and expectant mothers.

Article 3, paragraph (a), of the Convention. Section 19 of the above order expressly prohibits the employment of women during the six weeks following con-

finement. This provision meets the first point raised by the Committee of Experts in the requests made in 1959 and 1961 concerning the application of this provision.

Paragraph (c). The Government states in regard to the concluding phrase that there are no legislative enactments or regulations to specify that no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving the allowance to which she is entitled from the date of the medical certificate up to the date on which the confinement actually takes place. The Government adds, however, that the absence of legislation in this respect has never given rise to any difficulty.

French Somaliland.

Article 3, paragraph (a), of the Convention. In reply to the requests made by the Committee of Experts in 1959 and 1961 the Government states in regard to compulsory post-natal leave that there is no provision in the regulations for a formal ban on the employment of women during the six weeks following confinement, and that the present position with regard to legislation does not allow for the introduction of such an enactment.

Paragraph (c). As regards the concluding phrase of this paragraph (mistake of the medical adviser in estimating the date of confinement) the Government likewise states that there is no provision in the national legislation for the application of this part of the Convention.

The Government adds, however, that there are actually very few women in employment in French Somaliland, as it is a Moslem country.

New Caledonia.

Article 3, paragraph (c), of the Convention. In reply to the request made by the Committee of Experts in 1961 in regard to the concluding phrase (mistake of the medical adviser in estimating the date of confinement) the Government states that under section 116 of the Overseas Labour Code maternity leave lasts for 14 weeks, eight of which are to be taken before confinement. By allowing for two weeks longer than the six weeks called for by the Convention the margin for error by the medical adviser in estimating the date of confinement is considerably reduced. The Government adds that under this same section of the Overseas Labour Code maternity leave may be prolonged by three weeks in the event of illness resulting from the pregnancy or confinement, and it is the custom to consider any delay in the confinement as corresponding to such a period of illness. Furthermore, in the event of a mistake in estimating the actual date of confinement the insurance fund does not call for reimbursement of pre-natal allowances.

St. Pierre and Miquelon.

Article 3, paragraph (a), of the Convention. In reply to one of the points referred to in the request made by the Committee of Experts in 1961 the Government states in its report that no woman may be employed during the six weeks following her confinement.

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

5. Minimum Age (Industry) Convention, 1919¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.
Applicable without modification: Faroe Islands: 4 January 1923.
Applicable with modification: Greenland: 31 May 1954.

France. Ratification: 29 April 1939.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 January 1948.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 January 1948.

Japan. Ratification: 7 August 1926.
Not applicable: Pacific Islands (League of Nations mandate): 7 August 1926.

Netherlands. Ratification: 21 July 1928.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification²:

Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:
Antigua, Bahamas, Barbados, British Guiana, British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Kenya, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands, Zanzibar: 4 June 1962.

Fiji, Malta: 26 June 1962.

Singapore: 5 July 1962.

St. Vincent: 23 August 1962.

British Virgin Islands, Gambia, St. Helena: 5 October 1962.

Northern Rhodesia: 15 January 1963.

Swaziland: 18 February 1963.

No declaration: all other territories.

¹ This Convention was revised by Convention No. 59 of 1937.

² 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.

UNITED KINGDOM

Bechuanaland.

The Government reports that a first draft of an Employment Bill provides that no child under 15 years of age shall be employed in any industrial undertaking, apart from work done at recognised technical schools. The Bill gives the same definition to "industrial undertaking" as that covered by the Convention and requires employers to keep registers in the terms of Article 4 of the Convention. If this Bill becomes law—which it was expected to do in March or April 1962—the Convention could be fully applied.

Fiji.

Labour Ordinance, 1947 (*Fiji Ordinances*, 1947).

During the period 1958-62 the Government furnished the following information in regard to the application of the Convention.

Article 1 of the Convention. The definition in section 3 of the Labour Ordinance, 1947, is in substantial conformity with the definition in the Convention. The line of division separating industry from commerce and agriculture has not been defined. If the occasion arises, definition will be one of fact for the courts to determine.

Articles 2 and 3. Section 67 of the Labour Ordinance prohibits the employment of children under the age of 15 years in any industrial undertaking or in any branch thereof, except in employment, approved and supervised by the Director of Education or some person appointed by him for that purpose, in a registered or recognised school within the meaning of the Education Ordinance.

Article 4. Section 70 of the Labour Ordinance requires employers to keep a register of all employed persons under the age of 18 years and to enter the names, dates of birth and the dates when employment begins and ceases.

The Commissioner of Labour is charged with the administration of the Labour Ordinance. Except in remote islands, every industrial undertaking is inspected at irregular intervals, not less than once a year.

Gibraltar.

Employment of Women, Young Persons and Children Ordinance (Cap. 41, Revised Edition, 1950) (L.S. 1932—Gib. 1).

Employment of Women, Young Persons and Children (Amendment) Ordinance, 1952 (*Gibraltar Gazette*, No. 182, supplement, 15 Feb. 1952).

Reports for the period 1956-62 provide the following information on the application of the Convention.

Article 1 of the Convention. In section 2 of the ordinance "industrial undertaking" is given the same definition as in the Convention. The division between industry and commerce has not been defined.

Article 2. "Child" is defined as a person under the age of 15 years (section 2). Employment of children in industrial undertakings is prohibited under section 4 (1).

Article 3. This Article is applied by paragraph 3 of Part 1 of the Schedule to the ordinance.

Article 4. Section 4 (4) of the ordinance gives effect to this Article. The larger industrial employers keep card indexes of persons employed, including young persons. The standard of compliance with the terms of the legislation is known to be high, as all children under 15 years of age are known to the school authorities and are required to attend school until this age.

Montserrat.

Article 1 of the Convention. The definition of "industrial undertaking" given in section 2 of the Employment of Women, Young Persons and Children Act, 1938, is very similar to that laid down in the Convention. It has not been found necessary to define the line of division which separates industry from commerce and agriculture in accordance with section 32.

Articles 2 and 3. These Articles are given effect by section 4 (1) and (2) of the Act.

Article 4. Effect is given to this Article by section 8 of the Act, which requires a register such as is described.

Inspection of places of employment is provided for in section 14 of the Act by any public officer or other person authorised by the Superintendent or Assistant Superintendent of Police. Authority for provision and inspection in connection with all labour legislation, including the Act, is vested in the Labour Commissioner under the Labour Ordinance, No. 5, 1950. Inspections are now carried out more regularly consequent on the appointment of a Labour Commissioner for the colony.

The Education Officer also assists indirectly in enforcement of the law by requiring that children under the age of 15 years must attend school.

Northern Rhodesia.

The Government reports that a declaration of "application without modification" is under consideration in respect of Northern Rhodesia. There has been no change in substantive legislation applying the Convention since the last full report.

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

Denmark (Faroe Islands), *France* (French Somaliland, St. Pierre and Miquelon), *United Kingdom* (Hong Kong, Kenya, Montserrat).

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

Denmark (Greenland), *France* (Comoro Islands, French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion), *United Kingdom* (Antigua, Bahamas, Barbados, British Guiana, British Honduras, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, Isle of Man, Mauritius, St. Lucia, Seychelles, Solomon Islands, Zanzibar).

6. Night Work of Young Persons (Industry) Convention, 1919 ¹

This Convention came into force on 13 June 1921

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:

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.

United Kingdom. Ratification ²: 14 July 1921.
No declaration.

¹ This Convention was revised by Convention No. 90 of 1948.

² Ratification denounced.

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification: 28 June 1935.
Applicable without modification: New Guinea, Papua: 8 July 1959.
Not applicable: Nauru, Norfolk Island: 28 June 1935 and 8 July 1959.

Denmark. Ratification: 12 May 1924.
Applicable without modification: Faroe Islands: 12 May 1924.
Applicable with modification: Greenland: 31 May 1954.

Japan. Ratification: 7 June 1924.
Not applicable: Pacific Islands (League of Nations mandate): 7 June 1924.

Netherlands. Ratification²: 26 March 1925.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification³: Guernsey, Jersey, Isle of Man: 14 July 1921.
Applicable without modification:

Antigua, Bahamas, Barbados, British Guiana, British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands, Zanzibar: 4 June 1962.

Malta: 26 June 1962.
Singapore: 5 July 1962.
St. Vincent, Sarawak: 23 August 1962.
British Virgin Islands, Gambia, St. Helena: 5 October 1962.

Not applicable:
Bechuanaland, Swaziland: 4 June 1962.
Basutoland: 26 November 1962.
Nyasaland: 7 December 1962.
Northern Rhodesia: 15 January 1963.
No declaration: all other territories.

¹ This Convention was revised in 1936. See Convention No. 58.

² Ratification denounced.

³ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Singapore.

Merchant Shipping Ordinance (Cap. 207).

Articles 2 and 3 of the Convention. These provisions are complied with.

Article 4. There shall be included in every agreement with the crew a list of young persons under the age of 18 who are members of the crew, together with the dates of their birth. Where there is no such agreement the master shall instead keep a register of such young persons.

* * *

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

Australia (New Guinea, Papua), *United Kingdom* (Bahamas, British Honduras, Hong Kong).

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

Denmark (Faroe Islands, Greenland), *United Kingdom* (Antigua, Barbados, British Guiana, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands, Zanzibar).

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923.

Australia. Ratification: 28 June 1935.
Applicable without modification: New Guinea, Papua: 6 November 1937.
Not applicable: Nauru, Norfolk Island: 28 June 1935.

Denmark. Ratification: 15 February 1938.
Applicable without modification: Faroe Islands: 15 February 1938.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 21 March 1929.
No declaration.

Netherlands. Ratification: 15 December 1937.
Applicable without modification:
Netherlands Antilles: 5 August 1957.
No declaration: Surinam.

United Kingdom. Ratification: 12 March 1926.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 12 March 1926.

Applicable without modification:
Dominica, Falkland Islands, Gibraltar, Montserrat, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 4 June 1962.
Fiji, Malta: 26 June 1962.
Singapore: 5 July 1962.
Mauritius: 23 August 1962.
British Virgin Islands, Gambia, St. Helena: 5 October 1962.
Applicable with modification:
Barbados: 26 June 1962.
Decision reserved:
Antigua, Bahamas, Kenya: 4 June 1962.
Zanzibar: 23 August 1962.
Not applicable:
Bechuanaland, Swaziland: 4 June 1962.
Basutoland: 26 November 1962.
Nyasaland: 7 December 1962.
Northern Rhodesia: 15 January 1963.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

NETHERLANDS

Netherlands Antilles.

In reply to a direct request made in 1961 by the Committee of Experts the Government confirms in its report that sections 487, 490 and 552 of the Commercial Code are fully in force.

UNITED KINGDOM

Jersey.

In reply to a direct request made by the Committee of Experts in 1961 the Government confirms that the Merchant Shipping (Jersey) Order, No. 268, 1927, is still in force.

Sarawak.

Merchant Shipping Ordinance, No. 2, 1960.

Section 60, paragraph 1, of the ordinance lays down that in case of wreck or loss of a ship the crew shall be entitled to receive wages each day of unemployment for a maximum of two months.

* * *

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

Australia (New Guinea, Papua), *Denmark* (Faroe Islands), *United Kingdom* (Jersey, Singapore).

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

Australia (Nauru, Norfolk Island), *Denmark* (Greenland), *France* (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Surinam), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar).

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Australia. Ratification: 3 August 1925.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 3 August 1925.

Denmark. Ratification: 23 August 1938.
Applicable without modification: Faroe Islands: 23 August 1938.

Not applicable: Greenland: 31 May 1954.

France. Ratification: 25 January 1928.
No declaration.

Japan. Ratification: 23 November 1922.
Not applicable: Pacific Islands (League of Nations mandate): 23 November 1922.

Netherlands. Ratification: 9 January 1948.
Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
No declaration.

NETHERLANDS

Netherlands Antilles.

Article 5 of the Convention. In reply to a direct request made by the Committee of Experts in 1959 the Government states in its report that a joint committee has not been established as the number of seamen placed is very small and is decreasing.

Article 6. The Government states that seamen are entirely free in the choice of their ships, and shipowners are free in the choice of their crews.

* * *

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

France (French Somaliland, St. Pierre and Miquelon).

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion), *Netherlands* (Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.

Not applicable: Nauru: 8 July 1959.

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:

Overseas Departments: Guadeloupe, Martinique, Réunion: 9 December 1933.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 8 July 1958.

No declaration: French Guiana.

Netherlands. Ratification: 20 August 1926.

Applicable without modification:

Netherlands Antilles: 15 December 1955.

Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: Cook Islands and Niue: 26 October 1951.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 6 August 1923.

Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 6 August 1923.

Applicable without modification:

Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Kenya, Mauritius, Montserrat, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Zanzibar: 4 June 1962.

Fiji, Malta: 26 June 1962.

Singapore: 5 July 1962.

Sarawak: 23 August 1962.

British Virgin Islands, Gambia, St. Helena: 5 October 1962.

Basutoland: 26 November 1962.

Nyasaland: 7 December 1962.

Northern Rhodesia: 15 January 1963.

Swaziland: 18 February 1963.

Decision reserved: Bechuanaland: 4 June 1962.

No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

DENMARK

Faroe Islands.

Danish Constitution of 1953.

The right of association is protected in pursuance of article 78 of the Danish Constitution, which guarantees full freedom of association to all Danish citizens covered thereby.

UNITED KINGDOM

Bahamas (First Report).

Trade Union and Industrial Conciliation Act, 1958 (*Bahamas Official Gazette*, 21 Aug. 1958).

Under the above Act agricultural workers have the same rights of association as industrial workers.

Barbados (First Report).

Trade Union Act, 1939 (*Barbados Government Official Gazette*, 27 Dec. 1939).

Article 1 of the Convention. The Trade Union Act provides that any seven or more workmen may register a trade union. "Workmen" includes agricultural workers. There are no provisions restricting the rights of association of those engaged in agriculture. However, some doubt exists as to the accuracy of the legal position. The law on trade unions and trade disputes is under review, and the opportunity will be taken to clarify the right of association of agricultural workers.

Bechuanaland.

See under Convention No. 84.

British Guiana (First Report).

Trade Unions Ordinance, 1921 (*British Guiana Official Gazette*, 18 June 1921).

Article 1 of the Convention. There is no legislation in British Guiana discriminating against agricultural workers in the matter of rights of association and combination.

British Honduras (First Report).

Trade Unions Ordinance, No. 1, 1941 (*British Honduras Gazette*, 29 Mar. 1941).

Article 1 of the Convention. The above ordinance does not contain any provisions excluding agricultural workers from trade union privileges.

Dominica (First Report).

Trade Unions and Trade Disputes Ordinance, No. 12, 1952 (*Dominica Gazette*, 29 Oct. 1952).

Article 1 of the Convention. Under section 17 of the above ordinance the term "workmen" includes all persons employed in trade or industry.

No statutory or other provisions restrict the right of association of workers engaged in agriculture.

Fiji (First Report).

Industrial Associations Ordinance (Cap. 94) (*Fiji Government Official Gazette*, 26 Aug. 1942).

Article 1 of the Convention. Right of association of all classes of workers is secured by the above ordinance, and there are no statutory or other restrictions on such rights in the case of those engaged in agriculture.

Hong Kong (First Report).

Trade Union Registration Ordinance, No. 52, 1961.

Article 1 of the Convention. The report states that the definition of "trade union" contained in section 2 of the above ordinance makes no discrimination between agricultural workers and workers in other sectors.

Kenya (First Report).

Trade Unions Ordinance, 1952 (*Ordinances Enacted during the Year 1952*, Vol. XXXI, Nairobi, 1953).

Article 1 of the Convention. Exactly the same rights of association and combination are secured to all those engaged in agriculture as to industrial workers.

Seychelles (First Report).

Trade Unions and Trade Disputes Ordinance, No. 4, 1943 (*Seychelles Gazette*, No. 33, 28 Aug. 1943).

Article 1 of the Convention. The above ordinance makes no discrimination between agricultural workers and workers in other sectors.

There are no unions of agricultural workers.

Solomon Islands.

Trade Unions and Trade Disputes Regulation, 1946 (*British Solomon Islands Protectorate Official Gazette*, 1 Apr. 1946).

Article 1 of the Convention. Rights of association and combination are secured to all workers, irrespective of calling.

Zanzibar (First Report).

Trade Unions Decree, 1958 (*Zanzibar Government Official Gazette*, 6 Dec. 1958, No. 3894).

Article 1 of the Convention. The Trade Unions Decree in no way differentiates between employees engaged in agricultural employment and those employed in other occupations.

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

France (Comoro Islands, French Somaliland), *United Kingdom* (Hong Kong).

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

Australia (New Guinea, Norfolk Island, Papua), *Denmark* (Greenland), *France* (French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Antigua, Bermuda, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, St. Lucia, St. Vincent).

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

This Convention came into force on 26 February 1923

<p><i>Australia.</i> Ratification: 7 June 1960. No declaration.</p> <p><i>Denmark.</i> Ratification: 26 February 1923. Applicable without modification: Faroe Islands: 28 September 1960. Not applicable: Greenland: 31 May 1954.</p> <p><i>France.</i> Ratification: 4 April 1928. No declaration.</p> <p><i>Netherlands.</i> Ratification: 20 August 1926. Applicable without modification: Netherlands Antilles: 15 December 1955. No declaration: Surinam.</p> <p><i>New Zealand.</i> Ratification: 29 March 1938. No declaration.</p> <p><i>United Kingdom.</i> Ratification: 6 August 1923. Applicable <i>ipso jure</i> without modification ¹:</p>	<p>Guernsey, Jersey, Isle of Man: 6 August 1923. Applicable without modification: Antigua, Barbados, British Guiana, British Honduras, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Kenya, Mauritius, Montserrat, St. Lucia, St. Vincent, Solomon Islands, Zanzibar: 4 June 1962. Fiji, Malta: 26 June 1962. Singapore: 5 July 1962. Sarawak: 23 August 1962. British Virgin Islands, Gambia, St. Helena: 5 October 1962. Nyasaland: 7 December 1962, Northern Rhodesia: 15 January 1963. Decision reserved: Bahamas, Bechuanaland: 4 June 1962. Basutoland: 26 November 1962. No declaration: all other territories.</p>
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¹ See footnote 2 to Convention No. 5.

AUSTRALIA

Norfolk Island.

As regards the extension of the Convention to the territory no decision had been reached as at 30 June 1961.

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The following reports reproduce the information previously supplied:

New Zealand (Cook Islands and Niue, Tokelau Islands).

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

France. Ratification: 19 February 1926.
Applicable without modification:
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.

The following report supplies information on the practical effect given to the Convention:

France (Guadeloupe).

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

France (French Guiana, Martinique, Réunion).

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Denmark. Ratification: 30 August 1935.
Applicable without modification:
Faroe Islands: 30 August 1935.
Greenland: 31 May 1954.
France. Ratification: 3 September 1926.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 February 1947.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 February 1947.
New Zealand. Ratification: 29 March 1938.
Applicable without modification: Cook Islands and Niue: 4 December 1946.
No declaration: Tokelau Islands.
*United Kingdom.*¹
Applicable without modification: Antigua,

Bahamas, Basutoland, Bechuanaland, British Virgin Islands, Dominica, Falkland Islands, Gambia, Grenada, Kenya, Malta, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

Decision reserved: Aden, Barbados, Bermuda, British Guiana, British Honduras, Brunei, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Singapore, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

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

DENMARK

Faroe Islands.

A Bill concerning the application of the Convention is likely to be introduced during the parliamentary session of 1962-63.

* * *

The following report supplies information on the practical effect given to the Convention or on minor changes in its implementation:

France (French Somaliland).

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

Denmark (Greenland), France (Comoro Islands, French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), New Zealand (Cook Islands and Niue).

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 12 May 1924.
Applicable without modification:
Faroe Islands: 12 May 1924.
Greenland: 31 May 1954.

France. Ratification: 16 January 1928.
No declaration.

Japan. Ratification: 4 December 1930.
Not applicable: Pacific Islands (League of Nations mandate): 4 December 1930.

Netherlands. Ratification: 17 June 1931.
Decision reserved: Surinam: 5 August 1957.
No declaration: Netherlands Antilles.

New Zealand. Ratification: 26 November 1959.

Not applicable: Cook Islands and Niue, Tokelau Islands: 26 November 1959.

United Kingdom. Ratification: 8 March 1926.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²: Aden, Bermuda, British Guiana, Dominica, Gambia, Gibraltar, Grenada, Hong Kong, Kenya, Malta, Mauritius, North Borneo, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Zanzibar: 27 March 1950.

Brunei²: 1 June 1960.

British Honduras²: 1 August 1961.

Montserrat²: 5 July 1962.

Applicable with modification²: Fiji, Nyasaland, Solomon Islands: 27 March 1950.

Barbados²: 29 December 1958.

Decision reserved²: Antigua, Bahamas, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 2 to Convention No. 5.

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.

AUSTRALIA

New Guinea, Papua.

The ratification of this Convention has not been extended to the territories of Papua and New Guinea and there is no legislation in force specifically adopting its provisions. However, various legislations exist applying certain of the Articles of the Convention.

Article 1 of the Convention. Various definitions of "vessel" and "ship" adopted in the statutes of the territories conform to the comprehensive definition used in this Article, except that ships of war are not excluded.

Articles 2 to 4. The Minimum Age (Sea) Ordinance, 1957-58, provides, subject to the terms of the ordinance, that a person under 18 years of age is not to be engaged for service at sea in any capacity unless it has been established that that person has attained 15 years of age; this does not apply to service in ships where only members of the same family are employed on the ship or to service in training ships.

DENMARK

Faroe Islands.

The Government states in its report that, in connection with the application of the Convention in the Faroe Islands, the local government of these Islands has noted that the Bill required for the application of the Convention is likely to be introduced during the parliamentary session of 1962-63.

UNITED KINGDOM

Singapore.

Merchant Shipping Ordinance (*Laws of the State of Singapore*, Cap. 207).

Article 1 of the Convention. Section 3 of the above ordinance defines "vessel" as including any ship or boat or any other description of vessel used for navigation.

Section 5 excludes Her Majesty's ships from the application of the ordinance.

Articles 2 to 6. Section 35 provides that no young person under the age of 18 shall be employed or work as trimmers or stokers except on school ships or on training ships, if the work is approved and supervised by the Minister; on ships propelled other than by means of steam; or when no person over the age of 18 is available to do the work of a trimmer or stoker, when two young persons over the age of 16 may be employed to do the work.

The same section provides that a list of the young persons who are members of the crew, together with particulars of the dates of their birth, shall be included in every agreement with the members of the crew; where there is no such agreement a register must be kept of those persons with particulars of the dates of their birth; finally a short summary of the provisions of section 35 must be included in every agreement with the crew.

Section 23 of the Native Employment Ordinance, 1958-61, provides that a native should not be engaged for employment who is under, or apparently under, 16 years of age and is not in good health.

Article 5. Vessels over 80 tons must maintain a record of all persons employed on board.

There are no vessels registered in the territory using steam as a means of propulsion.

Article 6. No legislation applies the provisions of this Article.

Solomon Islands.

The reasons which necessitated modifications and the reservations of decisions remain valid. The possibility of making a revised declaration on this Convention is kept under review.

* * *

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

Denmark (Faroe Islands, Greenland), *United Kingdom* (Guernsey, Jersey, Isle of Man).

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.

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.

United Kingdom. Ratification: 8 March 1926.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²: Aden, Bermuda, Dominica, Gambia, Gibraltar, Grenada, Hong Kong, Malta, Mauritius, North Borneo, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Zanzibar: 27 March 1950.

Brunei²: 11 September 1961.

Montserrat²: 5 July 1962.

Applicable with modification²:

Fiji, Kenya: 27 March 1950.

Barbados²: 29 December 1958.

Decision reserved²: Antigua, Bahamas, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Nyasaland, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 2 to Convention No. 5.

² See footnote 2 to Convention No. 15.

NEW ZEALAND

Cook Islands and Niue (First Report).

There are no regulations directly applying the terms of the Convention.

Tokelau Islands (First Report).

There are no regulations directly applying the terms of the Convention. Social legislation would be premature in this isolated primitive traditional society of 1,860 inhabitants.

* * *

The following report reproduces the information previously supplied:

Denmark (Greenland).

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

This Convention came into force on 1 April 1927

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.

New Zealand. Ratification: 29 March 1938.
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.

Gibraltar²: 29 December 1958.

Montserrat²: 5 July 1962.

Applicable with modification²:

Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Malta, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Singapore, Southern Rhodesia, Swaziland:
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 2 to Convention No. 5.

² See footnote 2 to Convention No. 15.

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

Denmark (Faroe Islands), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

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.

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.

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.

Republic of South Africa. Ratification: 30 March 1926.

Applicable without modification: South West Africa: 15 June 1949.

United Kingdom. Ratification: 6 October 1926.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 6 October 1926.

Applicable without modification²:

Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Singapore, Southern Rhodesia, Swaziland, 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 2 to Convention No. 5.

² See footnote 2 to Convention No. 15.

NETHERLANDS

Surinam.

Article 1, paragraph 2, of the Convention. In reply to the direct request by the Committee of Experts the Government states that the difference in treatment between nationals and foreigners (section 6, paragraph 7, of the Ordinance of 1947) will be eliminated as soon as possible.

* * *

The following report reproduces the information previously supplied:

Republic of South Africa (South West Africa).

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.

France. Ratification: 4 April 1928.
No declaration.

Netherlands. Ratification: 15 December 1937.
Applicable without modification: Netherlands Antilles: 5 August 1957.
No declaration: Surinam.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 June 1929.

Applicable without modification:
Bahamas: 15 January 1963.
Bermuda: 4 February 1963.
Malta, Singapore: 18 February 1963.
Gibraltar: 7 March 1963.
Decision reserved:
Solomon Islands: 15 January 1963.
Montserrat, St. Lucia: 4 February 1963.
Gilbert and Ellice Islands, Mauritius, St. Vincent: 18 February 1963.
Not applicable:
Bechuanaland, Swaziland: 18 February 1963.
Northern Rhodesia, Southern Rhodesia: 7 March 1963.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

26. Minimum Wage Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification: 9 March 1931.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 21 November 1931.

France. Ratification: 18 September 1930.
Applicable without modification:
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 10 November 1936.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 28 December 1932.

Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 June 1929.

Applicable without modification:
Barbados, British Guiana, British Honduras, Dominica, Falkland Islands, Gibraltar, Hong Kong, Kenya, Mauritius, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland, Zanzibar: 4 June 1962.

Fiji, Malta: 26 June 1962.
British Virgin Islands, Gambia, St. Helena: 5 October 1962.

Basutoland: 26 November 1962.

Nyasaland: 7 December 1962.

Northern Rhodesia: 15 January 1963.

Decision reserved:

Antigua: 4 June 1962.

Sarawak: 23 August 1962.

No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

AUSTRALIA

New Guinea, Papua.

Native Employment Ordinance, 1958-61.

UNITED KINGDOM

Bahamas.

Trade Union and Industrial Conciliation Act, 1958.

Section 47 (1) (a) and (b) of the above Act makes provision for the setting-up of wage councils to fix minimum wages.

So far no wage councils have been set up under the Act.

Barbados (First Report).

Wages Council (Amendment) Act, No. 5, 1961.

Bechuanaland.

Legislation setting up wage boards for fixing minimum wages has been drafted and is shortly to be published.

Under the terms of the Wages Board Proclamation the intention to set up wage boards has to be notified, and employers and workers have a fixed period in which to lodge objections to their establishment. Equal numbers of employers and workers must be appointed, and the rates of wages fixed as a result of the board's recommendation are binding on both parties.

Fiji (First Report).

Wages Council Ordinance, No. 9, 1957.

There have been repeated requests by the Employers' Consultative Association for the establishment of an "economic minimum wage". The Government has not acceded to these requests, because free collective bargaining now covers a substantial portion of wage-earners, and this, together with the establishment of wages councils, will, in the opinion of the Government, ensure that adequate wage-fixing machinery exists.

British Honduras (First Report).

Wages Council (Amendment) Ordinance, No. 5, 1962.

Mauritius (First Report).

Regulation of Wages and Conditions of Employment Ordinance, No. 71, 1961.

The above-mentioned ordinance repeals and replaces the Minimum Wages Ordinance, No. 36, 1950.

Singapore.

Industrial Relations Ordinance, No. 20, 1960.

The above-mentioned ordinance repealed the Wages Councils Ordinance, since the setting-up of an Industrial Arbitration Court covers wage-fixing as well. The ordinance provides for the regulation of wages through awards of the Industrial Arbitration Court and collective agreements voluntarily entered into. Collective agreements normally bind only workers in a particular establishment, but can be extended to cover the whole trade or industry.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Barbados, British Guiana, British Honduras, Fiji, Hong Kong, Kenya, Mauritius, Solomon Islands, Zanzibar).

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

United Kingdom (Dominica, Falkland Islands, Gibraltar, Guernsey, Jersey, Malta, Isle of Man, St. Lucia, St. Vincent, Seychelles, Swaziland).

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

This Convention came into force on 9 March 1932

Australia. Ratification: 9 March 1931.
Applicable without modification:
New Guinea, Norfolk Island, Papua: 12 September 1931.
Nauru: 15 October 1931.

Denmark. Ratification¹: 18 January 1933.
Applicable without modification: Faroe Islands: 18 January 1933.

Not applicable: Greenland: 18 January 1933.

France. Ratification: 29 July 1935.
No declaration.

Japan. Ratification: 16 March 1931.
Applicable without modification: Pacific Islands (League of Nations mandate): 16 March 1931.

Netherlands. Ratification: 4 January 1933.
Applicable without modification: Surinam: 5 August 1957.
No declaration: Netherlands Antilles.

Republic of South Africa. Ratification¹: 21 February 1933.
No declaration.

*United Kingdom.*²
Decision reserved: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Conditional ratification.

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

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

Australia (Nauru, New Guinea, Norfolk Island, Papua).

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without modification¹: Nauru, New Guinea, Norfolk Island, Papua: 2 January 1932.

Denmark. Ratification: 11 February 1932.
Applicable without modification¹: Faroe Islands, Greenland: 11 February 1932.

France. Ratification: 24 June 1937.
Applicable without modification:
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 June 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.

New Zealand. Ratification: 29 March 1938.
Applicable without modification: Tokelau Islands: 7 June 1956.
Cook Islands and Niue: 4 December 1946.

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.

Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, 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 2 to Convention No. 5.

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

Australia (Norfolk Island), *France* (French Guiana, Guadeloupe, Martinique, Réunion), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Barbados).

32. Protection against Accidents (Dockers) Convention (Revised), 1932¹

This Convention came into force on 30 October 1934

France. Ratification: 27 May 1955.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 10 January 1935.

Applicable *ipso jure* without modification²:
Guernsey, Jersey, Isle of Man: 10 January 1935.

Applicable without modification: Kenya,
Malta, Singapore: 18 February 1963.

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia,
Sarawak: 4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent:
18 February 1963.

Gibraltar: 7 March 1963.

Not applicable: Bechuanaland, Swaziland:
18 February 1963.

Southern Rhodesia: 7 March 1963.

No declaration: all other territories.

¹ This Convention revises Convention No. 28 of 1929.

² See footnote 2 to Convention No. 5.

UNITED KINGDOM

Kenya.

Dock Rules, 1962.

The above-mentioned rules give effect, in large measure, to the provisions of the Convention. They cover Mombasa Harbour and the Port of Kisumu, which employ a total of about 7,500 workers.

Solomon Islands.

See under Convention No. 15.

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

United Kingdom (British Guiana, Guernsey, Hong Kong).

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

France (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Antigua, Barbados, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Jersey, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar).

33. Minimum Age (Non-Industrial Employment) Convention, 1932¹

This Convention came into force on 6 June 1935

France. Ratification: 29 April 1939.
 Applicable without modification:
 Overseas Territories: Comoro Islands, French
 Polynesia, French Somaliland, New Caledonia,
 St. Pierre and Miquelon: 19 March 1954.
 No declaration: Overseas Departments: French
 Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 12 July 1935.
 Applicable without modification: Netherlands
 Antilles: 5 August 1957.
 No declaration: Surinam.

* ¹ This Convention was revised by Convention No. 60 of 1937.

NETHERLANDS

Netherlands Antilles.

In reply to the request by the Committee of Experts concerning persons engaged in itinerant trading the Government states that under section 14 of the General Police Regulations, 1952, in force in Curaçao, female persons under the age of 16 are not allowed to work. In addition, it appears from directions given by local chiefs of police that since 1956 hawkers' licences have been granted only to persons who on account of their age are no longer able to perform any other kind of work.

The wishes expressed by the Committee with regard to the other points raised will be taken into account when modifications of the labour legislation are prepared.

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

France (Comoro Islands, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles).

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

France (French Polynesia, French Somaliland, New Caledonia).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 18 July 1936.

No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

The Government states that since the social security legislation for metropolitan France has been extended to the Overseas Departments, the texts applicable to metropolitan France likewise apply to these Departments, in the absence of special provisions. See under Convention No. 35 concerning *France*.

French Polynesia.

Order No. 357/TLS of 8 February 1961 to institute an aged wage-earners' aid scheme and entrusting its administration to the Family Benefits Equalisation Fund.

There is no legislation applying the provisions of the Convention, but aged workers have the benefit of the Aged Wage-Earners' Aid Scheme. Homeworkers and agricultural workers are provisionally excluded.

This aid is granted to aged workers of French nationality who have reached 60 years and reside in the territory and whose resources are "insufficient" within the meaning of the law. They receive a monthly allowance of 1,000 francs. This is increased by one-quarter for the spouse (one-half for the spouse over 60 years of age) and 10 per cent. if the beneficiary has more than two dependent children.

The scheme is financed by employers' contributions based on all wages and an equal amount granted from the budget for the territory.

New Caledonia.

Local Order No. 792 of 22 January 1962 by the High Commissioner giving effect to Decision No. 300 of 17 June 1961 by the Territorial Assembly to set up an insurance and retirement pension scheme for employed workers in New Caledonia and its dependencies.

Order No. 61-472/CG fixing the reference wage for the financial years 1958, 1959 and 1960 in application of section 10 of Decision No. 300 of 17 June 1961.

Order No. 61-473/CG setting the minimum mentioned in section 7 of Decision No. 300 of 17 June 1961 concerning reimbursement to the insured person of his share of the contribution.

Article 1 of the Convention. The Local Order of 22 January 1962 set up a compulsory old-age insurance scheme for employed workers.

Article 2. Old-age insurance is compulsory for all employed workers. There is no age limit, apart from the lower one of 14 years, which is the minimum age for the employment of children in wage-earning activities. The legislation makes no distinction as regards employment of short duration, casual work or subsidiary employment.

There are, however, special arrangements for workers whose working conditions cannot be assimilated to those of employees as a whole and whose remuneration consists in part of advantages in kind (domestic servants, agricultural labour).

The members of an employer's family are not as a rule regarded as employed persons. Exceptions to this rule do, however, exist.

Exemptions from the scheme are made in respect of workers voluntarily contributing to the metropolitan social security scheme and for those belonging to a special social security scheme under their statutes (registered seamen, civil servants or employees of certain administrations).

Article 3. Provision is made for the voluntary continuance of the insurance by persons formerly covered by compulsory insurance (sections 38 and 43 of Decision No. 300 of 17 June 1961).

Articles 4 and 16. The normal age for entitlement to pension is 60 years. The pension may be granted in advance at 55 years with an abatement of 5 per cent. per annum and may be granted at 50 years without abatement in case of incapacity for work.

Article 5. As the scheme was set up with effect from 1 January 1961, the condition for entitlement to pension is to have been in employment at this date and up to the end of the five-year transition period. After 1 January 1966 the qualifying period will be five years. A relief allowance is paid to aged workers who have not completed the required qualifying period.

Article 6. An insured person who ceases to be liable to insurance retains his rights indefinitely in respect of contributions paid.

Article 7. The pension is determined according to contributions paid; a hypothetical contribution based on wages for the last three years is used for calculation purposes in respect of years preceding the creation of the scheme. The guaranteed minimum is 1.5 per cent. per annum of the wage received during that same period.

Articles 8 and 22. There are no grounds for forfeit or suspension.

Article 9. The rate of contribution is 5 per cent. of the wage for the whole insurance and retirement scheme, two-thirds payable by the employer and one-third by the employed person; 4 per cent. is reserved for retirement. There is no participation by the public authorities in the financial resources of the retirement fund.

Article 10. Old-age insurance is administered by the family benefits, industrial accidents, provident and retirement equalisation fund created by the public authorities, which has corporate personality and financial autonomy. Workers and employers, the public authority and the Territorial Assembly are represented on the Council of Management of this body. The Treasurer-Paymaster and the Labour Inspector are responsible for administration and financial supervision.

Articles 11 and 20. The insured person has the right of appeal to the Appeals Commission or the Council of Management, the labour inspector responsible for the supervision of the fund or the court of first instance.

Articles 12 and 21. Foreign workers are treated as nationals and receive benefits if they belong to a country having a reciprocity agreement with France.

Article 13. The insurance of employed persons is governed by the law applicable at the place of employment.

Articles 14 and 15. These provisions are not applicable.

Article 17. No residence requirement has been laid down, but pending co-ordination agreements with metropolitan France only employment in the territory counts for entitlement to pension.

Article 18. Individual means are not taken into account for the determination of entitlement to pension.

Article 19. The guaranteed minimum is 1.5 per cent. of the annual wage.

St. Pierre and Miquelon.

Order No. 237 of 30 April 1960 to institute an aged workers' allowance in the territory of the islands of St. Pierre and Miquelon, as amended on 18 January 1962.

A scheme of allowances for aged wage-earners (in the public sector, industry, commerce and domestic service) was created by Order of 30 April 1960 and came into operation on 1 May of that year.

This scheme grants a monthly allowance of 8,500 francs to insured persons who have reached the age of 60 years and have been resident in the territory for over five years and whose income is less than the guaranteed over-all minimum wage. The income of married persons living together is assessed jointly, and these persons receive an over-all allowance of 12,000 francs per month. Persons entitled under pension schemes instituted by law or contract may receive both the pension due under those schemes and one-third of the allowance from the aged workers' allowances scheme to an amount not exceeding the guaranteed over-all minimum wage.

UNITED KINGDOM

Bahamas.

The Government states that the question of extent of application of the Convention to this territory is kept under review.

British Honduras.

The Government states that it is giving preliminary consideration to steps by which some form of limited trial security measures can be attempted to apply some of the provisions of the Convention.

Jersey.

Insular Insurance (Reciprocal Agreement with Switzerland) (Jersey) Act, 1960 (*R. & O.*, No. 4162).

Kenya.

In 1961 two United Kingdom experts were sent to Kenya to advise the Government on the feasibility of introducing a social security scheme in this territory and, in particular, an old-age security scheme. Their report is now being studied by the Government.

Isle of Man.

National Insurance (Isle of Man) Act, 1961.

National Insurance Order, 1961.

Family Allowances and National Insurance Order, 1962.

The above-mentioned Act introduced, for adult employed persons, a system of graduated contributions for earnings between £9 and £15 a week, payable in addition to a flat-rate basic contribution. Graduated additions to the flat-rate retirement pension are related to the amounts of graduated contributions paid. Groups of employees whose employment satisfies certain conditions may be contracted out of the provisions of the Act which relate to graduated contributions and pensions; such persons (who are described as being in "non-participating employment") and their employers pay flat-rate contributions at a higher rate than the basic contribution mentioned above.

With respect to compulsory old-age insurance, the National Insurance Scheme provides for retirement pensions subject to retirement and compliance with the contribution conditions at age 65 for men and at age 60 for women. The retirement condition applies only during the five years immediately following pensionable age. All persons over school-leaving age and under pensionable age are compulsorily

insured under the Scheme, except that housewives and persons who are not gainfully occupied and whose incomes are less than £208 a year may opt out.

As regards non-contributory old-age pensions, non-contributory pensions are administered by the Isle of Man Board of Social Services under provisions which correspond exactly to the Old-Age Pensions Act, 1936 (as amended), in the United Kingdom.

Mauritius.

Old-Age Pensions Ordinance, No. 77, 1951, as subsequently amended by Ordinances Nos. 21 of 1953, 3 of 1958 and 42 of 1960.

The above ordinance establishes a non-contributory old-age pension scheme administered by the Public Assistance Department, whereunder all persons who have attained the age of 40 in the case of blind persons, 60 in the case of women and 65 in the case of men, are granted a pension of 22 rupees per month subject to certain "residence" qualifications.

Northern Rhodesia.

Northern Rhodesia Civil Service (Local Conditions) Contributory Pension Ordinance, No. 33, 1961.

Certain classes of civil servants receive non-contributory pensions from the Government on reaching the age of retirement. During 1961, local conditions of service applying to certain civil servants were introduced, which include a contributory scheme providing for a pension on reaching the age of retirement. The large mining companies operate a contributory annuity and life insurance scheme which originally applied only to European employees, but which, during 1961, was extended to African employees. Schemes of a similar nature in respect of European and African employees are operated by municipal authorities and the Rhodesia Railways. A number of other undertakings have limited pension or provident schemes for staff members. In cases of need, Europeans may apply for old-age pensions to the Government. Africans, up to the present, have been dependent on the extended family system for provision in old age, and have the right to cultivate land in the rural areas. The Government provides for repatriation of Africans to their rural areas where necessary. A working party has recently been set up to examine the details and costs of a limited scheme of social insurance.

Solomon Islands.

The Government states that, although the Convention is not fully applied, the possibility of making revised declarations is kept under review.

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

France (French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *United Kingdom* (Guernsey, Jersey, Malta, Isle of Man, Singapore).

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

France (Comoro Islands), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Southern Rhodesia, Swaziland, Zanzibar).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification ¹:

Guernsey, Jersey, Isle of Man: 18 July 1936.

No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

FRANCE

French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion.

See under Convention No. 35.

St. Pierre and Miquelon.

See under Convention No. 35.

Persons employed in agriculture also receive the aged workers' allowance.

UNITED KINGDOM

Bahamas, British Honduras, Kenya, Mauritius, Solomon Islands.

See under Convention No. 35.

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

France (New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Guernsey, Jersey, Malta, Isle of Man).

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

France (Comoro Islands, French Polynesia), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 18 July 1936.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 35.

New Caledonia.

There is no invalidity insurance in New Caledonia, but provision has been made in the old-age insurance scheme instituted since 1 January 1961 that retirement age may be brought forward to 50 instead of 60 years in case of invalidity. If invalidity arises from an industrial accident, the insured person is covered by the industrial accident provisions.

In addition, a long-illness insurance system was created by Decision No. 300 of the Territorial Assembly of 17 February 1961, whereby wage-earners are entitled to special benefits from the end of the third month of incapacity to the end of the third year from the date when the illness is first ascertained by a physician.

The provisions concerning old-age pensions, industrial accident insurance and sickness insurance apply to all wage-earners, with the exception of seamen, who are members of a special scheme.

The contributions are paid by the employers. In order to have the benefit of long-illness insurance (and of the industrial accident insurance at the same time), workers pay 1.33 per cent. of their wage, while the employer's share is fixed at 3.66 per cent. There is no upper age limit; the lower limit is fixed at 14 years by the Labour Code. The employer's contributions are due even for work of short duration or casual work, as also in respect of subsidiary employment.

When a worker ceases to be a wage-earner he may, voluntarily and by paying the employer's contribution in addition to his own, continue to contribute to the insurance. To receive benefit, he must have completed a qualifying period of 15 years. Persons not fulfilling this condition have the benefit of an aged workers' relief allowance paid by the Family Benefits Equalisation Fund.

In case of dispute appeal may be made to the Labour Inspectorate or the courts.

Foreign workers are covered by the same provisions as French workers, subject to the application of reciprocity agreements.

The New Caledonian system is not an invalidity insurance as provided for in the Convention.

An insured person who ceases to be liable to compulsory insurance retains his rights indefinitely in respect of contributions paid, in the event of his resuming wage-earning activity.

UNITED KINGDOM

Bahamas, British Honduras, Solomon Islands.

See under Convention No. 35.

Guernsey.

The Contributory Pensions (Increased Rates of Contributions and Benefits) Ordinance, 1962 (Ordinance of the States III, 1962).

The Contributory Pensions Regulations (Amendment) Ordinance, 1962 (Ordinance of the States IV, 1962).

The Alderney (Application of Legislation) (Contributory Pensions) Ordinance, 1962 (Ordinance of the States V, 1962).

Northern Rhodesia.

Certain classes of civil servants receive a proportionate pension where they have to retire on medical grounds. This is part of their conditions of service. There is otherwise no compulsory invalidity insurance scheme in the territory, apart from workmen's compensation. Africans rely on the extended family system in cases of need, as most workers maintain contact with their relatives in rural areas. All races can receive assistance from the Government in cases of hardship.

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

France (French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion),
United Kingdom (Guernsey, Jersey, Malta).

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

France (Comoro Islands, French Polynesia, St. Pierre and Miquelon), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Isle of Man, Mauritius, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification ¹:

Guernsey, Jersey, Isle of Man: 18 July 1936.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 35.

New Caledonia.

See under Convention No. 37.

UNITED KINGDOM

Bahamas, British Honduras, Solomon Islands.

See under Convention No. 35.

Guernsey.

See under Convention No. 37.

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

France (New Caledonia), *United Kingdom* (Guernsey, Malta).

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

France (Comoro Islands, French Polynesia, St. Pierre and Miquelon), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jersey, Kenya, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

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

This Convention came into force on 8 November 1946

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Bahamas, British Honduras, Solomon Islands.

See under Convention No. 35.

Guernsey.

For legislation see under Convention No. 37.

The Government states that the earnings limit for compulsory contributors is now £12 a week.

Article 8 of the Convention. Benefit is payable to or in respect of a person who would be regarded as a child for the purpose of the family allowances laws; an illegitimate child is treated in the same way as one born in wedlock.

Article 9. Entitlement to a widow's pension is not dependent on the time spent in insurance. A widow with one or more children is entitled to receive an additional allowance.

There is no scheme of non-contributory widows' and orphans' pensions in operation in Guernsey. The legislation does not make any distinction between one class of workers and another.

Isle of Man.

For legislation see under Convention No. 35.

The Government states that entitlement to a widow's benefit depends upon the deceased husband's insurance and that there are approximately 14,150 males insured under the National Insurance Scheme, which applies also to agricultural workers. Title to guardian allowance arises when both parents of a child under the age limit are dead and one at least of them has been insured. There are no contribution conditions.

There is no non-contributory state scheme for widows' and orphans' pensions.

Northern Rhodesia.

Certain classes of civil servants are covered by a compulsory widows' and orphans' contributory fund. Civil servants subject to local conditions of service are covered by their contributory pension scheme, which provides for dependants. The large mining companies operate a contributory annuity and life assurance scheme which originally only applied to their European employees but which during 1961 was extended to all their African employees: although not a survivors' insurance

scheme, this does make provision for survivors of pensioners and of employees who die whilst still in employment.

African dependants generally still rely on the extended family system for provision of the necessities of life. In cases of need and distress government assistance is available to persons of all races.

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

United Kingdom (Guernsey, Jersey, Malta, Isle of Man).

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

United Kingdom (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
No declaration: all other territories.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Bahamas, British Honduras, Solomon Islands.

See under Convention No. 35.

Guernsey.

See under Convention No. 37.

Isle of Man.

See under Convention No. 39.

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

United Kingdom (Guernsey, Jersey, Malta, Isle of Man).

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

United Kingdom (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

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.

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.

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.

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 Convention No. 18 of 1925.

² See footnote 2 to Convention No. 5.

AUSTRALIA

Norfolk Island.

The question of extending the provisions of the Convention to the territory in conformity with article 35 of the I.L.O. Constitution is under consideration by the Australian Government.

REPUBLIC OF SOUTH AFRICA

South West Africa.

See under Convention No. 42 concerning the *Republic of South Africa*.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Japan. Ratification: 8 September 1938.
Applicable without modification: Pacific Islands (League of Nations mandate): 8 September 1938.

New Zealand. Ratification: 8 July 1947.
Applicable without modification: Cook Islands and Niue: 8 July 1947.
No declaration: Tokelau Islands.

United Kingdom. Ratification: 22 May 1939.
Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 22 May 1939.
Applicable without modification: Antigua, Barbados, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Grenada,

Hong Kong, Kenya, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands: 22 May 1939.

Southern Rhodesia: 11 March 1940.
Bahamas: 30 September 1944.
Swaziland: 3 April 1958.
Zanzibar: 13 April 1962.
Applicable with modification: Basutoland, Bechuanaland: 3 April 1958.
Not applicable: Aden, Bermuda, Falkland Islands, Gibraltar, Malta, St. Helena: 22 May 1939.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Bechuanaland.

In reply to a direct request made by the Committee of Experts in 1961 the Government states that an Employment Bill to be presented at the November 1962 meeting of the legislature covers all the provisions of the Convention.

British Guiana.

Consideration is still being given to the enactment of legislation to give effect to those provisions of the Convention which are not already the subject of legislation.

Mauritius.

There is one instance of recruitment of workers for employment in a territory under a different administration. Unaccompanied workers are engaged for employment on the island of Juan de Nova on one-year contracts executed in Mauritius with the concurrence of the employment service. In view of the small amount of recruiting needed to maintain the working force at strength (it never reaches 100), the provisions relating to recruiting licences have not been enforced.

The workers in Juan de Nova are under the protection of the French Overseas Labour Code.

Northern Rhodesia.

The African Employment Bill was withdrawn in face of a recommendation that legislation should deal with employment matters on a non-racial basis. Drafting is continuing on a Bill to meet this requirement, and it is hoped to present this during 1963; this Bill will incorporate measures to give better effect to the provisions of the Convention. An interim measure, the Employment of Natives (Amendment) Bill, was passed by the Legislative Council and will ensure closer compliance with the Convention.

There has been a general decrease in the number of workers recruited by private employers, but an increased quota for recruitment to the Rand gold mines was allo-

cated in Barotseland and surrounding districts, in view of the incidence of unemployment in Northern Rhodesia and the importance of the deferred pay system for the economy of the area.

Swaziland.

African Labour (Amendment) Proclamation, 1962.

In reply to a direct request made by the Committee of Experts in 1961 the Government supplies the following information.

The above legislation was promulgated to secure full conformity with Articles 3, 6 and 18 of the Convention.

Workers under the Assisted Voluntary System have not in the past been regarded as recruited workers as defined in the Convention, since they spontaneously offer their services and enter into the contract at the place of employment. It is submitted, therefore, that Article 20 does not apply to such workers.

As there is no border control, illegal recruitment is difficult to detect, but the police and district administrations are vigilant to discover any infringement of the law.

Zanzibar.

Labour Decree (*Laws of Zanzibar*, 1959), Cap. 61, as amended by the Labour (Amendment) Decree, 1960.

Labour (Labour Agents and Private Recruiters) Regulations, 1949.

Employment of Children, Young Persons, Adolescents (Restriction) Regulations, 1953 (*ibid.*, Cap. 56).

As a rule, the only recruiting which takes place is that of clove-pickers by the plantation owners or their agents at the beginning of any season in which the crop is too large to be picked by the proprietor's own family or regular employees. Contracts are seldom for more than a month.

Articles 1 and 2 of the Convention. The decree applies without distinction of race to all "servants" as defined in section 2 of the decree.

Article 3. The legislation does not provide for these exemptions.

Article 6. Under Regulation 4 of the Employment of Children, Young Persons, Adolescents (Restriction) Regulations no child under 15 may be employed under any contract for a period of more than one month.

Article 7, paragraph 1. The legislation does not provide that recruiting of the head of a family shall involve the recruiting of any member of his family.

Article 11. No person may act as a labour agent unless he is in possession of a valid licence.

Article 12. Employees recruiting on behalf of employers are required to have valid private recruiters' licences.

Article 13. Sections 33 to 36 of the Labour Decree apply. Before issuing a licence the authority must satisfy himself that the applicant is a fit and proper person to act as a labour agent.

The authority has power to prescribe the maximum remuneration which may be paid to labour agents, but as yet no use has been made of this power. The legislation does not provide for the furnishing of security.

Article 14. The licensee may employ only such assistants as have been approved by the authority and authorised in writing by himself.

Article 15. The legislation does not provide for this exemption.

Article 16. Sections 38 and 39 of the Labour Decree apply.

Article 17. The country is too small to require provisions to this effect. However, the provisions relating to written contracts of employment ensure that a copy is delivered to the worker.

Article 18. Section 9, subsections 1 and 3, of the Labour Decree apply. Medical examination near the place of recruitment presents no problems. Where examination has been not possible at the time of attestation of the contract the attesting officer endorses the contract accordingly, and the examination must be carried out at the earliest opportunity.

Article 19. Section 41 of the Labour Decree applies.

Article 20. Section 41, subsections 2 (a) and 3, of the Labour Decree applies.

Article 21. Section 42 of the Labour Decree applies.

Article 22. Regulation 6 of the Labour (Labour Agents and Private Recruiters) Regulations applies.

Article 23. Section 43 of the Labour Decree applies.

Article 24. Sections 33 (1) and 36 (1) of the Labour Decree apply.

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

United Kingdom (Hong Kong, Kenya, Mauritius, Northern Rhodesia, Southern Rhodesia, Swaziland, Zanzibar).

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

United Kingdom (Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Honduras, Brunei, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands).

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

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.

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

58. Minimum Age (Sea) Convention (Revised), 1936 ¹

This Convention came into force on 11 April 1939

Denmark. Ratification: 4 June 1955.

Not applicable: Faroe Islands: 4 June 1955.
No declaration: Greenland.

France. Ratification: 9 December 1948.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 8 July 1947.

Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 7 June 1946.

No declaration.

United Kingdom. ²

Applicable without modification:

Aden, Dominica, Fiji, Gambia, Grenada, Kenya, Mauritius, St. Helena, Seychelles, Solomon Islands, Zanzibar: 27 March 1950.

Gibraltar: 29 December 1958.

Applicable with modification:

Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Virgin Islands, Falk-

land Islands, Gilbert and Ellice Islands, Hong Kong, Malta, Montserrat, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Singapore: 27 March 1950.

Brunei: 1 June 1960.

Decision reserved: Bermuda: 27 March 1950.

Not applicable: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

United States. Ratification: 29 October 1938.

Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.

Decision reserved: Panama Canal Zone: 29 October 1938.

No declaration: Trust Territory of Pacific Islands.

¹ This Convention revises the Convention of 1920. See Convention No. 7.

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

FRANCE

New Caledonia.

Vessels registered in New Caledonia are not subject to provisions applying the terms of the Convention. However, vessels in New Caledonian ports registered in France are covered by the metropolitan legislation.

The Convention is now implemented for these vessels by section 8 of Decree No. 60-865 of 6 August 1960, which provides that boys under 15 years of age may not be employed at sea.

However, boys under 15 but over 14 may be employed under exceptional circumstances, and boys over 13 may be employed during school vacations. Medical examinations are required for all boys under 15 years of age.

NETHERLANDS

Netherlands Antilles.

In reply to a direct request made by the Committee of Experts in 1961 the Government states that, in effect, no statutory regulations exist to govern the employment of young persons under 15 years of age on board vessels. However, a strict supervision is exercised by the Labour Inspectorate in order to ensure that young persons under 16 years of age are not engaged.

UNITED STATES

Puerto Rico.

Chapter 19, Title 29, section 445, of the *Laws of Puerto Rico*, annotated, which sets a minimum age of 18 for maritime employment, was repealed in 1960 but remains

in effect until such time as a hazardous occupation order is issued under the provisions of section 448 of Title 29.

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

Netherlands (Netherlands Antilles), *United States* (Puerto Rico).

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *United States* (American Samoa, Guam, Virgin Islands).

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

France. Ratification: 16 December 1950.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 2 May 1950.
Applicable without modification: Surinam:
25 June 1951.
Decision reserved: Netherlands Antilles:
25 June 1951.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 62 concerning *France*.

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

France (Comoro Islands, New Caledonia), *Netherlands* (Netherlands Antilles).

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

France (French Polynesia, French Somaliland).

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 ²:
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, Isle of Man: 26 May 1947.

Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Montserrat: 4 February 1963.
Bechuanaland, Mauritius, St. Vincent, Seychelles, Swaziland: 18 February 1963.
No declaration: all other territories.

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 2 to Convention No. 5.

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.
Applicable without modification: Cook Islands and Niue: 8 July 1947.
No declaration: Tokelau Islands.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:
Aden, Antigua, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya,

Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Zanzibar: 24 August 1943.

North Borneo: 8 March 1960.

Bahamas: 16 March 1962.

Decision reserved: Barbados, Bermuda: 24 August 1943.

Not applicable: Falkland Islands, Gibraltar, Malta: 24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Bechuanaland.

A first draft Employment Bill which is to be presented to the legislature in November 1962 will give full effect to the Convention.

Hong Kong.

Employers and Servants Ordinance, No. 46, 1961 (*Government Gazette*, No. 47, 6 Oct. 1961, supplement No. 1).

The above ordinance, re-enacted in a form more appropriate to current conditions and practices, replaces the Employers and Servants Ordinance (*Laws of Hong Kong*, Cap. 57), which had been in force since 1902.

Kenya.

In reply to a direct request by the Committee of Experts the Government states that it has not yet been able to undertake the substantial revision of the Employment Ordinance. Very few indigenous manual workers are now employed on written contracts, as terms and conditions of employment are now mostly governed by collective agreements, arbitration awards and wages regulation orders.

North Borneo.

In reply to a request made by the Committee of Experts in 1961 the Government states that effect is given to Article 4 of the Convention by sections 2 and 19 of the Labour Ordinance (as amended by Ordinance No. 12 of 1959).

Northern Rhodesia.

In reply to a request by the Committee of Experts the Government states that the African Employment Bill has been withdrawn and that a non-racial Employment Bill is at present under preparation. Pending its promulgation an Employment of Natives (Amendment) Bill was passed as an interim measure. This legislation includes a number of provisions intended to ensure closer compliance with the Convention.

Seychelles.

In reply to a request by the Committee of Experts the Government states that legislation is under consideration to give fuller effect to Articles 7 and 12, paragraph 2, of the Convention.

Solomon Islands.

In reply to a direct request made by the Committee of Experts in 1961 the Government states that the implementation of Article 3, paragraph 4, Article 6, paragraphs 3 and 5, and Article 16 is under consideration.

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

United Kingdom (Aden, Basutoland, British Honduras, Fiji, Hong Kong, Kenya, North Borneo, Northern Rhodesia, Zanzibar).

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

United Kingdom (Antigua, Bahamas, British Guiana, British Virgin Islands, Brunei, Dominica, Gambia, Gilbert and Ellice Islands, Grenada, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Singapore, Swaziland).

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 and Niue: 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, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Fiji, Gambia,

Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, 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 2 to Convention No. 5.

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Barbados, Dominica).

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

This Convention came into force on 24 March 1957

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.

United Kingdom. Ratification: 6 August 1953.
Not applicable: Basutoland, Bechuanaland, Swaziland: 3 November 1958.
Northern Rhodesia, Nyasaland, Southern Rhodesia: 7 July 1959.

Decision reserved:
Guernsey, Jersey: 8 March 1960.
Isle of Man: 22 September 1960.

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, Kenya, Malta, Mauritius, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Zanzibar: 13 February 1961.

UNITED KINGDOM

Fiji.

Legislation prescribing the scale of food to be supplied to the crew of vessels employed in the inter-insular trade of the colony exists, but there is no operative legislation in respect of foreign-going vessels, and no legislation is in force requiring vessels to conform to the other provisions of the Convention.

Gilbert and Ellice Islands.

Shipping Ordinance, No. 6, 1957.
Shipping (Rations) Regulations, 1960.

Foreign-going vessels and inter-insular vessels are defined by section 2 of the Shipping Ordinance.

No detailed legislation is indicated, and no administrative machinery is set up as required by paragraph (a) of Article 2 of the Convention.

There are no shipowners' and seafarers' organisations in the Islands, and the small number of vessels does not warrant the establishment of an inspectorate of catering conditions on vessels. However, officers of the Marine Department inspect catering conditions when examining the vessels.

Hong Kong.

A decision on the application of this Convention to Hong Kong has been reserved, and a report was made by the United Kingdom Government in 1960. Detailed regulations as to the ships' galleys, refrigerated and dry stores, and storage and supply of fresh water were revived and came into force on 18 June 1961 by the enrolment of the enactment of the Hong Kong Merchant Shipping (Crew Accommodation) Regulation, 1961.

Kenya.

United Kingdom Merchant Shipping Act, 1906, as amended by the Merchant Shipping Act, 1948.
Merchant Shipping (Seamen's Provisions) Order, 1957.

Article 1 of the Convention. Vessels of over 100 tons are classed as coastal vessels and those of over 1,000 tons are classed as foreign-going. All are regarded as sea-going.

Article 2. The competent authority is the harbour-master of Mombasa, who discharges the functions indicated in paragraphs (a) and (b). There is no provision for the discharge of the functions described in (c) and (d).

Article 3. The harbour-master works in conjunction with the shipowners and the seamen's union.

Article 4. There is no permanent staff; the assistance of the port medical officer is invoked when required.

Article 5. The scale of rations is laid down in collective agreements. This scale is superior to that contained in the schedule to the above-mentioned order. Section 1 of the Merchant Shipping Act, 1948, contains provisions concerning arrangement and equipment of the catering department in vessels.

Article 6. Section 26, subsection 1, of the Merchant Shipping Act, 1906, contains provisions concerning supply of food and water. Section 13 of the Merchant Shipping Act, 1948, contains provisions for storage and handling of food and water and arrangements of galley and other equipment for preparation and service of meals. No provisions exist concerning the qualifications required under paragraph (d).

Article 7. Inspections are carried out by the master of the vessel.

Article 8. Complaints are first lodged before the master of the vessel and then, if not resolved, referred to the harbour-master.

Article 9. The harbour-master has administrative authority to make recommendations. No penalties are prescribed. No reports are submitted on a regular basis.

Article 10. No annual report is issued by the harbour-master.

Articles 11 to 13. No provision exists to apply these Articles.

St. Vincent.

The Government states that three copies of the Passenger Boats Regulation, No. 31, 1957, are forwarded and that section 23 deals with the diet on ships engaged in inter-colonial trade. Inspection is carried out by the staff of the Port and Marine Department, comprising a port officer and a clerk. This department was established a year ago, and every effort will be made to ensure that the provisions of the Convention are observed in future as far as practicable.

Sarawak.

Merchant Shipping Ordinance, No. 2, 1960.

Section 82 of the above ordinance contains provisions concerning the quality of water for the use of the crew and the inspections which are to be carried out upon complaints of a certain proportion of the crew.

Section 83 relates to the inspections of the provisions or water intended for the use of the crew on board ship and lays down that where any provisions or water are found deficient in quality the master of the ship shall be guilty of an offence.

Section 84 contains provisions concerning the compensation to be accorded to the crew of a ship in which the allowance of the provisions to which a seaman is entitled are reduced, or if they are bad in quality and unfit for use.

Solomon Islands.

See under Convention No. 15.

Zanzibar.

Ports Decree (Cap. 130).

Ports Rules.

Rule 4 of the Ports Rules draws a distinction between "native vessels" and others by limiting the former to less than 100 tons registered tonnage. Vessels above this tonnage are regarded as sea-going vessels. Rule 40 of the Ports Rules enables the port health officer to inspect, examine, detain, seize or remove for the purposes of examination any food or drink on board any ship.

As the port officer is the competent authority and is also responsible for the running of two out of the three registered vessels in the Protectorate, there is no difficulty in applying Article 3.

* * *

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

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.

New Zealand. Ratification: 30 November 1959.¹

Not applicable: Tokelau Islands: 30 November 1959.

Decision reserved: Cook Islands and Niue: 30 November 1959.

United Kingdom. Ratification: 28 June 1949.¹

Applicable *ipso jure* without modification ²: Guernsey, Jersey, Isle of Man: 28 June 1949.

Applicable without modification: Antigua, Barbados, Brunei, Gibraltar, Grenada, Kenya, Malta, Mauritius ³, North Borneo, St. Vincent, Sarawak, Singapore: 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, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Swaziland, Zanzibar: 22 March 1958.

Dominica: 16 December 1958.

Nyasaland: 8 March 1960.

Northern Rhodesia: 13 February 1961.

¹ Excluding Part II.

² See footnote 2 to Convention No. 5.

³ Including Part II.

NEW ZEALAND

Cook Islands and Niue.

The Government had reserved its decision as to whether this Convention was the appropriate instrument (if any) to apply to this territory. It is at present thought likely that Convention No. 85 would prove more suitable. Completion of inquiries is pending.

UNITED KINGDOM

Barbados.

In reply to a direct request by the Committee of Experts the Government states that the Factories Act of 1956 (1956-58) was proclaimed on 1 September 1959.

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

New Zealand (Cook Islands and Niue), *United Kingdom* (Barbados).

The following report reproduces the information previously supplied:

New Zealand (Tokelau Islands).

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 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.
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, Antigua, Bahamas, Bermuda, British Guiana,

British Honduras, British Virgin Islands, Dominica, Gambia, Gibraltar, Grenada, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia: 27 March 1950.
Applicable with modification:
Barbados, Basutoland, Bechuanaland, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Kenya, North Borneo, Nyasaland, Seychelles, Singapore, Solomon Islands, Swaziland, Zanzibar: 27 March 1950.
Sarawak: 23 February 1959.
No declaration: Guernsey, Jersey, Isle of Man.

UNITED KINGDOM

Barbados.

Liquor Licences Act, 30 November 1957.

Article 19, paragraphs 2 and 3, of the Convention. In reply to a request made by the Committee of Experts the Government states that no consideration has yet been given to prescribing a school-leaving age or to the prohibition provided for in paragraph 3 of this Article.

Section 67 of the above Act prohibits employment of persons under 18 years in connection with the sale or supply of intoxicating liquor. Other commitments prevent consideration of prescription of a minimum age for all forms of employment.

Montserrat.

Protection of Wages Ordinance, 24 August 1962.

Article 16 of the Convention. In reply to an observation made by the Committee of Experts the Government states that sections 6 to 10 of the above ordinance give effect to this Article.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Grenada, Malta).

The following report reproduces the information previously supplied:

United Kingdom (Dominica).

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

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.
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, An-

tigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Zanzibar: 27 March 1950.
Solomon Islands: 18 September 1961.
Brunei: 5 October 1962.
Decision reserved: Gilbert and Ellice Islands: 27 March 1950.
No declaration: Guernsey, Jersey, Isle of Man.

FRANCE

Comoro Islands.

See under Convention No. 87.

UNITED KINGDOM

Aden.

Industrial Court Rules, 1960.
Industrial Court (Appeal) Rules, 1960.

The Government considers that the general remark made by the Committee of Experts in 1959, that "adequate guarantee should be accorded to such workers in order fully to safeguard their interests", is fully respected since section 14 (2) of the Industrial Relations (Conciliation and Arbitration) Ordinance, No. 6, 1960, provides that in any case where the Crown will not accept arbitration the sections in the ordinance prohibiting strikes shall not apply. The prohibition of strikes is not dependent upon proceedings having been initiated at the request of one of the parties to a dispute, but applies in all circumstances except those referred to in sections 9 and 14.

Barbados.

The legislation to amend the Trade Union Act to ensure trade union rights to agricultural and other workers concerned is at present being drafted, and it is hoped that it will be introduced into the legislature shortly.

Bechuanaland.

In a first draft of an Employment Bill to be presented to the legislature in November 1962, it is provided that no employee shall be prohibited from being a member of any trade union unless so prohibited by any other law.

Bermuda.

Act No. 169 of 1960 amending the Labour Disputes (Arbitration and Enquiry) Act, 1945.

Act No. 169 of 1960 makes provision for the Labour Relations Officer to take such steps as seem to him expedient for the prevention or settlement of any disputes.

Fiji.

See under Convention No. 98.

Gambia.

The need to amend sections 20 (2) and 21 (1) (d) of the Trade Union Ordinance has been referred to the Labour Advisory Board for advice. Its recommendation is under consideration.

Hong Kong.

Trade Union Registration Ordinance, No. 52, 1961, brought into force by proclamation on 1 April 1962.

Article 2 of the Convention. Any group of workmen or employers can form a trade union and apply for registration as such under the above ordinance in accordance with procedure laid down in sections 5 to 9. Provided that the application is signed by not less than seven members and is made to the Registrar on a prescribed form within 30 days of the establishment of the trade union, it is mandatory for the Registrar of Trade Unions to register the union unless he discovers that—(a) any of the provisions of the ordinance or the regulations made thereunder has not been complied with, or (b) any of the purposes of such a trade union is unlawful, or (c) the name of the new union is identical with, or nearly resembles, the name of another union, whether such exists or has ceased to exist. The new ordinance no longer empowers the Registrar to refuse to register any trade union if he is satisfied that any previously registered union adequately represents for that particular trade the objects of the proposed union.

Where the Registrar refuses to register a trade union the applicants have a right of appeal within 28 days to the Full Court of the Supreme Court under section 8.

The conditions under which persons may become members or officers of a trade union are governed by section 17 of the ordinance. Every union is required to have rules which set out, among other things, how it is constituted and governed.

The Registrar of Trade Unions has no statutory authority to suspend a trade union, but he can cancel its registration on any one of the grounds listed in section 10 of the ordinance. Under section 12 any voting member of a union the registration of which has been cancelled has a right of appeal within prescribed time limits to the Full Court of the Supreme Court against the Registrar's decision.

Section 34 prohibits a trade union from using its funds for political purposes. Sections 40 to 43 protect a trade union from action against it for tort, conspiracy, or breach of contract.

Article 3. The Labour Department has taken active steps to encourage trade unions to conclude collective agreements by the preparation and free distribution of a booklet known as *A Guide to Trade Unions for the Preparation of Collective Agreements*.

Article 4. The Labour Advisory Board contains four employers' representatives and four workers' representatives, two of whom are elected by trade unions by means of secret ballot.

Kenya.

Laundry, Cleaning and Dyeing Trades Wages Council (Establishment) Order, 1960 (Legal Notice No. 588, 1960).

The Labour Advisory Board, under the chairmanship of the Minister for Labour, was reconstituted so as to provide representation of worker and employer interests almost wholly from the Kenya Federation of Labour and the Federation of Kenya Employers. The latter organisations have also set up their own National Joint Consultative Council, with subsidiary committees and joint disputes commissions.

Mauritius.

Casual and seasonal workers have in fact joined trade unions and are believed to constitute quite a large proportion of the membership in some cases. An amendment to section 13 (1) of the Trade Union Ordinance, 1954, is under consideration, which would remove any technical bar to such workers joining a trade union.

A letter has been received from a trade union asking that the provision in the law (section 4 of the above ordinance) whereby a trade union can be formed by seven workmen should be amended so as to make the formation of new unions less easy.

North Borneo.

In reply to a request by the Committee of Experts the Government states that it has not yet been possible to arrive at a decision on the proposal to amend the provisions of section 17 (1) of the Trade Unions and Trade Disputes Ordinance relating to tradesmen in government employment. In practice, however, there are as yet no general unions in the colony catering for any of the trades practised by the government employees affected.

Northern Rhodesia.

Article 4 of the Convention. A Labour Consultative Council has been set up since the last report, on which employers' and workers' organisations are fully represented.

Article 5. The Trade Unions and Trade Disputes (Amendment) Ordinance, No. 12, 1962, and the Industrial Conciliation (Amendment) Ordinance, No. 17, 1962, introduced certain changes in the legislation related to strikes, ballots and disputes.

Article 7. Ordinance No. 12 of 1962 amends section 40 A of the principal ordinance, dealing with secret strike ballots by unions who are party to a closed-shop agreement and ballots by members to validate closed-shop agreements when these are first concluded.

St. Helena.

In reply to a direct request by the Committee of Experts the Government states that, as there is only one trade union and there are no employers of any size, the need has not yet arisen for the establishment of formal machinery for the protection of workers, the application of labour legislation or the settlement of disputes. The practice is, however, now well established whereby the Government consults both the union and the major employers on all labour matters of importance, and in the rare cases where the union and an employer are unable to settle a dispute by direct negotiation between themselves the Government assists the parties through the good offices of an appropriate public officer. Having regard to the very small size of St. Helena and the comparatively undeveloped state of industrial relations, these informal methods at present provide a better opportunity of complying with the spirit of Articles 4 and 7 of the Convention than is likely to be achieved by more formal machinery. The development of employer-worker relations is, nevertheless, constantly watched with a view to establishing such machinery as soon as there is any demand for it and as soon as it is likely to serve effectively the purpose for which it is intended.

St. Lucia.

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

It is not considered that the term "workmen" in section 36 of the Trade Union and Trade Disputes Ordinance, No. 19, 1959, is in itself sufficiently conclusive to exclude agricultural workers and their trade unions from the protection afforded other workmen and their trade unions under the provisions of Part II of the ordinance, since the term does not, in its reference to "trade or industry", exclude any category of workers and is therefore held to cover agricultural workers. It is also the case in the territory that any registered trade union whose principal constitutional objects are "statutory objects" within the meaning of the ordinance, automatically assumes all lawful privileges and immunities provided for thereunder.

Solomon Islands (First Report).

Trade Unions and Trade Disputes Regulation, 1946.

Trade Unions and Trade Disputes (Amendment) Ordinance, 1959.

Article 2 of the Convention. Seven or more workers or employers may form a trade union. Workers are defined as all persons employed in trade or industry. No trade union can carry out its functions under the law if it has not been registered. The Registrar may refuse registration if the applicants have not been duly authorised, if the purposes of the trade union are unlawful or if the application is not in conformity with the provisions of the regulation. He may also cancel the registration if the certificate has been obtained by fraud or error or if the union has violated any of the provisions of the regulation. In both cases there is a right of appeal to the court. There is one employers' organisation and one trade union.

Article 3. Collective bargaining takes place under the chairmanship of the Commissioner of Labour. No agreement has yet been made.

Article 4. Ad hoc consultation takes place with the employers' and the workers' organisations whenever the Government considers appropriate.

Articles 5 to 7. There is no established conciliation and arbitration machinery in which representatives of the employers and workers participate. In the case of disputes the Labour Officer and the District Commissioners act as conciliation officers and occasionally settle the disputes by means of arbitration. According to the Government, labour disputes are rare and very little difficulty is experienced in settling them by the established procedure.

Southern Rhodesia.

The Government submitted the following report in reply to a direct request by the Committee of Experts.

Since the proclamation of the Industrial Conciliation Act, 1959, on 1 January 1960, it has not been found necessary to implement the provisions of sections 37 (3) (a) and 48 (4) (a) of that Act. The Government has now decided to amend the provisions of sections 37 and 48 of the Act so as to provide for appeals under sections 37 (3) (a) and 48 (4) (a) to the Industrial Court instead of to the Minister.

The Registrar has not refused to register any trade union on the grounds that a trade union already existing in the area is sufficiently representative of the interests concerned, nor has he had occasion to cancel the registration of a trade union on the grounds that a newly-established trade union which has applied for registration is more representative of the interests concerned.

Swaziland.

In reply to a request by the Committee of Experts the Government states, with regard to the definition of the word "worker" given in section 16 of the Trade Unions and Trade Disputes Proclamation, that both the new interpretation and the original erroneous interpretation were confined to reports by the Government to the International Labour Organisation; it is therefore unnecessary to correct any false impression among employers or workers as to the scope of this interpretation. It is considered, moreover, that the wording of the proclamation is quite clear and unambiguous, being based on United Kingdom legislation which has also been adopted in other territories, and that no clarification or amendment of the text is necessary.

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

France (French Somaliland), *United Kingdom* (Basutoland, British Guiana, British Honduras, Fiji, Hong Kong, Kenya, Malta, Mauritius, North Borneo, Sarawak, Singapore, Solomon Islands).

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

France (French Polynesia, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Antigua, Bahamas, Dominica, Falkland Islands, Gibraltar, Grenada, Montserrat, Nyasaland, St. Vincent, Seychelles, Zanzibar).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 ¹

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.

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.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua, Bahamas, British Guiana, British Hon-

duras, British Virgin Islands, Dominica, Gambia, Gibraltar, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Singapore, Southern Rhodesia, Zanzibar: 27 March 1950.

Applicable with modification: Barbados, Brunei, Fiji, North Borneo, Nyasaland: 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.

UNITED KINGDOM

Dominica.

In reply to observations made by the Committee of Experts the Government states that a labour inspector has been appointed and gives details of his duties.

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The following report reproduces the information previously supplied:

United Kingdom (Dominica).

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification: 27 March 1950.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 27 March 1950.
Applicable without modification:
Aden, Antigua, Bahamas, Barbados, British
Guiana, British Honduras, British Virgin Islands,
Dominica, Fiji, Gambia, Gibraltar, Grenada,
Kenya, Mauritius, Montserrat, North Borneo,
Northern Rhodesia, St. Christopher-Nevis-
Anguilla, St. Lucia, St. Vincent, Seychelles,
Singapore, Southern Rhodesia, Zanzibar:
27 March 1950.
Sarawak: 23 February 1959.
Swaziland: 8 March 1960.

St. Helena: 1 June 1960.
Gilbert and Ellice Islands: 29 March 1961.
Solomon Islands: 15 August 1961.
Bechuanaland: 15 May 1962.
Applicable with modification:
Hong Kong: 27 March 1950.
Brunei: 5 January 1961.
Decision reserved:
Basutoland, Bermuda, Nyasaland: 27 March
1950.
Not applicable: Falkland Islands, Malta:
27 March 1950.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Hong Kong.

See under Convention No. 64.

Kenya.

The Government reports a further postponement of the intended revision of the Employment Ordinance.

Northern Rhodesia.

The Government reports that the Employment of Natives (Amendment) Bill (LCB 50 of 1961) has been passed by the Legislative Council and awaits Her Majesty's Assent before coming into force. This Bill will make certain amendments to the principal Employment of Natives Ordinance and includes measures giving better effect to certain provisions of the Convention.

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

United Kingdom (Aden, Bechuanaland, Fiji, Kenya, Montserrat).

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

United Kingdom (Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Mauritius, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar).

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

<p><i>Denmark.</i> Ratification: 13 June 1951. Applicable without modification: Greenland: 31 May 1954. Faroe Islands: 28 September 1960.</p> <p><i>France.</i> 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.</p> <p><i>Netherlands.</i> Ratification: 7 March 1950. Applicable without modification: Netherlands Antilles, Surinam: 25 June 1951.</p> <p><i>United Kingdom.</i> Ratification: 27 June 1949. Applicable <i>ipso jure</i> without modification¹: Guernsey, Jersey, Isle of Man: 27 June 1949. Applicable without modification: Aden, Malta: 19 June 1958. Dominica, St. Lucia: 29 December 1958. Bermuda: 10 January 1962.</p>	<p>Gambia: 24 January 1962. Swaziland: 23 March 1962. Falkland Islands: 5 July 1962. Montserrat: 26 November 1962. Antigua: 15 January 1963. St. Christopher-Nevis-Anguilla: 4 February 1963. Applicable with modification: British Guiana, Gibraltar: 19 June 1958. British Honduras, Grenada, Mauritius, North Borneo, St. Vincent, Sarawak: 29 December 1958. Nyasaland: 23 February 1959. Basutoland, Bechuanaland: 17 March 1959. Zanzibar: 8 March 1960. Decision reserved: Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands: 19 June 1958. British Virgin Islands, Fiji, Hong Kong, Kenya, Seychelles: 29 December 1958. Southern Rhodesia: 23 February 1959. Northern Rhodesia: 7 July 1959. Bahamas, Barbados, Singapore: 13 March 1961.</p>
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¹ See footnote 2 to Convention No. 5.

DENMARK

Faroe Islands.

In reply to a direct request by the Committee of Experts the Government furnishes a list of employers' and workers' organisations in the Faroe Islands.

FRANCE

Comoro Islands.

The collective agreement for the public services signed in 1961 reaffirms the provisions of the Labour Code respecting freedom of association and widens the prerogatives of trade union representatives.

UNITED KINGDOM

Aden.

The Trade Union and Trade Disputes (Amendment) Ordinance, 1961, requires returns of the accounts of a trade union to be submitted to the Registrar of Trade Unions by a specified date in each year and provides that any member of a trade union or the Registrar may proceed by way of complaint against any officer of a trade union or other person who is unlawfully withholding from the union documents or property. It makes provision for check-off systems and guards against victimisation when any employee resorts to conciliation or arbitration for the solution of a trade dispute. Provision is also included to prevent any person who has been convicted of fraud or dishonesty being an officer of a trade union for seven years after the date of such conviction.

Rules governing the deduction of union dues from the wages of workers belonging to the union were made in the Trade Union (Deduction of Dues from Wages) Rules, 1961.

For the Government's reply to a request made by the Committee of Experts see under Convention No. 84.

Antigua.

Trade Union Act, No. 16, 1939, and subsequent amendments.

The Government states that the provisions of the Convention are fully applied.

Bechuanaland.

In reply to a request by the Committee of Experts the Government states that it appears as though federations and confederations of trade unions could be registered as actual unions—though the point has never arisen—and enjoy the same immunities. This matter will receive consideration when the trade union legislation is reviewed.

British Guiana.

There has been no change in connection with trade union supervision by the Registrar. It is felt that the present stage of trade union development does not justify the removal of outside control by the Registrar.

Section 8 (3) and (4) of the Trade Unions Ordinance (Cap. 113) implies that the legislation concerning riots, unlawful assembly, breach of the peace, sedition or other offence against the State or Sovereign applies to persons, including trade unionists, though not to trade unions as such.

British Honduras.

The Government will take the necessary steps to cancel the modification made in its declaration of acceptance of the Convention.

There have been no instances in which the provisions of the Criminal Code or the laws concerning riots, unlawful assembly, breach of the peace, etc., have been applied to trade unions.

Dominica.

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

The need for the formation of federations or confederations of employers' and workers' organisations has not arisen.

Employers' and workers' organisations are directly and indirectly affiliated to international bodies.

The legislation relating to riots, illegal meetings, sedition or any offence against the State or Sovereign applies to trade unions; no such action has had to be taken.

Fiji.

Industrial Associations (Amendment) Ordinance, No. 11, 1962.

A new Trade Unions Bill is at present under consideration.

Gambia.

See under Convention No. 84.

Gibraltar.

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

The supervision of trade unions by the Registrar is limited to ensuring that the constitution of a union contains the necessary provisions to enable its members to protect themselves against abuses and—for the same reason—to requiring a copy of the annual audited statement of accounts to be lodged with him within one month of its presentation to the union's annual general meeting. In the case of unions which are branches of a United Kingdom union the local statement of account is replaced by a certificate from an officer of the United Kingdom union that the requirements of the United Kingdom law have been complied with and a copy of the return made by the principal union to the United Kingdom Registrar of Friendly Societies.

The basic machinery for members' protection thus established, the supervision of the actions of the union's executive council is left to the members themselves.

Hong Kong.

Trade Union Registration Ordinance, No. 52, 1961, brought into force by proclamation on 1 April 1962.

Article 2 of the Convention. See under Convention No. 84 (Article 2).

Article 3. It has been considered advisable to require officers of trade unions to satisfy certain conditions. While the previous restriction that amalgamating unions should be in the same trade or industry has been removed, certain procedural steps for amalgamation of trade unions have been introduced.

Article 4. Apart from voluntary dissolution the dissolution of a union can ensue only as a result of cancellation of registration provided for in sections 10 to 12 of the above ordinance.

Article 5. Federations or organisations of workers or employers may be registered under Part IX of the ordinance, provided that—(a) each of the component trade unions comprising such trade union federation is a registered trade union; and (b) the members of each and all of such component trade unions are employed in the same trade or industry. Section 45 of the ordinance relates to trade union affiliation outside the colony, and such affiliation is subject to the consent of the Governor in Council. Federations or confederations of organisations of workers or employers not entitled to registration under the Trade Union Registration Ordinance continue to be registered under the Societies Ordinance. Their affiliation with international organisations is governed by section 5 of the Societies Ordinance (Cap. 151).

Article 6. Federations and confederations which are registered under the provisions of Part IX of the Trade Union Registration Ordinance have the same standing in law as other registered trade unions, and the same rights and liabilities.

Article 7. Part VI of the Trade Union Registration Ordinance confers on organisations registered under the ordinance immunity from actions of tort and acts in restraint of trade. Under section 13 of the ordinance a registered trade union is given corporate status.

Malta.

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

The permanent head of the Department of Emigration, Labour and Social Welfare is ex officio the Registrar of Trade Unions. It does not seem that there is scope for the appointment of a person independent of the administration to act as Registrar

of Trade Unions. External supervision of trade union activities is already restricted to a minimum by virtue of the Trade Unions and Trade Disputes Ordinance.

Employers' and workers' federations or confederations are not registered trade unions. They are, however, recognised by the Government, and their establishment, working and dissolution is in no way interfered with. The necessity of amending the law does not arise in practice.

The law relating to riot, unlawful assembly, sedition, breaches of the peace and any offence against the State or the Sovereign applies to all citizens alike. The law in question has not been applied to trade unions or trade union members as such.

Mauritius.

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

In application of section 24 of the Trade Union Ordinance the Registrar requires branches of trade unions which represent different sectional industrial interests to keep their funds separate, unless a resolution has been passed by the union specifically authorising the pooling of resources. In fact this is invariably done, so that very little use is in practice made of this power.

In addition, the Registrar requires unions with different interests to have those interests represented on the Executive Council.

It is not considered that this very light degree of control can be relaxed at the moment, but consideration will be given to doing so whenever it appears that the trade union movement has developed sufficiently.

There is no special application to trade unions or their members of any law concerning riots, unlawful assembly, breach of the peace, sedition or any offence against the State or Sovereign.

Montserrat (First Report).

Trade Union Act, No. 16, 1939.

Trade Union (Amendment) Acts: No. 1, 1942; No. 16, 1944; No. 3, 1945; No. 2, 1947; No. 17, 1949.

The right of employers and workers to associate and organise is assured by the Trade Union Act, No. 16, 1939, which provides that any organisation may be registered under the said Act if its objects are not in conflict with the legislative provisions under section 2.

Application for registration under the Trade Union Act is to be made to the Committee of Management or trustees appointed for the purpose, and section 12 of the Trade Union Act provides the rules for registration.

The second schedule to the Trade Union Act provides that the rules of the organisation shall contain a certain number of provisions on union government and objects.

Section 13 of the Trade Union Act refers to cancellation of trade unions' certificates of registration.

Section 12 (e) provides that "any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal or cancellation of a certificate of registration, may appeal to the Supreme Court within the time and in the manner and on the conditions directed by Rules of Court".

The legislation giving effect to the Convention applies equally to federations and confederations.

The acquisition of legal personality does not in any way restrict the application of the provisions of Articles 2, 3 and 4 of the Convention.

The principal Act provides that a trade union registered thereunder shall furnish annually a general statement of its receipts, funds, effects and expenditure to the Registrar. The said Act also restricts the application of trade union funds for certain political purposes. Section 3 of the Trade Union (Amendment) Act, No. 1, 1942, provides, *inter alia*, that—"6 A... (4) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any law in force in the colony; (5) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the State or the Sovereign".

Members of the police force are not permitted to combine for the purpose of the legislation relating to trade unions. There is no armed force, as such, in Montserrat.

No decisions were given by any courts of law or any other court involving questions of principle relating to the application of the Convention during the period under review.

North Borneo.

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

During the period for which the Trade Unions and Trade Disputes Ordinance has been in force no application has ever been made for the registration of a trade union representative of persons employed in more than one trade or calling, and in consequence no case has arisen in practice either of the Registrar refusing registration under section 10 (1) (d) of the ordinance or of a union being obliged to have a constitution to conform with the appropriate provisions envisaged therein.

The supervision exercised by the Registrar over the administration of the finances of trade unions is necessary in the interests of the members themselves to ensure that their funds are used only for the purposes for which they have been subscribed. In general the trade union movement is still in a very early stage of development, and its leaders have not yet had enough experience of the administration of union finances to enable the present degree of supervision to be relaxed.

No proceedings have ever been taken against trade unions or their members as such under any of the laws concerning riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or Sovereign.

See also under Convention No. 84.

Northern Rhodesia.

The information contained in the 1959-60 report is still applicable, subject to certain amendments made by the Trade Unions and Trade Disputes (Amendment) Ordinance, No. 12, 1962, and stated in the Government's report.

St. Lucia.

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

There is no special legislation dealing with the formation and management of federations and confederations of trade union organisations. In 1961, however, the Registrar of Trade Unions granted trade union status to a federation which had applied for registration under the Trade Unions and Trade Disputes Ordinance, No. 19, 1959. It is considered, therefore, that this federation has *mutatis mutandis* inherited legal privileges and immunities identical with those of primary organisations

of workers which have already been registered under the law. Information will be supplied from time to time concerning the acquisition of legal personality by federations and confederations of trade unions, and about any case in which such organisations have been denied any of the privileges and immunities granted under the ordinance in favour of primary trade union organisations.

Having regard to the degree of development of the trade union movement in the territory it is considered desirable for the Registrar of Trade Unions to continue, as required by the law, to obtain information on the functioning and administration of union business generally and the management of union funds in particular. It is also felt that the progressive relinquishment of "all outside control as the trade union movement develops" must be linked with the progressive attainment among union members of a sound knowledge of the proper conduct of union affairs, as a means of protecting their own interests. Both the Government and workers' and employers' associations have realised this and over the past two years have been collaborating in their efforts to intensify and speed up the processes of union education available to trade unionists in the territory. At the same time, the provisions of the law relating to the management of trade union funds and property have been applied with considerable laxity.

In view of the above information, the Government undertakes to bear in mind the Committee of Experts' request on this point and hopes that, with the development of the policies enumerated above, it will in time be able to give legal and practical effect to the provisions of Article 3 of the Convention.

The provisions of section 38 (3) and (4) of the Trade Unions and Trade Disputes Ordinance do not exempt unions from the application of the laws of the territory as contained in the Criminal Code and in matters concerning riot, breaches of the peace or sedition or any offence against the Sovereign. There has, however, been no instance in which the provisions of the Criminal Code referred to above have been used in connection with any trade union or its members in connection with a trade dispute.

St. Vincent.

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

The Attorney-General will be asked to draft legislation to amend the Trade Unions and Trade Disputes Ordinance, No. 3, 1950, to provide for the functioning, etc., of federations and confederations of workers' and employers' organisations. The Attorney-General has been asked to draft legislation to amend the ordinance as regards external control of the administration of trade unions.

Sarawak.

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

None of the trade unions registered has included in its constitution provisions corresponding to the rule in section 10 (1) (d) of the Trade Unions Ordinance; the registrar has refused to register three unions on the basis of this provision.

Trade unions have not yet developed to the stage when external supervision could be discontinued.

Legal action on grounds of subversion has been taken against three trade union officers.

Solomon Islands.

See under Convention No. 15.

Swaziland.

The Trade Unions and Trade Disputes (Amendment) Proclamation, No. 49, 1962.

The above-mentioned proclamation empowers the Registrar to refuse registration to any union which in its rules practises discrimination. It provides for the protection of sectional interests of members of general unions, the compulsory auditing of accounts, and finally requires the Registrar to submit an annual report and thus account for the use of his powers under the law.

The Government also supplies the following information in reply to a request by the Committee of Experts.

The Convention has now been declared applicable to the territory without modification.

Transvaal Law 6 of 1894 is still in force but due soon to be replaced by a new Public Order Proclamation, which is now in draft.

The Committee's comments as regards the progressive elimination of the external supervision of trade unions have been noted and will be kept in mind in the future.

Zanzibar.

The Registrar of Trade Unions is entirely free to decide what he understands by "suitable provision", and there exist no criteria in practice on which a trade union could appeal to the Court. Sections 13 (1) (e) and 15 (1) of the Trade Unions Decree apply.

Provisions concerning unlawful assemblies as contained in Part IX of Chapter 13 of *The Laws of Zanzibar* have not been applied to the trade unions as such during the period under review.

It is considered necessary to retain section 45 (1) and (2) of the Trade Unions Decree for the time being.

* * *

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

France (French Somaliland), *United Kingdom* (Basutoland, British Honduras, Mauritius, North Borneo, Sarawak).

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

Denmark (Greenland), *France* (French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *United Kingdom* (Bermuda, Grenada, Guernsey, Jersey, Isle of Man, Nyasaland).

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Australia. Ratification: 24 December 1949.
No declaration.

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.

New Zealand. Ratification: 3 December 1949.
Not applicable: Cook Islands and Niue, Tokelau Islands: 3 December 1949.

United Kingdom. Ratification: 10 August 1949.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 10 August 1949.

Applicable without modification:
Gibraltar, Kenya, Malta, Singapore: 22 March 1958.

Applicable with modification:
British Guiana, Mauritius: 22 March 1958.

Decision reserved:
Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Brunei, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, North Borneo, Northern Rhodesia, Nyasaland, Sarawak, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar: 22 March 1958.

Barbados: 13 February 1961.
Antigua, Dominica, Grenada, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent: 13 March 1961.

Not applicable: Falkland Islands, St. Helena: 22 March 1958.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Grenada (First Report).

A decision is reserved on the application of the Convention, as a network of employment offices is considered unnecessary in this small territory. There are few employment opportunities outside agricultural field work, and centres of employment are within walking distance of places of habitation.

Unemployed persons may seek the help of the Labour Department, which endeavours to place them, and this has proved satisfactory.

89. Night Work (Women) Convention (Revised), 1948¹

This Convention came into force on 27 February 1951

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.
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.

*United Kingdom.*²
Decision reserved: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises Conventions Nos. 4 of 1919 and 41 of 1934.

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

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

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.

United Kingdom. Ratification: 30 June 1950.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 30 June 1950.
Applicable without modification:
Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, Brunei, Dominica, Gib-

raltar, Gilbert and Ellice Islands, Grenada, Kenya, Mauritius, North Borneo, St. Lucia, St. Vincent, Sarawak, Singapore, Solomon Islands: 22 March 1958.

British Virgin Islands: 15 April 1958.
Applicable with modification:
British Honduras, Malta, Zanzibar: 22 March 1958.

Fiji: 1 June 1960.
Decision reserved: Basutoland, Bechuanaland, Falkland Islands, Gambia, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Swaziland: 22 March 1958.

Northern Rhodesia: 8 March 1960.
Nyasaland, Southern Rhodesia: 29 March 1961.

¹ See footnote 2 to Convention No. 5.

UNITED KINGDOM

Dominica.

Article 1, paragraph 2, of the Convention. Contracts awarded by authorities other than central authorities normally follow the pattern of those awarded by the latter; this precludes the need for any laws or regulations.

Article 2, paragraph 3. The employers' and workers' organisations were not consulted on the terms of the Fair Wages Rules.

Article 3. The Government states that the Accidents and Occupational Disease Ordinance, No. 29, 1951, refers.

Article 4, paragraph (a) (iii). As requested by the Committee of Experts in 1962 consideration will be given to further measures to secure fuller application of this provision of the Convention.

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.

Netherlands. Ratification: 20 May 1952.
Applicable without modification: Netherlands Antilles, Surinam: 10 June 1955.

United Kingdom. Ratification: 24 September 1951.

Applicable without modification:
Jersey, Isle of Man: 10 March 1956.
Aden, Bahamas, Barbados, British Guiana, Brunei, Dominica, Gibraltar, Grenada, Malta, Mauritius, Montserrat, North Borneo, St. Lucia, St. Vincent, Sarawak, Zanzibar: 22 March 1958.

British Honduras: 5 January 1961.

Solomon Islands: 1 August 1961.

Applicable with modification:

Kenya: 6 May 1958.

Decision reserved:

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles: 22 March 1958.

Antigua: 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.

UNITED KINGDOM

Barbados.

In response to a direct request made by the Committee of Experts in 1960 the Government has provided the following information.

Article 2, paragraph 2, of the Convention. The Protection of Wages Act was enacted in order to apply the provisions of Articles 15 to 17 of Convention No. 82, and not in order to implement the present Convention. At that time (i.e. in 1950-51) it was felt that, since employers' and workers' organisations were represented on the Executive Committee, these representatives could express the points of view of employers and workers. This was in fact the case. The present practice, however, is for organisations of employers and workers to be consulted directly before legislation is enacted. In practice, employers apply the provisions of the Protection of Wages Act to their clerical workers, who consequently enjoy the same privileges as those provided for manual workers under the Act. Nevertheless, in an attempt to conform strictly to the stipulations in this part of the Convention, the Government will give due consideration to the comments made by the Committee of Experts.

Article 4, paragraph 1. The Government proposes to give consideration to the amendment of the existing legislation in order to bring it into line with the terms of the Convention.

Paragraph 2. The Government regrets that no action has been taken to ensure the application of this paragraph in respect of workers who are not subject to any wages regulation order; consideration will also be given to this matter in due course.

Article 10. No provisions have been included in existing legislation regarding the assignment of wages. This is a matter to which the Government will give consideration as soon as possible.

Article 12, paragraph 2. There is no statutory law specifically covering the stipulations contained in this paragraph. These provisions have been covered gener-

ally by common law, and it is customary for a final settlement of all wages to be effected within a reasonable length of time. The Government therefore does not consider it necessary to pass legislation giving effect to this provision.

Article 13, paragraph 1. Sunday is regarded as a day of rest, and it is not the practice for transactions involving money or the payment of wages to take place on such a day.

Article 14, paragraph (a). A notice regarding the Wages Regulation (Shop Assistants) Order, 1960, was prescribed during the reporting period.

Montserrat (First Report).

Protection of Wages Ordinance, No. 6, 1962.

Recruiting of Workers Regulations (S.R. & O., No. 18, 1946).

Companies Act, 1927 (Cap. 140).

Article 1 of the Convention. "Wages" are defined in section 2 of the above ordinance as "the remuneration or earnings payable in money by an employer to a worker under a contract of employment".

Article 2. Clerical workers have been excluded from all of the provisions of the Convention in accordance with the provisions of paragraph 2 of this Article. This exclusion was made after consultation with representatives of the organisations of employers and workers concerned. "Worker" is defined in section 2 of the ordinance as "a person, whether under or above the age of 21 years, who performs manual labour"; and "manual labour... includes work ordinarily performed by mechanics, artisans, handicraftsmen, seamen, boatmen, transport workers, domestic servants and all labourers and any other similar work associated therewith but does not include clerical work". The great majority of employees in Montserrat perform manual labour as defined by the ordinance.

Article 3. Section 3 of the ordinance provides that "In all contracts of employment the wages of a worker should be made payable in legal tender and not otherwise and 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". Section 5 provides that "Except where otherwise expressly permitted by the provisions of this ordinance the entire amount of the wages earned by, or payable to, any worker in respect of any work done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null and void: Provided that payment of wages by cheque on a bank in the colony or by postal order shall be deemed to be payment in legal tender in cases in which payment in such manner is customary or necessary or is consented to by the worker".

Article 4. See Article 3 above. Section 13 of the ordinance provides that "nothing in this ordinance shall render illegal an agreement or contract with a worker for giving to him food, a dwelling place or other allowances or privileges in addition to money wages as a remuneration for his service, but so that no employer shall give to a worker any intoxicating liquor by way of such remuneration".

Article 5. See Article 3 above.

Article 6. Section 4 of the ordinance provides that "No employer shall impose in any contract for the employment of any worker any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the worker are to be expended, and every contract between any employer and a worker containing such terms shall be illegal, null and void".

Article 7. No specific measures have been taken to ensure the application of paragraph 2 of this Article, as the evils aimed at do not exist in Montserrat, there being no works stores specifically established for the sale of goods to workers. Further,

such practices are opposed to custom and to general public opinion, so that their occurrence is very unlikely; neither could they be successful or escape the notice of the Government. Workers are absolutely free to spend their wages in the stores of their choice, and there is free access to all stores, Montserrat being only 32 square miles in size. See also the reply to Article 6.

Article 8. Deductions from wages are controlled by sections 7 to 10 of the ordinance. The organisations of workers affected by the Convention are aware of the passing of the ordinance, and steps will be taken by the Labour Commissioner in consultation with these organisations to ensure that its provisions are made known to employees.

Article 9. See the reply to Article 8 above. Section 15 of the ordinance provides that an employer's agent who contravenes its provisions shall be guilty of an offence. Section 5 of the Recruiting of Workers Regulations provides that a recruiter "shall not demand or accept payment in any form from any worker in return for finding him employment".

Article 10. It is considered more appropriate to make provision for the application of this Article in legislation prescribing the powers of the courts rather than in labour legislation. Steps are therefore being taken to amend the legislation prescribing the powers of the courts so as to apply this Article. The Article is nevertheless partially applied by section 11 of the ordinance, which provides that "During the period of his contract, a worker receiving an advance under this ordinance shall not by reason only of such advance be deemed to have or to have had means and ability to pay any sum due by him under any judgment of a court".

Article 11. Effect is given to the Article by sections 195 to 197 of the above-mentioned Act.

Article 12. Section 16 (2) of the ordinance provides, *inter alia*, that "No period in respect of which wages earned by a worker is payable shall exceed one month". Section 6 provides that "Every worker shall be entitled to recover in a court so much of his wages exclusive of sums lawfully deducted in accordance with the provisions of this Act as shall not have been actually paid to him in legal tender".

Article 13. Section 16 (1) of the ordinance provides that "the payment of wages shall be made on ordinary working days only". Payment of wages in taverns or other similar establishments is prohibited by section 14 of the ordinance.

Article 14. It is unlikely that a worker would not be informed by his employer of the conditions in respect of wages under which he is employed or of any changes. Furthermore, the wages and conditions of work of the large majority of workers in Montserrat are determined by collective bargaining, and are made known to employers by representatives of their organisations. Nevertheless, section 18 (1) of the ordinance provides that "Every employer shall keep a register of wage payments and workers' accounts and every worker shall be entitled, on demand, to a copy of his account in any pay-period".

Article 15, paragraph (a). Complimentary copies of the ordinance will be sent to the trade unions and the employers' association, and additional copies will be available to the public.

Paragraph (b). This has been done (the Government refers to copies of the law attached to its report).

Paragraph (c). This has been done in sections 15 (c), 16 (3) and 18 (2) of the ordinance.

Paragraph (d). Section 18 (1) of the ordinance provides for the keeping of registers.

Article 17. No areas have been exempted.

The application of the above-mentioned legislation is entrusted to the Labour Department. The Labour Commissioner regularly visits and inspects premises in which workmen are employed and ensures the due application of all labour legislation.

No courts of law or other courts have given any decisions involving questions of principle relating to the application of the Convention.

The provisions of the Convention were in effect on a voluntary basis in the territory long before a declaration of acceptance was deposited. The large majority of workers are members of trade unions, representatives of which, by joint consultation with employers and in collaboration with the Labour Department, ensure adequate protection of the wages of workers. Consequently, a declaration of acceptance without modification was made before legislation was passed, as no insurmountable obstacles to the full implementation of the Convention were visualised. The Protection of Wages Ordinance, which was passed by the Legislative Council in August 1962, was enacted for the specific purpose of giving legislative effect to the provisions of the Convention.

97. Migration for Employment Convention (Revised), 1949 ¹

This Convention came into force on 22 January 1952

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, 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:
Guernsey ², Jersey ², Isle of Man ²: 10 March 1956.

Gambia ³, Mauritius ³, North Borneo ³, Zanzibar ³: 16 December 1958.

Barbados ⁴, British Guiana ⁴, Dominica ⁴, Grenada ⁴, St. Lucia ⁴, St. Vincent ⁴: 22 September 1960.

Bahamas ²: 13 February 1961.

Northern Rhodesia ³: 15 January 1963.

Applicable with modification:

Kenya ³: 16 December 1958.

Antigua ⁴, British Virgin Islands ⁴, Montserrat ⁴, St. Christopher-Nevis-Anguilla ⁴: 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.

Nyasaland, Southern Rhodesia: 29 March 1961.

Not applicable: Singapore: 13 March 1961.

¹ This Convention revises Convention No. 66 of 1939.

² Except Annexes I and III.

³ Except Annexes I, II and III.

⁴ Except Annexes I and III and with modification to Annex II.

FRANCE

French Somaliland.

Order No. 60/22/SPGG of 14 March 1960 to give effect to the Decree of 6 September 1956 regulating the employment of aliens in French Somaliland.

UNITED KINGDOM

Bahamas (First Report).

Article 2 of the Convention. The services of the employment exchange, which recruits workers for employment on farms in the United States, are free.

Article 3. No misleading propaganda is used.

Article 4. Government liaison officers supervise arrangements for the departure, journey and reception of workers.

Article 5. Medical examination and general welfare of migrants are arranged in conjunction with government liaison officers. The liaison officers examine the living quarters of workers employed on farms in the United States and provide assistance in respect of domestic, safety, health and welfare facilities and amenities.

Article 6. There is equality of treatment as between immigrants and Bahama nationals in respect of remuneration, accommodation, trade union membership and the taking of legal proceedings. There are no taxes connected with employment.

Article 7. See under Article 2.

Article 9. Any part of a migrant worker's salary not required for local expenses may be transferred to his country of permanent residence.

Article 10. There is no substantial volume of migration between the Bahamas and other countries, and agreements to regulate migratory movements are not therefore required. Persons migrating to the United States under government control are covered by a work agreement negotiated by the Labour Board in Nassau, which establishes that their pay and conditions of service will be the "prevailing rates" in the area of employment.

Bechuanaland.

The first draft of an Employment Bill provides that all immigrant and emigrant workers shall be medically examined.

British Guiana.

Commonwealth Immigrants Act, 1962.

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

Prospective emigrants to the United Kingdom may apply for information to labour exchanges which supply them with the information required under the above Act.

There are no schemes which provide for migrants' families to accompany them; however, should such schemes be organised, the provisions relating to medical examination of migrants would apply also to their families.

There are no frontier workers, and no definition of "short-term entry" can therefore be given.

British Honduras.

A general revision of the Immigration Ordinance is being undertaken, and the necessary provision to fully implement Articles 8 and 11 would be included.

Fiji.

Immigration Ordinance, No. 2, 1962.

Gambia.

In reply to a request by the Committee of Experts the Government states that there is only a small spontaneous movement of seasonal immigrant workers from neighbouring territories; they are not accompanied by their families, and in consequence no special medical service is needed.

Hong Kong.

General responsibility for emigration and immigration, formerly entrusted to the Police Department, now rests with the Immigration Department.

Montserrat (First Report).

Emigrants Protection Act, No. 10, 1929 (*Acts and Ordinances of the Colony of the Leeward Islands*, 1929-31).

Recruiting of Workers Act, No. 4, 1941 (*ibid.*, 1939-41).

Recruiting of Workers Regulations, No. 18, 1946 (*Statutory Rules and Orders of the Colony of the Leeward Islands*, 1946-47).

Article 1 of the Convention. The above-mentioned legislation and the agreements concerning migration of workers to the United States and to St. Croix (Virgin Islands) contain all information in this connection.

Article 2. There is no free service to assist migrants generally.

Article 3. Section 12 (b) of the Emigrants Protection Act is applicable. It has not been necessary to take steps against misleading propaganda in co-operation with other governments.

Article 4. The only organised migration for employment is the government-sponsored movement to the United States and to St. Croix, in respect of which adequate measures are taken to facilitate the departure, journey and reception of migrants.

Article 5. The island medical services are available to all, including emigrants and immigrants. In the case of the government-sponsored movements to the United States and St. Croix the workers are medically examined before departure and travel by air; British West Indian liaison officers ensure that they enjoy adequate medical attention and good hygienic conditions in the territory of destination, and British West Indian labour commissioners visit the United States annually to inspect their living and working conditions.

Article 6. There are no legislative measures. Immigration is negligible, but any immigrants would automatically receive treatment no less favourable than that applied to nationals in respect of the matters outlined in this Article.

Article 7. There is no free service to assist migrants for employment generally.

Article 8. An immigrant and members of his family admitted on a permanent basis are not liable to repatriation without their consent solely because of illness or injury. Montserrat is not a party to any international agreement concerning the return of migrants.

Article 9. Immigrants are free to remit home their earnings, subject to the same currency restrictions as are applied to nationals.

Article 10. In the case of government-sponsored migration to the United States and St. Croix an agreement is entered into by the worker, the employer and the labour commissioner for the purpose of regulating matters of common concern.

Article 11. As Montserrat is an island, there are no frontier workers. There is no specified period constituting short-term entry.

ANNEX II

Articles 1 and 2. The only government-sponsored migration for employment is the movement to the United States and to St. Croix (Virgin Islands).

Article 3. The above-mentioned scheme is regulated administratively as required by paragraphs 2 (a), 3 (a), 4 and 5 of this Article.

Article 4. Under the scheme for migration to the United States, recruitment and introduction are effected without charge to the migrant, but placing is facilitated by the British West Indies Central Labour Organisation, which is supported in part by contributions from migrants concerned. In the case of migration to St. Croix the whole process is free.

Article 5. No circumstances calling for application of this Article have arisen during the period under review.

Article 6. In the majority of cases the provisions of the Article are applied. However, under certain schemes, although conditions of employment are made known in advance, there is no written contract of employment; moreover,

paragraph 1 (c) is not applied when conditions in the territory of destination are well known to all concerned.

Articles 7 and 8. The measures referred to in these Articles are taken where appropriate.

Article 9. Under certain schemes the contingency has not arisen, and there is no such provision.

Articles 10 and 11. Since Montserrat is the territory of emigration, these Articles do not apply.

Article 13. There are appropriate penalties for any breach of the immigration laws.

North Borneo.

In response to a request made by the Committee of Experts in 1961 the Government states that under section 15 of the Immigration Ordinance (Cap. 58) a certificate of residence may be cancelled "if . . . the Governor is satisfied that the removal of the holder thereof from the Colony would be necessary for the public safety or welfare but not otherwise". The report specifies that illness or injury which prevents a migrant from following his occupation would not be regarded as a sufficient reason for his removal in the interest of public safety or welfare.

Northern Rhodesia.

A declaration that the Convention, excluding all annexes, is applicable without modification to Northern Rhodesia was forwarded to the federal Government in July 1962 for transmission to the United Kingdom Government and registration with the International Labour Office.

St. Vincent (First Report).

Recruiting of Workers Ordinance, No. 3, 1940 (*St. Vincent—Ordinances for the Year 1940*, pp. 7-15).
 Recruiting of Workers Regulations, 1940 (*St. Vincent—Orders in Council, Rules, Regulations and Proclamations for the Year 1940*, pp. 162-166) and subsequent amendments thereto: S.R. & O., Nos. 14 and 29, 1942, and Nos. 26 and 78, 1944 (*St. Vincent—Orders, Orders in Council, Rules, Regulations, etc., for the Year 1944*, pp. 59 and 197).
 Recruiting of Workers (Notified Places) Notice, S.R. & O., No. 13, 1942.

Article 2 of the Convention. Accurate and free information is provided to migrants by the Labour Department. Copies of pamphlets distributed free by the Department were annexed to the Government's report.

Article 3. There is no legislation on this subject, but steps are usually taken by the Labour Department against misleading propaganda.

Article 4. Migrants to the United Kingdom are usually met on arrival there. Migrants to Canada and the United States are usually accompanied to the neighbouring West Indian territory, travel by air from there and are met on arrival.

Article 5. Migrants are medically examined before departure, and there is usually a doctor on the ship on which they travel.

Article 6. There is no discrimination of any kind in St. Vincent.

Article 7. See reply to Article 2.

Article 8. There is no law compelling a migrant admitted on a permanent basis to return to his country because of illness or injury. Migrants may send home their earnings subject only to normal currency restrictions.

Article 9. No limit is placed on the transfer of earnings and savings.

Article 10. No agreements have been concluded.

Solomon Islands.

See under Convention No. 15.

Zanzibar.

In response to a request made by the Committee of Experts the Government states that medical services are provided only for migrant workers, but that consideration will be given to extending these services to their families.

* * *

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

France (Comoro Islands, St. Pierre and Miquelon), *United Kingdom* (Aden, British Guiana).

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

France (French Polynesia, New Caledonia), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Bahamas, Bermuda, Brunei, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland).

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

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: 19 June 1958.
British Honduras, Dominica, Grenada, Mauritius, North Borneo, St. Lucia, St. Vincent, Sarawak: 29 December 1958.
Zanzibar: 8 March 1960.
Nyasaland: 1 June 1960.
Malta: 8 March 1961.

Singapore: 13 March 1961.
Kenya: 29 March 1961.
Gambia: 24 January 1962.
Bahamas: 11 April 1962.
Brunei: 5 October 1962.
Montserrat: 26 November 1962.
Antigua, Bermuda: 15 January 1963.
St. Christopher-Nevis-Anguilla: 4 February 1963.
Falkland Islands: 18 February 1963.
Applicable with modification: Northern Rhodesia: 26 August 1958.
Decision reserved:
Basutoland, Bechuanaland, Gilbert and Ellice Islands, St. Helena, Solomon Islands, Swaziland: 19 June 1958.
Southern Rhodesia: 26 August 1958.
British Virgin Islands, Fiji, Hong Kong, Seychelles: 29 December 1958.
Barbados: 13 March 1961.

¹ See footnote 2 to Convention No. 5.

DENMARK

Faroe Islands (First Report).

The right to organise and bargain collectively applies also to the Faroe Islands. Freedom of association is guaranteed by virtue of section 78 of the Danish Constitution.

Act No. 33 of 1955 contains provisions concerning agreements on prices, production or transport, and the approval of the by-laws of trade union organisations by the local government.

FRANCE

Comoro Islands.

Owing to the small number and sparse distribution of wage-earners in the Comoro Islands it was not until 1961 that the first collective agreement was negotiated and signed there. This agreement, which covers the entire public sector, embraces a third of the labour force.

UNITED KINGDOM

Aden, Bechuanaland, North Borneo.

See under Convention No. 84.

Antigua.

See under Convention No. 87.

Fiji.

A new Trade Unions Bill has been drafted.

Employers' representatives have criticised the length of time that it is taking to bring the Bill before the Labour Advisory Board; they have requested, and have been given assurances, that the Board will have ample opportunity to consider and discuss the Bill.

Gambia (First Report).

Trade Union Ordinance (Cap. 88).

Labour (Amendment) (No. 2) Ordinance, No. 11, 1960 (*Gambia Gazette*, No. 50, 31 Dec. 1960).

Police Ordinance (Cap. 90).

Article 1 of the Convention. The amendment of the Trade Union Ordinance to include provision against acts of anti-union discrimination is under consideration. In practice, the stage reached in the development of trade union organisation and of collective bargaining machinery and arrangements for the settlement of differences (through the recently established joint industrial councils and works committees) ensure considerable protection against such acts of discrimination.

Article 2. The trade unions and employers' organisations operate in complete freedom from interference one with another. Certain collective agreements concluded through the joint industrial councils have introduced the "check-off" system of collection of union dues.

Article 4. The provisions of the Labour (Amendment) (No. 2) Ordinance, No. 11, 1960, are designed to encourage the establishment of joint industrial councils.

Article 5. There are no armed forces in Gambia. The Police Rules, made under the Police Ordinance, provide for the creation of a police federation.

Kenya (First Report).

Trade Disputes (Arbitration and Enquiry) Ordinance (Cap. 118).

Essential Services (Arbitration) Ordinance, No. 4, 1950.

Regulation of Wages and Conditions of Employment Ordinance, No. 1, 1951.

Trade Unions Ordinance, No. 23, 1952.

Trade Unions (Amendment) Ordinance, No. 11, 1956.

Societies Ordinance, No. 52, 1952.

Societies (Amendment) Ordinance, No. 26, 1956.

Statute Laws (Miscellaneous Amendments) (No. 2) Ordinance, No. 28, 1961.

Police Ordinance, No. 58, 1960.

Police Regulations, 1961 (Legal Notice 74, 1961).

Article 1 of the Convention. The Trade Unions Ordinance gives legal status, privileges and immunities to workers' and employers' organisations, and to the officers and members of such organisations carrying out their lawful functions. There is in fact adequate protection for workers against acts of anti-union discrimination. Protection in regard to the aspects mentioned in paragraph 2 (a) and (b) of the Article is by administrative action, collective agreement and established usage, rather than by legislation. Recognition agreements between workers' and employers' organisations, or with individual employers, and between the Kenya Federation of Labour and the Federation of Kenya Employers, guarantee workers' rights.

Article 2. The Kenya Federation of Labour is powerful enough to prevent domination or control of workers' organisations by employers or their organisations, and has standing consultative arrangements with the Federation of Kenya Employers for action to remedy abuses or settle disputes about demarcations between unions.

Article 4. The Government, through the Labour Department, gives strong and continuous encouragement to both workers and employers to organise and set up voluntary negotiating machinery. Industrial relations courses for both sides of

industry have been provided throughout the past decade. The Kenya Federation of Labour and the Federation of Kenya Employers have, moreover, adopted an agreed policy to promote voluntary negotiations and mutual recognition of employers' and workers' organisations.

Joint consultation and voluntary negotiation are also promoted through the operation of the trade disputes legislation and the Regulation of Wages and Conditions of Employment Ordinance (e.g. the provisions relating to wages councils, and Part V of the ordinance).

Article 5. The labour legislation of the territory generally excludes the police and members of the armed forces (other than civilian employees) from its scope. Police and personnel of the armed forces are not allowed to organise or to be members of bodies whose purpose is to regulate relations between workmen and employers.

Article 6. Public servants are not precluded from membership of any trade union or from converting their staff associations into registered trade unions. Many such associations are already registered. Voluntary collective bargaining is practised throughout the public service.

In 1961 the Supreme Court (Appellate Side) dismissed an appeal by a breakaway union of African railwaymen against a decision by the Registrar of Trade Unions not to register their union. The breakaway faction was led by a dismissed General Secretary of the African Railway Union (Kenya). A copy of the judgment was attached to the Government's report.

Malta.

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

Article 1 of the Convention. The principle that workers may join any union they like is accepted generally. Any attempt at interference would be strongly resisted by trade unions who would, if need arose, take appropriate measures against the employer.

In the case of workers who are dismissed with or without notice where the union suspects that discrimination took place, the machinery provided by the Conciliation and Arbitration Act, 1948, is set in action, namely, the union concerned brings the dispute to the notice of the Minister, who generally appoints a mediator. The parties meet under the chairmanship of the mediator with a view to reaching an amicable settlement. The Minister may also appoint a board of conciliation. If no settlement is reached the dispute may be referred to the Malta Arbitration Tribunal voluntarily, at the instance of both parties, or compulsorily, at the request of either party.

Article 2. Protection against acts of interference envisaged in paragraph 1 of this Article is ensured in practice. Both workers' and employers' organisations are strong enough not to allow anything of the sort to happen. It is not known that this question has ever arisen.

Article 4. Conditions of employment in industry are in the main regulated by wages councils set up under Part III of the Conditions of Employment (Regulation) Act; employers, workers and independent persons are represented in equal numbers on these councils. However, in those industries where workers are highly organised, trade unions are at liberty to enter into collective agreements with employers. It is known that such agreements exist between the unions and oil companies and employers of port workers.

Montserrat (First Report).

For legislation see under Convention No. 87.

There is no specific legislation prohibiting acts of anti-union discrimination; the right of employees and employers to combine into trade unions is, however, assured by the Trade Union Act, No. 16, 1939, and in practice there is no anti-union discrimination against workers in respect of their employment.

Collective agreements are generally freely negotiated between employers and trade union representatives.

The Labour Commissioner in the exercise of his duties encourages and supports the use of voluntary negotiating machinery; where necessary, he advises the employers and workers on the setting-up of such machinery and on matters relating generally to their functions.

The large majority of the labour force in Montserrat is employed in agriculture; there is a joint industrial council composed of representatives of employers and members of the trade union representing workers in the industry.

The police force has a welfare association with the right to make representations on behalf of its members for general improvements in salaries and working conditions.

No decisions have been given by any courts of law or any other court involving questions of principle relating to the application of the Convention.

In practice there is satisfactory fulfilment of the provisions of the Convention.

There is no "non-union shop" in existence. The trade unions retain control of their own affairs, and employers recognise the right of workers to combine into trade unions and the right of trade unions to represent their members on joint negotiating bodies.

Sarawak.

The Trade Unions (Amendment) Ordinance, 1962, has been enacted but not yet brought into force; it prohibits anti-union discrimination on the part of employers.

In response to a request by the Committee of Experts the Government states that it is considered essential to maintain the present provisions governing the entry of state employees to outside unions until the trade unions of Sarawak reach a more advanced stage of development.

Singapore.

In reply to the request by the Committee of Experts respecting the application of the Convention in the context of the proviso of section 75 of the Industrial Relations Ordinance, the Government states that it is not intended to limit the right of any employee, irrespective of his occupation, to be a member of a union and to collective bargaining. The proviso is intended to enable an employer who promotes an employee to a managerial position to require that the employee sever his connection with the union of which he is already a member or an official. The severance of his connection is with a particular union and not any union. There is nothing to prevent an employee, on being promoted to a managerial position, from becoming a member of another union in the same industry. Further, there are three safeguards to ensure that the protection provided for by the Convention is given to an employee when he is promoted. These are—(a) that the proviso in section 75 is applicable only when the promotion is to a managerial post; (b) the employer can exercise his right under

the proviso only at the time of appointment or promotion to the managerial post; (c) the employer can exercise the right only in connection with a particular union and not any union.

Solomon Islands.

See under Convention No. 15.

Zanzibar.

Section 25 (1) of the Trade Unions Decree (Cap. 176), in its restriction that all officers of a trade union shall be actually engaged in the industry or occupation with which the union is directly concerned, is viewed by the Committee of Experts as constituting interference likely to hamper administration and negotiation should the union be faced with a situation when one of its officers becomes unemployed either by dismissal or resignation; at the present time, however, the Government regards such measures as necessary to prevent outside agitators—who would not suffer from the consequences of their own irresponsible acts—from holding positions of power in the union. It should be noted, however, that section 25 (1) of the above-mentioned decree provides that the secretary of a union need not be a person actually engaged or employed in an industry or occupation with which the union is directly concerned. Furthermore, there are other exceptions provided within the law—section 25 (1) (b) of the decree—when the Registrar of Trade Unions may authorise the holding of an office by a person not directly engaged in the industry or occupation of the union.

The Trade Unions Decree is at the moment being considered for revision, and special note has been taken of the query raised by the Committee of Experts.

* * *

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

United Kingdom (British Guiana, British Honduras, Gibraltar, Mauritius, Northern Rhodesia).

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

United Kingdom (Bahamas, Dominica, Grenada, Guernsey, Jersey, Isle of Man, St. Lucia, St. Vincent).

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 : 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.

Gambia: 7 March 1963.

Decision reserved:

Northern Rhodesia, Southern Rhodesia: 22 March 1958.

Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Zanzibar: 29 December 1958.

Bahamas: 13 March 1961.

Not applicable: Aden, Gibraltar: 29 December 1958.

UNITED KINGDOM

British Honduras.

Wages Councils Ordinance, 1958.

Wages Council (Citrus Industry) Establishment Order, 1962.

The wages council set up by the above-mentioned order will prescribe minimum wages for all agricultural workers in the citrus industry.

Collective agreements have also been negotiated for minimum wages for agricultural workers employed in the sugar industry.

Gambia.

Labour Ordinance (Cap. 85).

Labour (Amendment) (No. 2) Ordinance, No. 11, 1960 (*Gambia Gazette*, No. 50, 31 Dec. 1960).

Article 1 of the Convention. The Labour (Amendment) (No. 2) Ordinance provides for the establishment of voluntary collective bargaining machinery for any specified workers or group of workers. Accordingly the Joint Industrial Council for Agriculture was established after full consultation with the two existing trade unions. The Council decided to exclude from the class of workers covered by its constitution "strange farmers" who are, in fact, tenant farmers from the neighbouring territories of Senegal and Portuguese Guinea and who are, by agreement with their landlords, remunerated in kind and not by cash.

Article 2. The Agreement of the Joint Industrial Council for Agriculture does not provide for partial payment of minimum wages in the form of allowances in kind.

Article 3. The minimum rates agreed by the Joint Industrial Council are binding on the employers and workers concerned, and penalties are laid down for any infringements of the Agreement and of the Labour Ordinance relating to wages and conditions of employment.

North Borneo.

Wages Councils Ordinance, No. 14, 1960 (*Laws of North Borneo*, 1960, p. 295).

The above ordinance was enacted principally in order to enable the Government to apply the Convention without modification. The prevailing shortage of agricultural labour in North Borneo has hitherto been such as to maintain wages at a high level, and there has been no need to set up wage councils for agricultural workers.

Singapore.

Industrial Relations Ordinance, No. 20, 1960.

The above ordinance repealed the Wages Councils Ordinance (Cap. 155). It provides for the regulation of wages through awards of the Industrial Arbitration Court and collective agreements voluntarily entered into between workers represented by their trade unions and employers. Each collective agreement or award under the ordinance applies only to workers in a particular trade or industry, who are unionised and who are working on a contract of service.

Solomon Islands.

See under Convention No. 15.

* * *

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Guernsey).

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

United Kingdom (Jersey, Isle of Man, Mauritius).

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Denmark. Ratification: 22 June 1960.
Decision reserved: Faroe Islands, Greenland:
22 June 1960.

France. Ratification: 10 March 1953.

Applicable without modification:
Overseas Departments: French Guiana, Gua-
deloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

DENMARK*Faroe Islands.*

The Government of the Faroe Islands reports that the legislation required by the Convention is in the course of preparation.

Greenland.

Further consideration of the Convention's applicability awaits a committee report expected during 1963.

* * *

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

France (Comoro Islands, New Caledonia, St. Pierre and Miquelon).

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 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:
Barbados: 9 February 1959.
St. Lucia, St. Vincent: 11 April 1960.
St. Christopher-Nevis-Anguilla: 5 January 1961.
Isle of Man: 29 March 1961.
British Honduras: 1 August 1961.

Antigua: 26 June 1962.
Applicable with modification: Singapore: 13 March 1961.

Decision reserved:
Northern Rhodesia, Nyasaland, Southern Rhodesia: 22 March 1958.

Basutoland, Bechuanaland, Swaziland: 19 January 1959.

Bahamas, Bermuda, British Guiana, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Kenya, Montserrat, North Borneo, St. Helena, Sarawak, Seychelles, Solomon Islands, Zanzibar: 9 February 1959.

Guernsey, Jersey: 8 March 1960.

Mauritius: 10 October 1960.

Malta: 25 November 1960.

Dominica: 23 February 1961.

Grenada: 13 March 1961.

Not applicable: Aden, Gibraltar: 9 February 1959.

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

France (French Guiana, Guadeloupe, Réunion), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Denmark. Ratification: 15 August 1955.
Not applicable: Faroe Islands, Greenland: 15 August 1955.

Netherlands. Ratification: 11 October 1962.
No declaration.

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, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Zanzibar: 16 December 1958.
Guernsey, Jersey: 8 March 1960.

¹ Parts II to V, VII and X.

UNITED KINGDOM

Isle of Man.

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

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENT

Article 66 of the Convention. The ordinary adult male labourer's weekly wage rate quoted in the previous report was the rate agreed upon for general workers by the Isle of Man Employers' Federation and the Isle of Man branch of the Transport and General Workers' Union. The rate for a 42-hour week was increased to £9 12s. 3d. with effect from 26 April 1962. The rate fixed by the Agricultural Wages Board for a male agricultural worker aged 21 and over was increased from £8 6s. 0d. to £8 14s. 0d. with effect from 15 April 1962 for a 50-hour week.

PART XIII. COMMON PROVISIONS

Article 69, paragraph (b). Persons undergoing penal servitude, imprisonment or detention in legal custody are maintained at public expense. The cost of maintaining them is substantially higher than the standard rate of national insurance benefit. It is noted that the Committee of Experts raised the same point in respect of the United Kingdom; the reply given in the United Kingdom report on the Convention for the period 1958-60 is applicable also to the Isle of Man. The adjudicating authorities in the Isle of Man (insurance officers, appeal tribunal and national insurance commissioner) follow the leading decisions of the National Insurance Commissioner in the United Kingdom. As it is the policy of the Isle of Man Government to maintain complete alignment with the United Kingdom on national insurance legislation, amendments regarding the matters covered by Article 69 would be made only to conform to amendments in the United Kingdom.

Paragraph (f). Section 12 (3) (a) of the National Insurance (Isle of Man) Act, 1948, is in the same terms as section 13 (3) (a) of the United Kingdom National Insurance Act, 1946. The remarks made in the above reply regarding Article 69 (b) apply also to this matter.

Solomon Islands.

See under Convention No. 15.

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.

Denmark. Ratification: 17 January 1958.
Applicable without modification: Faroe Islands, Greenland: 17 January 1958.

Netherlands. Ratification: 18 February 1959.
Applicable without modification: Netherlands Antilles, Surinam: 18 February 1959.

United Kingdom. Ratification: 30 December 1957.

Applicable without modification: Aden, Antigua, Bermuda, British Guiana, Brunei, Dominica, Gibraltar, Grenada, Malta, Mauritius, Montserrat, North Borneo, St. Helena, St. Vincent, 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.

Barbados, St. Christopher-Nevis-Anguilla, St. Lucia: 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: 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.

UNITED KINGDOM

Northern Rhodesia (First Report).

Employment of Natives Ordinance (*Laws of Northern Rhodesia*, Cap. 171).

Native Authority Ordinance (*ibid.*, Cap. 157).

Barotse Native Authority Ordinance (*ibid.*, Cap. 159).

Natural Resources Ordinance (*ibid.*, Cap. 239).

Penal Code (*ibid.*, Cap. 6).

Article 1, paragraph (a), of the Convention. Persons are not subjected to compulsory labour under the terms of this paragraph.

Paragraph (b). Section 8 (j) of the Native Authority and Barotse Native Authority Ordinances permits the exaction of compulsory labour for essential public works or services, but active consideration is being given to the possible amendment of the legislation to ensure that such labour should be exacted only for emergency work of an extreme nature. The Natural Resources Ordinance permits native authorities to order any able-bodied male African over 18 years and under 45 years to perform labour. Such labour is used for the well-being of the community and not for purposes of economic development as such. Amending legislation to repeal this section is also being actively considered. None of the above-mentioned provisions has been used since the end of the Second World War.

Paragraph (c). Section 75 (4) of the Employment of Natives Ordinance and section 301 (a) of the Penal Code provide for the infliction of hard labour as a punishment for certain breaches of contracts of service.

Paragraph (d). Participation in a strike is not punished by the exaction of compulsory labour.

Paragraph (e). No such provisions exist.

Article 2. Section 234 of the Penal Code provides that any person who unlawfully compels a person to labour against the will of that person shall be guilty of a misdemeanour.

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.

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

Denmark (Faroe Islands, Greenland).

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Denmark. Ratification: 22 June 1960.
Decision reserved:
Faroe Islands, Greenland: 22 June 1960.

DENMARK

Faroe Islands (First Report).

The Convention must be considered inapplicable to the Faroe Islands. The questions dealt with are the responsibility of the Government of the Faroe Islands, which has stated that the necessary legislation is in course of preparation. No information is available, however, as to when a Bill can be introduced.

Greenland (First Report).

The Convention must be considered inapplicable at present. Any further considerations as to its applicability must await a report to be submitted by a committee set up at the beginning of 1960 to examine the political, economic and administrative conditions of Greenland. This committee will recommend whether it might be appropriate to organise the development of the community in these particular fields on lines other than those hitherto applied. The report of the committee is likely to be submitted in the course of 1963.

Communication of Copies of Reports to the Representative Organisations

(Article 23, Paragraph 2, of the Constitution)

The information supplied on this point is summarised below.

Australia. Copies of the reports have been communicated to the organisations in Australia. The reports relating to *Nauru* have also been communicated to the local organisations.

Denmark. Copies of the reports have been communicated to the organisations in Denmark, to the local employers' organisation in the *Faroe Islands* and to the local workers' organisation in *Greenland*.

France. Copies of the reports have been communicated to the local employers' and workers' organisations in the following overseas territories: *Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon*.

Netherlands: Netherlands Antilles. Copies of the reports have been communicated to local employers' and workers' organisations.

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

Republic of South Africa. Copies of the reports have been communicated to the organisations in the Republic of South Africa.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Aden, Antigua, Barbados, Bermuda, Falkland Islands, Gambia, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland*.

In the territories listed below copies of the reports have been communicated to the Labour Advisory Board: *British Honduras, Fiji, Gibraltar, Hong Kong, North Borneo, Singapore, Zanzibar*.

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *British Guiana, Seychelles*.

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *Bahamas, Basutoland, Bechuana-land, British Virgin Islands, Brunei, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey*.

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

United States. Copies of the reports have been communicated to the organisations in the United States.

International Labour Conference

FORTY-SEVENTH SESSION
GENEVA, 1963

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF REPORTS
ON UNRATIFIED CONVENTIONS
AND ON RECOMMENDATIONS**
(Article 19 of the Constitution)

**Discrimination in Respect
of Employment and Occupation**

GENEVA
International Labour Office
1963

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Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Dis- crimination (Employment and Occupation) Recommendation, 1958 (No. 111) . . .	3

INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations, and paragraph 7 (*a*) and (*b*) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the Conventions and Recommendations on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111). The governments of Members were requested to send their reports to the International Labour Office before 1 July 1962. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 30 November 1962.

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the above-mentioned Convention are presented to the Conference each year.¹

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IV), which will also be submitted to the Conference at its 47th Session (1963), will include general observations made by the Committee on the reports on the above-mentioned Convention and Recommendation.

¹ These summaries have been presented to the Conference in the case of the present Convention, from the 46th Session (1962) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.

**DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION
(No. 111) AND DISCRIMINATION (EMPLOYMENT AND OCCUPATION)
RECOMMENDATION (No. 111), 1958¹**

Albania

Constitution.
Labour Code.

CONVENTION

Citizens have the right to work in Albania, and the freedom to choose their occupations. Equality is guaranteed in respect of working conditions, social insurance, job security, vocational training, promotion and remuneration. Remuneration is based on the quantity and quality of the work furnished.

All citizens are equal before the law, and no privileges are granted on the basis of origin, position, wealth, or cultural level. Any act which grants privileges to any citizen or limits his rights on the grounds of nationality, race, or religion is punishable by law. Women workers have the same rights as men.

Women, minors, disabled workers and citizens with dependent children are protected by special legislation. Women have special maternity and nursing legislation. Minors are also granted privileges such as a six-hour working day. Sick or disabled workers are put on light work.

RECOMMENDATION

Discrimination in the field of access to vocational training, to employment and to different occupations, as well as discrimination in the conditions of employment which are the subject of the Recommendation, do not exist in Albania.

Austria

Constitution of 1929.

Peace Treaty between the Allied and Associated Powers and Austria, Protocols and Declarations: signed at Saint-Germain-en-Laye on 10 September 1919.

CONVENTION

The requirements of the Convention are applied through a number of constitutional provisions. Section 7 of the Constitution states that all citizens of the Federal Republic are equal before the law, and that no privilege shall be granted on the grounds of birth, social condition, sex or creed. The principle of the equality of

¹ When reports furnished by governments are summarised under two subheadings, "Convention" and "Recommendation", the latter contains only information which has not been supplied under the former. When neither subheading appears, the summary covers both instruments.

all citizens is embodied in section 2 of the Basic State Law dated 21 December 1867 defining the general rights of citizens; section 3 guarantees all citizens free access to public office, and section 6 authorises them to engage in any occupation allowed by the law. The Treaty of Saint-Germain (Section V, Part II, Article 66) contains similar guarantees against discrimination. Constitutional status was conferred on both the Basic State Law and the Treaty of Saint-Germain by section 149 of the Constitution.

There are no problems relating to distinction, exclusion or preference based on race, colour, creed, political opinion, national extraction or social origin which would nullify or impair equality of opportunity or treatment in employment or occupation. No distinction is made on the grounds of sex, since the Austrian Government has ratified Convention No. 100. The Government therefore has not considered it necessary to adopt official measures concerning equality of opportunity or treatment in the fields of vocational training, employment and occupation.

There has been no modification in national legislation or practice affecting the application of all or part of the provisions of the Convention.

Up to the present time ratification has been opposed by employers' associations, which consider that the provisions concerning prohibition of discrimination in employment and occupation, which should be applied by "methods appropriate to national circumstances and practice" and by the enactment of "laws . . . ensuring acceptance and application of this policy", would constitute considerable interference with individual rights based on the principle of freedom to contract. The employers' associations hold that the principle of equality embodied in the Constitution should apply in the public sector alone, and not in the private sector. It is maintained that the provisions of the Convention might curtail individual liberty in the negotiation and formulation of work contracts under existing laws.

A report on the Convention has been submitted to the National Council and transmitted to the Committee on Social Administration for detailed study. The report is at present under review; no decision has yet been reached in respect of ratification.

RECOMMENDATION

Any violation of the provisions guaranteeing equality of rights and treatment of all citizens may be brought before the Constitutional Court.

It does not appear necessary to consider other measures aimed at giving effect to the provisions of the Recommendation.

There appears to be no justification for amending the Recommendation in order to facilitate its adoption.

Bolivia

Bolivian social legislation contains no discriminatory provisions in respect of employment or occupation, especially in the form in which the Convention and the Recommendation define discrimination. No other law or regulation discriminates against individuals because of political opinions which are considered ideologically adverse to the Government or the established social and economic order.

This Convention and Recommendation are applied in Bolivia under a number of statutory instruments, chief among them being the Constitution, the Labour Code and the decree issued thereunder, and the Social Security Code. Section 4 of the General Labour Act stipulates that no worker may waive his rights. Section 13 of this same Act and section 8 of the Decree of 23 August 1943 require employers to pay compensation to workers dismissed for reasons beyond their control. Social

security is compulsory for Bolivian nationals and for aliens of both sexes who are in the service of an employer by virtue of an assignment, contract of employment or contract of apprenticeship, whether private or public, or explicit or implicit.

The foregoing shows that there is equality of rights and opportunity without distinction of race, sex, nationality, religious beliefs or political opinions, for all who wish to work in Bolivia. All workers are entitled to equal treatment, apart from certain restrictions on the political rights of aliens.

Brazil

Federal Constitution of 18 September 1946.

Consolidation of Labour Laws approved by Legislative Decree 5452, dated 1 May 1943 (*L.S.*¹ 1943—Braz. 1).

Legislative Decree No. 9642, dated 15 July 1946.

Act No. 1390, dated 3 July 1951.

Act No. 3807 to establish a social welfare scheme, dated 26 August 1960.

Regulation approved by Decree No. 48959-A, dated 19 September 1960.

CONVENTION

All the provisions of the Convention are embodied in statutory instruments which forbid all discrimination in respect of employment and occupation. However, under the Consolidation of Labour Laws (section 311 (*a*)) journalism, and under the Federal Constitution (article 360) the ownership or management of newspapers, are reserved to Brazilian nationals. The Constitution also stipulates (article 155) that the owners, operators and masters of Brazilian vessels and two-thirds of their crews must be Brazilian nationals. The Consolidation of Labour Laws stipulates that in each category, class or trade two-thirds of the crew must be Brazilian-born, while one-third may consist of naturalised Brazilians. Some restrictions are also placed (under Legislative Decree No. 9642) on the employment of aliens in Brazilian docks and shipping, although this does not apply to aliens who have been living in Brazil for ten years and have a Brazilian wife or child. These measures are dictated by the needs of national security.

The Constitution and the Consolidation of Labour Laws also prescribe the percentage of Brazilian wage earners who must be employed in public utilities and in any undertakings in specified branches of commerce and industry. Nevertheless, aliens who have been living in Brazil for more than ten years and who have a Brazilian wife or child are placed on the same footing as Brazilian nationals for this purpose.

It is unnecessary to carry out educational campaigns against discrimination in employment and occupation. In any event, Act No. 1390 forbids any discrimination on grounds of race and colour.

RECOMMENDATION

The laws or regulations forbidding discrimination are enforced *ex officio* by the Ministry of Labour and Social Welfare as regards labour inspection, by the labour courts as regards pleas by individuals, and by the criminal courts as part of their normal duties in the case of any discriminatory practice constituting an offence. The trade unions may co-operate with the Ministry of Labour and Social Welfare in the

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

enforcement of the laws for the protection of labour. The unions are entitled, *inter alia*, to represent the general interests of their branch or occupation, or the individual interests of their members, in dealings with the administrative and judicial authorities.

Bulgaria

Constitution.

Labour Code.

Trade Union Statutes.

Act to establish closer links between education and life and for the further development of education in Bulgaria.

RECOMMENDATION

All citizens are equal before the law, which recognises no privileges based on nationality, origin, religion or fortune. Any propaganda designed to foment racial, national or religious hatred is punishable by law.

The Constitution and national law and practice grant women the same rights as men in all fields of public, economic, social, cultural and political life. In accordance with the constitutional principle of the equality of citizens before the law the State guarantees every citizen the right to work.

The principle of equal pay for equal work has been put into practice, and work is remunerated in accordance with its quantity and quality.

Every wage earner or salaried employee is able to advance in his work or employment without discrimination of any kind.

The Labour Code and labour legislation entitle all wage earners and salaried employees to security of employment.

In accordance with the Constitution the Labour Code prescribes conditions of employment for all wage earners and salaried employees without discrimination.

Labour legislation contains no discriminatory clauses within the meaning of the Recommendation. Collective labour agreements, which are based on this legislation and cannot conflict with it, do not contain any clauses of this kind.

Neither membership of a trade union nor the occupational activities of trade union members involves any discrimination based on race, nationality, sex, social circumstances or religion.

Burma

Policy Declaration of the Revolutionary Council. Dated 30 April 1962.

Employment and Training Act, No. XXXVII, 1950 (L.S. 1951—Bur. 4).

Restriction of Engagement Act, 1959.

Although no legislation, administrative regulations or other measures exist with regard to discrimination in employment and occupation, citizens have the right to work, and there is no discrimination on the basis of race, colour, sex or religion against those seeking jobs. Employment offices render impartial service to applicants. In certain geographical areas, employers employing 50 or more workers are required to notify their vacancies and to select from a list submitted by the employment office.

Byelorussia

Constitution.

Penal Code.

Labour Code.

RECOMMENDATION

Existing legislation prohibits discrimination and guarantees human rights in respect of employment and occupation. The Constitution guarantees universal equality of economic, public, cultural, social and political rights, regardless of nationality, race or sex.

The Penal Code forbids acts and propaganda inciting to racial hatred or strife, as well as direct or indirect curtailment of rights or the direct or indirect granting of privileges for reasons of race or nationality.

The Constitution upholds freedom of worship and condemns religious discrimination.

All citizens of the Republic are entitled to steady employment and remuneration corresponding to the quantity and quality of their work. The right to work is guaranteed by such provisions as the prohibition of unjustified refusals to hire workers or grant membership in a co-operative production association; the legal responsibility of persons who refuse these privileges for reasons unrelated to the actual qualifications of applicants; and strict regulation of the grounds for dismissing workers and employees.

Employers violating rules laid down by the Labour Code are subject to prosecution or official sanctions. Work contracts and collective agreements providing less favourable working conditions than required by the present Code are null and void.

The Constitution provides that all citizens are entitled to rest and freedom from want in old age, sickness, or in the event of disability, as well as to education; these rights are upheld and applied without any exception whatsoever.

Aliens and stateless persons enjoy the same right to work as citizens of the Republic. They are accorded free medical care and government-paid social insurance benefits. Aliens and members of their families are also entitled to benefits under the national pension scheme.

The agencies of the Public Prosecutor exercise control over the observance of the law by ministries, departments and services, as well as by all government officials and citizens.

Technical and legal inspection services as well as legal advisory centres are available to trade unions, which are charged with supervising the application of labour laws.

Existing legislation wholly excludes any possibility of instances of discrimination in respect of employment and occupation and conforms to all the provisions of the Recommendation. No amendments or additions whatsoever are required.

Cameroon

CONVENTION

The Convention was ratified for the Federated State of Eastern Cameroon by Federal Ordinance No. 61/OF/10 of 26 October 1961.

Canada

Federal Legislation.

Canada Fair Employment Practices Act, assented to 14 May 1953 (1-2 Eliz. II, Ch. 19) (*L.S.* 1953—Can. 2).

Fair Wages Policy of the Government of Canada, P.C. 1954-2029.

- Female Employees Equal Pay Act, assented to 14 August 1956 (4-5 Eliz. II, Ch. 38) (*L.S.* 1956—Can. 1).
 An Act to amend the Unemployment Insurance Act, assented to 30 September 1956 (4-5 Eliz. II, Ch. 50) (*L.S.* 1956—Can. 2).
 Canadian Bill of Rights, assented to 10 August 1960 (*Revised Statutes of Canada*, 1960, Ch. 44).
 Technical and Vocational Training Assistance Act, assented to 20 December 1960 (*ibid.*, 1960-61, Ch. 6).
 Vocational Rehabilitation of Disabled Persons Act, assented to 1 June 1961 (*ibid.*, 1960-61, Ch. 26).

Provincial Legislation.

Alberta.

- An Act to amend the Alberta Labour Act, assented to 11 April 1957, Part VI, Ch. 38, s. 41: Equal Pay Legislation.

British Columbia.

- Equal Pay Act, assented to 17 October 1953, Ch. 6.
 Fair Employment Practices Act, assented to 2 March 1956, Ch. 16.

Manitoba.

- Equal Pay Act, assented to 23 April 1956, Ch. 18.
 Fair Employment Practices Act (*Revised Statutes*, 1954, Ch. 81, and 1956, Ch. 20).

New Brunswick.

- Female Employees Fair Remuneration Act, assented to 25 March 1961 (9-10 Eliz. II, 1960-61, Ch. 7).
 Fair Employment Practices Act, assented to 16 March 1956, Ch. 9.

Nova Scotia.

- Equal Pay Act, assented to 11 April 1956, Ch. 5.
 Fair Employment Practices Act, 1955, Ch. 5, and 1959, Ch. 47.

Ontario.

- The Ontario Human Rights Code (10-11 Eliz. II, 1961-62). (This is a codification of all previous Ontario enactments on discrimination, including the Fair Employment Practices Act and the Female Employees Fair Remuneration Act.)

Prince Edward Island.

- Equal Pay Act, assented to 25 March 1959, Ch. 11.

Saskatchewan.

- Equal Pay Act, 1953, Ch. 265, and 1954, Ch. 69.
 Fair Employment Practices Act, 1956, Ch. 69, and 1959, Ch. 28.
 Saskatchewan Bill of Rights Act (*Revised Statutes*, 1953, Ch. 345).

CONVENTION

Article 1, paragraph 1. The above legislation includes non-discrimination provisions. The Canada Fair Employment Practices Act and the federal Fair Wages Policy define discrimination bases as race, national origin (including national extraction), colour and religion, whereas the federal Unemployment Insurance Act also refers to political affiliation and the Canada Bill of Rights to sex. Social origin is not a basis for discrimination in employment in Canada. Under the federal Technical and Vocational Training Assistance Act and the federal Vocational Rehabilitation of Disabled Persons Act no discrimination is made on the basis of racial origin, religious views or political affiliation. The federal Female Employees Equal Pay Act guarantees wage equality on the basis of sex.

The provinces of Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan and British Columbia have fair employment practices legislation. The forms of discrimination mentioned are almost identical with those contained in the Fair Employment Practices Act. In addition, the province of Saskatchewan administers

the Saskatchewan Bill of Rights Act which refers to race, religion, colour and ethnic and national origin as discrimination bases. Nova Scotia, Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia have equal pay Acts.

Paragraph 2. Federal and provincial legislation include bona fide clauses permitting exclusion of classes of employees or groups or preference in respect of a particular job based on the inherent requirements thereof.

Paragraph 3. In both federal and provincial legislation the terms "employment" and "occupation" include access to vocational training, to employment and to particular occupations, and terms and conditions of employment. Under the Technical and Vocational Training Assistance Act government policy requires in dominion-provincial agreements on vocational training that there shall be no discrimination in access to vocational training and guidance on the basis of race, national origin, colour, religion or political affiliation.

It is difficult to determine the number of Canadian people directly protected by federal and provincial legislation in the field of discrimination in employment and occupation. However, all Canadian people are given protection in this field under the criminal law of Canada and under Canadian common law.

The Canada Fair Employment Practices Act directly affects about 500,000 employees; the federal Civil Service Commission, which has a policy of non-discrimination, governs the employment of about 200,000 employees; the National Employment Service of the Unemployment Insurance Commission refers about 1 million workers to places of employment each year on a non-discrimination basis in accordance with Unemployment Insurance Commission referral legislation and policy. Under the Technical and Vocational Training Agreement about 40,000 men and women a year are given training and guidance and are protected by the non-discrimination policy of the Technical and Vocational Training Assistance Act.

The provinces which have fair employment practices Acts and/or equal pay for female employees legislation have a combined population of about 12 million people directly or indirectly protected by the legislation.

Article 2. The Government of Canada and the provinces have undertaken and undertake to declare and pursue a national policy in accordance with this Article.

Article 3, paragraph (a). From time to time the Minister of Labour convenes *ad hoc* committees composed of persons with special interest in programmes of anti-discrimination in employment who represent government agencies, employers' and workers' organisations and organisations representing ethnic and religious groups. These committees review periodical reports prepared by officers of the Federal Department of Labour and the Unemployment Insurance Commission regarding the administration of the Canada Fair Employment Practices Act, the anti-discrimination provisions of the Unemployment Insurance Commission Act and the anti-discrimination clause in the awarding of government contracts. They also review relevant educational material and advise the Minister of Labour on an adequate educational programme in the field of discrimination in employment and occupation as well as on the activities of national organisations working in the field of human rights.

Officials of the Department of Labour attend international, national and regional meetings on discrimination in employment sponsored by trade union organisations and other groups, and the Department also acts as adviser to various community groups which have or are about to establish anti-discrimination committees.

The Department of Labour maintains very close liaison with the National Committee on Human Rights of the Canadian Labour Congress and the various Human Rights Committees throughout Canada sponsored by the National Committee on Human Rights and with other voluntary groups.

Those provinces with fair employment practices legislation also maintain liaison with the various Human Rights Committees in their particular provinces.

The Federal Department of Labour, as well as three Canadian provinces, are full members of the Conference of Commissions against Discrimination, whose members consist of United States and Canadian agencies at various levels responsible for enforcement of non-discrimination legislation.

Paragraph (b). Since the passing of the Canada Fair Employment Practices Act in 1953 the Department has conducted an expanding programme of educational publicity to supplement the conciliation and enforcement provisions of the Act. The programme comprises talks and plays on radio and television, distribution of pamphlets and posters, production of a film, and publicity in newspapers and journals.

The provinces with legislation in this field have also undertaken educational programmes. Ontario has produced two main publications on human rights.

Paragraph (c). Section 2 of the Canadian Bill of Rights states: "Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorise the abrogation, abridgment or infringement of any of the rights or freedoms herein recognised and declared. . . ." Under section 3 the Minister of Justice is responsible for examining proposed regulations and Bills in order to ascertain whether any of their provisions is inconsistent with the purposes and provisions of the Canadian Bill of Rights, and for reporting inconsistencies to the House of Commons.

Paragraph (d). The Civil Service Commission has pursued the policy of non-discrimination in employment and has amended its application for employment form in accordance with the spirit of the Canada Fair Employment Practices Act, although the Act does not apply to employees of Her Majesty in right of Canada; it does, however, apply in respect of any corporation established to perform any function or duty on behalf of the Government of Canada and in respect to employees of such corporations. The provincial governments have also followed a policy of non-discrimination in their employment practices.

Paragraph (e). See under Article 1 (1); the Unemployment Insurance Act and the Technical and Vocational Training Assistance Act apply. In addition, the staff training division of the Unemployment Insurance Commission has a training programme for national employment service officers particularly as their work affects anti-discrimination legislation.

Article 4. The Canada Fair Employment Practices Act and three of the provincial Acts contain a security clause. Section II of the Canada Fair Employment Practices Act states that "Nothing in this Act shall be construed to require a person to employ anyone or to do or refrain from doing any other thing contrary to any instruction, direction or regulation given or made by or on behalf of the Government of Canada in the interests of the safety or security of Canada or any State allied or associated with Canada". There is a right of appeal to a competent body established in accordance with national practice. A right of appeal to the courts against dismissal or refusal of employment on security grounds exists but is not provided for in the non-discrimination legislation.

Article 5. In addition to special measures of protection or assistance provided for in other international labour Conventions or Recommendations, both the federal and provincial authorities have determined other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are recognised to require special protection or assistance.

RECOMMENDATION

Paragraph 1. See above, under Article 1 of the Convention.

Paragraph 2. The Government of Canada and the provinces have formulated a national policy for the prevention of discrimination in employment and occupation, which has been applied by legislative measures as well as some collective agreements.

Subparagraph (a). The promotion of this policy is a matter of public concern, as evidenced by the adoption of federal and provincial legislation and by the educational programmes which have been organised.

Subparagraph (b). Equality of opportunity and treatment as defined in this subparagraph is ensured through federal and provincial legislation.

Subparagraph (c). See above, under Article 3 (d) of the Convention.

Subparagraphs (d) to (f). The Canada Fair Employment Practices Act prohibits discrimination by employers and by trade unions.

Paragraph 3, subparagraph (a). See above, under Article 3 (c) of the Convention.

Subparagraph (b). The Government of Canada and several provinces promote the observance of the principles of non-discrimination as regards other employment and other vocational guidance, vocational training and placement services. Thus, the Federal Fair Wages Policy includes a non-discrimination provision as regards hiring and employment of labour for the execution of government contracts. Failure of the contractor to comply with this provision constitutes a material breach of the contract. If the contractor is dissatisfied with a decision, he may, within 30 days after the decision was made, request the Minister of Labour to refer the question to a judge.

Paragraph 4, subparagraph (a). See above, under Article 3 (a) and (b) of the Convention.

Subparagraphs (b) and (c). The federal Canada Fair Employment Practices Act, which in respect of employment procedure is very similar to the provincial Acts, provides that a person claiming to be aggrieved because of an alleged violation of the provisions of the Act may make a complaint in writing to the official in charge of such matters in the Department of Labour, who shall inquire into the complaint and endeavour to effect a settlement. If he is unsuccessful, the Minister may refer the matter to an Industrial Inquiry Commission, for investigation with a view to settlement of the complaint. If the Commission finds the complaint is supported by evidence, it shall recommend to the Minister the course to be followed (including reinstatement), and the Minister may issue whatever orders he deems necessary to carry such recommendation into effect.

The Canada Fair Employment Practices Act and the provincial Acts also have sections dealing with offences and penalties under the Act. The provisions of the federal Act and the provincial Acts are similar.

Paragraphs 5 to 7. See above, under Articles 3 (c), 5 and 4 respectively of the Convention.

Paragraph 8. With respect to immigrant workers of foreign nationality and the members of their families, regard is had to the provisions of Convention No. 97, relating to equality of treatment and the provisions of Recommendation No. 86, relating to the lifting of restrictions on access to employment.

Paragraph 9. Both federally and provincially, there is continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies, which consider what further positive measures may be necessary

in the light of national conditions to put the principles of non-discrimination into effect.

Paragraph 10. The authorities responsible for action against discrimination in employment and occupation co-operate with the authorities responsible for action against discrimination in other fields, e.g. public accommodation and housing. The Department of Labour also maintains continuous liaison with the Department of Citizenship and Immigration, the Department of Public Works, the provincial authorities and other agencies and authorities.

Central African Republic

Labour Code: Act No. 61-221 dated 2 June 1961 (*Journal officiel*, Aug. 1961).

The Labour Code rules out any discrimination on grounds of race or nationality. Section I of the Code states: " 'Worker' means . . . any person, irrespective of sex or nationality, who has undertaken to place his gainful activity, in return for remuneration, under the direction and control of another person (including a public or private corporation). For the purpose of determining whether or not a person is to be regarded as a worker, no account shall be taken of the legal position of the employer or of the employee."

Title III of the Code (contracts of employment) abolishes any form of racial discrimination.

The law requires equality of treatment for all workers and makes provision for employers and workers to conclude individual and collective contracts of employment on additional benefits not prescribed by law. Staff representatives are empowered to negotiate conditions of employment with their employers.

Title IV (remuneration of workers) requires equality of treatment for all workers.

There is a National Advisory Committee (with the Minister of Labour as Chairman) composed of equal numbers of employers' and workers' representatives, which has responsibility for implementing the Code in collaboration with the appropriate departments of the Ministry of Labour.

Ceylon

There are no legislative provisions, administrative regulations or other measures giving effect to the provisions of the instruments.

Recruitment to the public service is restricted to Ceylonese nationals, and, in certain schemes, to males.

No national policy as described in Article 2 of the Convention has been declared, and no measures have been taken in accordance with Article 3.

Persons coming within the category of Article 4 of the Convention are generally taken into police custody and thereafter interdicted under Public Service Commission Rule No. 29. When such a person is convicted in a court of law, the court forwards a report to the head of the department, who takes appropriate action against the convicted person—generally dismissal from the public service. Under Public Service Commission Rule No. 28 there is provision for an appeal.

Chad

Constitution of 16 April 1962.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code.

Order No. 258 of 28 April 1955 restricting the employment of alien workers.

Collective agreement for road and river transport.

Collective agreement for building and public works.

Neither in the Labour Code nor in the regulations issued to implement it is there mention of any form of distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which would have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Furthermore, the collective agreements contain provisions designed to secure greater respect for the principle of non-discrimination.

The Government does not consider that the provisions of the Order of 28 April 1955 constitute discriminatory measures, since workers who are nationals of newly independent States must be protected so long as their own resources and circumstances prevent them from standing an equal chance with alien workers competing for the same jobs. Subject to this reservation alone, the public authorities never cease to assert on all occasions the principle of non-discrimination embodied in the preamble to the Constitution; the various forms of education and training are open to all, and within the undertaking equality of treatment is assured both through joint committees and staff representatives and through the visits of labour inspectors.

There are no measures governing the employment or occupation of persons justifiably suspected of engaging in activities prejudicial to the security of the State.

Chile

Constitution of 18 September 1925.

Act No. 12927 respecting internal security of the State, of 2 August 1958 (*Diario Oficial*, 6 Aug. 1958).

CONVENTION

Article 1. The legislation of the country contains none of the forms of discrimination defined in this Article. Article 10 of the Constitution guarantees access to all jobs and public offices without other conditions than those imposed by law. In practice there are employers who refuse to hire trade union members or officers.

Article 2. Equality of opportunity and treatment in respect of employment and occupation is defined by law and, in practice, the policy is to guarantee this equality.

Article 3. It is the duty of labour services to adopt administrative measures to remedy discriminatory practices.

Article 4. There are no legislative or administrative measures affecting persons referred to in this Article.

Article 5. The only special measures of protection or assistance provided for apply in the case of women or those having family responsibilities; these measures take the form of maternity leave, family allowances and other kinds of financial assistance.

RECOMMENDATION

Broadly speaking, the report on the Recommendation deals with the same questions as those handled in the report on the Convention. The only essential difference is found under paragraph (b) of Part III of the form of report: i.e. that national legislation does not conform to the principles expounded in subparagraph

(b) (iii) and (iv) of Paragraph 2 of the Recommendation, that the bodies mentioned in Paragraph 4 of the Recommendation do not exist in Chile, and that the Directorate of Labour considers that the provisions in question make it impossible for Chile to accept this Recommendation.

China

Constitution of 25 December 1947.

Telegrams of the Ministry of the Interior Nos. 86202, 84770 and 85772, despatched on 29 May 1962.

RECOMMENDATION

Article 7 of the Constitution states that the inhabitants of China are equal before the law irrespective of sex, religion, race, social class or political grouping.

The Ministry of the Interior has sent telegrams to the Ministry of Economics, the Ministry of Communications, the Ministry of Finance, the government of the province of Taiwan, the National Association of Manufacturers, the National Union of Chambers of Commerce, the National Confederation of Trade Unions, etc., asking them to enforce the principle of non-discrimination laid down in Convention No. 111 in their organisations, schools, chambers of commerce, businesses, factories, mines and other undertakings.

The Government is considering taking measures to enforce the principle of non-discrimination.

Colombia

Constitution.

Labour Code.

Criminal Code.

Code of Criminal Procedure.

Political and Municipal Code.

Legislative Decree No. 118 of 1957 establishing the National Apprenticeship Service (SENA).

Legislative Decree No. 1521 of 1957 respecting family allowances.

Act No. 90 of 1946 respecting social insurance.

Decree No. 1732 of 1960 respecting the civil service.

Colombian legislation is in accordance with the Convention and Recommendation and contains no discriminatory measure in respect of employment and occupation.

Under article 11 of the Constitution Colombian nationals and aliens enjoy the same civil rights (although the law may, in the interests of public order, restrict the exercise of some of these rights by aliens), together with the same safeguards (subject to the restrictions imposed by the Constitution and legislation). Political rights are for Colombian nationals only. The Labour Code applies to all inhabitants irrespective of their nationality. Section 10 of the Code declares that all workers are equal before the law, grants them equal protection and safeguards, and abolishes any distinction between them according to whether their work is intellectual or manual or on the grounds of its nature or the type of remuneration (apart from such exceptions as are allowed by law). Section 57 of the Political and Municipal Code states that all inhabitants, including aliens, must obey the law. The National Apprenticeship Service (SENA) must provide workers with training without discrimination, and co-operation between the Government and the employers' and workers' organisations is in accordance with Article 3 (a) of the Convention.

Article 39 of the Constitution entitles each individual to choose his own occupation, but the law may require evidence of his ability to exercise it and may regulate its exercise. Section 8 of the Labour Code affirms the right of an individual to work and to engage in any lawful occupation, industry or commerce. This right is also affirmed by section 308 of the Criminal Code. Section 60 of the latter prohibits any restriction on an individual's freedom to work or not to work, to join or not to join a trade union, or to continue or terminate membership. Article 17 of the Constitution states that work is a social obligation under state protection, while section 9 of the Labour Code requires government employees to guarantee the workers' rights. Equal pay for equal work without distinction of age, sex, nationality, race, religion, political opinions or trade union membership is prescribed by section 143 of the Labour Code. Decree No. 1732 forbids discrimination in appointment, promotion, dismissal or conditions of employment in the civil service.

Under section 1 of the Code of Criminal Procedure a penalty may be imposed for a breach of the criminal law (which also covers offences against the State) only in accordance with the statutory procedure and with a verdict passed by a competent judge. This provision guarantees the right of appeal to the appropriate courts.

There are also provisions dealing with social assistance and social security.

It is not necessary to amend Colombian legislation, since it is already in accordance with the Convention and Recommendation.

Congo (Brazzaville)

The principle of non-discrimination is firmly established and applied in all the institutions.

Laws and regulations on working conditions and social welfare apply without discrimination to nationals and aliens alike. No discriminatory clause is to be found in the collective agreements currently in force.

Public office may be held by Congolese citizens only; this rule is also applied in many other countries, since officials wield some measure of public power.

Congo (Leopoldville)

Decree to prescribe the maximum hours of work and to provide for rest on Sundays and public holidays. Dated 14 March 1957 (*Bulletin officiel du Congo belge*, Part 1, No. 8, 15 Apr. 1957, p. 970) (L.S. 1957—Bel. C. 3.)

Legislative Decree respecting contracts for the hire of services. Dated 1 February 1961 (L.S. 1961—Congo (Leo) 1).

Legislative Decree to establish a social security scheme. Dated 29 June 1961 (*Moniteur congolais*, No. 17, 4 Aug. 1961).

CONVENTION

Article 1. The Legislative Decree of 1 February 1961 abolished discrimination between persons indigenous to the Congo and the inhabitants of neighbouring colonies on the one hand, and the nationals of countries outside the African Continent on the other. Section 2 applies to all contracts for the hire of services concluded or mainly performed in the Congo, regardless of the race, sex or nationality of the parties, the nature of the services or the amount of remuneration.

Congolese social security measures apply without discrimination to all persons hiring out their services under a contract. Under the provisions of sections 2 and 3 of the Legislative Decree of 29 June 1961 all workers to whom the regulations relative to contracts for the hire of services apply, including foreign nationals and boatmen

occupied on the national territory by one or more employers, benefit from the social security scheme, regardless of the nature, form or validity of the contract and the amount and nature of remuneration.

Articles 2 and 3. Legislation neither applies, nor restricts access, to employment or specific occupations. There are neither practices nor legal texts conflicting with the principles embodied in the Convention. The recruitment of workers and the conditions of their employment are based on individual qualifications.

Article 4. Laws relative to the security of the State are independent of legislation governing the hire of services.

RECOMMENDATION

Paragraph 1. Legislation relating to maximum hours of work, rest on Sundays and public holidays, apprenticeship contracts, freedom of association and occupational health and safety, applies to all inhabitants of the Congo without discrimination. The minimum legal wages established by the provincial authorities vary only according to the nature of the work (light, heavy or normal).

Section 6 of the Legislative Decree of 1 February 1961 stipulates that married women may not legally enter into a contract of service if their husbands expressly forbid them to do so. This provision conforms to present family usage and could not be eliminated unless there were a change in local custom.

Paragraph 2, subparagraphs (a), (b) and (d). Neither the choice of vocational training and employment nor vocational guidance services are regulated by Congolese legislation, nor is there any restriction relative to this freedom of choice. Nor are there any provisions relative to promotion and remuneration for work of equal value, as these questions are regulated by agreement between employers and workers. The authorities strive to promote the conclusion of collective agreements on working conditions. The policy of employers conforms to the principle embodied in subparagraph (d).

Paragraph 3. The Government makes every effort to promote non-discriminatory principles, and legislation prohibits discrimination of any kind whatsoever. Nevertheless, subordinate authorities (provinces, communes, districts, etc.) may still practise a certain measure of discrimination based on tribal or other traditions, in accordance with firmly established usages and customs. Unless family and social structures evolve it will not be possible to eliminate these practices, against which legislative measures would prove ineffective.

Paragraph 4. No agencies have been set up for the express purpose of promoting a policy of non-discrimination; such agencies would not be justified in a country where discrimination is illegal.

Paragraph 6. Special measures favouring certain categories of workers exist, e.g. those protecting the work of women, children and disabled persons (Legislative Decree of 1 February 1961, sections 7, 8 and 71).

Paragraph 7. See above, under Article 4 of the Convention.

Paragraph 8. Congolese legislation, which does not contain any provisions conflicting with Convention No. 97, and Recommendation No. 86, applies, without discrimination, to aliens as well as to nationals (Legislative Decree of 29 June 1961, sections 2 and 3).

Paragraph 9. As the principles of non-discrimination are observed in practice and embodied in legislation, their enforcement is no longer necessary.

Costa Rica

Constitution.
Act No. 2694 of 1960.

CONVENTION

Articles 121 (4) and 124 of the Constitution confer the status of national legislation on ratified Conventions.

Under Act No. 2694 (section 3) the State guarantees the right of individuals to choose their employment freely, and section 4 of the same Act entitles every person to work in the occupation of his choice, to be protected against unemployment and to receive equal pay for equal work without discrimination on grounds of race, colour, sex, language, religion, opinion, national extraction or social origin, economic status, birth or any other factor such as membership of a particular body, marital status or age.

Article 1, paragraph 1 (a). Costa Rican legislation contains no form of discrimination. Act No. 2694 abolished any forms of discrimination which existed previously.

Paragraph 1 (b). There is no provision on this point.

Paragraph 2. There have been no difficulties in applying this.

Article 3, paragraph (a). This has not been necessary.

Paragraph (b). Act No. 2694 is applicable.

Paragraph (c). See paragraph (b).

Circulars have been sent to the largest firms, and the press and radio have been used to publicise the Convention and urge compliance. The results have not yet been ascertained.

Article 4. There is no legal or administrative regulation of employment or occupation in the case of persons suspected of engaging in activities prejudicial to the security of the State. However, the Civil Service Statute stipulates that candidates for the civil service must be morally and physically suited for the posts in question, and this is ascertained by means of inquiries about their lives and habits and testimonials from various public bodies. Persons sentenced for offences against the security of the State may be disqualified in certain cases, and must be disqualified in others, for a specified period from the public post or office, profession, business, industry, occupation, or other post or office in which the offence was committed (Penal Code).

Article 5. Section 2 of Act No. 2694 stipulates that the State must endeavour to ensure that the inhabitants of the Republic possess honest, useful, adequately paid employment and that this employment does not involve conditions which impair freedom or reduce labour to the status of a commodity. Under section 13 of the Labour Code employers are not allowed to employ fewer than 90 per cent. of Costa Rican nationals or to pay them less than 85 per cent. of the total annual wages bill in their establishments. At the discretion of the Secretariat for Labour and Social Welfare both these percentages may be raised or lowered, for not more than five years, by anything up to 10 per cent. This may be amended in the case of immigration authorised and controlled by the Government or contracted for by the Government, or in the case of Central American citizens or aliens born and settled in the country. This requirement does not apply to persons in executive posts in any undertaking, provided there are not more than two of them. The purpose of this section is to eliminate any discrimination against Costa Rican nationals.

In certain cases a worker may be paid less than the statutory minimum, because under a ruling by the National Wages Board a worker must be in possession of his

normal faculties (having regard to the nature of his employment) and must be physically able to perform his job in order to qualify for the minimum wage.

Both state agencies and private firms take steps to ensure that discrimination is not practised. Private employers who persist in doing so are punishable by law.

RECOMMENDATION

Section 1 of Act No. 2694 forbids any type of discrimination which curtails equality of opportunity or treatment in respect of employment and occupation. Section 3 states that any appointment, dismissal, suspension, transfer, move, promotion or award in any state agency may be ruled null and void, on application from the individual concerned, if it is in breach of the law. Similarly, any procedures employed in the recruitment and selection of staff which infringe section 1 are disallowed.

Dominican Republic

The labour legislation does not contain a single provision relating to employment and occupation which could be taken as discriminatory, identical opportunities being open to all workers in industry, commerce and agriculture. There is no restriction on admittance to vocational training institutes, vocational schools, technical schools and institutes and other training centres for workers.

Through its labour inspectors the Secretariat of Labour encourages employers and workers to pursue a policy whereby acceptance of workers is unconditioned by any influence apart from the ability of the worker to do the job.

The Convention and Recommendation were placed before the National Congress for consideration on 9 April 1959.

Ecuador

CONVENTION

The freedom and human dignity of the individual are principles proclaimed in the fundamental and constitutional laws of Ecuador. The democracy, law and order, individual freedom and social justice which have existed in Ecuador for a number of years ensure that there is no form of discrimination, exclusion or preferential treatment for reasons of race, colour, sex, religion, political opinion, national extraction or social origin, constituting a threat to equality of opportunity and treatment in respect of employment and occupation.

Article 161 of the Constitution specifies that laws may make no provisions detrimental to the human dignity of workers. Under article 169 (1) all persons seeking protection are equal before the law, and no rights may be granted to, or obligations imposed on, any person, which will have the effect of raising or lowering his status with respect to other citizens. Article 180 adds that aliens have the same legal rights except political rights and the guarantees which the Constitution reserves for nationals.

Although some distinctions are made because of the requirements of specific jobs or types of work, they cannot be considered discriminatory. Thus article 170 of the Constitution provides that work appropriate to their age, sex, state of health, etc., is obligatory for all members of the Ecuadorean community. Mention should also be made of article 185 (Q) of the Constitution, which establishes equal remuneration for work of equal value, regardless of sex, race, nationality or religion.

Finally, article 187 (10) of the Constitution universally guarantees free choice of employment and article 181 the freedom to exercise any occupation allowed by the law, which determines the cases in which diplomas or degrees are required and the method of obtaining them.

The Ministry of Social Welfare, acting on behalf of the Government, has instructed the Chancery to request the National Congress to ratify the Convention.

Finland

Constitution of 17 July 1919.

Act of 10 June 1921 concerning the right of a Finnish citizen to be employed by the State irrespective of his religious beliefs.

Act of 23 April 1926 respecting the qualification of women for government posts.

Decree of 25 August 1961 respecting the qualification of women for government posts.

Placement Act of 2 June 1959 (*L.S.* 1959—Fin. 1).

Act respecting vocational guidance of 22 January 1960 (*L.S.* 1960—Fin. 1).

CONVENTION

Article 1. The principle of non-discrimination has been accepted for a long time. The Constitution of 1919 stipulates that Finnish citizens are equal before the law and have the same general rights and obligations. In addition, the Act of 10 June 1921 stipulates that Finnish citizens are admitted to posts in the state service irrespective of their religion, with the exception, however, that citizens who do not belong to the Evangelical-Lutheran Church may not have posts within the church or teach its beliefs in state schools.

In certain cases legislation or practice makes distinctions on the basis of sex which may be regarded as discrimination in the sense of the Convention. Such a distinction exists regarding equal remuneration for work of equal value, and this is the main reason why Finland has not yet been able to ratify the Convention. Convention No. 100 was submitted to Parliament on 25 May 1962 and is at present under consideration for ratification.

Also, certain provisions concerning the admission of women to state employment are not in complete accord with Article 1; the Decree of 25 August 1961, replacing the Decree of 23 April 1926—both issued by virtue of the Act of 23 April 1926—enumerates government posts which, because of their inherent requirements, are open to either men or women, but not to both. Although this principle is in agreement with Article 1, paragraph 2, of the Convention, certain of the posts enumerated do not absolutely require a male incumbent, such as the posts of governor, county councillor, or collector of customs. In this regard, certain provisions of the Decree of 25 August 1961 are considered to be possibly in conflict with Article 1.

Furthermore, a distinction in the sense of the Convention may also exist in the procedure applied in filling posts in the Evangelical-Lutheran Church and the Greek Orthodox Church of Finland, whose administrative expenses are partly financed by the State. Although the existing legislation does not contain particular provisions to that effect, it has been held in practice that a woman cannot be considered for appointment to the ministry in these churches. In addition, only a man can be employed as a precentor in the Evangelical-Lutheran Church. This situation could be changed only by modification of the ecclesiastical legislation, for which the initiative must come from the Synod, the Government not being entitled to take steps to modify this legislation. A committee set up by the Synod of the Evangelical-Lutheran Church suggested in its report of August 1961 that the Ecclesiastical Act be amended so that

both men and women can be ordained as ministers, but that women should not be qualified to apply for a ministry.

Article 4. An individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State, can be arrested in virtue of section 20 of the decree concerning the enforcement of the Criminal Act under the conditions mentioned therein, like any individual suspected of a crime. Such a person arrested illegally has the right to appeal to the Solicitor-General elected by Parliament.

Article 5. Workers' protection legislation contains some provisions limiting the admission of women and children to certain jobs or concerning their working conditions.

RECOMMENDATION

When workers have to be dismissed as a result of a decline in the volume of work, notice is given first to those workers who have been employed for the shortest period in the undertaking.

Under the Constitution the Attorney-General is required to see that authorities and civil servants observe the law and fulfil their duties. Likewise, the Solicitor-General is required to supervise the observance of laws in the activities of judicial courts and other authorities. The establishment of a special agency to combat discrimination and to consider complaints concerning discriminatory practices would seem unnecessary in these circumstances.

Gabon

RECOMMENDATION

See summary of report on the Convention in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Federal Republic of Germany

RECOMMENDATION

In view of the far-reaching legal protection against discrimination in employment (for first report on the Convention see I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963), it is not considered necessary to take any further measures for the implementation of the provisions of the Recommendation, such as the creation of special agencies with advisory committees as envisaged in Paragraph 4.

Ghana

Labour Ordinance (Cap. 89), 1954.

Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1962.

Labour (Catering Trade Workers) (Minimum Remuneration) (No. 2) Order, 1961.

Labour Registration Act (No. 9), 1960 (*L.S.* 1960—Ghana 1).

Industrial Relations Act (No. 56), 1958 (*L.S.* 1958—Ghana 1).

Apprentices Act (No. 45), 1961 (*L.S.* 1961—Ghana 1).

RECOMMENDATION

Discrimination in respect of employment and occupation is not practised in Ghana, as this would be contrary to the social and economic policy of the Government. The Constitution provides that no person should suffer discrimination on grounds of sex, tribe, religion or political belief. The criteria for employment and advancement are suitability as to qualifications required, ability, merit and integrity. The Labour Ordinance mentioned above applies to all workers without discrimination.

Minimum wages and other conditions of service for employees of retail and catering trades and establishments which have been laid down by orders made under the Labour Ordinance apply without discrimination. The public employment centres which have been established under section 3 of the Labour Registration Act, 1960, are open to both nationals and non-nationals.

The Industrial Relations Act, 1958, regulates relations between employers and employees. The national trade unions negotiate with employers on the basis of complete equality, and workers enjoy security of employment without discrimination.

Selection for apprenticeship training is based only on the satisfaction of the basic prerequisite educational qualification, which is generally the Middle School Leaving Certificate, the attainment of which is open to all children under the free primary and middle school education policy.

Women workers are paid the same as men for equal work.

Greece

Constitution of 1 January 1952.

Under article 3 of the Constitution all citizens of Greece are equal before the law and only they may hold public office, except in cases governed by special laws.

Provisions of Greek legislation do not conflict with those of the Convention, and the Government is therefore considering ratification.

Under present collective agreements no discrimination is made between Greek and alien workers in respect of employment and remuneration.

Guatemala

Constitution.
Labour Code.

RECOMMENDATION

Guatemalan legislation contains no discriminatory measures such as to impair equality of opportunity or treatment in employment or occupation.

Article 1 of the Constitution guarantees to all inhabitants enjoyment of the fundamental human rights and freedoms, security and justice and the development of culture so as to create economic conditions which will bring with them social well-being. It also lays down that there shall be freedom and equal rights for all persons (article 40) and declares to be unlawful discrimination on the basis of race, colour, sex, religion, birth, financial or social position or political opinion (article 42). It requires the State to guarantee to all inhabitants enjoyment of the rights conferred

on them by the Constitution (article 74), lays the obligation on the State to promote culture and make it available to all (article 95), guarantees freedom of education (article 97), lays down a compulsory minimum period of schooling and stipulates that primary education shall be free of charge (article 98). It provides that all persons shall be equally entitled to receive technical and vocational training, and that the State must maintain and increase the number of training centres for such purposes (article 100). It establishes that labour is a right (article 112) and asserts the principle of equal pay for equal work performed in equal conditions as regards efficiency and length of service, as well as recognising that workers should be free to choose their employment (article 116, paragraph 2). It provides that Guatemalans shall have the right of access on equal terms to national public office (article 122).

Furthermore, section 14*bis* of Decree No. 1441 of the Congress of the Republic, which is embodied in the Labour Code, prohibits discrimination on the basis of race, religion, political opinions or financial position in welfare, educational, cultural, entertainment or commercial establishments operating for the use or benefit of workers in private undertakings or workplaces or in those set up by the State for all workers.

Subsection (*b*) of section 61 of the decree, which refers to the duties of employers, states that the latter should give preference, other things being equal, to Guatemalans over nationals of other countries, and to persons who have previously served satisfactorily over persons who have not so served; subsection (*d*) of section 62 forbids an employer to influence an employee in his political or religious convictions, while subsection (*h*) prohibits the performance of any act in restraint of the rights granted to employees by law.

On ratification by the Government of Guatemala of Convention No. 111 (registered with the International Labour Office on 11 October 1960, and in force since 11 October 1961), all the provisions contained in the Recommendation have become part of national law.

The application and enforcement of the legislative measures referred to above are the responsibility of the Ministry of Labour and Social Welfare, through the intermediary of the General Labour Inspectorate.

Haiti

Constitution.

Labour Code.

Article 16 of the Constitution guarantees the equality of Haitians before the law except for privileges granted to native-born Haitians, their right to hold public office and to be appointed as civil servants "without distinction as to colour, sex or creed", and the exclusion of all favours or discrimination in respect of appointments and terms and conditions of service in the administration of the public services of the State. Article 28 provides special protection for Haitian women.

The Labour Code provides that all workers are equal before the law and enjoy the same protection and guarantees (section 3), that the term "woman" shall be construed as any person of the female sex regardless of age, creed or marital status (section 375), that, except for reservations specified in the Code, women have the same privileges and obligations as men under labour laws (section 376), that men and women shall receive equal remuneration for work of equal value (section 377), and that no distinction may be made between married and single women as regards their privileges, obligations and effective working conditions (section 388).

Honduras

Constitution (*La Gaceta*, No. 16363, 20 Dec. 1957).

Labour Code (*L.S.* 1959—Hon. 1).

RECOMMENDATION

All the provisions dealing with the matters covered by the Recommendation are statutory in character.

Article 57 of the Constitution of the Republic states that all men are equal before the law and that all inhabitants of the Republic are entitled to be protected, without any discrimination, in their enjoyment of life, security, liberty, employment and property.

This article of the Constitution covers all inhabitants of the Republic and thereby excludes any discrimination in employment on grounds of nationality.

Absence of discrimination in employment as established by current labour legislation is based on article 111 of the Constitution, which stipulates: "Every person is entitled to work, to choose his occupation and leave it as he wishes, to enjoy fair and satisfactory conditions of work and to receive protection against unemployment."

On the other hand, article 120 of the Constitution does to some extent curtail the employment of aliens in Honduras by stipulating that, other things being equal, Honduran workers must be given preference over aliens. In addition, the proportion of Honduran nationals in any establishment may not be less than 90 per cent. (apart from such exceptions as the law indicates), although the executive is empowered to change this percentage in order to meet the needs of agriculture or in the national interest, and to allow exceptions (subject to reciprocity) in the case of Central American workers. The reason for this is that there are a large number of immigrants in Honduras and the level of unemployment is high, so that every effort is made to ensure that vacancies are filled by Honduran workers.

Section 11 of the Labour Code forbids employers to employ less than 90 per cent. of Honduran workers or to pay them less than 85 per cent. of the total wages earned in the undertaking concerned. The executive may, in order to protect and encourage the national economy, or in the event of a shortage of Honduran technicians in any particular activity, or to safeguard Honduran workers who have furnished evidence of their capacity, reduce both percentages by not more than 10 per cent. for a period of five years in any undertaking, or increase them to such an extent that alien workers are excluded.

As regards equal remuneration for work of equal value, article 112 (2) of the Constitution requires equal wages to be paid for equal work without discrimination of any kind on condition that the job, working day, standards of efficiency and length of service are also equal.

Section 367 (last paragraph) of the Labour Code forbids any differences in wages on grounds of age, sex, nationality, race, religion, political opinions or trade union activities.

As regards security of employment, article 113 of the Constitution guarantees stability of employment (the extent depending on the industry and occupation) and defines grounds for dismissal. In the event of unjustified dismissal a worker is entitled to compensation or reinstatement.

Section 112 of the Labour Code implements this constitutional principle.

The Constitution and the Labour Code contain clauses dealing with the following questions.

Hours of work: normal hours of work by day are eight a day and 44 a week; normal hours of work by night are six a day and 36 a week.

Rest periods: one day off for every six worked.

Annual holidays with pay: these depend on length of service, viz. after one year, ten days; after two years, 12 days; after three years, 15 days; and after four years or more, 20 days.

Honduran legislation prevents discrimination in respect of employment and occupation and is therefore in accordance with the Recommendation.

Hungary

RECOMMENDATION

See summary of report on the Convention in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

The Public Prosecutor is responsible for supervising the observance of the law by ministries, authorities, offices, institutions and all bodies which depend thereon, by local bodies depending on the State, and by individual citizens. In addition, observance of the law is supervised by social organisations or, in view of the extensive possibilities for appeal before a court of justice, directly by the workers themselves.

Iceland

Neither Icelandic legislation nor any decision taken by the Icelandic authorities contains provisions contrary to the principles of this Convention and Recommendation, and the former will shortly be submitted to Parliament for ratification.

India

Constitution of 1949.

Public Employment (Requirement as to Residence) Act, 1957.

Andhra Pradesh Public Employment (Requirement as to Residence) Rules, 1959.

Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959.

Ministry of Home Affairs Office Memorandum No. 1/2/61—SCT (1) dated 27 April 1962 regarding reservation in services for members of scheduled castes and scheduled tribes.

Government of the former Bombay State, Resolution No. 490/46 dated 1 November 1950 and Resolution dated 24 January 1953.

Government of the former Hyderabad State, General Recruitment Rules dated 9 November 1955.

Government of Madhya Pradesh, Resolution dated 8 May 1955 concerning the reservation of posts in government service to scheduled castes and scheduled tribes.

Government of Andhra Pradesh, Government Orders Ms. No. 1629 dated 13 May 1960, No. 1630 Edu. dated 13 May 1960, No. 2350 Edu. dated 10 July 1961 (all concerning admission to educational institutions), and Government Orders Ms. No. 1899 dated 19 December 1960 and No. 559 dated 4 May 1961 (concerning reservation for recruitment to public services).

Government of Assam, Office Memorandum No. ABM/18/56/14 dated 4 August 1956 concerning grant of preferential treatment in the matter of settlement of contracts, permits, fisheries, ferries, toll bridges, forest mahals, excise shops, etc.

RECOMMENDATION

The implementation of international labour Conventions and Recommendations is the responsibility of the Union Government. However, the Union and state

governments are equally bound to secure, in their respective spheres, the effective observance of the fundamental rights guaranteed under the Constitution. Co-ordination between the Union and state governments is ensured through discussions before the initiation of action.

Paragraphs 1 and 2. The principle of non-discrimination or equality of opportunity is embodied in the Constitution as one of the fundamental rights of citizens. Article 16 (1) of the Constitution provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, and article 16 (2) that no citizen shall, on the grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State. According to article 29 (2) no citizen shall be denied admission to any educational institution maintained by the State or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them, and, under article 30 (2), the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language. These principles are binding on the Union and state governments, and on all local or other authorities within the territory of India or under the control of the Government of India.

There are no statutory provisions or regulations compelling employers in the private sector to observe the principle of non-discrimination, and it is not practicable to introduce any such compulsion at present, since this would involve the creation of comprehensive supervisory machinery, which governments are not in a position to undertake. The Government cannot assume responsibility for securing full application of the Recommendation in the case of private employment or private training institutions.

The provisions of the Recommendation have been brought to the notice of the all-India organisations of employers and workers for their information and guidance. The suggestions contained in subparagraph (b) (i) and (ii), and in subparagraphs (d) and (e) of Paragraph 2, cannot be fully implemented at present. In actual practice the principle of non-discrimination is, by and large, observed by private employers and educational and training institutions.

Equality of opportunity and treatment in respect of vocational guidance and placement services, training and employment is guaranteed in so far as such services are under the control of governments and other public authorities.

The principle of advancement in accordance with individual character, experience, etc., is generally followed in practice.

In regard to the retrenchment of workers, the Industrial Disputes Act, 1947, lays down the principle of "last come, first to go"; this is, however, not applicable to non-nationals.

The principle of equal remuneration for work of equal value is generally observed, and the Government has ratified Convention No. 100.

The laws regulating conditions of work, etc., do not contain discriminatory provisions, and the Supreme Court has held that "equality of opportunity" under article 16 (1) of the Constitution cannot refer only to the initial matters prior to the act of engaging a worker, but also to matters relating to employment such as salaries and increments, leave, gratuity, pensions and the age of superannuation.

Paragraph 3. The desirability of making eligibility for contracts involving the expenditure of public funds and for grants to private training establishments conditional upon observance of the principles of non-discrimination is recognised, but for the present this is beyond the scope of full practical application. In present circumstances, the Government of India can ensure application of the principles only by

contractors in public works; extension to contractors for the manufacture, assembly, handling or shipment of materials, supplies or equipment, and the performance of services, is rendered difficult by the problems involved in isolating workers employed on public contracts from the rest of the workers in the same establishment, and in arranging for an effective system of enforcement.

Paragraph 4. This Paragraph cannot be fully implemented at present. No special agencies have so far been set up. However, violations of the fundamental right of equality of opportunity guaranteed under the Constitution can be taken in appeal to the High Courts and the Supreme Court. In the private sector it is open to workers' representatives to raise the matter at meetings of tripartite bodies.

Paragraph 5. Some of the state Acts which prescribed a period of residence within a particular state or union territory as a requirement for employment by that state or territory were repealed by the Act of 1957 mentioned above.

Paragraph 6. Article 16 (4) of the Constitution permits reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the State, is not adequately represented in the services under the State, and article 335 requires that the claims of scheduled castes and scheduled tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, in making appointments to posts or services under the State. In pursuance of these provisions the central and state governments have issued orders reserving a certain percentage of posts for members of the scheduled castes and scheduled tribes; in addition, some state governments have made reservations for other backward classes also. (The report supplies details of current percentages of reservation in respect of the Government of India and in the states from whom information had been received.) There are also similar reservations with regard to admission to educational institutions. (The report supplies details of the rules at present applied in this connection by the government of Andhra Pradesh.)

Article 16 (3) of the Constitution empowers Parliament to make a law, as an exception to the right of equality of opportunity in public employment, prescribing residential qualifications for certain subordinate posts in the Telangana area of Andhra Pradesh and in the union territories of Himachal Pradesh, Manipur and Tripura. Rules under this Act have been framed. The primary aim of this enactment was to secure adequate representation of the backward local population in the services. These residential qualifications will be in force for only five years with effect from 21 March 1959.

Paragraph 7. If a person is found to have engaged in subversive activities or is reasonably suspected of being connected with activities prejudicial to the security of the country, he is considered unsuitable for appointment to government service. If a person already in government service engages in such activities, he is compulsorily retired under the provisions of the Central Civil Services (Safeguarding of National Security) Rules, 1953. Though there is no formalised appeal procedure, any person who feels aggrieved at denial of employment or who is compulsorily retired under these Rules can make a representation, which is carefully considered.

Paragraph 8. The problem of immigrant workers is practically non-existent, but the provisions of these instruments are kept in view.

Paragraph 9. It has not been considered necessary to take any further positive measures to put the principles of non-discrimination into effect.

Paragraph 10. The fullest possible co-ordination between the central and state governments and other agencies is maintained to ensure that there are no inconsistencies and discrepancies.

Indonesia

Collective Bargaining Law, No. 21, 1954 (*L.S.* 1954—Indo. 1).

Act respecting the employment of aliens, No. 3, 1958 (*Lembaran-Negara*, 1958, No. 8).

CONVENTION

In a country such as Indonesia, inhabited by people of different origin and with different creeds, customs and outlooks on life, the principle of non-discrimination is taken for granted and is rarely expressed in labour legislation or collective agreements. However, the Collective Bargaining Law contains a provision making null and void "any stipulation obliging an employer to accept or refuse workers belonging to a certain group, or obliging a worker to work only for, or to refrain from working with, employers belonging to a certain group, either on the basis of religion, citizenship or race, or on the basis of political opinion or membership of certain associations".

In the Political Manifesto of the President dated 17 August 1959, embodying the main lines of the State's policy, it is stated that everyone is entitled to a decent life within the community.

No measures have been taken to promote equality of opportunity and treatment in respect of employment and occupation.

The Government hopes to be able to ratify the Convention in the near future.

RECOMMENDATION

The employment of aliens is subject to a permit for the purpose of protecting nationals against competition on the employment market, but, once employed, aliens are treated on an equal footing with nationals.

For the time being, the Government has not planned any measures to give effect to provisions of the Recommendation not yet covered by legislation and practice.

Ireland

The principles underlying the instruments are accepted and are fully implemented in so far as they relate to race, colour, religion, political opinion, national extraction and social origin. It is solely because of the requirement that there shall be no distinction based on sex that the Government is not in a position to ratify the Convention or apply the Recommendation.

In public employment, married women are not generally eligible for appointment, and single women are normally required to resign on marriage.

Women employed in central or local government generally receive the same pay as single men for the same work. There has been no general demand for legislation for equal pay for equal work; if the trade unions desire to secure equal remuneration for equal work as between the sexes, it is open to them to seek to establish the principle in negotiating wage agreements with employers.

Israel

RECOMMENDATION

The Government repeats the information given in its first report on the application of the Convention. See *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 46th Session, Geneva, 1962, pp. 253-254.

Italy

Constitution.

Royal Decree No. 773 approving the codified text of the public safety laws. Dated 18 June 1931 (*Gazzetta Ufficiale (G.U.)* 1931, No. 146, Suppl., p. 2).

Act No. 653 to safeguard the employment of women and children. Dated 26 April 1934 (*L.S.* 1934—It. 6—A).

Act No. 264 to make provisions for the placement of, and assistance to, involuntarily unemployed workers. Dated 29 April 1949 (*L.S.* 1949—It. 2).

Act No. 860 respecting the physical and economic protection of working mothers. Dated 26 August 1950 (*L.S.* 1950—It. 2).

Act No. 1441 ensuring the participation of women in the administration of justice in assize and juvenile courts. Dated 27 December 1956 (*G.U.*, 1957, No. 2).

Decision of the Constitutional Court declaring unconstitutional the provisions of section 7 of Act No. 11076 dated 17 July 1919 by virtue of which women were excluded from public office involving the exercise of political rights and powers. Dated 13 May 1960 (*G.U.*, 1960, No. 125).

Act No. 1196 concerning new regulations applicable to officials employed in chanceries and court record offices. Dated 23 October 1960 (*G.U.*, 1960, No. 266, Suppl. No. 1).

Act No. 1325 amending Act No. 653 dated 26 April 1934 to safeguard the employment of women and children. Dated 29 November 1961 (*G.U.*, 1961, No. 312).

Under the terms of the Constitution no form of discrimination of the kinds referred to in Article 1, paragraph 1 (a), of the Convention, subsists in the national body of laws.

According to article 3 of the Constitution no discriminatory measures may be taken against citizens for any reason whatsoever. A number of measures ensure the application of this principle in Italian legislation. The body of Italian laws, however, provides that certain activities shall be limited to Italian citizens.

By virtue of Act No. 264 public placement offices are responsible for assigning jobs; this procedure in itself reduces the risk of discrimination. The Act prohibits discrimination between members and non-members of trade unions or between members of different trade unions. This text conforms to article 18 of the Constitution, which embodies the principle of freedom of association, and article 39, which regulates its application and, more specifically, prohibits discrimination based on trade union membership or activity (or non-membership of a trade union). Act No. 860 prohibits dismissal of pregnant women, and a recent legislative provision, approved by the Council of Ministers and submitted to Parliament for consideration, would prohibit dismissal of women for reasons of marriage. Article 37 of the Constitution provides for equal remuneration for men and women workers for work of equal value, as well as equal remuneration for young persons and adults. The trade union movement is at present actively striving to establish equal wages for both sexes, and from January 1961 to June 1962 some 70 agreements were concluded with this aim. As regards the access of women to public office, the decision of the Constitutional Court dated 13 May 1960 proclaimed as unconstitutional section 7 of Act No. 11076, by virtue of which women were excluded from public office involving the exercise of political rights and powers (although the court did agree that, in certain instances and without restricting the basic principle of equality, law-makers might consider sex as a condition constituting an aptitude for a given employment). Since this decision was published women have obtained jobs in chanceries and court record offices under the terms of Act No. 1196. Women have further secured employment in the administration of justice in assize and juvenile courts since Act No. 1441 took effect.

Access to certain activities may be subject to authorisations and police licences (codified text approved by Royal Decree No. 773), which may be withheld from

persons convicted of activities prejudicial to the State or public order, crimes or acts of violence, etc., as well as from any person who cannot bring evidence of good conduct. They must be withdrawn from persons who do not fulfil the conditions to which these authorisations are subject or in circumstances where refusal to grant authorisation is justified or essential. In each individual case, however, an appeal may be lodged against the refusal to grant, or cancellation of, a licence or authorisation.

Special provisions, drafted for the purpose of moral and physical protection, govern the employment of women and children. Section 1 of Act No. 1325 prohibits the employment of persons under 15 years of age; Act No. 653 prohibits the employment of women in certain unhealthy or hazardous jobs, etc.

Ivory Coast

RECOMMENDATION

For summary of first report on the Convention, see I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Migratory workers enjoy the same protection and social benefits as national workers.

Japan

Constitution of 3 November 1946.

Law No. 174: Trade Union Law. Dated 1 June 1949 (*L.S.* 1949—Jap. 3).

Law No. 48: Labor Standard. Dated 5 April 1947 (*L.S.* 1947—Jap. 3).

Law No. 141: Employment Security. Dated 30 November 1947 (*L.S.* 1947—Jap. 4).

Enforcement Ordinance of Employment Security Law (Ministry of Labor Ordinance No. 12 of 1947).

Law No. 100: Mariners. Dated 1 September 1947 (*L.S.* 1947—Jap. 5).

Law No. 130: Seamen's Employment Security Law, 1948.

Law No. 120: National Public Service Law, 1947.

Rule 8-12 of the National Personnel Authority, 1952 (Appointment and Dismissal of Personnel).

Rule 11-14 of the National Personnel Authority, 1952 (Guarantee of Status of Personnel).

Law No. 261: Local Public Service Law, 1950.

Law No. 123: Physically Handicapped Persons (Promotion of Employment) Law. Dated 25 July 1960 (*L.S.* 1960—Jap. 2).

Law No. 158: Law concerning provisional measures for displaced garrison forces, employees and similar workers, 1958.

Law No. 199: Law concerning provisional measures for displaced coal miners, 1959.

Law No. 147: Law for the establishment of the Council on Integration Measures, 1960.

Law No. 139: Law for Civil Liberties Commissioners, 1949.

Law No. 193: Law for the establishment of the Ministry of Justice, 1947.

Law No. 162: Law for the establishment of the Ministry of Labour, 1949.

Article 14, paragraph 1, of the Constitution provides that "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin". It is not permitted to make provisions in laws contrary to these clauses of the Constitution, nor for the administration to take discriminatory measures which contravene these provisions.

Under the Labor Standard Law the employer must not discriminate against or in favour of any worker by reason of his nationality, creed or social status or discriminate against women concerning wages. The provisions of the Labor Standard Law are made applicable to seamen's labour relations by virtue of section 6 of the Mariners Law. There is no provision prohibiting discrimination based on colour, as this problem does not exist.

The Employment Security Law stipulates that no one shall be discriminated against in employment exchange, vocational guidance, etc., because of race, nationality, political or religious belief, sex, social status, family origin, previous occupation, membership or non-membership of a trade union, etc.

The Vocational Training Law does not contain any legislative or administrative measures for eliminating discrimination; however, no discrimination is made by reason of race, colour, sex, religion, political opinion, national extraction or social origin as regards public vocational training and training in industry.

The National Public Service Law and the Local Public Service Law include non-discrimination clauses covering race, creed, sex, social status, family origin, political opinion or political affiliation.

Under the Trade Union Law no person may be disqualified from union membership on account of race, religion, sex, social status or family origin. This does not refer to discrimination based on "political opinion", as no such restrictions should be imposed in relation to affiliation with a trade union or maintenance of union membership; this should be left to the trade union.

The Civil Liberties Bureau of the Ministry of Justice and its local agencies play an important role in protection against discriminatory treatment. Civil Liberties Commissioners stationed in cities, towns and villages carry out investigations with a view to eliminating violations of human rights.

In case any person impedes equality of opportunity in employment or occupation by discriminatory acts, several sections of the Penal Code provide protection for the aggrieved persons.

Despite these legal prohibitions there remains a slight tendency to discriminate by reason of social origin when hiring workers in a few private undertakings. Appropriate measures are taken to cope with the situation, and the tendency is being eliminated.

Appointment of national public servants is made by open competitive examination or fair selection. Should any national public servant consider that he has been discriminated against, he may ask for administrative review by the National Personnel Authority. Similar measures exist for local public servants.

With regard to discrimination by reason of social origin, the Council on Integration Measures was established in the Prime Minister's Office in 1960 with a view to formulating an over-all policy necessary for the solution of the integration problem. The Ministry of Labour has given due consideration to this problem and carried out educational activities with employers.

With reference to the matters dealt with in Article 4 of the Convention, public servants who consider that they have been subjected to injustice may in general appeal to the National Personnel Authority, the Personnel Commission or the Equity Commission, as appropriate.

In addition to protection granted to women under the Labor Standard Law, the Women's and Minors' Bureau of the Ministry of Labor and its local branch offices take charge of measures to improve the working conditions of women. The Physically Handicapped Persons (Promotion of Employment) Law contributes to the security of employment of such persons in occupations suitable to them. Special measures of protection exist under the Law concerning provisional

measures for displaced coal miners and the Law concerning provisional measures for displaced garrison forces, employees and similar workers.

There are special arrangements for ensuring the co-operation of employers' and workers' organisations in the observance and enforcement of these provisions in respect of each of the following laws: the Labor Standard Law, the Mariners Law, the Employment Security Law, and the Trade Union Law.

Kuwait

The Kuwaiti Labour Law allows no discrimination in treatment among workers. However, with regard to employment, preference is given to (1) Kuwaiti workers, (2) Arab workers, (3) non-Arab workers. This principle is being adopted as national policy.

Libya

See summary of report on the Convention, which was ratified on 13 June 1961, in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Luxembourg

Constitution dated 17 October 1868 amended by the Revision Acts of 15 May 1919, 28 April, 6 May, 15 May and 21 May 1948.

CONVENTION

Articles 1 and 3. According to paragraph 2 of article 11 of the Constitution citizens of Luxembourg (regardless of sex) are equal before the law; they alone may hold posts in the civil or military administration, with the exceptions which may be established by laws enacted to govern special cases. By the terms of this provision all legislative instruments, unless they otherwise specify, shall be construed to apply to all citizens of Luxembourg without discrimination.

There is no discrimination based on race, colour, religion, political opinion or national origin. There is, however, discrimination in respect of sex. For instance, the remuneration paid to women is 10 per cent. less than that paid to men for work of equal value. Moreover, there is no minimum wage rate for jobs traditionally held by women. The disappearance of this type of discrimination appears imminent, as the draft of a Grand Ducal Decree providing for the same rates of remuneration for men and women has been submitted to the Governing Council and Convention No. 100 is in the process of ratification. Remuneration rates for women are 10 per cent. lower than those for men in public office. By way of compensation women may retire on pension five years earlier than men. The draft of a general wage reform for civil servants provides that in future women civil servants may choose between the former system and complete assimilation to the status of men. The employment of married women officials presents certain difficulties, as civil law still maintains the concept of the legal disability of married women; this poses problems in cases where it is necessary to perform legal acts, and more specifically, to discharge judicial functions. Revision of the Civil Code and a draft Bill which would regulate the access of women to public office are at present under study. Certain undertakings reserve the right to dismiss women when they marry or within the six months following their marriage.

Unemployment compensation is not granted to women whose husbands earn a normal salary, owing to the fact that the benefits are paid wholly out of public funds. The present system is, however, to be completely revised.

Article 2. A general policy of this kind has never been formulated because non-discrimination has been recognised as a principle for some time. Nevertheless, on certain points regulations have been formulated for the purpose of abolishing existing discrimination, particularly in the statements of objects and reasons of draft legislation. Moreover, a motion tabled in the Chamber of Deputies, whose only force lies in its implications for future policy, invites the Government and legislature to enact legislation ensuring the complete equality of the sexes.

Article 4. Generally speaking, persons convicted of crimes and, in certain cases, minor offences, are deprived permanently or temporarily of the right to teach and to hold public office. This, however, can only be a subsidiary penalty, and persons incurring it enjoy all the guarantees of due process of law.

Article 5. Luxembourg has ratified Conventions Nos. 3, 4, 45 and 89.

Malaya

Constitution of the Federation of Malaya.
Internal Security Act, 1960.

CONVENTION

The Constitution provides that, except as expressly authorised, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law or in the appointment to office or employment under a public authority or in the administration of any law relating to the establishing or carrying on of any trade, business, profession, vocation or employment. However, this is subject to the provision that the Head of State shall exercise his functions under the Constitution in such manner as may be necessary to safeguard the special position of the Malays and to ensure the reservation to Malays of a proportion of positions in the public service, of educational or training privileges or special facilities given by the federal Government, and of permits and licences where these are required for the operation of any trade or business. The Malays, who constituted approximately 49.8 per cent. of the population according to the 1957 census, have been economically less advanced than other races (for instance, the Chinese constituting 37.2 per cent. of the population and the Indians constituting 11.3 per cent.), and the special reservations exist so that the Malays may be assisted to develop to a position of equality with other races. These reservations may not be applied to deprive any person of any right, privilege, permit or licence held by him. Corresponding provisions may be made at the state level.

The Constitution does not invalidate any practice restricting employment connected with the affairs of any religion to persons professing that religion, or any provision for the protection or advancement of the aboriginal peoples, or any provision restricting enlistment in the Malay Regiment to Malays.

Sex is not specifically mentioned in the Constitution, but generally there is no discrimination on the ground of sex. There are, however, some fields of employment where apparent inequalities between the sexes exist; it is difficult to determine which are discriminatory and which are based on the inherent requirements of the job.

Discrimination in private employment is not specifically proscribed, and the extent to which it is practised cannot easily be ascertained.

In view of the provisions in the Constitution, no special declaration of policy has been considered necessary. The Ministry of Labour is generally responsible for the policy of non-discrimination in employment. With regard to private employment, the co-operation of workers' and employers' organisations has been found reasonably adequate to deal with problems that arise; wherever necessary, the Ministry of Labour takes administrative action to persuade private employers to comply with the principles of non-discrimination.

Under the Internal Security Act there is provision for the imposition on a person of restrictions in respect of his place of residence and employment with a view to preventing him from acting in any manner prejudicial to the security of the State. The person concerned has a right of appeal to an Advisory Board set up under the Act, and every order imposing such restrictions, as long as it remains in force, is subject to periodic review by the Board.

Special measures, provided for under article 8 (5) (c) of the Constitution, exist for the protection, well-being and advancement of the aboriginal peoples of the Federation.

RECOMMENDATION

Subject to the reservations in the Constitution, the principles stated in Paragraph 2 are recognised and applied. In the field of private employment, representative workers' and employers' organisations co-operate to ensure that they are respected. In particular, there is no discrimination in collective negotiations and industrial relations, and workers' and employers' organisations do not practise discrimination in respect of admission, retention of membership or participation in their affairs. Paragraph 3 (b) (ii) is not applied, and Paragraph 3 (b) (iii) is not applicable.

It is considered sufficient at present that representative workers' and employers' organisations at all levels, including the National Joint Advisory Council, continue to deal with such problems as may arise on the question of discrimination in employment.

No statutory provisions or administrative instructions or practices are inconsistent with the provisions of the Constitution.

It is not possible at present to consider ratifying Convention No. 97 or accepting Recommendation No. 86.

The representative employers' and workers' organisations co-operate with the Government and other bodies with regard to any measures that may be necessary to ensure application of the principles of non-discrimination. The Ministry of Labour co-ordinates all activities and measures necessary to ensure their observance.

Mexico

RECOMMENDATION

See summary of report on the Convention in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Morocco

CONVENTION

Article 1. Forms of discrimination such as those defined in this Article exist neither in legislation nor in practice.

Article 2. There is no discrimination as regards access to vocational training and employment, or with respect to working conditions. Although there are regulations governing access to certain professions (lawyers, solicitors, architects, doctors and medical workers), they do not constitute discrimination as defined in the Convention.

Article 3. No measure has been taken.

Article 4. The notion "justifiable suspicion of activities prejudicial to the security of the State" does not exist in Moroccan law, and therefore no legislative measure has been taken on this subject. However, persons considered to constitute a threat from the point of view of national defence or public security may be placed under house arrest, though they have the right of appeal to the Administrative Chamber of the Supreme Court.

Article 5. Moroccan labour laws contain special measures relative to women, children, certain workers with dependants, and disabled persons, designed to meet the particular needs of these categories of workers.

RECOMMENDATION

Under Moroccan legislation the services of wage earners hired by an employer engaged in industrial or commercial activities or exercising a liberal profession, or by a notary public, trade union, co-operative society, corporate body or association of any kind whatsoever, must be secured through the intermediary of public placement offices, or with their consent.

Netherlands

The Netherlands Government in general fully agrees with the principles laid down in the Convention, but ratification is not intended for the time being, because this would involve an obligation to grant equal pay for work of equal value, as stated in Paragraph 2 (b) (v) of the Recommendation (the same objection prevents ratification of Convention No. 100). However, within the framework of the European Economic Community, it is intended to put an end to such wage differences. Thus, under a resolution on equal pay adopted on 20 December 1961 by the Council of Ministers of the Community, such differences are to be gradually discontinued and to come to an end at the end of 1964 at the latest.

Netherlands New Guinea¹

The principles of non-discrimination in the Convention and Recommendation provide the guiding line for determining the policy in Netherlands New Guinea. The revision of the labour law is at an advanced stage, and a draft ordinance embodying these principles will soon be dealt with by the New Guinea Council.

Surinam

A Bill recently submitted to Parliament provides that any clause in a collective agreement by which an employer binds himself not to employ persons of a particular race, religion or political conviction, or who are members of any association or of a particular association, or to employ such persons exclusively, is null and void. Another Bill in preparation will provide that the employment service shall place its services at the disposal of every applicant for employment and every employer, without regard to their religious, political or social convictions or to their membership

¹ The present summary relates to the period preceding the change of administration of this territory.

or non-membership in an association, unless the preferences expressed by those concerned are reasonable.

According to Chapter 1, article 7, paragraph 2, of the Constitution no foreigner is eligible for public office, although this rule may be waived for particular offices.

Although a policy of non-discrimination in employment and occupation has not been specifically declared, it has always been government policy to eliminate remnants of discrimination wherever these may be found.

Up till now circumstances have not made it necessary to take measures governing the employment or occupation of persons justifiably suspected of, or engaged in, activities prejudicial to the security of the State.

A special placements section in the employment service gives attention to groups needing particular help.

New Zealand

Treaty of Waitangi, 1840.

Public Service Act, 1912.

Coal Mines Act, 1925.

Mining Act, 1926.

Hospital Employment Regulations, 1937.

Quarries Act, 1944.

Minimum Wage Act, 1945 (*L.S.* 1945—*N.Z.* 7).

Factories Act, 1946 (*L.S.* 1946—*N.Z.* 4).

Government Services Tribunal Act, 1948.

British Nationality and New Zealand Citizenship Act, 1948.

Government Railways Act, 1949.

Medical Practitioners Act, 1950.

Post Office Staff Regulations, 1951 (Amendment No. 15).

Public Service Amendment Act, 1951.

Standard Wage Pronouncement, 1952.

Plumbers Registration Act, 1953.

Industrial Conciliation and Arbitration Act, 1954.

The Labour Department Act, 1954.

Law Practitioners Act, 1955.

General Order of the Court of Arbitration. Dated 18 September 1959.

Government Service Equal Pay Act, 1960.

Public Service Determinations No. 42 and No. 49.

The Agricultural Workers (Tobacco Growers) Extension Order, 1962.

Minimum Wage Order, 1962.

General Order of the Court of Arbitration, amending awards and industrial agreements.

CONVENTION

Article 1, paragraph 1 (a). The Labour Department Act, 1954, provides an employment service to all persons, irrespective of sex, race, etc. Educational, vocational training and vocational guidance facilities are open equally to persons of either sex and of any race in order to enable them to compete on equal terms for employment opportunities.

There is no discrimination on the basis of race and colour, as the indigenous population, the Maoris, enjoy equal status with other citizens of New Zealand. This minority group totalled approximately 171,000 at the end of 1961 out of a total population of 2.5 million. Although protective legislation has been enacted in the interests of Maoris in other fields, no special legislative measures have been found necessary in the matter of employment. The same vocational training, vocational guidance and employment service facilities are open to all alike.

A survey recently undertaken in areas in which there is substantial Maori population revealed that there were particular circumstances in which some employers have implied a preference for non-Maori employees; this preference, however, related to the particular qualifications required rather than to racial factors.

There are some occupations in which it is unusual to find Maoris and others in which they are poorly represented. The explanation for this lies in the fact that, for some occupational categories, there are relatively few Maoris with the requisite qualifications. Although the same educational opportunities are available to all alike, for reasons which are not easily discernible the Maoris have not yet, as a group, achieved the same level of education as the majority. A high proportion leave school as soon as they reach the minimum school-leaving age, and this reduces the number of Maoris offering for employment requiring higher qualifications.

Legal discrimination based on sex applies in a number of ways: (a) no married woman is eligible for appointment to any office in the public service if her husband is already employed therein, unless the Public Service Commission certifies in each case that there are special circumstances which make such appointment desirable. In practice, this legal provision has now largely lost its operative force, and consideration is at present being given to the question of its repeal or amendment. Special rules which restrict the rights of married women apply to the Post Office Department, at the request of the employees' organisation; it is not expected that this association will change its attitude; (b) the Government Railways do not offer women career opportunities on the same basis as men; (c) in the field of remuneration, there is widespread and legally sanctioned discrimination based on sex. There is no statutory differentiation between men and women workers as to the minimum wages applicable to factory workers, but differential rates are common above the basic minima. Some discrimination even in minimum rates exists in the public service and in agriculture (details are given in the report).

The Government is, however, working towards equal pay rates for men and women in its service. The Government Service Equal Pay Act, 1960, provides for equalisation, in three equal stages concluding in 1963, of rates of pay for workers in government service.

It may be added also that the Factories Act, 1946, and the Industrial Conciliation and Arbitration Act, 1954, do not make any sex distinction when referring to workers.

Through the application of some awards of the Court of Arbitration, closer approximation and, in some instances, actual equality of wage rates between men and women workers have been obtained.

There are no legal provisions of discrimination with regard to religious beliefs, nor have there been any overt acts of discrimination in the field of employment and occupation on such grounds.

While there have been instances in the past where it was alleged that appointments have been made on political grounds rather than on individual merits, it cannot be said that this is a feature of present-day employment. Appointments to and promotion in the public service have been divorced from political control.

There are no legal provisions and no overt acts of discrimination in the field of employment and occupation based on national extraction or social origin.

Paragraph 1 (b). While compulsory unionism has been abolished, a preference in employment may be enjoyed, in certain cases, by workers who are members of a union bound by an award or industrial agreement in which the Court of Arbitration has inserted a "qualified" or "unqualified" preference to unionists provision. Provision is made for exemption from union membership on conscientious grounds.

Article 2. In view of the existing situation it is believed that no necessity exists for any specific declaration of policy to be made with regard to equality of opportunity

and treatment in respect of access to vocational training, employment, and to particular occupations and conditions of employment.

Article 4. The Public Service Commission may transfer an employee to some other Department or place when the Commission considers this necessary in the interest of national security. Such employee has a right of appeal to a Review Authority.

Article 5. In general, there has been no need for special measures of protection and assistance to be taken to meet the requirements of persons handicapped by social and cultural factors. However, it is recognised that special assistance is essential in order to encourage children of the Maori race to take advantage of the opportunities for higher education that are available to all members of the community. The Government, in co-operation with independent bodies, has taken steps also to ensure that the educational system itself be adapted, where necessary, to meet the special needs of the Maori pupils. The New Zealand Council for Educational Research is conducting special research in order to find out the needs of the Maori children.

With wide support both from Maoris and non-Maoris, the Maori Education Foundation was recently established. One of its objects is to give financial help to talented students. More important is, however, the intention to further the development of pre-school services in order to reduce the initial handicap of the Maori child when entering school. In addition, the Foundation will encourage vocational training amongst those who, although having ability, have had a minimum of formal schooling.

The Department of Maori Affairs provides various facilities with regard to apprenticeship. It also gives assistance to Maori families who wish to move from rural areas to towns.

The Maori Welfare Officers provide a liaison between schools and problem Maori families, and they give advice and guidance to all Maori school-leavers. Special efforts have been made in recent years to contact all school-leavers to make sure either that they are placed in jobs suited to their abilities, or that they return to school for further education, if this would be of profit to them.

All these efforts are directed towards removing the main handicap preventing full equality of Maoris in employment, namely, the lack of educational qualifications, without which they cannot enter into the more highly skilled and highly paid occupations.

RECOMMENDATION

Paragraph 8. Immigrants, including nationals of non-British countries, enjoy the same rights as New Zealand nationals. However, if they come to New Zealand under the government-assisted passage scheme, they have their choice of employment restricted during the ensuing two years to employment in occupations selected by the immigration authorities, in return for the transport costs paid by the Government. For security or professional reasons, certain conditions must be fulfilled before immigrants have access to public service posts and to posts requiring particular professional qualifications or certificates. Officers of the State Department and of the Labour Inspectorate are charged to ensure that ignorance on the part of aliens of the employers' obligations does not lead to abuses which are prejudicial to them.

Cook Islands and Niue and Tokelau Islands

Except in relation to the employment of women, where the position is very similar to that which applied in New Zealand (see above, summary of report by the New Zealand Government) prior to the passing of the Government Service Equal

Pay Act, 1960, no discriminatory provisions exist either in New Zealand legislation applicable to these territories or in local legislation.

Consideration is being given to the enactment of legislation similar to the Government Service Equal Pay Act, 1960.

Niger

CONVENTION

The Republic of Niger gave notice of ratification of the Convention on 19 March 1962.

Article 1. There is no form of discrimination either in legislation or in practice.

Article 2. Section 6 of the Act promulgating the Constitution of the Republic of Niger, dated 8 November 1960, stipulates that the Republic guarantees the equality of all before the law without distinction as to origin, race, sex or religion. It respects all creeds; propaganda in favour of a particular racial or ethnic group, as well as acts of racial discrimination, are subject to prosecution. Section 1 of Act No. 52-1322 promulgating the Labour Code, dated 15 December 1952, defines a "worker" as any person, regardless of sex or nationality, agreeing to place his services at the disposal and under the authority of another person or a corporate body, whether public or private, in return for remuneration. In determining whether a person can be considered as a worker or not, legal status, whether of the employer or of the worker, shall be disregarded. Provisions of this kind are particularly important in a country where there are many different races and ethnic groups.

Article 3. The national regulations contain no provisions for distinction, preference or exclusion based on race, colour, sex, religion, political opinion, or national extraction or social origin, with regard to employment or occupation.

Equal opportunity of training and employment is guaranteed by the fact that only the manpower service may place workers. Applicants are selected on the basis of skill, technical ability and intelligence.

Article 4. There are no legislative or administrative measures regulating the employment or occupational activity of persons justifiably suspected of, or engaged in, activities prejudicial to the security of the State.

Article 5. There are some special measures for the protection of certain categories of workers, such as women and children, demobilised soldiers and victims of industrial accidents.

RECOMMENDATION

Paragraph 2. Only a small minority of the population has access to all forms of education, vocational training and employment, owing to the limited number of schools, teachers, vocational guidance centres, and jobs.

Paragraph 3. The recommendations formulated in this Paragraph are respected.

Paragraph 4. No discriminatory practices have come to the attention of the authorities.

Paragraph 5. There are no national legislative measures or administrative practices conflicting with the policy of non-discrimination.

Paragraph 6. The policy of non-discrimination has not caused neglect of the special needs of certain persons for reasons such as sex, age or disability.

Paragraph 8. Many African workers from outside Niger are employed in the country. They enjoy the same working conditions (family allowances, accident compensation, pensions) as national workers.

Norway

RECOMMENDATION

Paragraph 1. Legal, administrative or practical provisions in Norway do not contain specific clauses in regard to the matters dealt with in the Recommendation.

Paragraph 2. Since national legislation and practice are fully in accordance with the principles of the Recommendation, it has not been necessary to alter the provisions now in force, or to issue new provisions.

Paragraph 2, subparagraph (b) (v). Concerning equal remuneration of men and women for equal work, the Government refers to its report on the application of Convention No. 100 (see I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 46th Session, Geneva, 1962, p. 216).

Paragraph 3, subparagraph (a) (i). It has not been deemed necessary to establish a special body to encourage a non-discriminatory policy in regard to the matters dealt with in the Recommendation.

Pakistan

Constitution.

RECOMMENDATION

Principle 14 of the Principles of Policy in Chapter 2 of the Constitution provides that "no citizen shall be denied entry into the service of Pakistan on the grounds of race, religion, caste, sex or place of residence or birth". In the private sector also discrimination in the field of employment and occupation is non-existent.

The Recommendation, with the exception of the provision contained in Paragraph 8, was accepted in 1960.

Peru

Constitution.

Penal Code.

Civil Code.

Act No. 7505 of 8 April 1932.

Presidential Decision of 21 July 1950.

The basic rights of man are guaranteed, and the public authorities favour a legal system which would set up social and economic standards in full accordance with the highest human values.

Justice, liberty and the right of citizens to property, education and family life, etc., are legally accessible to all persons without distinction of any kind. The under-development of the country, and not the wish of law-makers to establish differences between categories of individuals, in many instances prevents citizens from enjoying these rights.

Article 23 of the Constitution establishes the equality of all inhabitants of the Republic in the eyes of the law.

In spite of the fact that a large part of the indigenous population has still not been integrated and that considerable social and economic differences still exist, all citizens enjoy equal rights in the eyes of the law, and none of the forms of discrimination defined in Article 1 of the Convention is allowed to limit equality of opportunity and treatment in respect of employment and occupation. In practice these opportunities are limited by economic disequilibrium. Existing laws may make distinctions because of the nature of the case or the responsibilities involved but, in respect of paragraph 2 of Article 1, no distinction is made between individuals themselves. In respect of paragraph 3 of the same Article, attempts are being made to provide universal education. Primary and secondary schooling are free of charge, and attempts are being made to provide higher education under the same conditions.

With reference to access to employment, the Co-operative Employment Service has been established to supply jobs to unemployed persons; applicants for jobs must be qualified, but the discrimination referred to in Article 1, paragraph 1 (a), of the Convention does not exist in practice.

National legislation makes a distinction in work conditions for reasons of sex, not with discriminatory intent but rather to protect women workers. In this respect mention should be made of the Act concerning the employment of women and minors, which offers benefits to women in matters of benefits, working hours, maternity, etc.

The legal measures requiring undertakings to employ 80 per cent. national and 20 per cent. foreign employees are considered discriminatory. The Presidential Decision of 21 July 1950 excludes foreigners from collective representation in labour claims or trade unions. Legislation concedes privileges to indigenous communities but not to individual indigenous persons, who are considered equal to other citizens for the purposes of employment and working conditions.

Part 9, Chapter 1, of the Penal Code provides that any activity prejudicial to the security of the State shall be considered an offence.

Peru has ratified Conventions covering the needs of those who by reason of their age, sex, disablement, etc., are rendered wholly or partially incapable of work, or are placed at a disadvantage in their work. These measures are not considered discriminatory as they pursue the aim of eliminating inequality between such persons and those capable of doing their work under normal conditions.

Poland

See summary of report on the Convention in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Portugal

RECOMMENDATION

No problem of discrimination arises because the principles of the Recommendation are embodied in general precepts which ensure that they are carried out in practice without it being necessary to employ legal constraint. For details of the Constitution and the National Labour Charter in which these principles of non-discrimination are embodied, see *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 46th Session, Geneva, 1962, report on Convention No. 111, pp. 254-255.

Rumania

Constitution.

Decree No. 31 of 1954.

The fundamental principles of the Rumanian system exclude any possibility of discrimination in respect of employment and occupation. The Constitution and legislation in force guarantee all citizens complete equality of rights in the cases covered by the Convention. Any breach of the legislation on the subject is a punishable offence.

Senegal

Constitution of 26 August 1960.

Labour Code of 26 March 1961.

Orders Nos. 2145 and 2146 ITT/SM respecting the employment of aliens. Dated 29 March 1956.

In Senegal there is no discrimination relative to employment and occupation which is based on race, colour, sex, religion, political opinion, national extraction or social origin. All nationals receive equal treatment. The principle of non-discrimination is embodied in articles 1, 7 and 20 of the Constitution. Moreover, section 1 of the Labour Code stipulates that the term "worker" shall be construed as "any person, regardless of sex or nationality, who agrees to place his services at the disposal and under the authority of another person or corporate body, whether public or private, in return for remuneration". Section 104 of the Code states: "where working conditions are equal, workers possessing the same qualifications and performing work of equal value shall receive equal pay regardless of origin, sex, age and status." Alien workers are discriminated against only in so far as the above orders fix the maximum number of alien workers that may be employed in proportion to the total work-force employed in an undertaking. Moreover, article 196 of the Labour Code provides, for the purpose of ensuring the full employment of the national labour force, that the hire of foreign workers in certain occupations may be limited by decree, although no such decree has yet been issued.

On the other hand, the Conventions of Establishment concluded with France and the States of the African and Malagasy Union contain clauses affording the nationals of these States the same rights as Senegalese nationals under labour and manpower legislation.

Moreover, there are no discriminatory clauses in respect of employment and occupation in the numerous collective agreements in force. The Government plans to re-examine the tenor and consider ratification of the Convention in the light of explanations of the Office relative to the scope of the term "national extraction".

Sierra Leone

There are at present no laws, administrative regulations or other measures which give effect to the provisions of the Convention or Recommendation. Apart from a minor exception in one commercial establishment where women workers not covered by any statutory agreements earn less than men, there is practically no discrimination in employment.

There is no declared national policy to promote equality of treatment in respect of access to either vocational training or employment. The national employment

exchange caters for all registered unemployed persons without discrimination. Statutory terms and conditions of employment, which are fixed by wages boards and joint industrial councils, are applicable to all workers without any discrimination.

No measures have as yet been taken to give effect to the provisions of Article 3 of the Convention. No modifications have been made to the existing practice. No difficulties are envisaged which may prevent or delay the ratification of the Convention, except that it will be necessary to introduce legislation to forbid the inequality of treatment of the women in the commercial establishment already referred to.

Republic of South Africa

Industrial Conciliation Act, 1956.

Wage Act, 1957.

Apprenticeship Act, 1944.

The population of the Republic of South Africa comprises four very distinct population groups of whom eleven million are Bantu, three million of European origin, 500,000 of Asian origin and one-and-a-half million of mixed origin. The problem of ensuring the economic advancement and peaceful co-existence of this heterogeneous society in different stages of social and industrial evolution, in a manner which will ensure justice and the furtherance of the welfare of all, has necessitated the pursuance in this country of a policy of separate development with a view to securing for all groups the realisation of their highest ideals within their own communities. Socio-economic conditions in the sphere of employment and occupation have necessitated the enactment of legislative measures peculiar to the needs of the different population groups so that they may progress in the direction of self-determination. The introduction of an integrated labour system would inevitably lead to economic and social injustices, bearing in mind that there are distinct communities, which differ culturally, ethnically and socially. These differences can be minimised only by affording such legislative protection as circumstances warrant in order to ensure that no group is deprived of the benefits to which its energies, labours and initiatives entitle it.

In certain fields where the considerations outlined above do not apply, there is a prohibition against discrimination on the grounds of race or colour. Section 24 (2) of the Industrial Conciliation Act, 1956, and section 8 (4) of the Wage Act, 1957, for instance, provide specifically that wage-regulating measures under those enactments shall not differentiate or discriminate on the grounds of race or colour. These two measures cover practically the whole field of statutory wage regulation in industry and commerce. Similarly the Apprenticeship Act, 1944, which regulates the admission of persons to apprenticeship training does not permit of any discrimination of the nature referred to in the Convention. Generally speaking, however, the law and practice in South Africa, based as it is on the endeavours of the Government to ensure that each population group develops to the maximum of its economic potential with minimum impingement on the rights and aspirations of others, inevitably necessitates limitations on the rights of all.

There is another feature which renders the Convention and the Recommendation inoperable in South Africa, as in many countries, viz. the prohibition against any differentiation on the basis of sex. Such differentiation is not prohibited in South Africa under the industrial laws for the regulation of minimum wages and other conditions of employment. In the public service also it has been found necessary to prescribe different conditions of employment for males and females as well as different entrance qualifications for the occupations concerned. There is, however,

no legal bar to the appointment of suitably qualified females on the same basis as males and such appointments have in fact been made in many occupations not only in commerce and industry but also in the public service.

The difficulties which prevent ratification of the Convention or acceptance of the Recommendation are due to the fact that the provisions of these instruments, however suitable they may be for application to certain other States, are impracticable in the Republic of South Africa.

Spain

Act No. 56 of 22 July 1961 respecting the political rights and employment of women (*Boletín oficial del Estado*, 24 July 1961).

Act of 21 July 1960 respecting the establishment of national funds to employ the income from taxation and savings for social purposes (*ibid.*, 23 July 1960).

Decision of 5 March 1962 by the General Directorate of Welfare approving the scholarship scheme for the labour universities.

Table of scholarships awarded by the Labour Mutual Benefit Scheme, the independent social welfare institutions, official schemes and industry.

Leaflet containing details of scholarships, issued by the National Board of Unions of the Traditionalist Spanish Phalanx and the Young Workers' National Trade Union Movement.

CONVENTION

Article 1. Spanish legislation does not contain any discriminatory provisions, apart from the special regulations applicable to foreign workers in Spain. The Charter of the Spanish People approved by a Decree dated 1938 states (section 11): "All Spaniards shall be entitled to discharge any public duties or functions in accordance with their merits and abilities", while section 24 states: "All Spaniards have the right to work and the duty to engage in a socially useful activity." The Contracts of Employment Act, which regulates relations between capital and labour, is based on these same principles.

Act No. 56 of 22 July 1961 abolished a number of discriminations on grounds of sex which still existed in certain labour regulations, especially those which required a woman to be dismissed upon marriage or prescribed different wage rates for work of equal value. This same Act is designed to enable women to serve as employees of the Government and private business without any restriction by reason of their sex. They are now entitled to enter into contracts of employment, apart from a few exceptions in the case of heavy work requiring considerable exertion (in accordance with the international Conventions on the subject ratified by Spain).

Articles 2 and 3. In accordance with the Principles of the National Movement, which state: "All Spaniards are entitled to . . . a general and vocational education and shall not be debarred therefrom because of lack of financial resources", an Act was passed on 21 July 1960 establishing four national funds, including the National Equality of Opportunity Fund and the National Employment Protection Fund. The former of these two funds was set up to promote equality of opportunity in education, vocational training and research by granting scholarships, free books, loans, and extensions of the students' social security scheme to those with limited economic resources. The National Employment Protection Fund has the following purposes: (a) to assist workers who have been lawfully dismissed under schemes submitted by industry and approved by the Government for increasing efficiency and modernising equipment; (b) to facilitate migration by workers; (c) to encourage co-operation and to provide workers with the money needed to join a co-operative; and (d) to find employment for fathers of large families.

The labour universities give vocational and technical training to workers and improve their general education, thereby facilitating their access to any social position. The Regulations of 5 March 1962 concerning the scholarship scheme for the labour universities lay down the procedure to be followed in order to qualify for scholarships. The National Board of Unions also grants scholarships.

The regulations issued under the Placement Act of 10 March 1943 make no distinction between workers, either in Part 4 (on grading and skills) or in Part 3 (Chapter 3 of which makes it compulsory to be registered with the employment offices).

Article 4. There are no discriminatory measures in the field covered by this Article.

Article 5. Some other labour regulations grant preferential treatment to the children of workers in the occupations to which they refer, and in certain sedentary and auxiliary occupations, to workers who have been partially incapacitated by accident or sickness. The Act of 17 July 1947, which superseded the Act of 25 August 1939, grants preferential treatment in the filling of job vacancies to ex-combatants and disabled veterans.

RECOMMENDATION

Under section 4 of Decree No. 1254 of 9 July 1959 promulgating the regulations to implement the Placement Act, the following authorities are responsible for enforcing statutory standards in respect of employment: (a) state bodies: the General Directorate of Employment and of Employment Services and provincial labour delegations; (b) trade union organisations: National Board of Unions, national and provincial grading and placement offices, district offices, local registers and special offices; (c) joint advisory and decision-making bodies: provincial placement boards and district boards.

The National Labour Inspectorate is responsible for ensuring that employers observe the placement regulations.

Sweden

Constitution, as amended by Royal Ordinance of 17 February 1961 (No. 18).

Act of 17 October 1958 (No. 514) concerning the eligibility of women for appointment as ministers of religion.

CONVENTION

Article 1. In all promotions within the Government, the King is required to take into consideration only the merit and ability of the candidates. No regard whatsoever is paid to race, colour, sex, religion, political opinion, national extraction or social origin.

Article 3. An agreement concluded on 18 March 1960 between the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions contains a recommendation aiming at equal remuneration for men and women and the removal of any clauses in collective agreements which prevent equality between men and women as regards the performance of certain jobs. The implementation of the agreement was initiated during the reporting period. In the government sector the principle of equal remuneration has been applied for several years.

The principle of equality of opportunity and treatment in respect of access to vocational training, access to employment and to particular occupations, and terms and conditions of employment, is firmly established.

Article 4. Persons justifiably suspected of, or engaged in, activities referred to in this Article, who are employed in the civil service, may be dismissed by a decision of the authority concerned. Such persons have the right to appeal either to a higher administrative authority (in the last instance, the Government) or, in case of persons employed under collective contract, to the Labour Court.

Article 5. No such special measures exist in Sweden.

RECOMMENDATION

There is no particular authority entrusted with the supervision of the application of non-discriminatory legislation. However, it may possibly be said that such functions are exercised by the Procurator of Civil Affairs (*Justitieombudsmannen*). This official is appointed by Parliament to supervise the observance of all laws and statutes in the capacity of representative of Parliament, according to article 96 of the Constitution.

Switzerland

CONVENTION

Article 4 of the Federal Constitution guarantees the equality of citizens under the law and generally upholds the principle of non-discrimination. This basic constitutional rule applies to relations between citizens and the legislative, administrative and judicial authorities and does not regulate relations between individuals. However, the principle of non-discrimination is fully applied in contracts between individuals. Civil law recognises freedom to contract.

Articles 1 and 2. In practice, the State does not admit discrimination in matters within its competence. National policy conforms to the requirements of the Convention, and it is therefore sufficient for the State to be vigilant in its prevention of discriminatory acts, without special official declarations.

Article 3. In keeping with the requirements of the federal constitutional structure the Federal Department of Economy forwarded a circular, dated 6 March 1962, to cantonal governments calling their attention to the obligations deriving from ratification of the Convention. The cantonal authorities were asked to determine whether there existed under their jurisdiction discriminatory measures or practices and requested them to rectify any such measures or practices before the Convention took effect.

Paragraph (*a*). Although employers' and workers' organisations are already practising a policy of non-discrimination, the Federal Department mentioned above has also requested their co-operation in the application of the provisions of the Convention. The most representative employers' associations have complied with this request by drawing the attention of their affiliated sections and associations to the Convention.

Paragraph (*b*). Because of the special conditions prevailing in Switzerland, it would appear superfluous to enact legislation or promote educational programmes.

Paragraph (*c*). The principle of freedom to contract embodied in civil law does not conflict with the policy of non-discrimination.

Paragraphs (*d*) and (*e*). The provisions made under these two paragraphs correspond to Swiss policy and practice. No decision permitting the extension of scope could be taken with respect to collective agreements promoting discriminatory practices.

Article 4. There are no legislative or administrative measures affecting persons engaged in subversive activities, with the exception of the provisions of articles 265 ff. of the Penal Code concerning activities prejudicial to the State and the defence of the nation.

Article 5. After consulting the national employers' and workers' organisations, the federal authority has established a list of decisions for the protection of women workers.

RECOMMENDATION

In its report to the Federal Assembly, dated 8 January 1960, on the 42nd and 43rd Sessions of the International Labour Conference, the Federal Council declared that, except for Paragraph 8, the Recommendation corresponded to the objectives of the competent authorities.

Certain of the measures relate rather to the conditions in countries where ethnical minorities exist (Paragraph 4). In Switzerland there is no need to set up agencies to deal with these problems.

The provisions concerning migratory workers referred to in Paragraph 8 are not appropriate to the labour market policy which, because of its special nature, demands a certain measure of freedom of action.

Tanganyika

Constitution.

Tanganyika Citizenship Ordinance, 1961.

Employment Ordinance (Cap. 366).

Public Service Commission Regulations, 1961.

Public Service Commission (Amendment) Regulations, 1962.

Official Secrets Ordinance (Cap. 35).

The aim of the Government is that all citizens, regardless of race, shall eventually have equal opportunity in the civil service once the present imbalance has been corrected. In June 1962, out of 4,469 posts in the middle and senior grades, only 1,454 were held by Africans, although they constitute 98.5 per cent. of the population. For the time being, therefore, preference in appointments, promotions and transfers is given to Africans, the term "African" being defined as meaning "a citizen of Tanganyika who is a person of African race and includes any such citizen who is a Swahili or either of whose parents is, or if deceased was, a person of African race". There is no legal discrimination applicable to the private sector of the economy.

There are no discriminatory measures in force either in law or practice on the basis of sex, religion, political opinion, national extraction or social origin which affect equality of opportunity or treatment in employment or occupation. Such inequalities of opportunity as exist are largely the results of cultural, educational and economic differences between the indigenous inhabitants and the European and Asian communities. The number of women in paid employment is low (approximately 4.5 per cent. of the total labour force); in rural areas they usually seek such employment in agriculture only as members of family units, or when absent from home and accompanying their husbands; in urban areas, opportunities open to them are limited mainly to domestic employment, though some factory jobs are becoming available with the development of light industries and increasing numbers are entering clerical and secretarial employment in commercial and government offices. At the end of 1961 the Government accepted the report of the Salaries Commission, which recommended, *inter alia*, the adoption of the principle of equal pay for women employed in government service.

The Government provides vocational training at two residential trade schools and at the Dar-es-Salaam Technical Institute. The former were designed to train young African craftsmen, and so far admission has been restricted in practice to African candidates; the latter admits candidates of all races. The Government's declared policy on education is to establish a fully integrated education system open to all, and it is expected that this target will be achieved during the next five years.

The facilities offered by the public employment service are open to all races and grades of employee without any exception or distinction whatsoever.

Owing to historical circumstances, the bulk of the employers have come from the non-indigenous group, and the bulk of the labour force from the indigenous population; this tends to accentuate racial and political problems and is a potential source of friction. The Government is therefore encouraging Africans to enter the commercial and industrial sectors of the economy, and it is hoped that the Three-Year Development Plan will significantly narrow the wide gap in real income at present existing between the indigenous and non-indigenous groups. The Government has also fostered the growth of a strong trade union movement and of collective bargaining to redress the balance of strength between employers and workers.

There are no discriminatory measures relating to the employment of persons described in Article 4 of the Convention.

The Employment Ordinance and its related subsidiary legislation prescribe special provisions applicable to the employment of African employees for contracts for longer than six months, which are required to be written contracts in a form prescribed, and to be attested before an authorised officer.

In view of the continuing preference for African over other candidates for civil service appointments, the Government sees no early prospect of complying in full with the provisions of the Convention; however, it fully supports the principles inherent in the Convention and undertakes to give consideration to the possibility of ratifying it at a later date.

Thailand

Civil Service Act of 1952.

The above-mentioned Act guarantees the right to all Thai nationals to serve in government organisations regardless of race, sex, religion and belief. The national education policy adopted in 1961 provides full opportunity for vocational training to all citizens without any distinction. Otherwise, no national policy designed to promote equality of opportunity in employment has been declared.

No measures have been taken in the past to promote equality of opportunity and treatment in respect of employment and occupation; it is, however, intended to take such measures in the future.

No need has been felt to take any measures affecting an individual who would be justifiably suspected of, or actually engaged in, activities prejudicial to the security of the State, or to take special measures of protection or assistance designed to meet the requirements of particular categories of workers.

Togo

Article 7 of the Constitution provides that all acts of racial discrimination shall be prosecuted by the law, and article 10 that no person may be handicapped in his occupation because of his origin, opinions or creed. The Labour Code prohibits

discrimination for reasons of sex, origin, age or nationality and applies to all workers, irrespective of origin.

There exists no form of discrimination in respect of employment or occupation, although only the citizens of Togo and countries enjoying the privileges of reciprocity may hold public office, exercise certain professions or be sworn in as notaries or bailiffs.

Present regulations afford workers sufficient guarantees against all forms of discrimination.

Tunisia

RECOMMENDATION

In Tunisia there are no legislative, administrative or practical measures relative to all or certain of the points included in the Recommendation.

The Constitution of 1 June 1959 contains no discriminatory provisions on the subject of employment or occupation. The Recommendation is applied in Tunisia: social legislation is free of discrimination on the grounds of race, religion or any other basis.

Article 48 of the Constitution declares that diplomatic treaties shall become law after approval by the National Assembly, and that duly ratified treaties take precedence over laws, even if they stand in contradiction to these laws. As ratification of Convention No. 111 was registered on 14 September 1959, there is no discrimination in respect of employment and occupation.

There would appear to be no need for legislative measures, since national practice during the past few decades has upheld the principles embodied in the Recommendation and confirmed by the Constitution. Article 6 of the Constitution proclaims all citizens equal before the law; this provision is strictly applied in all fields, particularly in respect of employment and occupation.

Turkey

Constitution of 9 July 1961.

Act No. 5018 respecting trade unions. Dated 20 February 1947 (*L.S.* 1947—Tur. 1).

Act No. 5254 relating to lending seeds to needy farmers. Dated 14 July 1948.

Act No. 5518 to amend certain sections of the Labour Act. Dated 25 January 1950 (*L.S.* 1952—Tur. 1—B).

Act No. 6660 concerning educational opportunities for children of exceptional aptitude in the fine arts. Dated 24 February 1956.

Act No. 6972 concerning children needing protection. Dated 24 May 1957.

Act No. 7269 concerning special measures and assistance to be provided in cases of calamities affecting community life. Dated 25 May 1959.

Act No. 7286 to supplement Act No. 5018. Dated 29 May 1959 (*L.S.* 1959—Tur. 2).

Legislation is already in conformity with the instruments. Effect is given to them by the articles in the Constitution concerning fundamental rights and duties. These cover, *inter alia*, equality before the law irrespective of language, race, sex, political opinion, philosophical views, religion or religious sect; the right to acquire and impart knowledge; the right to work in one's field of choice; the right of every Turk to enter public service; prohibition against officials making distinctions between citizens on account of their political views; granting of scholarships and other assistance to needy students to allow them to reach the highest levels of education.

No forms of discrimination in employment, as defined in the instruments, exist.

With reference to Article 4 of the Convention, any person who claims that he has been subject to an unjust act or calumny is free to appeal to the courts of law.

Special measures of the type described in Article 5 of the Convention are taken; examples are given in the legislation quoted.

The Government intends to ratify the Convention.

Ukraine

Constitution.
Labour Code.
Penal Code.

RECOMMENDATION

See summary of reports on the Convention in *Summary of Reports on Ratified Conventions*, Report III (I), International Labour Conference, 47th Session, Geneva, 1963.

Ukrainian legislation forbids any discrimination within the meaning of the Recommendation. For example, the Constitution prohibits any discrimination based on race or nationality (article 103); women have the same rights as men (article 102); the practice of religion is unrestricted (article 104). In addition, an order by the Supervisory Committee of the Council of People's Commissars of the U.S.S.R. (22-26 May 1936) forbids any discrimination in employment and occupation on the ground of social origin. Articles 96 to 101 of the Constitution also guarantee all workers equal rights to employment, rest and education.

Under the Penal Code any direct or indirect restriction of the rights of citizens or the granting of direct or indirect privileges to certain citizens because of their racial or national origins is an offence punishable by law. The law also punishes any infringement of article 104 of the Constitution and the other statutory provisions forbidding discrimination on the ground of religion, as well as any infringement of the labour legislation granting all citizens equal rights to employment, rest and education irrespective of racial or national origin, religious beliefs, social origin, political opinions or sex.

The legislative provisions forbidding discrimination on any grounds whatsoever cover all fields of economic, public, cultural, social and political life and therefore extend to all forms of employment and activity, including those referred to in Paragraphs 2 and 3 of the Recommendation.

There is no need to establish a special body to enforce a policy of non-discrimination. Responsibility for carrying out the relevant provisions belongs to the bodies which enforce the labour legislation.

There is no provision in either law or practice which conflicts with the policy of non-discrimination, and accordingly there is no need to make any changes.

Current law and practice do provide for certain measures, which are not discriminatory in character, to cater for the special needs of persons who require special protection or assistance because of their sex, age, disability or family circumstances.

U.S.S.R.

Constitution.
Penal Codes of the R.S.F.S.R. and federated republics.
Decision of the Council of Ministers dated 26 May 1956.
Trade Union Statutes.

Regulation defining the powers of the Public Prosecutor.

Regulation defining the rights of trade union committees in factories and plants and of local committees.

RECOMMENDATION

Existing legislation explicitly forbids any discrimination whatsoever in political, economic, cultural or public life for reasons of race, colour, sex, religion, political opinion, national origin or social status, etc. Discrimination in respect of employment and occupation is also prohibited. Violation of this law is considered a serious crime.

The equality of men and women is proclaimed in the Constitution; with regard to employment and occupation, this equality is guaranteed by labour laws, regulations governing the right to work applicable to all workers without distinction as to sex, as well as special regulations governing working conditions for women.

Legislation provides certain non-discriminatory measures which take account of the needs of persons who require special assistance or protection because of sex, age or disability.

The right to work applies to all citizens without exception. Regulations on the right to work are legal guarantees prohibiting any discrimination whatsoever in this field. They forbid unjustified refusal to hire workers and refusal to hire workers for reasons bearing no relation to the qualifications of applicants, and provide a strict control on dismissals. Workers may not be dismissed except on legal grounds, and all workers have the same right to appeal against unjustified dismissals.

The right to work implies that workers must be given jobs corresponding to their skills and qualifications, and that each individual has the right to continue training and seek advancement in his chosen field. Under labour laws, skilled workers may not be assigned to jobs designated for semi-skilled or unskilled workers.

Wage rates are based on the quality and quantity of the work performed. Young persons receive the same remuneration for shorter working hours as adults in the same occupational category for a full work day.

All citizens without exception are entitled to rest, material security in old age, illness or in the event of disability, and education.

Religious discrimination is implicitly prohibited in article 124 of the Constitution, which provides for the separation of the Church and the State and guarantees all citizens freedom of worship.

The Trade Union Statutes prohibit all forms of discrimination concerning admission to trade unions, the maintenance of membership therein and participation in trade union activities.

Labour laws grant aliens employed in the U.S.S.R. the same rights as Soviet citizens and specify that they shall receive free medical care and social insurance benefits at the expense of the State. Aliens and the members of their families are entitled to all forms of pensions.

Any direct or indirect curtailment of rights or the direct or indirect granting of privileges for reasons of race or nationality are subject to prosecution. Any act of discrimination in respect of employment and occupation constitutes a violation of labour laws and, on these grounds, may likewise be prosecuted.

Control over the observance of the law is exercised by the Public Prosecutor of the U.S.S.R., who supervises the application of laws and safeguards the rights of citizens through the agencies of his ministry. The rights of citizens include protection against all forms of discrimination in the field of labour relations. The various institutions and agencies of the State dealing with labour are placed under the supervision of the State Labour and Wages Committee of the Council of Ministers.

Trade unions ensure direct supervision of the enforcement of administrative labour laws. A control system of this type, ensured both by the agencies of the State and by workers' organisations, wholly excludes the possibility of violation of laws prohibiting discrimination.

As national legislation conforms to all the provisions of the Recommendation, no supplementary provisions are necessary.

United Kingdom

Sex Disqualification (Removal) Act, 1919.

Education Act, 1944.

Education (Scotland) Act, 1946.

Education Act (Northern Ireland), 1947.

Employment and Training Act, 1948 (*L.S.* 1948—U.K. 4).

Disabled Persons (Employment) Acts, 1944 and 1958.

Disabled Persons (Employment) Acts (Northern Ireland), 1945 and 1960.

Employment and Training Act (Northern Ireland), 1950.

Youth Employment Service Act (Northern Ireland), 1961.

CONVENTION

In general, discrimination of the kinds the Convention seeks to eliminate has not given rise to widespread or acute problems. Legislation is free from discriminatory provisions.

It has not been found necessary to enact legislation specifically directed against discrimination; such legislation would be difficult to enforce and might give undue prominence to such problems as do exist, thus tending to aggravate rather than cure them. Reliance is placed primarily on public opinion and good sense to prevent the growth of discrimination and to counter what exists. This is reinforced by the influence of the employment exchanges and other services run by public authorities, which invariably operate on non-discriminatory lines and have instructions to promote the removal of discrimination to the extent that their powers permit.

The one broad exception that may be made relates to discrimination on the basis of sex: in particular, the principle of equal pay for men and women workers for work of equal value is not universally applied. The Sex Disqualification (Removal) Act, 1919, removed disqualifications on grounds of sex or marriage from entry into civil service professions or vocations. It permitted the method of entry and conditions of service of women in the civil service to be prescribed; it also permitted the reservation to men of branches and posts in the civil service overseas and in any foreign country. The marriage bar was abolished in the civil service in Great Britain in 1946; however, there still remain a small number of foreign service appointments in the Foreign Office which women are required to relinquish on marriage. In Northern Ireland, married women are not employed in the civil service or in some local and public authority services.

The Education Acts referred to above provide that no woman shall be disqualified for or dismissed from employment as a teacher by reason only of marriage. A few local authorities do not employ married women other than teachers. There is some discrimination in other industries against married women, for instance in banking, insurance, and shipping offices. Some firms require women to transfer from permanent to temporary appointments on marriage or to revert to a lower position. Three banks are reported to require the resignation of permanent women staff on marriage.

In general, vocational training is the direct responsibility of employers and workers; some sex discrimination may occur; employers may be reluctant to provide women with often expensive training when many do not wish to continue their employment after marriage. As regards vocational training provided by the Government, the general principle is that there should be no discrimination; however, there are some trades in which it would be difficult to place women after training, and in these trades training is not offered to women unless placing prospects are reasonably good; lower training allowances are paid to women than men, reflecting the lower wages generally earned in actual employment.

In the employment exchange service it would not normally be regarded as discriminatory to specify that a vacancy was only for persons of one sex, but local officials have instructions to consider whether a vacancy could be filled by a person of the other sex if a suitable registrant of the specified sex is not available.

Equal pay is the rule in the public sector for non-manual workers; it applies to women in the non-industrial civil service, in local government service, in the nationalised industries, in teaching and in nursing. It is not the rule, however, for non-manual workers in industry and commerce. So far as manual workers are concerned, a good number of women are employed on work which is exclusively women's work, and the question of equal pay does not arise. In many manufacturing industries, collective agreements provide for equal pay when women are employed on the same work as men. There remains, however, a field of manual employment where women may commonly do the same work as men without receiving equal pay. In the industrial civil service, outside practice is followed in determining terms and conditions, and equal pay is therefore not necessarily granted.

In a number of instances, orders fixing statutory minimum wages provide different rates of pay for men and women doing the same work. These rates are arrived at by independent statutory bodies composed of representatives of employers and workers and also independent persons, and Ministers have no power to vary the rates decided upon by them.

Some discrimination on the basis of colour is encountered by employment exchanges in placing immigrant workers. However, the policy of educating employers to accept coloured workers has met with a large measure of success. The trade unions have used their influence with good effect in promoting the acceptance of coloured workers on their merits. Where there are acute labour shortages, coloured people are not difficult to place; where labour is more freely available there may be difficulties, frequently because the immigrant lacks the industrial background of the local worker. It is often difficult to place coloured clerical workers; even though they may have the necessary educational background, they lack experience and are usually above the age at which workers normally enter clerical employment. Coloured women—mainly immigrants from the West Indies—are frequently difficult to place in employment, partly because of their lack of skills and partly because of their reluctance to enter fields in which there are outstanding vacancies.

Colour prejudice is not confined to employers; some employers say, no doubt truthfully, that they have no objection themselves to employing workers of a different race or colour, but that they fear an adverse reaction from their present employees; it has been found that some employers will not employ coloured workers from one country alongside those from another.

Some discrimination on grounds of colour is known to exist as regards promotion, particularly when control of workers who are not coloured is involved. However, coloured workers can reach a supervisory position if they have the right qualities, and they can, and do, progress from lower-paid to higher-paid manual work on their merits.

As regards the professions, some coloured immigrants have qualifications which are not accepted in the United Kingdom; however, many in the medical, nursing and other professions have taken their training and qualifications in the country and are fully accepted.

No discrimination is practised by employment exchanges in selecting persons for submission to vacancies, the criterion being the suitability of the candidate for the particular vacancy. Where an employer imposes what appears to be a discriminatory condition, the service cannot, in view of its statutory responsibilities, refuse to help him to find a suitable worker to fill it; in many cases what appears to be discrimination may in fact be a reasonable restriction on grounds of industrial suitability. If, however, the employer is actuated by prejudice and there are suitable candidates of the class discriminated against, then the service's officials have instructions to try to persuade the employer to consider these candidates equally with any others who may be suitable.

Instances of discrimination in employment and occupation on the basis of race (as opposed to colour), religion, political opinion, national extraction and social origin are too uncommon for useful observations to be made about them in the context of this report.

With reference to Article 4 of the Convention, certain administrative criteria govern employment in the civil service of persons justifiably suspected of, or engaged in, activities prejudicial to the security of the State. Persons concerned have the right of appeal. In some instances it is necessary for government departments placing contracts in outside industry to apply similar criteria to contractors' employees.

Special measures exist to meet the vocational training and employment needs of disabled persons and for the protection of women and young persons at work.

The Government's attitude to the Convention and Recommendation was stated in a White Paper (Cmnd. 783) presented to Parliament in June 1959, in which it was made clear that the Government fully accepted the principle that there should be no unfair discrimination between one worker and another and had publicly associated itself with the lead given by the I.L.O. in this matter. No action has been taken or decided upon for the future with a view specifically to applying the Convention; a difficulty arises in respect of those provisions which appear to suggest intervention by the State in the determination of terms and conditions of employment since this would conflict with the long-established practice whereby conditions of employment are negotiated between employers' and workers' organisations free from government intervention.

RECOMMENDATION

Paragraph 3 (b) (ii). It may be noted that, in accordance with the Fair Wages Resolution adopted by the House of Commons in 1946, government contractors are required to observe such terms and conditions as have been established for the trade or in the industry in the district by representative joint machinery of negotiation or by arbitration, or, in their absence, terms and conditions which are not less favourable than the general level of wages, hours and conditions observed by other employers whose general circumstances are similar. Whether therefore a government contractor is obliged to apply the principle of equal pay for equal work depends on the provisions of collective agreements in his industry or the general practice of other employers in the same area whose circumstances are similar.

Paragraph 8. The United Kingdom has ratified Convention No. 97, and the Government has accepted the provisions of Recommendation No. 86 relating to the lifting of restrictions on access to employment.

Aden

No legislative, administrative or other measures which apply the provisions of the instruments exist. However, there is in practice equality of opportunity, security of tenure and equal remuneration for work of equal value.

Antigua

Immigration and Passport (Amendment) Regulations, 1961.

Discrimination in employment has never been a problem, and there are therefore neither legislative provisions nor administrative regulations or other measures governing it, and there has been no need for a policy statement on this point. The national practice is to make vocational training and employment opportunities available to all regardless of race, colour, sex, religion, political opinion, national extraction or social origin; where qualifications are required, the same standards apply to all persons.

The one exception, which is becoming more important, concerns the employment of persons who are not Antiguans; such persons entering the colony may not carry on any business, profession or calling or engage in any employment without the written permission of the Minister responsible for labour, and conditions may be attached to the permission if it is given.

Civil servants are prohibited from passing confidential information to unauthorised persons, and their conduct is subject to the rule of law, but it has very rarely, if ever, been necessary to take action involving activities prejudicial to the security of the State.

There are at present no measures of special protection or assistance to persons of a special social or cultural status, as the population is well integrated. Where age and disablement are involved, special arrangements are made between the contracting parties, with the worker calling, where necessary, on the assistance of his union.

Bahamas

Discrimination as defined in Article 1 of the Convention does not exist, and no legislative, administrative or other measures have been considered necessary to promote equality of opportunity.

Barbados

There is now practically no discrimination on grounds of race, colour, creed, religion, political opinion, national extraction or social origin. What discrimination remains on the grounds of race, colour or social origin (mainly in the engagement of "white-collar" employees) is rapidly disappearing. There remains some discrimination on grounds of sex, but this also is tending to disappear, and no special measures to accelerate the process are necessary or contemplated. The principle of equal pay for men and women for equal work is now applied throughout the government service, although its implementation in the teaching profession is being done by gradual stages.

No unfair distinction is made in the admission of students to the Government Technical Institute.

Terms and conditions of employment are mainly regulated by free collective bargaining, during which process, with the possible exception of sex, there is no discrimination.

There has been no declaration of policy giving effect to the provisions of these instruments, and no action is contemplated or considered necessary.

Bechuanaland

There are no legislative or administrative regulations giving effect to the Convention, although all the Articles are put into practice. The Government's policy is promotion of equality of opportunity and treatment in employment and occupation without any discrimination.

No discrimination as defined in the Convention exists in law or practice. The policy of the Government does not discriminate either in regard to access to training institutions or to general conditions of employment. The major feature of the general development policy is the improvement of educational facilities for everybody.

There are no measures governing the employment or occupation of persons justifiably suspected of activities prejudicial to the security of the State, apart from the Colonial Regulations which apply to public servants. The employment of women and children is governed by the legislation which conforms to the relative Conventions on this subject. There is legislation to ensure that Africans are paid in legal currency, that contracts for their services do not include the services of their families, and that, as migrants outside their territory, they must be repatriated and cannot contract to work for excessive periods.

Bermuda

In the public service the policy is to provide equal opportunity for persons having Bermudian status. Within the past decade, entry into all branches of the civil service has been made possible irrespective of race or colour. The Government's vocational training facilities are available to all.

A number of important business houses have adopted a policy of increasing the opportunities for employment of coloured persons in the higher echelons. Public opinion is less tolerant of discriminatory employment practices than formerly, but resistance to change persists in some quarters.

Terms and conditions of employment are settled by private arrangement, or, where trade unions exist, by negotiated agreement.

No public policy has been declared; on the other hand, discrimination does not enter into any decisions of policy.

British Guiana

Annex to the British Guiana (Constitution) Order-in-Council, 1961.
Amerindian Ordinance (*Laws of British Guiana*, Cap. 58).

There have been no legislative provisions, administrative regulations or other measures promulgated to give effect to the provisions of the instruments, but it is the declared policy of the Government that there should be equality of opportunity and treatment in employment and occupation, and the principles of the instruments are acceptable to the country.

All persons enjoy equality of opportunity and treatment in the facilities of the employment service. In general, it rests with the employer to assess the suitability of individuals for training or employment, and to select employees for advancement.

There are no measures of the type mentioned in Article 4 of the Convention. Certain measures of the type described in Article 5, paragraph 2, are contained in the Amerindian Ordinance.

British Honduras

British Honduras Constitution Ordinance, 1958.
Labour Ordinance, 1959.
Workmen's Compensation Ordinance, 1959.

Shops Ordinance, 1959.
Factories Ordinance, 1942.
Factories Regulations, 1943.
Immigration Ordinance, 1957.
Education Ordinance, 1962.

The Government accepts the principles of the Convention and Recommendation and proposes to declare a national policy in compliance with their provisions.

These principles are followed by the Public Service Commission in regard to appointments in the public service, by the employment service, by the Committee which awards scholarships in vocational training in the public and private sectors, and in the technical education facilities provided by a government institution. The general practice concerning advancement of employees both in government and private industry accords with these principles. Security of tenure of employment for local workers is not subject to discrimination, but the terms of some collective agreements provide that, in the event of redundancy, foreign workers should be discharged before nationals.

The principle of equal remuneration for equal work is applied in government employment; in private employment, its application has yet to be determined, since women are not extensively engaged in wage-earning employment and, where they are so engaged, they are not performing the same work as men.

Employers' and workers' organisations admit members regardless of race, colour, sex, religion, political opinion, etc., and all members can participate fully in the affairs of their organisations.

Obligations in labour clauses in public contracts would be extended if necessary to ensure observance of non-discrimination.

There are no private training institutions, but provision exists in the Education Ordinance that no person shall be refused admission to assisted schools on account of religion, nationality, race or language.

Immigrants receive treatment no less favourable than that given to nationals, but are admitted only on the basis of temporary permits "when no suitably qualified residents of British Honduras appear for the time being to be available for employment of such class". This restriction is placed on account of the prevalence of underemployment in the country.

Falkland Islands

No need has arisen for legislative or administrative provisions in regard to matters dealt with in these instruments. No distinction, exclusion or preference is made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, having the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation. Terms and conditions of employment are negotiated between the Labour Federation (a general workers' union) and the Sheep Owners' Association and other employers without government intervention.

Fiji

Public Service Commission (Amendment) (No. 3) Regulations, 1961.

A radical change has taken place in the last ten years in relation to the recruitment of local persons to responsible posts. This has been made possible by the extension of educational facilities, including scholarships for study overseas. Employers' attitudes have changed, and only in isolated cases do certain organisations still show a preference for one racial group. The change in attitude has been brought

about by discussion and by the example of the Government and certain large private undertakings, and it is considered preferable to continue this approach, rather than to resort to legislation, since application of the principles of the Convention by voluntary methods, if it is not too long delayed, will be more effective.

However, the need has been recognised for special measures to assist indigenous Fijians to take their place side by side with other races in the civil service, and the above-mentioned Regulations provide that "in making its recommendations for the selection of candidates for entry into the Public Service, the [Public Service] Commission shall have regard to the need for securing a balanced distribution of posts as between Fijians and Indians". Special scholarships are being granted to Fijians to fit them for higher posts in the service, and administrative instructions have been issued within the service regarding special treatment to ensure equality of opportunity, particularly for the Fijian race.

Several large employers have declared their policy of giving equal opportunity to all races and have in operation an intensified programme of training. It is intended to survey the situation more closely and to request the Labour Advisory Board to keep the matter constantly under review.

Gambia

There is no legislation with regard to these instruments.

There is no discrimination in respect of employment and occupation in the Gambia. All legal immigrants enjoy equality of opportunity and treatment in access to employment and training facilities.

Gibraltar

Education Ordinance (Cap. 145).

Control of Employment Ordinance (Cap. 163).

Trade Restriction Ordinance.

Conditions of Employment (Retail Distributive Trade) Order Factories Ordinance (Cap. 170).

Social Insurance Ordinance (Cap. 166).

Employment Injuries Ordinance (Cap. 147).

There is no evidence of discrimination on a basis of race, colour, religion, political opinion, national extraction or social origin. Women in Gibraltar have equality with men as to access to employment, and to particular occupations subject to the inherent requirements of the job. Possible exceptions are the Police Force and apprenticeships under the Official Employers' Apprentices Board which cover a variety of heavy engineering and building construction trades and which under present conditions are open only to men. There is no demand from women for entry into these occupations which are among those which have long been classified in the public mind as men's work. Vocational training sponsored by Government is open equally to women.

The official employers industrial wage structure incorporates a long standing differential of two-thirds of the appropriate male rate for women workers. A claim for a reduction of this differential to nine-tenths of the male rate is at present under consideration. The customary differential of two-thirds is also reflected in the wage rates fixed by the Conditions of Employment (Retail Distributive Trade) Order; this Order is at present under review. The Government of Gibraltar and the other official employers have implemented in their non-industrial service a differential of nine-tenths of the appropriate male rate for women civil servants or local government officers as a specific step towards full equality of pay for work of equal value.

Government schools are classified on a confessional basis as Catholic, Protestant or Jewish schools. The respective Heads of these religious communities are em-

powered by section 9 of the Education Ordinance to veto the employment in the schools of their confession of any teacher to whom they object on religious grounds. Any such teacher may then be transferred to a school of another denomination. It is considered that religious suitability is an inherent qualification for employment as a teacher under this educational system. No difficulties have arisen in practice in applying these principles.

The Control of Employment Ordinance prohibits the employment of persons who are not "Gibraltarians" unless the employer first obtains a labour permit. Such permits are withheld if a Gibraltarian is available who is "capable of undertaking and suitable for the employment". The prohibition applies indiscriminately to all non-Gibraltarians whether British or alien and is aimed at protecting the interests of the Gibraltarian minority. Gibraltarians are also given preferential treatment in access to certain trades or businesses by virtue of the control exercised on non-Gibraltarian interests through the Trade Restriction Ordinance, which prohibits non-Gibraltarian enterprises from engaging in specified trades or business activities without a licence from the Governor. The ordinance is administered benevolently and there is a substantial number of successful non-Gibraltarian enterprises mainly of Spanish or non-Gibraltarian British ownership.

No formal declaration of policy has been made, but subject to the need to protect Gibraltarians who form a minority in the employment field, the Government of Gibraltar has long pursued a policy the aim of which is to maintain and further the equality of rights and treatment in all matters which derive from the traditional guarantees in British constitutional and common law and practice. The Government of Gibraltar is fully in sympathy with the spirit of the Convention. In administering the measures for the protection of Gibraltarians outlined above, care is taken to minimise their discriminatory effect as far as reasonably possible without derogating from their designated purpose.

Gilbert and Ellice Islands

No discrimination as defined in Article 1 of the Convention exists in law or in practice, and no declaration of national policy on this subject has been found necessary. No specific measures have been taken to promote equality of opportunity in employment, but educational policy is aimed at equipping indigenous persons to undertake all forms of employment available in the territory.

Intervention by the Government in the determination of terms and conditions of employment, as suggested in Article 3 (b) of the Convention, would not be in accordance with the Government's policy of allowing such matters, subject to certain safeguards, to be negotiated between workers and employers free from government intervention.

Grenada

There is no need for legislation or administrative instruction concerning discrimination in employment on the basis of race, colour, sex, religion, political opinion, etc., as such forms of discrimination are not practised. Employers have always practised equality of opportunity and treatment and have resisted attempts by the trade unions to restrict employment to union members.

Guernsey

Industrial Disputes and Conditions of Employment Laws, 1947-58.

Health, Safety and Welfare of Employees Law, 1950.

Contributory Pensions Laws, 1935-61.

Discrimination in employment and occupation is unknown, except that the principle of equal pay for men and women workers for work of equal value is not generally applied.

In the civil service, the differential which hitherto existed in the rates of pay of men and women on the established staff is being removed over a period of three years, and parity should be reached by 1 July 1964. In the nursing and teaching professions United Kingdom scales have applied for a number of years, and the principle of equal pay has been followed accordingly.

Wages and conditions of employment in agriculture negotiated locally do not provide for equal pay for men and women, but it may be assumed that employers would not expect some of the heavier work to be undertaken by women. There is also a differential in certain grades of employment in the catering and distributive trades and in the box-making industry.

In all other respects, the principle of non-discrimination has always been accepted and practised. The above legislation applies without discrimination. The Industrial Disputes and Conditions of Employment Laws ensure that every worker enjoys terms and conditions of work which are no less favourable than the recognised terms and conditions of the trade or industry concerned. The States Labour and Welfare Committee provides a free placement service to all persons without discrimination. The Committee has good relations with organisations of employers and workers; the latter are extremely vigilant and would quickly bring to the notice of the Committee any instances of discrimination against workers. In the circumstances, no special measures are contemplated.

Hong Kong

Factories and Industrial Undertakings (Amendment) Regulations, 1958.

Factories and Industrial Undertakings (Amendment) (No. 2) Regulations, 1958.

The colony is a multi-racial community, but there has never been any discrimination in regard to employment and occupation, and the introduction of legislation to prohibit it is not considered necessary.

In government service, overseas candidates are appointed only when qualified local candidates are not available. Once appointed, local and overseas officials compete for promotion on equal terms. Where qualifications or training are not obtainable locally, local officials have been sent to the United Kingdom for training. Expatriation pay has been abolished.

There is always freedom of choice for the individual in respect of training and employment.

The Government's policy of employment is non-discriminatory. In industry and commerce, employers generally speaking seek to engage the best person available for the job. In collective agreements signed in Hong Kong, the principle of equality of opportunity is always respected. Vocational guidance and placement services are open to all.

In government service, women in the minor staff receive the same basic wages as men, but the latter receive higher cost-of-living allowances on account of their greater family responsibilities. In the middle and upper grades, cost-of-living allowances reflecting differences in family responsibilities have been incorporated into salaries; unmarried women medical officers with three or more years' post-qualification experience receive the same emoluments as their male counterparts, but other women officers receive 75 per cent. of the emoluments of men engaged in similar posts. The position was under review in December 1961. In industry, piece-rates are the same for men and women, and apparent differences in time rates are frequently due to the fact that men and women are seldom employed on exactly the same type

of work. Some employers, including the Government, restrict rights to pension or retirement benefits to women who are unmarried, married women being employed on temporary month-to-month terms.

Government servants are security-checked for criminal record and, in certain grades, for extraneous political affiliations before appointment. A person may be dismissed from the public service only in accordance with the Colonial Regulations, the general orders of the Hong Kong Government, or, if a member of one of the disciplined forces, under the provisions of the ordinance relating to that force. Any person who is dismissed may appeal to the Colonial Secretary, the Governor or the Secretary of State for the Colonies as appropriate.

Jamaica

The Sex Disqualification (Removal) Law, 14 July 1944 (Cap. 356).

There is no legislation or collective agreement which discriminates by way of any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

There is a difference in wage scales between male and female manual workers owing to differences in output, but these scales are constantly under review in the light of changing conditions and the principle of freedom in collective bargaining.

Kenya

Employment Ordinance (Cap. 109).

Resident Labourers Ordinance (Cap. 113).

CONVENTION

There are no legislative measures or administrative regulations concerning discrimination in the scope of the Convention. There are other measures which are consonant with its principles: the Employment Services Organisation of the Ministry of Labour provides equal opportunities, for all persons in Kenya, to seek employment through its offices. There is no discrimination other than on grounds of suitability with regard to vocational training.

Article 1. In the orders issued under the Regulation of Wages and Conditions of Employment Ordinance, the minimum wages of unskilled labour prescribed differentiate between adult males and women. These decisions are made on the advice of the Wages Advisory Board, which includes representatives of workers and employers. The Resident Labourers Ordinance, which applies only to Somalis and other Africans, is shortly to be repealed.

Article 2. Racial discrimination in government services has been removed, and a policy of replacing expatriate staff, mainly of Asian and European extraction, with locally domiciled persons has been pursued. In the private sector a similar policy is being followed.

Article 3. To promote equality of opportunity the Government operates a free public employment exchange service and fosters trade unionism and joint consultation between organisations of workers and employers.

Article 4. There are no measures of the kind concerned, but admission to employment in the government services is highly selective.

Article 5. The only measures taken are under the Resident Labourers Ordinance and the Employment Ordinance, which protect the lower-paid elements of the labour force.

Malta

By and large, the principle that there should be no discrimination between one worker and another in the field of employment is accepted. However, certain discriminations exist, especially in relation to sex and national extraction. In government service, women are required to resign their appointment on marriage. Equal pay for equal work is being introduced gradually in some sectors of government employment but is not prevalent elsewhere. Statutory wage regulation orders establish different rates for male and female workers.

Owing to the overpopulation of the island and the limited opportunities, British subjects not belonging to the island and aliens may only undertake such employment and for such time as is specified in their work permits.

Measures of the type referred to in Article 4 of the Convention do not exist.

Certain occupations in government service are reserved for disabled workers. Heads of families are given a certain priority for employment.

Isle of Man

The Regulation of Employment Order, 1954.

There is no legislation restricting the opportunity to take employment other than the above-mentioned order, which provides that a male person who has resided in the island for less than five years may not enter employment without a permit (unless he or the employment is exempted under the provisions of the order); a permit is not given if any unemployed male "Isle of Man worker" as defined in the order is available for the position. The reason for this restriction is the persistence of a higher male unemployment rate than in the United Kingdom and the consequent need to safeguard the position of island residents.

There is no discrimination between men and women in access to vocational training, but it has not been found necessary to provide training for women and girls (other than disabled ones) and generally speaking there is full employment for women and girls.

In the civil service, there is equal pay for men and women in the clerical officer categories, but there is a differential in the higher appointments.

Mauritius

CONVENTION

There are no positive legislative, administrative or other measures giving effect to the Convention, since there is no need for them. All measures apply equally to those affected, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

Immigration is controlled in order to provide maximum employment for Mauritians. In the civil service, Mauritians have equal chances of promotion with expatriates.

As was reported in relation to Convention No. 82, there is no discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation.

There are no legislative, administrative or other measures governing the employment or occupation of those justifiably suspected of, or engaged in, activities prejudicial to the State.

In the private sector, the majority of large concerns, whether agricultural or industrial, are controlled by members of the white community. Retail shops are predominantly in the hands of the Sino-Mauritians, sugar estate field labourers are mostly Indo-Mauritians, artisans on these estates and in industry generally are mostly members of what is known as the general population. This has come about for historical reasons, and there is a tendency for the son to follow the father. There may well be a tendency for an employer of a particular race or religion to prefer members of the same race or religion, particularly as his immediate subordinates, but there seems to be no evidence that this tendency is carried to such a length as would conflict with the spirit of these instruments.

Montserrat

Discrimination as defined in these instruments presents no problem, as it is generally accepted in the territory that all human beings, irrespective of race, creed, sex, religion, political opinion, national extraction or social origin, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. Consequently, the adoption of legislation or administrative regulations, or the declaration of a national policy on the matter, has not been found necessary.

North Borneo

Royal Instructions to the Governor.

Land Ordinance (Cap. 68).

Immigration Regulations.

Restricted Residence Ordinance (No. 22 of 1961).

Paragraph 17 (*j*) of the Royal Instructions to the Governor prohibits the enactment of any legislation "whereby persons of any racial or religious community are made liable to any disabilities or restrictions to which persons of other such communities are not also subjected or made liable, or are granted advantages which are not enjoyed by persons of other such communities". No specific declaration of national policy has been made.

An employment service has been set up in the main centres of the Colony, with a view to promoting equality of opportunity and treatment in respect of employment and occupation.

Any person justifiably suspected of, or engaged in, activities prejudicial to the security of the State, may be subjected to an order under the Restricted Residence Ordinance. Any person aggrieved by the making of a restriction order, or by the refusal of the Chief Secretary to vary, revoke or suspend a restriction order, may make his objections to an Advisory Committee appointed by the Governor.

For the purpose of safeguarding the position of the indigenous races of the territory in regard to the occupation of land, provision is made in Part IV of the Land Ordinance (Cap. 68) for the alienation of crown land under a special form of title—known as Native Title—for subsistence cultivation.

Northern Rhodesia

Native Registration Ordinance (Cap. 169).

Alien Natives Registration Ordinance (Cap. 170).

Employment of Natives Ordinance (Cap. 171).
Employment of Natives (Amendment) Ordinance, 1960.
Rhodesia Railways Ordinance (Cap. 175).
Apprenticeship Ordinance (Cap. 187).
Apprenticeship (Amendment) Ordinance, 1960.
Workmen's Compensation Ordinance (Cap. 188).
Pneumoconiosis Ordinance (Cap. 189).
Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).
Employment of Women, Young Persons and Children Ordinance (Cap. 191).
Urban African Housing Ordinance (Cap. 234).
General Notice No. 1323 of 1960.

Except for inherent requirements due to the gradual social development of sections of the community, discrimination as defined in these instruments is not applied by legislative measures. Administrative action both by Government and non-governmental organisations is increasingly directed towards ensuring absolute equality of opportunity and treatment in employment, subject only to special requirements inherent in a particular occupation or to distinctions based on special measures of protection required in the national interest or in accordance with international labour standards. It is government policy to encourage the voluntary regulation of terms and conditions of employment by negotiation between representative organisations, directed towards absolute equality of opportunity and treatment. The Government retains the necessary power to apply such measures of protection and such special requirements as are appropriate to the present state of development of the territory.

The principal difficulties are those inherent in a developing territory. These include different races at different levels of social and cultural development, wide variations in technical training and experience, and the fact that a large proportion of the labour force is illiterate, unskilled and untrained.

The Employment of Natives Ordinance, whilst providing for protective measures relating to the care of African employees (e.g. housing, feeding, payment of wages, and recruitment), at present contains penal sanctions for breach of contract; an amending Bill (L.C.B. 50 of 1961) proposes repeal of the sections relating to these sanctions.

The Workmen's Compensation Ordinance provides separate arrangements for the assessment of compensation in respect of African workers, many of whom are illiterate, and for the claiming of benefits. Consideration is being given to its amendment to provide for a uniform scale of compensation. Under the Pneumoconiosis Ordinance, differential scales are at present payable to Africans and non-Africans, but an amending Bill (L.C.B. 2 of 1962) is coming before the Legislative Council proposing the fixing of a uniform scale. Consideration is also being given to amending the Workmen's Compensation Ordinance to provide for a uniform scale of compensation.

Under the Minimum Wages, Wages Councils and Conditions of Employment Ordinance, determinations made provide for special wages and conditions applicable to various races by reason of the fact that workers of the different racial groups have chosen to organise themselves in separate trade unions, with the result that workers' representation on wage-fixing bodies has so far tended to be divided on racial lines.

Identity documents are required of African workers entering prescribed districts and of alien African workers entering any part of the territory; these give details of the holder's employment and provide proof of the contract and duration of employment.

On 1 November 1961, the Northern Rhodesia Civil Service Local Conditions came into effect; under these, every post is open on equal terms to suitably qualified

persons of all races. In 1961 a central training section was set up to intensify the training of local people for appointment to and promotion in the civil service; considerable funds have been earmarked for this purpose, including provision for new training institutions and the grant of bursaries for training outside the territory.

The Oppenheimer College and the Technical Training Institutions providing adult and general technical training are now open to all races, as will be the new College of Further Education now being built at Lusaka. The Apprenticeship (Amendment) Ordinance, 1958, extended existing legislation to Africans.

Employment exchanges set up by the Ministry of Labour and Mines in towns served by the railway and in some of the rural centres provide employment and youth employment services available for all persons.

Negotiations between the workers' organisations in the railway industry and the Rhodesia Railways administration have resulted in jobs being thrown open to all persons, irrespective of race, colour, religion or social origin. The Minister has made the agreement between the parties binding on them.

There are no special measures of the type described in Article 4 of the Convention.

Protective measures relating to African employees cover the formation and interpretation of contracts, the care of servants, the regulation of labour agents and recruiting, special responsibility on the Labour Department to deal with claims for compensable accidents, and the obligation on employers in urban areas to provide, at their own expense, accommodation for any African employee, and, on request, for one wife of this employee.

Protective measures for women, young persons and children are in accordance with international labour Conventions.

St. Helena

There is no discrimination, and every person has the same opportunity for obtaining employment and occupation irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

St. Lucia

The attainment of an increasing measure of self-government in the last decade has produced indigenous political leaders who have always emphasised the need to give access to employment both in the public and the private sector to persons from all sections of society on the basis of individual ability to perform the job. In the public sector, access to employment and training is in accordance with the provisions of these instruments, and there are no features of discrimination in access to training at educational institutions or in local government employment.

In the private sector, while it can be stated that there is no discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion or national extraction, it cannot be stated authoritatively that there are no discriminatory practices at all, since access to employment, particularly non-manual employment, is on the basis of the employer's personal choice. Advice is being sought on the setting-up of an employment service which it is hoped will further reduce the possibility of discrimination in the private sector.

St. Vincent

There is no discrimination in employment and occupation on the basis of race, colour, religion or social origin.

Until recently, female teachers were paid less than male teachers; now they are paid the same salary. This step was taken for other employers to follow. In agricultural and industrial undertakings, women are paid less than men, but the nature of the work performed is different. In shops, women are paid less than men, and efforts are being made to get employers to pay the same salary.

Although no national policy has been declared to this effect, in practice there is equality of opportunity and treatment in access to vocational training; for instance, recently more women than men have been awarded scholarships to the West Indian University on the basis of their qualifications.

It is the intention of the Government to formulate a national policy in this matter and to make every effort to eliminate remaining forms of discrimination.

Sarawak

The Sarawak (Constitution) Order in Council, 1956 (*The Sarawak Government Gazette, Extraordinary*, Part II, Vol. XI, No. 28, 14 Aug. 1956).

The above order incorporates the Cardinal Principles of the Rule of the English Rajahs, of which the following are particularly relevant:

"7. That so far as may be Our Subjects of whatever race or creed shall be freely and impartially admitted to offices in Our Service, the duties of which they may be qualified by their education, ability and integrity to discharge.

"9. That the general policy of Our predecessors and Ourselves whereby the various races of the State have been enabled to live in happiness and harmony together shall be adhered to by Our successors and Our servants and all who may follow them hereafter."

No act of discrimination has so far been brought to the attention of the Government. At this stage it is therefore considered that legislation other than the above is not required. Should occasion arise to entrust any authority with supervision of the declared national policy, reference could be made to the Sarawak Labour Advisory Board.

Seychelles

There is no discrimination in employment and occupation, and the need for legislation concerning this subject does not exist.

Solomon Islands

There is no legislation contrary to the principles of these instruments, and neither is any discrimination exercised in practice.

Security considerations act as a bar to employment only in government service; there is a right of petition to the High Commissioner.

Southern Rhodesia

Constitution (Part II).

Industrial Conciliation Act, 1959 (No. 29).

Apprenticeship Act, 1959 (No. 53).

Workmen's Compensation Act, 1959 (No. 52).

Shop Hours Act, 1945 (No. 20), as amended.

Public Services Amendment (No. 2) Act, 1960 (No. 42).

Native Labour Regulations Act (Cap. 86), as amended.

Native Juveniles Employment Act (Cap. 89), as amended.

The new Constitution contains (in "Part II—Detailed Provisions") provision for "protection from discrimination by written laws" (clause 11 of the "Declaration of Rights") and also provision for "protection from discriminatory action" (clause 12).

More specifically in the field of employment and occupation, the following legislative action has already been taken: the non-racial Industrial Conciliation Act, 1959, which came into effect on 1 January 1960, was enacted to repeal and replace the previous racially discriminatory Industrial Conciliation Act of 1945; the law governing apprenticeship has been modernised in the Apprenticeship Act, 1959, which is also completely non-racial; the non-racial Workmen's Compensation Act, 1959, repealed and replaced as from 1 January 1960 the previous racially discriminatory Workmen's Compensation Act of 1941 and its amending Act of 1948.

In addition, the following remaining racially discriminatory labour legislation is listed for total repeal in terms of the General Employment Bill which has been drafted: the Native Labour Regulations Act (Chapter 86) as amended, and the Native Juveniles Employment Act (Chapter 89), as amended. It is the Government's intention to introduce the Bill during the first session of Parliament in 1963.

The only form of discrimination, as defined in Article 1 of the Convention, which exists to any appreciable extent in Southern Rhodesia, is discrimination on the basis of sex. Throughout the government service and in most, if not all, of private enterprise, women's conditions of employment are inferior to the conditions for men correspondingly employed, more especially as regards rates of pay. Although the Industrial Conciliation Act itself does not discriminate against women, its subordinate employment regulations do so discriminate wherever women's minimum pay rates are awarded, the usual basis being that the women's minimum wage rate is two-thirds of that for men.

As announced in Issue No. 52/61, dated 29 December 1961, of the *Rhodesia and Nyasaland Newsletter*, prepared and issued by the Public Relations Division of the Federal Ministry of Home Affairs, "the Federal Government and the Governments of Northern and Southern Rhodesia have agreed in principle that courses in technical and commercial education should be open to students of all races". Since this announcement the new policy has been implemented in Southern Rhodesia.

The following non-discriminatory legislation has been enacted in the labour field: Industrial Conciliation Act, 1959; Apprenticeship Act, 1959; Shop Hours Act, 1945, as amended; Workmen's Compensation Act, 1959; Public Services Amendment (No. 2) Act, 1960.

The Native Affairs Act set up a complete government department primarily to supply the specialised administrative services required by indigenous peoples living in tribal conditions, and other related statutes made provision for the development of these peoples from the primitive state. It can be said that these statutes have represented an official recognition that tribal Africans required "special protection and assistance" by reason of inferior "cultural status". Although the Native Affairs Act is still in force, it will be repealed in terms of the Government's declared policy of removing discriminatory legislation.

It is the Government's intention to accept the Convention with a modification as regards sex discrimination, as soon as the above-mentioned General Employment Bill has been passed by Parliament. It is intended to adopt measures to give further effect to the provisions of the Convention.

It is the Government's declared policy to abolish all forms of race discrimination, and the legislation required for this is receiving consideration.

Swaziland

African Labour Proclamation, 1954.

Trade Union and Trades Disputes Proclamation, No. 31, 1942.

CONVENTION

There is no legislation specifically giving effect to provisions of the Convention. No form of discrimination in regard to employment has the sanction of law.

In practice, owing to the lack of industrial experience on the part of indigenous workers, employers have in the past almost exclusively employed Europeans in skilled and semi-skilled occupations; this situation is gradually changing, and nearly all semi-skilled jobs are now done by indigenous workers, but skilled, higher clerical and administrative jobs are still performed by Europeans.

There is and has been in the past no discrimination in access to vocational training institutions; in practice, all such institutions are run for the benefit of indigenous workers, as Europeans have already acquired their skills before entering the territory. The ready availability of skilled personnel from outside has made employers slow to develop "on-the-job" training facilities.

Generally speaking, the wages of European workers in semi-skilled, skilled and clerical employment are artificially inflated, and in some cases where indigenous workers undertake jobs formerly done by Europeans, the wages are lower than those customarily paid to Europeans. This is only partially to be explained by the comparative lack of skill of the indigenous worker and the inducement element; the main factor is the influence of supply and demand.

No national policy has yet been declared to promote equality of opportunity and treatment in respect of employment, but it is well known that official policy is the creation of a non-racial community and that discrimination in respect of employment is incompatible with this. The following measures have been taken: (a) through its District Officers and the Labour Officer, the Government has been encouraging employers to employ indigenous workers in positions of skill and responsibility; (b) expansion of educational and training facilities to enable increasing numbers of the indigenous population to compete on equal terms with members of other groups; (c) giving preference in appointments to the civil service to candidates resident in the territory; (d) with regard to daily-paid workers employed by the Government, by job evaluation techniques to relate wages to output and to reduce the wage gap between skilled and unskilled; (e) stricter control over immigration.

RECOMMENDATION

Government policy is that access to employment at all levels should be determined on the basis of merit and ability, preference being given to local residents, and that remuneration should be determined by output without regard to race, creed or cultural background; at the outset, special encouragement should be given to the appointment at higher levels of employment of African inhabitants who have in the past been confined to lower-level jobs owing to disabilities of education and experience. Efforts are being made to promote this policy by influencing employers, control of immigration, and expansion of educational and vocational training facilities.

The imminent institution of a system of trade tests will ensure that the engagement and promotion of skilled workers is based purely on merit.

The Trade Union and Trade Disputes Proclamation is being amended to prohibit the formation of employers' and workers' organisations which in their rules discriminate as to membership on the basis of race, sex, colour or creed.

Action has been taken to eliminate a previous anomaly in the executive grades of the civil service whereby all European employees were entitled to inducement pay irrespective of place of recruitment.

Contractors for public works are obliged as a term of their contract to observe similar conditions to those provided by the Government for its casual employees.

Zanzibar

Apprentices Decree, 1926 (Cap. 57).

Employment of Women (Restriction) Decree (Cap. 62).

Immigration Control Decree (Cap. 43).

Sessional Paper No. 15 of 1962 states government employment policy. Preference is to be given to Zanzibaris in all positions open to them. They are to enjoy equal opportunities both in government and in private employment irrespective of their race, colour or creed. Non-Zanzibaris who are already in employment are not to be discriminated against or dismissed without proper reason.

Since there are two opposing parties in the country there is a tendency by employers to discriminate on a political basis. There is no legislation prohibiting such discrimination.

In choosing employees for government work, a candidate known to be engaged in subversive activities would not be engaged.

Women employed in specific occupations are protected by the Employment of Women (Restriction) Decree.

The Apprentices Decree discriminated by being applicable only to Africans and Arabs. This discrimination was removed in June 1962 by an amendment of the law. A comprehensive code of human rights now in preparation will protect individual rights.

United States

Declaration of Independence.

Constitution (Amendments 5 and 14).

Civil Rights Acts (42 *United States Code (U.S.C.)* 1981 ff.; *Revised Statutes*, 1977, 1978, 1979 in particular).

Civil Rights Act of 1957, as amended (42 *U.S.C.* 1975; 71 *Stat.* 634).

Public Employment Service Regulations (*Code of Federal Regulations (F.R.)*, Part VI, Title 20, ss. 604.1 (b) and 604.8).

Civil Service Act of 16 January 1883 (5 *U.S.C.* 633, 638; 22 *Stat.* 403).

Classification Act of 1949 (5 *U.S.C.* 1074, s. 1104).

Executive Order 10925 of 6 March 1961 (Committee on Equal Employment Opportunity) (26 *F.R.* 1977).

Regulations relating to the obligations of government contractors and subcontractors (*F.R.*, Part 60-1, Title 41).

Regulations relating to non-discrimination in government employment (*F.R.*, Part 401, Title V).

Regulations relating to vocational education (*F.R.*, Part 1, Title 45, s. 102-18).

Department of Labor Circular No. 62-5 (Bureau of Apprenticeship and Training), 31 July 1961.

Act of 26 August 1950, as amended by Act of 29 July 1958 (5 *U.S.C.* 22-1 to 22-3).

Executive Order 10865 (25 *F.R.* 1583), as amended by Executive Order 10909 (26 *F.R.* 508).

Department of Labor, Bureau of Labor Standards, *Brief Summary of State Laws against Discrimination*, January 1962.

Code of the Virgin Islands, Title 10, s. 3 (a) (1).

Executive Order 10980 of 14 December 1961 (26 *F.R.* 12059).

CONVENTION

The United States has taken the view that the provisions of the Convention are appropriate under its constitutional system, in whole or in part, for action by the constituent states.

Articles 1 to 3. The existence of discrimination in employment is difficult to prove. Statistical information may throw light on existing patterns of employment and record changes in these patterns, but it cannot alone prove the existence or absence of discrimination. In addition to the factor of discrimination, the degree and type of employment of minority groups may depend on other factors such as education, training, motivation and fluency in English. In some instances, inability to qualify for jobs which are open can be attributed to past or current discrimination in education or in other aspects of life that may affect an individual's outlook and his ability to receive the benefits as well as bear the burdens of society.

Efforts to eliminate discrimination must proceed on a broad front rather than concentrate on a particular aspect such as employment. One of the most significant advances essential to the preparation of minority group members for expanding employment opportunity has been the desegregation of public schools; while not a completely accomplished fact, progress in school desegregation has consistently been made since the 1954 decision of the Supreme Court holding school segregation on the basis of race or colour to be unconstitutional. In other important areas such as housing, public accommodation, training and job placement, action by federal, state and local authorities and by private organisations is being increasingly effective in eliminating aspects of discrimination that have either a direct or an indirect relationship to the achievement of equal employment opportunity.

Essential to the preparation of minority group youth for expanding job opportunities are examples that their efforts will not be in vain. In the past, one could affirm that well-educated minority group members were underemployed: college graduates could be found in relatively menial jobs, and individuals could not rise to management positions. It was seen that, along with efforts to broaden the opportunities of minority group members coming into the labour market, there had to be an upgrading of the qualified individuals already in jobs; at all levels of government and among private groups and organisations, efforts to do this have been effective and are continuing.

The complexities of cause and effect, the interrelationship between different discrimination problems, together with the time element in educating minority group members and training them for occupations which may have been largely closed to them in the past, make progress appear slow. In spite of rigorous and continuing efforts to raise the status of Negroes and members of other minority groups, they may still be found largely grouped in jobs labelled unskilled or semi-skilled and with a higher unemployment rate than white workers.

One hundred years ago most Negroes earned their living in a depressed rural economy where schools and other opportunities were meagre; in these rural communities progress was handicapped for white and non-white alike. Progress since that time has been expedited as the nation's economy has become industrialised and diversified and more employment opportunities have become available. Progress has been particularly rapid since 1940, and in less than a generation the Negro has progressed further and faster toward full participation in every phase of the country's life than in all the former years since 1865.

In the field of employment, a few statistics will demonstrate this progress. The number of Negro workers in professional, clerical, sales and skilled jobs has more than doubled since 1940, and today, out of every 100 non-white workers, five are in the professional, technical and kindred classification; two are managers, officials or

proprietors; eight are clerical and kindred workers. This progress has been made not only through the efforts of federal, and many state and local, governments but also through the efforts of some 1,500 private organisations and millions of citizens acting without government interference or regulation.

The provisions of the United States Constitution which protect the rights of the individual include the 14th Amendment, which guarantees equal protection by the law, and the 5th and 14th Amendments, which guarantee due process of law to all persons subject to the jurisdiction of the United States. The Federal Civil Rights Acts enacted in 1870 to implement the provisions of the 14th Amendment prohibit any action under cover of any statute, ordinance, regulation, custom or usage of any state or territory depriving any person within the jurisdiction of the United States of any right, privilege or immunity secured by the Constitution and laws of the United States. It has generally been held that to deprive a person of the right to follow any lawful occupation is to deprive him of both liberty and property under these provisions.

In its civilian and military capacities, the federal Government employs about 6 million persons, almost 10 per cent. of the country's work-force. At the beginning of the Second World War the armed forces were segregated, and Negroes were assigned primarily to construction and transportation units; today all branches are open to Negroes. In the civil service, which employs approximately 2.3 million persons, the classification system set up by legislation provides that positions shall be filled by appointment of those receiving the highest grades in open competitive examinations. Moreover, there are specific provisions in this legislation prohibiting discrimination because of physical handicaps, marital status or sex. On 24 July 1961 the President issued a directive to all federal agencies that appointment or promotion shall be made without regard to sex, except in unusual situations where such action has been found justified by the Civil Service Commission on the basis of objective non-discriminatory standards, and on 14 December 1961 Executive Order 10980 established the President's Commission on the Status of Women to review progress and make recommendations as needed for constructive action for the removal of any remaining discrimination against women in a variety of fields, including those related to employment policies and practices for women in federal and federally assisted work.

Classification by racial origin in records of employment in the federal service has been abolished, but it has been estimated that Negroes, while representing only 10.5 per cent. of the population, comprise 13 per cent. of federal civilian employees. Two surveys carried out in 1956 and 1960 showed a substantial increase during the intervening four years in the number of Negroes employed in grades 5 to 15 inclusive, extending from clerical to supervisory and professional and administrative levels. The present Administration has placed increased emphasis upon the appointment of Negroes to important posts; it has, for instance, doubled the number of Negro federal judges and appointed the first two Negro United States Attorneys; a Negro has been appointed as Administrator of the Housing and Home Finance Administration; two Negroes serve as ambassadors; one as Associate White House Press Secretary; and one as a Commissioner of the Government of the District of Columbia.

In addition, many millions of workers are employed by government contractors and subcontractors, and a federal non-discrimination policy applied to these employers can have far-reaching effects. A number of committees established by the President have operated since the early 1940s to abolish discrimination in employment by government contractors. When the 1953 President's Committee on Government Contracts terminated activities in 1961, it was recognised that, although much had been accomplished, much still needed to be done to attain the goal of equal opportunity for employment and training, and on 6 March 1961 Executive Order 10925

established a single executive committee with responsibility for promoting a policy of equal opportunity in employment both in the federal Government and by government contractors.

The President's Committee on Equal Employment Opportunity has jurisdiction "to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, colour, or national origin, employed or seeking employment with the federal Government and on government contracts". On 22 July 1961 it issued rules and regulations to implement the policy of non-discrimination in government employment; copies of all complaints of discriminatory practices are filed with the Committee, which may assume jurisdiction and issue recommendations and orders. Government contractors and subcontractors have the obligation, among other things, to "take affirmative action to ensure that applicants are employed, and that employees are treated . . . without regard to their race, creed, colour, or national origin". The following functions are provided for: (a) publicising the names of contractors or unions which have complied or failed to comply with the non-discrimination requirements; (b) recommending action by the Department of Justice, including injunctions against individuals or groups failing to comply; (c) recommending to the Department of Justice that criminal proceedings be brought for furnishing false information; (d) terminating all or part of any contract for failure of the contractor or subcontractor to comply; and (e) requiring that contracting agencies do not enter into further contracts, or extensions or modifications of existing contracts, with any non-complying contractor until he complies.

The machinery also provides some powers which can elicit co-operation for equal employment opportunity from labour unions organising federal contractors' employees.

The policy of the employment service, as established by regulations, is to ensure that employment opportunities are provided for all applicants on the basis of their skills, abilities and job qualifications; the service is required to make continuous effort to ensure that employers with whom relationships are established base their hiring specifications exclusively on performance factors. The Bureau of Employment Security, Department of Labor, gives administrative guidance in attaining these objectives and in assisting in the implementation of Executive Order 10925.

No statutes explicitly define federal policy regarding access to vocational training for minority groups, but a regulation issued under the basic federal-state programme of co-operation for the development of vocational education provides: "In the expenditure of federal funds and in the administration of federally aided programmes of vocational education, there shall be no discrimination because of race, creed, or colour."

Apprentice training programmes, in order to be registered with the Department of Labor, must conform with specific non-discrimination standards; these standards also apply to apprenticeship programmes of employers handling federal contracts. The following language is considered as meeting the requirements: "Selection of apprentices under this programme shall be made from qualified applicants without regard to race, creed, colour, national origin or physical handicap; women shall not be barred from apprenticeships for which they qualify."

The Supreme Court has held that both the National Labor Relations Act, as amended by the Labor-Management Relations Act of 1947, and the Railway Labor Act must be interpreted as requiring trade unions, acting as collective bargaining representatives under statutory authority, to represent fairly, impartially, in good faith and without discrimination all persons who are members of the craft or class of workers covered by the collective agreement.

The United States Commission on Civil Rights was created in 1957 to study and advise on conditions that may deprive citizens of equal treatment under law because

of their colour, race, religion or national origin; it serves the dual purpose of bringing certain practices to the attention of the public and finding facts which may be subsequently used as the basis for legislative or executive action. One volume of its 1961 report was devoted to the subject of employment.

At the state level, laws against discrimination in private employment have been enacted in 21 states, in Puerto Rico and the Virgin Islands, with mandatory compliance and provisions for enforcement; these states are Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington and Wisconsin.

All the Acts specify certain employment practices as unlawful. Employers are usually forbidden to refuse to hire, discharge or discriminate in wages or conditions of employment against any person because of race, creed, colour or national origin, and in Puerto Rico because of social position. However, the Wisconsin law exempts any employer who is bound by an all-union agreement with any union "in which membership is a privilege" and against which a commission order is unenforceable.

Under all but the Idaho law, labour organisations may not exclude or expel a person from membership or otherwise discriminate against him. Most of the laws also prohibit employment agencies from discriminating among applicants for jobs. For example, 11 laws prohibit agencies from engaging in discrimination, or refusing to classify applicants properly or refer them for employment.

Prohibitions against discriminatory advertising or against asking pre-employment questions which express any limitation not based on bona fide occupational qualifications are common. Employers and employment agencies are prohibited from such advertising in 17 states, and from asking such questions in 16 states.

Employers, labour organisations, and employment agencies are prohibited, in all the Acts except those of Colorado, Idaho, Puerto Rico and Wisconsin, from discriminating against a person because he has opposed unlawful employment practices, filed a complaint, or testified concerning such practices.

As well as prohibiting discrimination in employment because of race, creed, colour, or national origin, the laws of Connecticut, Delaware, Massachusetts, New York, Oregon, Pennsylvania, Puerto Rico, Washington and Wisconsin also prohibit discrimination because of age.

In addition, Alaska, California, Colorado, Louisiana, Massachusetts, Ohio and Rhode Island have separate laws prohibiting employment discrimination based on age.

Most of the states have placed administration of the laws in agencies created especially for the purpose. In 13 states these administrative agencies are independent commissions. In six other states and in Puerto Rico administration is under the Department of Labor. In New Jersey administration is vested in the Division against Discrimination in the Department of Education.

Enforcement procedures are very similar in 19 of the states having mandatory laws (all except those of Delaware and Idaho and that of Puerto Rico). These procedures provide for complaints to be filed by aggrieved persons. In ten jurisdictions complaints may also be filed by the Attorney-General of the state and in 11 jurisdictions by the administrator himself. Upon receipt of a complaint, the administrator makes a preliminary investigation and, if he finds evidence of discrimination, attempts to eliminate any unlawful practice by confidential conference and conciliation. If conciliation fails, the administrator may hold hearings, issue cease-and-desist orders, and, in most of the states, require the persons complained of to take affirmative action, such as hiring or upgrading. Court review and enforcement are provided.

Under the Delaware Act, the administrator is authorised to issue regulations and to receive complaints of violations, for conviction of which penalties are provided.

Both the Idaho and Puerto Rico laws make violation a misdemeanour. Under the Puerto Rico law, the Secretary of Labor is authorised to bring suit for enforcement on his own motion or at the request of a party in interest.

All of the laws except those of Alaska, Delaware, Idaho and Puerto Rico make provision for educational and research programmes to supplement direct enforcement in cases of specific violation. Generally the laws authorise the administrator to conduct research, issue publications designed to promote equality of employment opportunity, submit regular progress reports, and make recommendations for improvements in the law. Citizen participation is encouraged through advisory committees, and, in several states, by specific authorisation to the administrator to make use of voluntary services offered by private individuals or organisations.

There are three states—Indiana, Nevada and West Virginia—that have “voluntary” laws, depending primarily upon educational measures for enforcement. The agencies administering these laws may investigate complaints and make recommendations to the parties.

In addition to the state laws, over 40 municipalities have mandatory fair employment ordinances. Among the 40 are the following cities in states that do not have mandatory anti-discrimination laws: Phoenix, Arizona; Anderson, East Chicago, and Gary, Indiana; Des Moines and Sioux City, Iowa; and Baltimore, Maryland.

Equal pay laws requiring the payment of equal wages without regard to sex have been enacted in 22 states. These laws apply generally to most types of private employment, with exception in many cases for agricultural and domestic work and non-profit organisations. Equal pay for men and women schoolteachers is provided by special laws in the District of Columbia and 16 states.

Progress cannot be measured in terms of the existence or absence of federal, state or local law. Substantial progress can be recorded in states and localities not subject to laws specifically directed at employment discrimination. The national policy of equality of opportunity has helped to create a climate in which local citizens and groups have, through private efforts of persuasion, education and conciliation, brought about changes in employment patterns.

Article 4. Among the usual requirements for employment in the public service at all levels is assurance of loyalty to the Constitution of the United States, particularly that the worker has not conspired and is not seeking to overthrow the Government of the United States by force or violence. This requirement applies also to persons employed in private industry on certain government contracts. The Act of 26 August 1950, as amended by the Act of 29 July 1958, relating to suspension and termination of federal employees for national security reasons, provides that “any employee having a permanent or indefinite appointment, and having completed his probationary or trial period, who is a citizen of the United States, whose employment is suspended under the authority of sections 22-1 to 22-3 of this title, shall be given after his suspension and before his employment is terminated under the authority of said sections—(1) a written statement within 30 days after his suspension of the charges against him, which shall be subject to amendment within 30 days thereafter and which shall be stated as specifically as security considerations permit; (2) an opportunity within 30 days thereafter (plus an additional 30 days if the charges are amended) to answer such charges and to submit affidavits; (3) a hearing, at the employee’s request, by a duly constituted agency authority for this purpose; (4) a review of his case by the agency head, or some official designated by him, before a decision adverse to the employee is made final; and (5) a written statement of the decision of the agency head”.

Executive Order 10865, as amended by Executive Order 10909, prescribes standards for safeguarding classified information in connection with contracts with certain agencies.

Article 5. Special measures designed to meet the particular needs of women, young people and the disabled exist. Safeguards such as limitations on hours of work, minimum wages and various plant facilities are considered reasonable differences in treatment. Likewise, special temporary measures exist in the interest of peoples of less developed social, economic and cultural status pending their integration into the national community.

RECOMMENDATION

Paragraph 8. With reference to provisions affecting immigrant workers of foreign nationality, attention is invited to the Government's report on the position of national law and practice in regard to matters dealt with in Convention No. 97 for the period ended 31 December 1951.

Venezuela

Constitution of 23 January 1961.

Labour Code of 21 October 1947 (*Gaceta Oficial*, LXXVI, No. 200, Extraordinary, 3 Nov. 1947). Regulations administering the Labour Act of 30 November 1938.

CONVENTION

Article 1, paragraph 1. Although Venezuelan legislation does not define the term "discrimination", the Constitution guarantees equality before the law and non-discrimination on the basis of race, sex, beliefs or social status. One of the basic tenets of labour legislation also is equality in the eyes of the law.

Paragraph 1 of section 18 of the Labour Act lays down that not less than 75 per cent. of the employees in every undertaking must be Venezuelans, except where in the opinion of the labour inspectorate a temporary reduction of the said percentage is necessary. The posts of foremen and salaried employees directly placed over the workers in general must be occupied by Venezuelans, except in the case of specially skilled workers. This section cannot be held to be discriminatory, however, since the I.L.O. has ruled that the Convention refers only to distinction between nationals of the same country and not to that between nationals and aliens.

Paragraph 2. There is no provision of this type in Venezuelan legislation.

Paragraph 3. In respect of access to employment, section 245 of the above-mentioned Regulations lays down that, where other conditions are equal, public works posts should be given in preference to heads of families, in the case of up to 60 per cent. of employees, and to workers who have applied to the placement sub-agencies. Paragraph 3 of section 18 of the Labour Act requires employers, where other conditions are equal, to give preference to heads of families in the case of at least 60 per cent. of their employees. The two sections in question are not discriminatory because they are derived from the reasons stated in Article 5.

As regards conditions of employment, section 67 of the Labour Act establishes equal pay for equal work performed in equivalent posts with the same working day and the same conditions of efficiency, with no distinction on the grounds of sex or nationality. This provision does not, however, stand in the way of the award of bonuses of a social character for reasons of length of service, diligence, family responsibilities, savings in raw materials or other similar factors, so long as such bonuses are awarded to all workers on the same terms (section 73 of the Regulations administering the Labour Act).

Articles 2 and 3. If Venezuela ratifies the Convention it will have to take the steps prescribed by these Articles.

Article 4. There are no provisions in Venezuelan legislation of the type referred to in this Article.

Article 5. The protective measures contained in Chapter V of the Labour Act, "Employment of Women and Young Persons", are not discriminatory under the terms of this Article because they are based on the principles mentioned in Conventions ratified by Venezuela.

Viet-Nam

Ordinance No. 27 of 30 April 1956 to amend section 194 of Ordinance No. 15 of 8 July 1952 to promulgate the Viet-Nam Labour Code (*Journal officiel (J.O.)*, 12 May 1956, No. 21, p. 1182) (L.S. 1956—V.N. 1—A).

Ordinance No. 57-C of 24 October 1956 to amend and supplement the Labour Code promulgated by Ordinance No. 15 of 8 July 1952 (*J.O.*, 17 Nov. 1956, No. 53, p. 2961) (L.S. 1956—V.N. 1—B).

CONVENTION

Articles 1 to 3. Although the provisions of the Convention are not prescribed by national legislation, the policy of the Government in respect of employment and occupation conforms to these provisions. According to the civil service statutes, however, agents and employees of the State must be Viet-Nameese nationals; moreover, for economic reasons, a certain number of occupations are limited to Viet-Nameese. With these exceptions, aliens are free to engage in any occupation or to accept any job. Existing labour laws uphold the principle of equality in respect of employment and occupation.

Article 4. No.

Article 5. Members of the armed forces or persons having completed their military service, as well as disabled veterans, are given a certain measure of priority when applying for jobs with public services. Former members of the armed forces are entitled to reinstatement and are given preference when applying for jobs with the undertakings in which they were employed prior to military service.

International Labour Conference

FORTY-SEVENTH SESSION
GENEVA, 1963

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF INFORMATION RELATING TO THE
SUBMISSION TO THE COMPETENT AUTHORITIES OF
CONVENTIONS AND RECOMMENDATIONS ADOPTED
BY THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)



GENEVA
International Labour Office
1963

Price 15 cents; 1s.

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Convention and the Recommendation adopted by the Conference at its 45th Session, held in Geneva from 7 to 29 June 1961.

The period of one year provided for the submission to the competent authorities of these instruments expired on 29 June 1962, and the period of 18 months on 29 December 1962.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 44th Sessions (1948 to 1960). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 46th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 25 March to 5 April 1963, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 45th Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention
(No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).
Employment Service Recommendation (No. 83).

32nd Session (1949).

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation (No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953).

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

Holidays with Pay Recommendation (No. 98).

38th Session (1955).

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

40th Session (1957).

Abolition of Forced Labour Convention (No. 105).
Weekly Rest (Commerce and Offices) Convention (No. 106).
Indigenous and Tribal Populations Convention (No. 107).
Weekly Rest (Commerce and Offices) Recommendation (No. 103).
Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
Ships' Medicine Chests Recommendation (No. 105).
Medical Advice at Sea Recommendation (No. 106).
Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
Social Conditions and Safety (Seafarers) Recommendation (No. 108).
Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).
Discrimination (Employment and Occupation) Convention (No. 111).
Plantations Recommendation (No. 110).
Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

Minimum Age (Fishermen) Convention (No. 112).
Medical Examination (Fishermen) Convention (No. 113).
Fishermen's Articles of Agreement Convention (No. 114).
Occupational Health Services Recommendation (No. 112).

44th Session (1960).

Radiation Protection Convention (No. 115).
Consultation (Industrial and National Levels) Recommendation (No. 113).
Radiation Protection Recommendation (No. 114).

45th Session (1961).

Final Articles Revision Convention (No. 116).
Workers' Housing Recommendation (No. 115).

Summary of Information relating to the Submission to the Competent Authorities of the Convention and the Recommendation Adopted by the International Labour Conference at Its 45th Session (Geneva, 1961) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 44th Sessions (1948 to 1960)

ALBANIA

The Government submitted the instruments adopted by the Conference at its 45th Session to the Praesidium of the People's Assembly in April 1962.

AUSTRALIA

The texts of the instruments adopted at the 45th Session were tabled in Parliament, as appendices to the report of the Australian delegates to the Conference, in October 1961.

AUSTRIA

Conventions Nos. 112, 113 and 114 and Recommendation No. 112, adopted at the 43rd Session, have been submitted to Parliament.

BOLIVIA

In a letter from the Ministry of Labour to the Ministry of Foreign Affairs concerning the submission to Congress of the instruments adopted at the 45th Session it is stated that there is no obstacle to the approval by Congress of Convention No. 116. It is also indicated in regard to Recommendation No. 115 that the Government hopes very shortly to be able to rectify present shortcomings in the field of housing.

BULGARIA

The instruments adopted at the 45th Session were submitted to the Praesidium of the People's National Assembly, which in December 1961 took note of these instruments and accepted them for information. The Praesidium decided to submit Convention No. 116 to the Committee on Employment and Prices and the Central Council of Industrial Associations for study with a view to possible ratification, and Recommendation No. 116 to the National Planning Commission and other interested bodies for study and comparison with national legislation.

BYELORUSSIA

The instruments adopted at the 45th Session were submitted in May 1962 to the Praesidium of the Supreme Soviet.

CANADA

The texts of the instruments adopted at the 45th Session were tabled in the House of Commons and the Senate on 18 and 23 January 1962 respectively, together with a letter setting forth the opinion of the Deputy Attorney-General concerning the jurisdiction as between the federal and provincial authorities for each of these instruments. Convention No. 116, which lies within the competence of the federal authorities, and Recommendation No. 115, which is partly a federal responsibility and partly a provincial responsibility, were forwarded in February 1962 to the Lieutenant-Governors of the provinces for submission to their respective provincial governments.

CHAD

Convention No. 116 has been ratified. The Government has entrusted the bodies responsible for drawing up the National Development Plan with the task of arranging for such measures as are appropriate to give effect to the provisions of Recommendation No. 115.

CHINA

Convention No. 116 and Recommendation No. 115, adopted at the 45th Session, were submitted to the Legislative Assembly in September 1961. Convention No. 116 has been ratified.

COLOMBIA

Convention No. 108 and Recommendations Nos. 104, 107 and 109 have already been submitted to the competent authorities.

CUBA

The instruments adopted at the 45th Session have been submitted to the competent body of the Revolutionary Government.

DENMARK

In December 1961 the Government submitted to Parliament the report of the Danish delegation to the 45th Session of the International Labour Conference, together with the texts of the instruments adopted at that session. It was proposed that Convention No. 116 be ratified. The attention of the Ministry of Housing was drawn to Recommendation No. 115 with a view to possible action in this field.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted by the Conference at its 45th Session have been submitted both to the Senate and to the Chamber. Recommendation No. 115 has been accepted. A Bill is now being drafted with a view to the ratification of Convention No. 116.

HAITI

The Department of Labour and Social Welfare is taking the necessary steps to submit the instruments adopted at the 45th Session to the competent authorities.

ICELAND

The instruments adopted at the 44th and 45th Sessions were submitted to Parliament in November 1962.

INDIA

Under the National Constitution Convention No. 116 falls within the competence of the Union and Recommendation No. 115 within that of the states. The text of the latter instrument was forwarded for comment to the state governments, the interested Union Government Ministries and all employers' and workers' organisations. On the basis of these consultations a report containing proposals as to the action to be taken on these instruments was drawn up and submitted to the Union Parliament in March 1962. Ratification of Convention No. 116 has been registered. The Government considers that its workers' housing policy is broadly in line with the principles embodied in Recommendation No. 115.

INDONESIA

The texts of the instruments adopted at the 45th Session have been submitted to the President and to Parliament, accompanied by a letter from the Minister of Labour containing proposals as to the action to be taken thereon. There is no objection to acceptance of Convention No. 116. No data are available at the present time whereby it might be determined whether the provisions of Recommendation No. 115 could be of use in the future in the framing of a workers' housing programme.

IRELAND

The instruments adopted at the 45th Session were submitted in December 1962 to both Houses of Parliament together with a White Paper analysing each of these instruments and making proposals in respect thereof. It was proposed that Convention No. 116 be ratified. The Government felt that Recommendation No. 115 could be accepted.

IVORY COAST

The instruments adopted at the 45th Session were submitted to the National Assembly in December 1961, together with a government report putting forward proposals as to the action to be taken on them. It was proposed that Convention No. 116 be ratified. It was suggested that Recommendation No. 115 should be borne in mind by the legislature when dealing with matters concerned with workers' housing.

JAPAN

The instruments adopted at the 45th Session were submitted to the Diet in April 1962, together with a report from the Government containing proposals as to the action to be taken thereon. It was proposed that Convention No. 116 be ratified, since this instrument does not call for the adoption of internal legislation. The economic and social conditions in Japan would make it difficult to put Recommendation No. 115 into practice down to the last detail. However, viewed as a whole, application of the Recommendation should be promoted.

KUWAIT

By a resolution adopted in January 1963 the Council of Ministers approved the content of Recommendation No. 115 and authorised the Minister of Social Affairs and Labour to take the necessary steps with a view to its application, having regard to the labour legislation of the country. Convention No. 116 is under consideration by the competent authorities.

LUXEMBOURG

The Conventions and Recommendations adopted at the 40th to 43rd Sessions inclusive and at the 45th Session were submitted in June 1962 to the Chamber of Deputies, together with a government statement as to the measures which might be taken in regard to these instruments. The Government has placed before the Council of State a Bill for the approval of the Abolition of Forced Labour Convention, 1957 (No. 105). The Government feels that Convention No. 106 requires thorough study before it can propose its approval. Conventions Nos. 104 and 107, and the instruments adopted at the 41st (Maritime) Session, have no practical application in Luxembourg. The same may be said of the instruments adopted at the 42nd Session. As regards Convention No. 111 and Recommendation No. 111, certain specialised forms of discrimination still subsist in virtue of ancient enactments and will have to be progressively eliminated. The instruments adopted at the 43rd Session, with the exception of Recommendation No. 112, have no practical application in Luxembourg. With respect to the instruments adopted at the 45th Session, a Bill to approve them was tabled in the Chamber on 23 January 1963. The Government will be guided by Recommendation No. 115 as far as is practicable.

MALAYA

The Government states that it has revised the procedure for the submission to the competent authorities of instruments adopted by the Conference in the light of the observations made by the Committee of Experts and by the Conference Committee. The Government has decided to submit to Parliament all the instruments adopted by the Conference, whatever the decision contemplated with respect thereto.

MEXICO

The Ministry of Labour, through its Social Security Department, will put into practice the provisions of Recommendation No. 115.

MOROCCO

The instruments adopted at the 45th Session have been submitted to the King and to the President of the Council.

NEW ZEALAND

The instruments adopted at the 44th and 45th Sessions were submitted to Parliament in June 1962. The accompanying White Paper analysed the provisions of each of the instruments in question as related to national legislation and practice and explained the action proposed by the Government. Convention No. 115 is under consideration and the Government does not feel able to propose its ratification for the time being. It has been proposed that Recommendations Nos. 113, 114 and 115 be accepted, the last two subject to reservations. Convention No. 116 being purely a matter of form, it has been proposed that it be ratified.

NIGER

Convention No. 116 has been ratified. In view of the country's present economic situation the Government has no immediate plans for the adoption of new statutory provisions to give effect to Recommendation No. 115. The Government will bear this instrument fully in mind, however.

NORWAY

The texts of the instruments adopted at the 45th Session were submitted to Parliament by Royal Decree in February 1962, together with the report of the Government delegation to the 45th Session and a statement setting out the situation as regards national legislation and practice on the subjects covered by the instruments in question. Convention No. 116 has been ratified. It has been proposed that Recommendation No. 115 be accepted, subject to certain reservations.

PHILIPPINES

The instruments adopted at the 45th Session were transmitted in February 1962 to the President of the Republic for submission to Congress with a view to the adoption of legislation, if appropriate.

POLAND

Convention No. 116 has been submitted to the competent authorities with a view to ratification. The Government is also taking steps to submit to the competent authorities a number of other Conventions adopted since the 40th Session.

RUMANIA

The instruments adopted at the 45th Session were submitted to the Council of State in April 1962.

SIERRA LEONE

The instruments adopted at the 45th Session were placed before Parliament in January 1962 as part of a document containing the report of the Government delegation to that session. The document stated in regard to Convention No. 116 that the Government would send in the required reports regularly; Recommendation No. 115 would be brought to the attention of the competent bodies with a view to its gradual adoption in its entirety.

REPUBLIC OF SOUTH AFRICA

The texts of the instruments adopted at the 45th Session, together with a list of the Conventions and Recommendations already ratified or accepted by the Republic of South Africa, were tabled in both Houses of Parliament in January 1962.

SPAIN

Convention No. 116 has been ratified. Recommendation No. 115 has been communicated to the Ministry of Housing and the trade union organisations in order that it may serve as a guide to them in their public and administrative activities.

SWEDEN

The instruments adopted at the 45th Session were submitted to Parliament during its 1962 Session. In the accompanying document the Minister of Social Affairs suggested that Convention No. 116 be ratified (it has since been ratified). As regards Recommendation No. 115, the country's housing policy is intended to benefit not only workers but all citizens. For this reason no action is called for on the Recommendation.

SWITZERLAND

The Federal Council placed before the Federal Assembly in June 1961 a report containing the texts of the instruments adopted at the 45th Session, together with a statement of the views of the Council on each one. The Federal Council expressed its gratification at the adoption of Recommendation No. 115. Convention No. 116 has been ratified.

THAILAND

Recommendation No. 115 was placed before the Constituent Assembly in July 1962. Convention No. 116 has been ratified.

TUNISIA

Convention No. 116 has been ratified. The Government has brought Recommendation No. 115 to the attention of the competent department with a view to its submission to the National Assembly.

TURKEY

The Minister of Labour spoke in the National Assembly on the subject of the instruments adopted at the 45th Session. He stated on that occasion that these instruments were under consideration by the competent services.

UKRAINE

The instruments adopted at the 45th Session were submitted in April 1962 to the Supreme Soviet for examination.

U.S.S.R.

The instruments adopted at the 45th Session were submitted in May 1962 to the Praesidium of the Supreme Soviet for examination.

UNITED ARAB REPUBLIC

Convention No. 116 has been ratified. In regard to Recommendation No. 115, the Government has announced certain measures taken with respect to housing: the obligation upon the employer to provide accommodation for his workers when the workplace is far from populated areas, plans for the construction of housing, etc.

UNITED KINGDOM

The instruments adopted at the 45th Session were placed before Parliament in January 1962. The accompanying White Paper analysed the provisions of these

instruments and set out proposals in respect thereof. Convention No. 116 has been ratified. The Government has accepted Recommendation No. 115.

UNITED STATES

Convention No. 116 has been submitted to the Senate, together with a proposal for its ratification. Recommendation No. 115, which falls partly within federal and partly within state competence, has been transmitted both to the Senate and to the authorities of the states and of Puerto Rico.

UPPER VOLTA

The text of Recommendation No. 115 was studied by the Council of Ministers in December 1962 and submitted to the National Assembly, which took note of it in accordance with the desire expressed by the Government. Convention No. 116 has been ratified.

URUGUAY

The files relating to the instruments adopted at the 38th to 45th Sessions inclusive have been transmitted, accompanied by a report by the Ministry of Labour, to the Ministry of Foreign Affairs with a view to the preparation of documents for the submission of these instruments to the legislature.

VENEZUELA

A Bill for the ratification of Convention No. 116 was placed before the National Congress in July 1962. The Government is looking into the matter with a view to deciding on the measures which may appropriately be taken in regard to Recommendation No. 115.

YUGOSLAVIA

The instruments adopted at the 45th Session have been submitted to the competent authorities.

C. W. JENKS

REPORT III
(PART III)

International Labour Conference

FORTY-FIFTH SESSION

GENEVA, 1961

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF INFORMATION RELATING TO THE
SUBMISSION TO THE COMPETENT AUTHORITIES OF
CONVENTIONS AND RECOMMENDATIONS ADOPTED
BY THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)



GENEVA
International Labour Office
1961

Price: 10 cents; 6d.

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 43rd Session, held in Geneva from 3 to 25 June 1959.

The period of one year provided for the submission to the competent authorities of these instruments expired on 25 June 1960, and the period of 18 months on 25 December 1960.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 42nd Sessions (1948 to 1958). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 44th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 17 to 29 March 1961, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 43rd Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention
(No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).
Employment Service Recommendation (No. 83).

32nd Session (1949).

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation (No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953).

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

Holidays with Pay Recommendation (No. 98).

38th Session (1955).

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation
(No. 100).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).

Welfare Facilities Recommendation (No. 102).

40th Session (1957).

Abolition of Forced Labour Convention (No. 105).

Weekly Rest (Commerce and Offices) Convention (No. 106).

Indigenous and Tribal Populations Convention (No. 107).

Weekly Rest (Commerce and Offices) Recommendation (No. 103).

Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).

Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).

Ships' Medicine Chests Recommendation (No. 105).

Medical Advice at Sea Recommendation (No. 106).

Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).

Social Conditions and Safety (Seafarers) Recommendation (No. 108).

Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).

Discrimination (Employment and Occupation) Convention (No. 111).

Plantations Recommendation (No. 110).

Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

Minimum Age (Fishermen) Convention (No. 112).

Medical Examination (Fishermen) Convention (No. 113).

Fishermen's Articles of Agreement Convention (No. 114).

Occupational Health Services Recommendation (No. 112).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 43rd Session (Geneva, 1959) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 42nd Sessions (1948 to 1958)

AFGHANISTAN

As there are no fishermen (other than individuals) in Afghanistan, Conventions Nos. 112, 113 and 114 do not directly concern that country. However, a memorandum will shortly be submitted to the competent authorities.

ALBANIA

The instruments adopted at the 43rd Session were submitted to the Presidium of the People's Assembly in April 1960.

ARGENTINA

The Conventions adopted at the 41st and 42nd Sessions, together with the Recommendations adopted at the 39th, 40th and 41st Sessions, have been submitted to Congress.

AUSTRALIA

The texts of the instruments adopted at the 40th Session were placed before Parliament in November 1957. In December 1960 the Government submitted a declaration to Parliament setting forth the views of the commonwealth and state authorities on these instruments and the measures contemplated. Convention No. 105 was ratified. However, in view of the absence of general agreement among the commonwealth and state authorities on the subject, no proposal was made to ratify Conventions Nos. 106 and 107 or to accept Recommendations Nos. 103 and 104.

AUSTRIA

The submission of Conventions Nos. 106 and 111 and of Recommendations Nos. 103 and 111 has been deferred on account of the studies which are being made of the possibility of ratifying the two Conventions.

BELGIUM

The instruments adopted at the 43rd Session were submitted to Parliament in November 1960 in a communication from the Government describing the state of national law and practice and the measures proposed. The Government intends to

propose the ratification of Conventions Nos. 112, 113 and 114 at a later date. The existing legislation on the subjects covered by Recommendation No. 112 will be supplemented by new regulations, which are at present in course of preparation, designed to give full effect to the Recommendation.

BRAZIL

Conventions Nos. 108 and 109 were submitted to Congress in February and April 1960 with recommendations that they be ratified.

BURMA

All the Conventions and Recommendations adopted at the 31st to 43rd Sessions were submitted to Parliament in September 1960. Proposals concerning the effect to be given to these instruments will be submitted later, when the government departments concerned and the occupational organisations have been consulted.

BYELORUSSIA

The instruments adopted at the 43rd Session have been placed before the Presidium of the Supreme Soviet.

CANADA

The instruments adopted at the 43rd Session were submitted to Parliament in January 1960 together with letters setting forth the opinion of the Minister of Justice concerning the respective jurisdiction of the central Government and of the provinces for these instruments. Conventions Nos. 112, 113 and 114 lie exclusively within the competence of the federal authorities, while Recommendation No. 112 lies partly within the competence of the federal authorities and partly within that of the provincial authorities. This Recommendation was sent to the Lieutenant-Governors of the ten provinces of Canada in January 1960 for submission to the respective provincial governments.

CEYLON

The texts of the instruments adopted at the 43rd Session were submitted to Parliament in August 1960. In view of the special circumstances prevailing at the time, it was impossible to submit proposals on the effect to be given to the Conventions and Recommendations in question. Every effort will be made in the future to submit such proposals.

CHINA

Conventions Nos. 112, 113 and 114 were submitted to the Legislative Council for ratification. All the Recommendations adopted at sessions subsequent to the 43rd have been transmitted to the secretariat of the Council. Conventions Nos. 87, 98, 108 and 109 have been examined by the Executive Council; the referral of Conventions Nos. 87, 98 and 108 to the Legislative Council for ratification has been proposed.

COSTA RICA

The instruments adopted at the 43rd Session were submitted to the Legislative Assembly in April 1960. In future when Conventions and Recommendations are

submitted proposals will also be submitted wherever necessary. Measures are to be taken to submit all the Recommendations adopted at the 31st to 38th Sessions.

DENMARK

The instruments adopted at the 43rd Session were submitted to Parliament in November 1959 together with a statement from the Government indicating, *inter alia*, that the possibility of ratifying Conventions Nos. 112, 113 and 114 and the measures to be taken to give effect to Recommendation No. 112 are under consideration. The ratification of Convention No. 112 will be proposed.

DOMINICAN REPUBLIC

The instruments adopted at the 43rd Session were submitted to Congress in April 1960 together with a statement that members of Congress might make such proposals as they considered appropriate.

ECUADOR

Several Conventions—including Conventions Nos. 102, 103, 105 and 111—were submitted to Congress for ratification in October 1960.

FINLAND

In June 1960 Parliament approved the government declaration concerning the instruments adopted at the 41st Session, indicating that Conventions Nos. 108 and 109 should not be ratified and that there was no need, for the time being, to take any action on Recommendations Nos. 105, 106, 107, 108 and 109.

FRANCE

The instruments adopted at the 43rd Session have been communicated to the competent committee of the National Assembly. Conventions Nos. 112, 113 and 114 have also been communicated to the competent Ministry.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted at the 43rd Session were submitted to the federal Parliament in December 1960 together with a government statement explaining the state of national law and practice with regard to the subjects dealt with in those instruments and the measures proposed. The ratification of Convention No. 112 was proposed. Further study of the possibility of ratifying Convention No. 114 will be required, and ratification of Convention No. 113 will be considered later. Recommendation No. 112 is applicable to a very considerable extent, and its full application will become possible as the number of industrial medical officers increases.

GHANA

The Government has adopted a new procedure for the submission of Conventions and Recommendations to the National Assembly. This procedure will be used for

the first time in the handling of the instruments adopted at the 43rd Session. The Government is examining the possibility of ratifying Convention No. 111.

GUATEMALA

The Conventions adopted at the 41st and 43rd Sessions were submitted to Congress in August 1960 together with a statement from the Government to the effect that the ratification of those Conventions in existing circumstances would be inappropriate. The Recommendations adopted at the 41st Session were submitted to Congress in November 1960 together with a statement from the Government to the effect that in existing circumstances it was unnecessary to take any action on them. Recommendation No. 112 is being studied by the Ministry of Labour and Social Welfare.

GUINEA

Conventions Nos. 112, 113 and 114 have been ratified.

HAITI

The instruments adopted at the 43rd Session were submitted to the Legislature in September 1959 together with a statement to the effect that the Houses might take any steps they considered desirable and consult the competent government departments if necessary.

HONDURAS

The instruments adopted at the 43rd Session were submitted to the National Congress in November 1959. In view of the preliminary studies to which these instruments give rise, proposals will be drafted at a later date.

ICELAND

The instruments adopted at the 41st, 42nd and 43rd Sessions were submitted to Parliament in June 1960 together with a document containing the Government's comments and proposals. The ratification of Conventions Nos. 109, 111 and 112 is contemplated.

INDIA

The texts of the instruments adopted at the 43rd Session were submitted to Parliament in December 1959. After consultation with state governments, central ministries and organisations of employers and workers, the Government submitted to Parliament in August 1960 a statement setting out the situation as regards the national legislation and practice on the subjects covered by the above-mentioned instruments and the action proposed. In view of the stage of development of the fishing industry in India, the ratification of Conventions Nos. 112, 113 and 114 is not proposed for the moment. Progress has been made in the establishment of occupational health services as required by Recommendation No. 112 and efforts will be continued to improve and strengthen these services, but it may not be possible immediately to apply all the provisions of the Recommendation.

INDONESIA

In December 1959 the secretary to the Council of Ministers was instructed to submit the texts of the Conventions and Recommendations adopted at the 43rd Session to the President and Parliament. Studies will have to be carried out before any proposals concerning the problems of fishermen can be submitted.

IRAN

Parliament accepted the provisions of Recommendation No. 101 in January 1961. Recommendations Nos. 89 to 98 inclusive were approved by the Senate in February 1961 and have been transmitted to the Chamber of Deputies for approval.

IRELAND

A new procedure for the submission of Conventions and Recommendations to Parliament has been adopted. The instruments adopted at the 41st and 43rd Sessions were submitted to Parliament in January 1961 together with a statement from the Government describing the state of national law and practice on the subjects dealt with in those instruments and the proposed decisions concerning the effect to be given to them. The Government proposes the ratification of Convention No. 108 and the acceptance of Recommendations Nos. 105, 106 and 108. In existing circumstances it is considered impossible to ratify Conventions Nos. 109, 112, 113 and 114 or to give effect to Recommendation No. 112.

ISRAEL

A new procedure was adopted for the submission to Parliament of the instruments adopted at the 43rd Session. The latter were submitted under this procedure in February 1961 together with a statement concerning the measures to be taken with regard to them. The Government does not contemplate ratification of Conventions Nos. 113 and 114. Convention No. 112 will be ratified when the necessary regulations have been promulgated. The text of Recommendation No. 112 will be communicated to all interested parties, and the inspection services will comply with its provisions.

The instruments adopted at the 41st Session, together with Convention No. 110 and Recommendation No. 110, were submitted to Parliament in December 1959.

JAPAN

The instruments adopted at the 43rd Session were submitted to the Diet in May 1960 with a report containing the views of the Government in respect of the national legislation and practice and the action proposed. It is not thought appropriate to ratify Conventions Nos. 112 and 113 because of divergences between them and the national legislation as regards the field of application. On the other hand, the application of Convention No. 114 seems possible and the Government intends to make a further study on this point. The objectives of Recommendation No. 112 have been achieved in general, but the Government intends to make a further study with a view to fuller realisation of the Recommendation.

LIBERIA

Conventions Nos. 112, 113 and 114 have been submitted to the Senate for ratification.

MEXICO

The Senate has approved the ratification of Convention No. 112. Conventions Nos. 113 and 114 and Recommendation No. 112 have been submitted to the Secretariat for Labour and Social Welfare for examination.

MOROCCO

The instruments adopted at the 43rd Session were submitted to the King and the President of the Council in December 1960.

NETHERLANDS

There are discrepancies between Netherlands legislation and certain minor points in Conventions Nos. 112 and 113. As soon as the necessary changes have been made these instruments will be submitted to the States-General for approval.

NEW ZEALAND

The Government has approved the adoption of a new procedure for the submission of a series of White Papers as the medium through which it will inform Parliament of the action taken, and which it is proposed to take regarding Conventions and Recommendations. The texts of the instruments adopted at the 43rd Session were submitted to Parliament in September 1959. Further, in a White Paper to be submitted to Parliament at the beginning of the 1961 Session, the Government sets out the situation as regards the national legislation and practice on the subjects covered by the instruments and the action proposed. The ratification of Conventions Nos. 112, 113 and 114 is not proposed because the fishing industry is, in New Zealand, mainly coastal and essentially domestic in nature. Practice conforms largely to Recommendation No. 112, but further studies are necessary in this field.

NORWAY

The instruments adopted at the 43rd Session were submitted to Parliament in December 1960 accompanied by a government statement setting out the situation as regards national legislation and practice on the subjects covered by these instruments and the action proposed. The Government considers that Convention No. 112 should be ratified. However, certain amendments to the legislation are required before this can be carried out. The possibility of ratifying Conventions Nos. 113 and 114 will be re-examined when certain studies have been carried out. The Government recommended the acceptance of Recommendation No. 112. At the same time the ratification of the Sickness Insurance Conventions (Nos. 24 and 25) was proposed. The Government's proposals were approved by Parliament in March 1961.

PAKISTAN

The Government has decided to ratify Convention No. 111 and to accept Recommendation No. 111. The ratification of Convention No. 110 and the acceptance of Recommendation No. 110 are considered impossible for the time being.

PERU

Conventions Nos. 90, 112, 113 and 114 were submitted to Congress in September 1960.

PHILIPPINES

The instruments adopted at the 43rd Session were submitted to Congress in April 1960 for examination and, if appropriate, the adoption of legislation.

RUMANIA

The instruments adopted at the 43rd Session were submitted to the Presidium of the National Assembly in April 1960.

SPAIN

Conventions Nos. 112, 113 and 114 were submitted to the Cortes in December 1960.

SWEDEN

The instruments adopted at the 43rd Session were submitted to Parliament in December 1959, accompanied by a government statement setting out the situation as regards national legislation and practice on the subjects covered by these instruments and the action proposed. Conventions Nos. 112, 113 and 114 are considered as being aimed chiefly at fishing pursued in conditions other than those existing in Sweden. The Government proposes that a study should be undertaken to determine how far it is necessary to supplement Swedish legislation and directions in order to apply Recommendation No. 112. The government statements were approved by Parliament in February 1960.

SWITZERLAND

The instruments adopted at the 43rd Session were submitted to the Federal Parliament in January 1960 together with a report from the Federal Council stating that Conventions Nos. 112, 113 and 114, which concern fishermen, are not applicable to conditions in Switzerland. The report also states that the objectives of Recommendation No. 112 have to a considerable extent been achieved by measures other than those laid down therein and that the establishment of industrial medical services by legislation is not considered necessary at the present time.

TUNISIA

The instruments adopted at the 41st Session were submitted to the competent authorities in August 1959. Convention No. 108 was ratified. The acceptance of Recommendations Nos. 105, 106, 107 and 108 was proposed. The draft Maritime Code contains provisions which are incompatible with Convention No. 109 and Recommendation No. 109, particularly with regard to hours of work.

The instruments adopted at the 43rd Session have also been submitted to the competent authorities. Ratification of Conventions Nos. 113 and 114 was proposed. It was considered that ratification of Convention No. 112 might be prejudicial to coastal fishing.

TURKEY

The Government has sent a communication concerning the instruments adopted at the 43rd Session to the National Assembly.

UKRAINE

The instruments adopted at the 43rd Session have been submitted to the Presidium of the Supreme Soviet.

UNION OF SOUTH AFRICA

The texts of the instruments adopted at the 43rd Session were submitted to Parliament in February and March 1960.

U.S.S.R.

The instruments adopted at the 43rd Session were submitted to the Presidium of the Supreme Soviet in May 1960.

UNITED KINGDOM

The Government submitted to Parliament in March 1961 a White Paper setting out the situation as regards national legislation and practice, and proposed action, on the instruments adopted at the 43rd Session and on Convention No. 110 and Recommendation No. 110 adopted at the 42nd Session. The Government considers that the ratification of Convention No. 110 and the acceptance of Recommendation No. 110 would have little practical significance because the greater part of the provisions of these instruments is already applied by virtue of other Conventions. It is proposed to introduce certain amendments to the legislation in order to enable the ratification thereafter of Conventions Nos. 112 and 114. The ratification of Convention No. 113 is not proposed. Recommendation No. 112 is applied to a large degree and the Government proposes to draw it to the attention of all concerned in a special publication.

UNITED STATES

Convention No. 109 and Recommendation No. 109 were submitted to Congress in August 1960 accompanied by a report setting out the position as regards national legislation and practice and requesting the advice and consent of the Senate for the ratification of Convention No. 109 (with the exception of Part II). The instruments adopted at the 43rd Session were submitted to Congress in March 1960 accompanied by a similar report. The questions dealt with in Conventions Nos. 112 and 113 and Recommendation No. 112 fall partly within federal and partly within state competence. Convention No. 114 falls exclusively within federal competence. Although national practice conforms to the provisions of this Convention, federal regulation of this practice is not judged appropriate and ratification of the Convention is not proposed. Conventions Nos. 112 and 113 and Recommendation No. 112 were communicated to the authorities of 50 states and Puerto Rico in May 1960.

VENEZUELA

In July 1960 the Government submitted all the Conventions and Recommendations adopted at the 32nd to 42nd Sessions inclusive to the Legislature. Proposals concerning the ratification of Conventions Nos. 87, 88, 98, 105 and 111 will be submitted shortly.

YUGOSLAVIA

The instruments adopted at the 43rd Session were submitted to the competent authorities in January 1960.

REPORT III
(PART IV)

International Labour Conference

FORTY-SEVENTH SESSION

GENEVA, 1963

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION OF CONVENTIONS
AND RECOMMENDATIONS**

(Articles 19, 22 and 35 of the Constitution)

GENEVA
International Labour Office
1963

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¹ The roman numerals and the letters refer to the chapters of Part Two of this report and the arabic numerals to the numbers of the Conventions.

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Paraguay:

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United Arab Republic:

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I A, and B, Nos. 45, 81, 87, 88.

United Kingdom:

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I A.

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III.

PART ONE

GENERAL REPORT

GENERAL REPORT

I. Introduction

1. The Committee of Experts appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by Members of the International Labour Organisation upon the application by them of Conventions and Recommendations, and to report thereon to the Governing Body, held its 33rd Session in Geneva from 25 March to 5 April 1963. The Committee has the honour to present its report to the Governing Body.

2. Since the Committee's last meeting, a number of changes have occurred in its composition. Mr. Max SØRENSEN resigned for personal reasons; the Committee is unanimous in expressing its appreciation of the services he has rendered the Committee. On the other hand three new members have been appointed by the Governing Body: Sir Adetokunbo ADEMOLA (Nigeria), Mr. E. KOROVINE (U.S.S.R.) and Mr. S. KURIYAMA (Japan) and the Committee was pleased to welcome them at its present session.

3. Accordingly, the present composition of the Committee is as follows:

Sir Grantley ADAMS, Q.C. (Barbados),

Former Premier of the West Indies; former delegate to the United Nations Assembly;

Sir Adetokunbo ADEMOLA (Nigeria),

Chief Justice of the Federation of Nigeria;

Baron Frederik M. VAN ASBECK (Netherlands),

Former Professor of International Law and of Comparative Constitutional Law of Non-Metropolitan Countries at the University of Leyden; Member of the Permanent Court of Arbitration; Judge of the European Court of Human Rights; Member of the Institute of International Law; former Member of the Mandates Commission of the League of Nations;

Mr. Henri BATIFFOL (France),

Professor of Private International Law at the Faculty of Law and Economics of the University of Paris; Member of the Institute of International Law; Member of the Curatorium of the Academy of International Law;

Mr. Günther BEITZKE (Federal Republic of Germany),

Dean of the Faculty of Law of the University of Bonn; Professor of Civil Law and of Private International Law at the University of Bonn; Director of the Institute of Private International Law and Comparative Law at the University of Bonn;

Mr. Choucri CARDAHI (Lebanon),

Former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; Honorary Professor of Law at the University of Beirut; Corresponding Member of the Institute of France (Academy of Moral and Political Sciences); Professor at the Academy of International Law of The Hague, 1933 and 1937;

Mr. Isaac FORSTER (Senegal),

First President of the Supreme Court of the Republic of Senegal;

Mr. E. GARCÍA SAYÁN (Peru),

Former Professor of Civil Law at the University of Lima; former Minister of Foreign Affairs; Member of the Advisory Council on Foreign Affairs; Vice-President of the Inter-American Commercial Arbitration Commission;

Mr. Arnold GUBINSKI (Poland),

Doctor of Laws; Lecturer of Law at the University of Warsaw; Chairman of the Working Party of the Codification Commission on the Legal Liability of Minors; Member of the Working Party on the Systemisation of Labour Law;

Mr. Paul M. HERZOG (United States),

President, American Arbitration Association, 1958-63; Associate Dean, Graduate School of Public Administration, Harvard University, 1953-57; Chairman of the National Labor Relations Board (Washington), 1945-53; Chairman of the New York State Labor Relations Board, 1937-44; Member of the United States Government Delegation to the International Labour Conference, 1950;

Begum Liaquat Ali KHAN (Pakistan),

Ambassador to Italy and Tunisia; former delegate to the United Nations Assembly; former Professor of Economics at the Inderprastha College, Delhi University; former Ambassador to the Netherlands;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Professor of Industrial Relations at the University of Cambridge; Deputy-Chairman of the Royal Commission on National Incomes; Member of the United Kingdom Delegation to the sessions of the International Labour Conference, 1929-44;

Mr. E. KOROVIN (U.S.S.R.),

Corresponding Member of the Academy of Sciences of the U.S.S.R.; Member of the Permanent Court of Arbitration; Professor of International Law at the Faculty of Law of Moscow State University; former Director of the Law Institute of the Academy of Sciences of the U.S.S.R.; former Secretary-General of the Russian Red Cross;

Mr. S. KURIYAMA (Japan),

President of the Japanese branch of the International Law Association; Member of the Permanent Court of Arbitration; former Judge of the Supreme Court of Japan (1947-56); former Ambassador to Belgium; former Minister of Japan to Sweden, Denmark and Norway;

Sir Ramaswami MUDALIAR, K.C.S.I., D.C.L. (Oxon.), (India),

Minister of the Government of India, 1939-46; Member of the Imperial War Cabinet, London, 1942-43; Prime Minister of Mysore State, 1946-49; President

of the Economic and Social Council, 1946 and 1947; leader of the Indian Delegation to the United Nations Conference on International Organisation (San Francisco, 1945); Chairman of the International Civil Service Advisory Board, United Nations;

Mr. Afonso Rodrigues QUEIRO (Portugal),

Professor of International Law at the University of Coimbra; Member of the International Institute of Administrative Science;

Mr. Paul RUEGGER (Switzerland),

Ambassador; former Minister of Switzerland in Rome and London; President of the International Committee of the Red Cross, 1948-55; Member of the Permanent Court of Arbitration; Associate Member of the Institute of International Law;

Mr. Isidoro RUIZ MORENO (Argentina),

Professor of International Public Law at the University of Buenos Aires; Member of the National Section of the Court of International Arbitration; Member of the Argentinian Institute of International Law; Member of the Brazilian Society of International Law; Member of the Institute of International Law of Chile; Member of the National Academy of Law.

4. All the members of the Committee participated in the work of the present session.

5. The Committee elected Sir Ramaswami MUDALIAR as Chairman, and Mr. BATIFFOL as Reporter of the Committee. The Committee expressed its warm appreciation of the services rendered by Mr. KIRKALDY who had acted as Reporter of the Committee for the past 17 years. Mr. VAN ASBECK acted as Reporter on general questions affecting non-metropolitan territories.

II. Work of the Committee

6. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action;
- (d) reports from governments under article 19 of the Constitution on an unratified Convention and a Recommendation selected by the Governing Body.

7. From 1 January to 31 December 1962, 244 ratifications were registered; 142 of these were new ratifications and 102 resulted from the continuance by new member States of the obligations undertaken on their behalf by the States which were responsible for the international relations of these countries before the acquisition of independence. In 1962, as in previous years, all the countries which became Members

of the International Labour Organisation and which had formerly been non-metropolitan territories, recognised that they remained bound by the obligations accepted on their behalf by the States which had been responsible for their international relations before their accession to independence. The total number of ratifications, at the time of the adoption of the Committee's report, amounted to 2,730.

8. The new declarations affecting non-metropolitan territories communicated since the last session of the Committee include 173 declarations of application without modifications and five declarations of application with modifications. By the time the Committee adopted its report, there was a total of 1,163 declarations of application without modifications, and 176 declarations with modifications.

9. The number of reports on the application of Conventions ratified by member States, and on Conventions declared applicable to non-metropolitan territories, of reports supplied under article 19 of the Constitution on an unratified Convention and a Recommendation, and of texts with information concerning submission to the competent authorities, examined this year by the Committee, amounted to approximately 2,000. The addition to this figure of reports on the application in non-metropolitan territories of Conventions which have not been declared applicable to these territories, and of general reports on the application of Conventions in respect of which detailed reports were not requested this year, brings the total number of reports and other information supplied by governments in virtue of the various provisions of the Constitution mentioned above in paragraph 6, to a total of nearly 3,000.

10. The examination by the Committee of the reports submitted by governments on ratified Conventions was carried out in conformity with the two-yearly procedure proposed by the Committee and approved by the Governing Body and the Conference Committee in 1959 and maintained in force in 1961 following careful consideration of the matter.

11. As the Committee has already emphasised in previous years, the working of the present procedure depends on governments' supplying detailed reports as requested and replying fully to the observations and requests addressed to them by the Committee. In order to avoid or reduce any delays in the supervision of the application of Conference decisions, the Committee, since 1961, has asked the International Labour Office in its capacity as the Secretariat of the Committee to ascertain immediately upon receipt of governments' reports whether these reports had taken account of previous comments made by the Committee of Experts and the Conference Committee. If this was not the case, the Office would establish forthwith contact with the government concerned in order to explain that the Committee would be unable to carry out its task unless the necessary information was made available, and would request the government to supply the information without delay.

12. In pursuance of this procedure the International Labour Office has, during the past months, communicated with 22 governments and requested them to supply further information. Of these governments 11 responded to the request addressed to them. The Committee regrets particularly that no reply to these requests was received from the following countries: Argentina, Brazil, Burma, Congo (Leopoldville), Denmark (Faroe Islands), Honduras, Hungary, United Kingdom (Hong Kong, Southern Rhodesia) and Venezuela.

13. The Committee wishes to stress the great importance which it attaches to the need for Members to respond in time to these requests in order to enable it to continue to fulfil its task and to prevent the occurrence of serious delays in the supervision of the application of Conference decisions.

14. In this connection, the Committee must once again urge governments to supply their reports sufficiently early to permit the normal working of the procedure for their examination. Reports are often received after long delays, sometimes even only just before or in the course of the Committee meeting (see, in particular, below paragraphs 67, 68 and the General Observations concerning certain countries in Part Two, I A). Even in cases where the delay is not so great, it is obvious that the belated supply of reports by governments will have an unfavourable effect on the present procedure. It is essential that reports should be furnished by the prescribed dates, since these reports must often be translated and must also be communicated to the members of the Committee early enough to permit of their examination prior to the session of the Committee.

15. In its General Observations regarding certain countries, the Committee has pointed out the importance it attaches to this matter. It has also asked the Office, in all cases where no information has been provided in reply to an observation or a request, to ask the government concerned to supply a detailed report covering the period 1962-63.

16. In 1962 the Committee noted that two complaints had been filed with the International Labour Office, under article 26 of the Constitution of the International Labour Office, concerning the observance of ratified Conventions. It noted in particular that the report of the Commission appointed under the said article 26 to examine the first of these complaints, filed by the Government of Ghana and relating to the application by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), in its African territories of Angola, Mozambique and Guinea, asked that Portugal should indicate regularly in its reports on the ratified Convention, under article 22 of the Constitution, the action taken to implement the recommendations of the said Commission. This year the Committee of Experts had accordingly had before it for the first time information on the action taken in regard to the recommendations of the Commission which had examined the complaint, supplied by Portugal in its report on the application of the Abolition of Forced Labour Convention, 1957 (No. 105). It refers to this question in an observation set out in Part Two of the present report, in which it requests the Government of Portugal to supply some further information. As regards the second complaint, filed by Portugal and relating to the observance by Liberia of the Forced Labour Convention, 1930 (No. 29), the Committee notes that the report of the Commission appointed to examine this complaint was communicated to the Governing Body at its 154th Session (March 1963), and that on this occasion also, as in the previous case, the representatives of the two parties indicated that they accepted the recommendations contained in this report. In accordance with the precedent established in the previous case, the report in question requests the Government of Liberia to indicate regularly in its reports under article 22 of the Constitution on the application of the ratified Convention the measures taken to implement the recommendations contained therein. The Commission which examined the complaint also left it to the discretion of the Committee of Experts to indicate when it no longer considers any special information on all or some of these matters necessary. It is therefore incumbent upon the Committee of Experts to consider the measures adopted to implement the recommendations in question and, accordingly, it asks the Government of Liberia, in an observation which will also be found in Part Two below, to supply in its next report on the application of the Forced Labour Convention, 1930 (No. 29), information on the measures taken to implement the recommendations in question.

III. The Examination of the Practical Application of Conventions

17. In 1961 the Committee indicated in its report (paragraph 31) that it proposed to keep under close review during its future meetings the question of the means it can adopt to satisfy itself and report to the Governing Body on the extent of practical application of ratified Conventions. In 1962 it reaffirmed its intention to pursue the matter effectively as time and opportunity afford in future years (paragraph 27).

18. From its earliest years, the Committee has concerned itself with the manner in which it could satisfy itself that member States which have ratified a Convention have, as required by article 19 of the Constitution of the I.L.O., taken "such action as may be necessary to make effective the provisions of such Convention". It has emphasised repeatedly that the measures in question must have a bearing both on the legal and on the factual position. It is not always easy however to distinguish between questions of law and of practice.

19. A first aspect of this interdependence relates to the manners in which the standards laid down in ratified Conventions become applicable in internal law. Although this is, primarily, a juridical question, because the aim is to ensure that national legislation has really been brought into conformity with the Convention, the Committee has also often considered it (particularly as regards the incorporation of Conventions in internal law by virtue of their ratification) from the point of view of the practical application of Conventions: it has thus been concerned to see that there should be no uncertainty as regards the position in law in the field of the Convention and that all those concerned, judges, civil servants, labour inspectors, employers and workers, should be aware of the standards applicable, so that they can contribute to their implementation in practice. It is necessary therefore to recall briefly the elements entering into this problem.

20. This will be followed by an examination of the specific ways and means which make possible an assessment of the practical application of Conventions, i.e. information on judicial decisions, observations of employers' and workers' organisations, action by the national authorities entrusted with application, in particular with labour inspection, and statistics.

(a) The Incorporation in Internal Law of the Standards Contained in Ratified Conventions

21. Unless the internal standards which exist in a country as regards the matters dealt with in a ratified Convention are equal to, or higher than, those of the Convention¹, it is important to ascertain what is the practical effect, internally, of the standards laid down in the Convention. This problem has arisen mainly in respect of countries whose constitutional system provides that a Convention which has been ratified and published (or promulgated) becomes, as a result, a standard which is applicable in the internal law of the country. It has also arisen in countries where the law authorising ratification of the Convention provides that it shall be incorporated in the national law. Clearly the Committee has always considered that the application of a Convention in a given country must be assessed in the light of the constitutional system or practice of that country, but the question arose whether incorporation of the Convention in national law by virtue merely of ratification of the Convention is sufficient to ensure its application in practice as well as in law.

¹ Article 19, paragraph 8, of the Constitution provides that "In no case shall the adoption of any Convention . . . by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention . . .".

22. As early as 1930 the Conference Committee stated in its report—

Most of the Conventions do not consist of provisions directly prescribing to a citizen that he shall do or leave undone a particular act, but are rather addressed to a country as such, and oblige it to deal with a particular question in a particular way. The Convention itself gives the authorities in a particular country no means of securing the carrying out of its provisions, quite apart from the fact that the Conventions do not provide for any penalties in the case of non-observance.

The Question of Non-Self-Executing Provisions.

23. The most obvious aspect of the problem is that of the provisions of Conventions which are not self-executing, so that, even if introduced unchanged into internal law, they cannot be effectively applied in that form.

24. In order to clarify this aspect of the problem the Governing Body included in June 1951 in the annual report forms on ratified Conventions, the following questions, which constitute Part II, paragraph 2, of the report forms—

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

25. Since then the Committee has had to apply this principle on many occasions by drawing attention to the non-self-executing provisions of Conventions which required more specific measures of application, in the form of laws, regulations or other action, so as to introduce the standards laid down in the Convention into internal law.

26. Thus, in 1952, it reminded a Government “that a number of Conventions specifically provide for intervention by the legislative authority in order to ensure their application, and contain provisions which can only be applied by means of regulations or which require either supervision by the competent authorities or the consultation of the employers’ and workers’ organisations concerned”.¹ Likewise, in the case of another country the Committee noted that, according to the Government, a ratified Convention becomes automatically national law, thus repealing any previous law or provision contrary to the standards set by the Convention, and that any conflicting provisions can at the request of any person or association be repealed by means of a decision of the Supreme Court of Justice, and emphasised that it “agrees with the Government’s statement that, while the procedure might be satisfactory in the case of Conventions which do not call for positive legislative action (‘self-executing’ Conventions), the same does not apply in the case of Conventions which do require positive action on the part of the Government. The Committee was most interested, therefore, to learn of the Government’s statement that it recognises that it could take action in such cases by means of regulations”.²

27. The Committee as well as the Conference Committee have referred to this matter repeatedly in respect of the provisions of various Conventions which require special measures of application, and the States concerned have often adopted specific legislative measures of this kind, although by virtue of their constitutional system ratified Conventions are considered as incorporated in national law.

¹ I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 35th Session, Geneva, 1952 (Geneva, 1952), p. 15.

² *Report of the Committee of Experts*, 1956, p. 15.

The Question of Conflict between Ratified Conventions and Subsequent Legislation.

28. The problem of the need for legislative measures has arisen with particular urgency in cases where the conflict between the provisions of ratified Conventions and those of national legislation was due to laws adopted since the ratification of the Convention. As noted by the Commission appointed under article 26 of the Constitution of the I.L.O. to examine the complaint filed by the Government of Portugal concerning the observance by the Government of Liberia of the Forced Labour Convention, 1930 (No. 29)¹, there exists "the possibility that legislation subsequent to and inconsistent with the previously ratified international Convention may be invalid in certain countries by virtue of a specific constitutional provision", but such is not the case in other countries where "it is well-established that subsequent inconsistent legislation does override an earlier treaty in its operation as municipal law". In both cases any uncertainty as to the legislation applicable must be avoided. Thus in 1956, the Committee observed that the Labour Code of a country, which contained provisions incompatible with those of ratified Conventions, had been adopted several years after the ratification of these Conventions, and it indicated that there was doubt as to whether the constitutional procedure mentioned above (see paragraph 26) would apply in such a case. It therefore asked the Government "(1) whether the provisions of ratified Conventions take precedence over the provisions of the Labour Code despite the more recent date of adoption of this Code and if so, what measures the Government intends to take with a view to giving full publicity to this fact so as to avoid any uncertainty as regards the legal position; (2) if the reply to (1) should be in the negative, what steps the Government contemplates taking in order to eliminate the discrepancies which continue to exist between the international standards . . . on the one hand, and the provisions of the national Labour Code on the other".²

The Question of Penalties.

29. Another aspect of the problem which was mentioned by the Conference Committee in its observation in 1930 (see paragraph 22 above) and which was covered by the question the Governing Body inserted in the report forms (see paragraph 24 above), is that of the penalties applicable in cases of non-observance of provisions laid down in a Convention which have been incorporated in internal law merely by virtue of its ratification. Since then the Committee of Experts has referred to this point on occasion.³

30. It is quite obvious that the mere introduction into internal law of the standards contained in a ratified Convention cannot be sufficient to make these standards effective unless, in appropriate cases, penalties are also provided for by the national legislation for violation of these standards, as they usually are for similar rules of internal law. It would therefore be necessary in such cases for the national legislation to lay down specific penalties of this kind in order to ensure the effective application of the Convention concerned.

Need to Avoid Uncertainty as Regards the Legal Position and to Enable all Persons Concerned to Be Aware of the Standards Laid Down in Ratified Conventions.

31. In addition to the need for taking measures in the sphere of legislation so as to give full effect to the provisions of Conventions in the cases described above, there

¹ Paragraphs 404 ff.

² *Report of the Committee of Experts*, 1956, p. 16.

³ See, for example, *Report of the Committee of Experts*, 1957, pp. 20-21.

has clearly been a growing concern, in recent years, with a more general aspect of the need for ensuring the effective application of ratified Conventions. This aims at avoiding any confusion as regards the legal position and at enabling all interested persons to know the standards laid down in ratified Conventions. This concern arises when a Convention, which is automatically incorporated in internal law by virtue of its ratification, conflicts with earlier national law which at the time of ratification contained standards lower than those provided for in the ratified Convention. In such cases, the governments concerned have on occasion pointed out to the Committee that ratification of the Convention has had the effect of implicitly repealing the earlier provisions of national law. The position of the Committee has been that it would be desirable, in such cases, to bring the national law formally into conformity with the Convention (by expressly repealing or amending the earlier laws or codes on the points covered by the Convention), so as to leave no doubt or uncertainty as regards the position in law. The Committee has emphasised, in this connection, the usefulness of taking appropriate measures to draw the attention of all persons concerned (judges, labour inspectors, employers and workers) to the standards laid down in the Conventions which have thus automatically been incorporated in internal law.

32. The Committee had, for example, noted that in certain cases judicial decisions in a given country did not appear to take ratified Conventions into consideration, although according to the Government "treaties had priority over internal legislation". The Committee, therefore, requested the Government to "consider taking all necessary measures to bring ratified Conventions, which are thus incorporated in the national legislation, to the notice of the tribunals and the competent services, and to ensure that all persons concerned are informed of these Conventions (for example by means of circulars, references in future editions of the Labour Code, etc.)".¹

33. In other cases, the Committee, as well as the Conference Committee, pointed out that "in order to avoid confusion in practice, it was essential that the national legislation should be brought expressly into conformity with ratified Conventions even in cases where the ratification of a Convention was considered to modify or repeal any laws contrary thereto".²

34. The countries concerned themselves have sometimes recognised the usefulness of adopting measures expressly intended to bring national legislation into line with the terms of a Convention, even in cases where under national law the Convention is automatically incorporated in the internal legislation as a result of ratification so as to avoid any uncertainties as to the legal position. Thus, one Government indicated that the Labour Code had been published with references to the provisions of ratified Conventions.³ Likewise, another government stated that under the national Constitution ratified international Conventions become binding as the law of the land but that it had nonetheless been considered desirable to set up a committee to study and propose measures to bring existing legislation into conformity with ratified international labour Conventions, having regard to certain court decisions and certain prevailing theories which considered the existence of internal provisions necessary to incorporate the provisions of international Conventions in the legislation.⁴

¹ *Report of the Committee of Experts*, 1959, p. 15.

² Cf. in particular *Report of the Committee of Experts*, 1962, p. 119, and I.L.O.: *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 46th Session, 1962 (Geneva, 1962), p. 13.

³ *Report of the Committee on the Application of Conventions and Recommendations*, 1962, op. cit., loc. cit.

⁴ *Idem*, 1961, p. 14.

Summary.

35. The principles constantly stressed in this matter by the Committee and the Conference Committee can thus be summarised as follows:

- (a) the incorporation of the provisions of ratified Conventions in national law merely by virtue of their ratification is not sufficient to give legal effect to them internally in all cases involving provisions which are not self-executing, i.e. provisions which require special measures to make them effective;
- (b) such measures are moreover particularly called for in most of the cases where a law adopted after ratification introduces standards incompatible with those laid down in a ratified Convention;
- (c) special measures are also necessary in order to provide for penalties in cases of non-observance of the standards laid down in ratified Conventions;
- (d) even when the automatic incorporation of a ratified Convention in internal law involves the repeal or implicit amendment of earlier legislation, it is generally desirable, in order to make all persons concerned aware of amendments thus introduced and to avoid any uncertainty as regards the position in law, that appropriate publicity be given; the surest solution still consists in bringing the legislation formally into harmony with the Conventions.

(b) Data Available for Assessing Practical Application

Judicial Decisions Relevant to the Application of a Convention.

36. The jurisprudence of national tribunals constitutes a most important element in determining whether and how Conventions are applied in practice. The forms of report contain for this reason the following question:

Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

37. In the first place, judicial decisions are of particular importance in the case of Conventions which do not necessarily call for the adoption of legislative measures but, as in the case of the Equal Remuneration Convention, 1951 (No. 100), provide for various methods of application taking into account the systems existing in each country. In dealing with this Convention in particular, the Committee considered the decisions rendered by national tribunals to be of value to it.

38. Secondly, once it is agreed that the notion of national law giving effect to ratified Conventions is to be understood in the broadest sense so as to include case law, the supply of texts of judicial decisions laying down or incorporating this jurisprudence appears clearly indispensable in the case of countries which apply Conventions not by legislative action or by regulations, but by judicial practice.

39. Thirdly, even in countries where ratified Conventions are given effect to by means of legislative enactment, information on judicial decisions often provides a useful means of knowing the interpretation which such decisions have given to the laws or regulations in question. This is especially true in cases where the legislation enacted is incomplete, ambiguous or of a general character (and, *inter alia*, where it is for the courts to give specific effect to constitutional provisions which necessarily are couched in general terms). Judicial decisions may thus enable the Committee to find whether the provisions of a ratified Convention are fully and satisfactorily applied by the courts, or whether on the contrary the national legislation fails to conform with the Convention and legislative action is therefore necessary.

40. In view of the importance thus often attaching to the examination of the national jurisprudence, it is remarkable that the number of judicial decisions referred to in the governments' reports in reply to the special question in the report forms is so small. Only some 2.5 per cent. of the detailed reports on metropolitan countries for the period 1960-62 contain information on judicial decisions, and an equally small number had been mentioned in the reports received in previous years.

41. Obviously information on judicial decisions cannot be expected to be included in every annual report by every State on the application of every ratified Convention. In the case of certain Conventions, where clear-cut legislative measures have clearly been taken to ensure their application or where the Conventions call for measures of an administrative character (employment service, labour statistics, etc.) such information would appear to be unnecessary. The same is true when the established jurisprudence, as already referred to in previous reports, has not undergone any change.

42. The proportion of reports really containing such information appears nonetheless to be exceedingly limited, and the Committee has more than once had to rely on the research carried out by the Office in current collections of case law. One of the reasons why governments rarely send such decisions is possibly that they give too restrictive a meaning to the request in the report forms for "decisions involving questions of *principle* relating to the *application of the Convention*". Obviously the Governing Body had no intention in employing this expression to limit its request to decisions dealing directly with the application of the Convention, but also intended to include any decisions involving important questions of substance and having some bearing on the application of the Convention regardless of whether the national courts were dealing with the Convention itself or whether, as is more often the case, they were dealing with the application of the national provisions which are considered to give effect to the Convention.

43. In these circumstances the Committee must stress the importance of sending information on judicial decisions, it being understood that governments should mention in this connection any significant decisions concerning the application of the provisions laid down in a Convention (regardless of whether or not these decisions refer to the Convention itself).

Observations of Employers' and Workers' Organisations.

44. The report forms on ratified Conventions contain the following question:

Please state whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. The information available for the Conference would be usefully supplemented by your communicating a summary of these observations, to which you might add any comments that you consider useful.

45. The Committee has often stressed the importance it attaches to such observations as a means of assisting it in assessing the effective application of Conventions. The obvious reason for this is that the organisations in question have a direct knowledge of the conditions existing in their countries and can therefore make a useful contribution to a more exact appraisal of the situation. The Committee takes note each year of a certain number of observations from organisations, principally of workers, concerning the manner in which certain ratified Conventions are applied

in their countries. It takes these, as well as any comments by the governments concerned, into account in determining the extent to which the Conventions in question are applied in law and in practice.

46. The number of observations thus received has however always been small. For the period 1960-62, with which the Committee is concerned at its present session, seven reports from five States¹ contain observations from employers' or workers' organisations. There is also one such observation in a report concerning a non-metropolitan territory.²

47. The reasons which may possibly explain the small number of such observations include the still insufficient development of employers' and workers' organisations in certain countries, the shortage of qualified staff to undertake the examination of these questions, the fact that these organisations are not always fully aware of the possibilities afforded by the procedure for the examination of the application of ratified Conventions, their greater or more limited independence from the governmental authorities of their countries, etc.

48. The representatives of employers' and workers' organisations have of course the possibility at each session of the Conference, and in particular in its Committee on the Application of Conventions and Recommendations, of raising questions concerning the application of Conventions in their own countries, and elsewhere, and regular use has been made of this possibility.

49. The Committee would therefore point once again to the interest attaching to the observations from employers' and workers' organisations which can be of help in assessing whether Conventions are effectively applied and in settling any problems which may arise in connection with their application.

National Authorities Entrusted with the Application of National Legislation and Labour Inspection.

50. In order to gain a more accurate picture of the manner in which ratified Conventions (and the national legislation giving effect to them) are applied in practice, the report forms contain the following question:

Please state to what authority or authorities the application of the legislation and administrative regulations [giving effect to the Convention] is entrusted and by what methods application is supervised and enforced. . . .

51. The government reports generally state, in reply to that part of the above question designed to ascertain if there exist in fact administrative authorities entrusted with the supervision of the application of the national legislation implementing the Convention, that the authorities concerned are, for example, the Ministry of Labour, of Transport, of Merchant Marine, of Communications, of Mines, etc., according to the subject matter of the Convention.

52. This question is however supplemented by another, dealing with one of the elements which has always been considered as most important for the supervision of the practical application of Conventions: "Information on the organisation and working of inspection." In another part of the report form States having ratified a Convention are requested to furnish, among other information on the manner in which the Convention is applied, "extracts from the reports of the inspection services". Certain Conventions even contain special provisions concerning inspection

¹ Austria, Finland, Federal Republic of Germany, Italy, United Kingdom.

² United Kingdom (Mauritius).

(leaving aside the Conventions dealing directly with labour inspection, which will be discussed below) or on such matters as the keeping of registers or penalties in cases of contravention which are designed to ensure a minimum of supervision and inspection at the national level. The importance of inspection was moreover especially emphasised by the Governing Body when, in redefining the terms of reference of the Committee of Experts in 1947, it expressly referred to the examination to be made of "information furnished by Members concerning the results of inspections".

53. I.L.O. bodies have repeatedly given special attention to the question of labour inspection. The question of organising an international inspection system for the application of international labour Conventions has even been raised on occasion.¹ While such international labour inspection has been ruled out because of the various problems it would raise under present-day concepts, the I.L.O.'s activities have constantly aimed at promoting the development of national labour inspection services. Thus the Conference adopted in 1947 two Conventions on labour inspection (one general Convention and one for non-metropolitan territories). The Committee emphasised in the two general surveys it made of these Conventions in 1951 and in 1957 that the observance of their provisions "gives an assurance that the I.L.O. standards are not only part of the national law, but are also part of the national practice"² and that "its examination of the effect given to ratified Conventions is greatly facilitated when the reporting countries apply the Labour Inspection Convention, 1947".³

54. The I.L.O. thus possesses at the present time a solid basis in this field: the Labour Inspection Convention (No. 81) adopted in 1947 has been ratified by 52 States (about half of the member States) and is applicable to 22 non-metropolitan territories, without modification, and to three territories with certain modifications. The Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), has moreover been declared applicable to 29 territories, without modification, and to seven territories with certain modifications.

55. At the same time the I.L.O. has in recent years considerably expanded its technical assistance activities in the field of labour inspection and administration (supply of experts, training and refresher courses, granting of fellowships).

56. In addition to the fact that the existence of a labour inspectorate and the application of the Labour Inspection Conventions already provide serious reasons for believing that national legislation giving effect to the Conventions is applied in practice, another useful element at the disposal of the Committee is found in the inspection reports. Under Articles 20 and 21 of the Labour Inspection Convention, 1947 (No. 81), States which have ratified this Convention are under an obligation to publish each year a report on the work of the inspection services, which must contain information on a certain number of subjects specified in the Convention; a copy of this report must be sent to the Director-General of the International Labour Office. The Committee is in a position through the examination of these reports to obtain interesting data for assessing the effectiveness of the inspection services and hence the effective application of ratified Conventions.

¹ I.L.O.: *Constitutional Questions*, Part 1: *Reports of the Conference Delegation on Constitutional Questions*, Report II (1), International Labour Conference, 29th Session, Montreal, 1946 (Montreal, 1946), pp. 57-58.

² *Report of the Committee of Experts*, 1951, p. 48.

³ *Report of the Committee of Experts*, 1957, p. 159.

57. Some 40 countries communicate copies of these inspection reports as provided for by the Convention. In addition certain countries send the reports of their inspection services although they have not ratified the Convention.

58. The Committee wishes to draw attention once again to the importance of the question of labour inspection, and to point out to the States which have not yet ratified the Labour Inspection Convention the general significance of this Convention, in the hope that they will be able to organise their inspection services in such a manner as to attain the level specified in the Convention and so provide one of the surest guarantees of efficient enforcement in practice of the Conventions which they have ratified. Pending such action the Committee must also indicate how important it is for governments, in any case, to be able to supply in their reports, as provided for by the report forms, "extracts from the reports of the inspection services" concerning the questions dealt with by ratified Conventions. It also ventures to recall that the I.L.O. is in a position, as indicated above, to provide technical assistance which may prove of value in organising or improving their inspection services.

Statistical Information on Practical Application.

59. In order to gain an accurate picture of the effective application of Conventions in a country, the supply of a certain amount of statistical information has also been considered particularly useful.

60. The supply of statistical information is, moreover, expressly provided for by the terms of certain Conventions. Even in those cases where the Conventions themselves do not provide for the supply of special statistics the report forms on ratified Conventions contain a question which (with slight variations due to the subject matter of the Convention) reads as follows:

Please add a general appreciation of the manner in which the Convention is applied in your country, including for instance, . . . if such statistics are available, information concerning the number of workers covered by legislation, the number and nature of contraventions reported, etc.

To these general queries are added special questions according to the subject dealt with by each Convention.

61. The value of the statistical information thus asked for is obvious. It enables the Committee to form some idea of the actual bearing, in practice, of the legislation existing on the matter, to verify, by the question concerning contraventions reported, the existence of a system of supervision and the respective importance, in practice, of the rules established by the legislation and the exceptions it contains. On the whole, the proportion of reports which contain statistical information is very much higher than those containing information on judicial decisions. Thus, over 30 per cent. of the detailed reports for the period 1960-62 contain statistical information. In certain cases the Committee has made General Observations to a number of States most of whose reports did not contain any statistical information on practical application.

62. It is true that the need for statistical information varies considerably according to the matters dealt with in the Convention and the possibility of supplying it depends on the extent to which such information can be assembled in a given country. The Committee deems it appropriate, however, to lay stress on the importance of supplying statistical data on the practical application of ratified Conventions.

IV. Reports Submitted by Governments on Ratified Conventions

(a) *Supply of Annual Reports*

63. The reports requested from governments which came before the Committee this year related in most cases to the period 1 July 1960 to 30 June 1962. In addition detailed reports, which would not otherwise have been required under the two-yearly system, were specially requested this year by the Committee from certain governments; these reports related to the period 1 July 1961 to 30 June 1962. In accordance with the reporting procedure now in force, the reports which came before the Committee this year fell into the following groups:

- (a) reports on 49 Conventions of which detailed reports were requested for the period 1960-62¹;
- (b) detailed reports specially requested from certain governments on the remaining Conventions in force, either because a first report was due after ratification or because important divergencies had previously been noted between the national law or practice and the Conventions in question;
- (c) general reports from governments on any of the Conventions which they have ratified and for which no detailed reports were requested this year;
- (d) a number of detailed reports voluntarily submitted by certain governments, which were not due under the two-yearly procedure, or specially requested by the Committee.

The Committee also had before it a number of reports on ratified Conventions received too late for examination by the Committee of Experts or by the Conference Committee last year.

64. As already indicated above, certain reports were received so late that the Committee was unable to examine them in detail. In these cases, therefore, the Committee had no alternative but to defer detailed examination of the reports in question until its next session.

65. The number of reports requested from governments on metropolitan countries under headings (a) and (b) in paragraph 63 above amounted to 1,309. This number compares with 1,362 reports on ratified Conventions requested last year. Up to the date of the conclusion of the present session of the Committee the Office has received 1,059 reports, i.e. 80.8 per cent. of the 1,309 reports requested. A list showing the reports received classified according to countries and Conventions is given in Part Two (Chapter I, Appendix I) of this report. There is also given in Part Two (Chapter I, Appendix II) a table showing, for each year since 1933 in which the Committee has met, the number and percentage of reports which were received for the meeting of the Committee and for the session of the International Labour Conference. The table also shows the number and percentage of reports which were received by the date by which the governments were asked to supply them.

66. The percentage of reports received this year has remained more or less the same as that reached last year—roughly 80 per cent. The Committee expresses its satisfaction that the proportion of member States which have duly supplied their reports is so high. The Committee must nevertheless express its concern that a considerable number of governments still fail to fulfil their basic obligation of supplying reports on Conventions which they have ratified, notwithstanding that this is

¹ The Conventions concerned are the following: Nos. 1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112.

one of the most important obligations which they have accepted under the Constitution of the International Labour Organisation and by ratifying Conventions. This situation is all the more unfortunate in so far as it has prevented the Committee from dealing with a number of cases where in the past it had noted serious discrepancies in the application of Conventions in the countries which have not fulfilled their reporting obligation.

67. It is no less important that reports be supplied by the date requested, as this is essential to the proper functioning of the international machinery for the examination of the application of ratified Conventions. The Committee must, in this connection, stress the seriousness of the situation created by the fact that the proportion of reports received by the date requested, which in 1962 was already only 18.1 per cent., dropped this year to 15.5 per cent. It accordingly addresses an urgent appeal to governments to strive to fulfil all their obligations concerning reports on ratified Conventions in future, particularly by supplying these reports in the form and by the time requested.

68. Of the 99 States from which detailed reports had been requested, 69 have supplied all those requested. By 1 January 1963, however, which was already two-and-a-half months after the prescribed date, 35 States had failed to supply more than one half of the detailed reports requested. Further, no reports at all have so far been received for the current reporting period from 11 countries: Bolivia, Central African Republic, Cuba, Dahomey, Ecuador, Iceland, Nicaragua, Panama, Sierra Leone, Somali Republic, Sudan.

69. A total of 33 States supplied a general report on Conventions for which no detailed reports were due or requested, or reports on some of these Conventions. The reports supplied by 15 of these States contained information relating to matters of importance, such as changes in national law or practice; these reports enabled the Committee to consider such changes without delay notwithstanding the operation of the two-yearly procedure.

70. A total of 86 first reports since ratification of the relevant Conventions were received from 37 countries. In accordance with its terms of reference, the Committee has drawn the attention of the governments concerned to points in respect of which discrepancies appeared to exist between a Convention and national legislation or practice and to points in respect of which additional information appeared necessary to enable it to assess the effect given to a Convention. The Committee has been able to note that such comments made by it in the past have been taken into account by the governments of various countries, in which changes have been made in legislation or practice. Additional information supplied in answer to requests by the Committee has also made it possible in a number of cases to note that effect was being given to ratified Conventions.

71. Nine countries which were due to supply first reports on certain Conventions for examination by the Committee this year have failed to do so: Costa Rica, Dahomey, Guatemala, Honduras, Iceland, Peru, Sierra Leone, Syrian Arab Republic, United Arab Republic. Moreover, four countries from which first reports were already due for examination in 1962 have again failed to supply the reports in question: Costa Rica (three reports), Cuba (one report), Panama (nine reports), United Arab Republic (one report). In the case of one of these countries (Panama), some of the first reports which have not yet been supplied have been due since 1959, and others since 1960.

72. In considering the general situation with regard to the supply of reports on ratified Conventions, the Committee has borne in mind that in the last few years many

countries which have recently attained independence have become Members of the Organisation, and that difficulties or delays may in certain cases have been caused by changes resulting from these developments. As the Committee mentioned in 1962, the International Labour Office is at the disposal of these countries for any assistance which they may require in this connection. As regards cases in which reports are due on Conventions whose ratification represented the maintenance of obligations previously accepted on behalf of a country by the State which was then responsible for its international relations, the Committee has requested the Office to communicate to the countries concerned the texts of the observations and requests to which the application of the Conventions concerned had previously given rise. Finally, the Committee notes with satisfaction that three countries (Jamaica, Rwanda, Uganda) which attained independence in 1962, after the expiration of the period for which reports were due that year, nevertheless communicated reports on the application of Conventions for this period.

73. As in earlier years, the Committee took note of a number of comments by employers' and workers' organisations concerning the application of certain Conventions in their countries, which had been transmitted by the respective governments. The Committee also refers to this question in the comments above¹ concerning the problem of the practical application of Conventions.

(b) Examination of Reports by the Committee

74. In making its detailed examination of the reports submitted by governments on ratified Conventions, the Committee has followed its normal practice, under which reports received by the Office in sufficient time were allocated to individual members of the Committee for preliminary examination and were circulated to them in advance of the session. The observations, both of a general nature and on individual reports, resulting from this procedure were examined and approved by the Committee as a whole. They will be found in Part Two of this report together with a brief reference to cases in which "direct requests" have been made by the Committee, to be sent to governments on its behalf by the International Labour Office. As pointed out in previous years, the making of these direct requests does not necessarily imply doubt as to the extent of conformity with ratified Conventions, as some of them consist of mere acknowledgements of information previously requested by the Committee and supplied by the governments concerned.

V. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

75. The Committee noted that, since its last session, 303 declarations concerning the applicability of Conventions to non-metropolitan territories had been communicated to the Director-General of the International Labour Office. Of these, 173 were declarations of application or acceptance of the Convention concerned without modification, five were declarations of application or acceptance with modifications, and the remainder indicated that a decision was reserved or that the Convention was inapplicable to the territory in question. The total number of declarations under article 35 of the Constitution now registered is 2,392, of which 1,163 are declarations of application or acceptance without modification and 176 declarations of application or acceptance with modifications.

¹ Paragraph 46.

76. All the declarations registered since the Committee's last session were communicated by the United Kingdom. The particularly large number of declarations is the result of the decision taken by the Government of the United Kingdom in deference to the Committee's views, and noted by the Committee in 1962, to communicate declarations in respect of Conventions ratified by the United Kingdom before 20 April 1948. The Committee welcomes the measures already taken, and hopes that this process of clarifying the situation as regards the application of Conventions in the territories concerned will continue.

77. The Committee noted the suggestion made in the Conference Committee in 1962 that its reports should contain more detailed indications concerning the distribution by territory and by Convention of the declarations communicated by member States. In this connection, the Committee draws attention to the Chart of the Application of Conventions in Present and Former Non-Metropolitan Territories appended to its report of 1961, which contained the suggested indications. It also recalls that the Summary of Reports on Ratified Conventions¹ contains each year up-to-date information on the declarations made for each Convention.

*Renunciation of the Possibility of Recourse to Article 35
of the Constitution*

78. The Committee learned that, by letter of 8 June 1962, the Government of Spain had formally informed the Director-General that, as regards the application of Conventions, the Spanish overseas provinces should be considered as metropolitan territory. As this Committee and the Conference Committee have observed on a number of occasions, where such a decision is communicated, all Conventions previously ratified by the State concerned must henceforth, in the absence of any contrary provisions in the Conventions themselves, be applied without modification in the entire territory, including those parts which were previously regarded as non-metropolitan territories. The Committee accordingly noted with interest that, in the above-mentioned communication, the Government of Spain expressly recognised this consequence of its decision and undertook to supply, in future reports, information on the application in the territories concerned of the Conventions ratified by Spain.

Reports Examined

79. The Committee was also called upon to examine the reports communicated by member States—

- (a) pursuant to article 22 of the Constitution, on the application of ratified Conventions in the territories covered by paragraphs 1, 2 and 3 of article 35;
- (b) pursuant to article 35, paragraph 6, and article 22 of the Constitution, on the application of Conventions accepted on behalf of territories covered by paragraphs 4 ff. of article 35;
- (c) in respect of the same territories, pursuant to article 35, paragraph 8, on Conventions not accepted on behalf of such territories.

80. The Committee had before it 1,269 reports, representing 90 per cent. of the 1,405 reports requested. This represents the highest percentage ever reached, and is a marked improvement over 1962, when the corresponding figure was 80 per cent.

81. In examining the extent to which governments supplied information on the practical application of Conventions (statistics, inspection activities, court decisions, etc.), the Committee referred not only to the reports on the application of Conven-

¹ Report III (Part I).

tions in the national territory of member States but also to those relating to non-metropolitan territories in respect of which declarations of application or acceptance of Conventions had been made. The Committee noted that the proportion of reports in respect of non-metropolitan territories which contained such information was considerably lower than in the case of member States. It would thus appear that, while the proportion of reports received in respect of non-metropolitan territories may generally be regarded as satisfactory, the information contained in them generally still needs to be amplified by the inclusion of appropriate data concerning the practical application of Conventions.

82. Finally, the Committee noted that, following a resolution adopted by the Conference in 1962, the question of revision of article 35 of the Constitution is now under consideration by the competent bodies of the Organisation.

VI. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

83. In accordance with its terms of reference the Committee this year examined the following information supplied by the governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the instruments adopted by the Conference at its 45th Session (June 1961): the Final Articles Revision Convention, 1961 (No. 116), and Workers' Housing Recommendation, 1961 (No. 115);
- (b) additional information on action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference from its 31st Session (1948) to its 44th Session (1960) (Conventions Nos. 87 to 115 and Recommendation Nos. 83 to 114);
- (c) replies to the observations and requests for information made by the Committee of Experts in 1962.

Forty-fifth Session

84. The Committee has noted with satisfaction that the governments of the 34 countries listed below have stated that they have submitted to the competent authorities the Convention and the Recommendation adopted by the Conference at its 45th Session: Albania, Australia, Bulgaria, Byelorussia, Canada, Chile, China, Denmark, Federal Republic of Germany, Iceland, India, Indonesia, Ireland, Ivory Coast, Japan, Kuwait, Luxembourg, Morocco, New Zealand, Norway, Philippines, Rumania, Sierra Leone, Republic of South Africa, Sweden, Switzerland, Thailand, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Upper Volta, and Yugoslavia.

85. The Committee has noted, moreover, that in nine countries one of the two instruments adopted at the 45th Session has been submitted to the competent authorities. ¹ These countries are the following: Chad, Iraq, Niger, Nigeria, Poland, Spain, Tunisia, United Arab Republic, Venezuela.

¹ A ratified Convention is considered as having been submitted.

Thirty-first to Forty-fourth Sessions

86. The Committee has noted with satisfaction that the Government of Luxembourg has submitted to the competent authorities all the instruments adopted from the 40th to the 44th Session, in respect of which until now it had not carried out this obligation. The Governments of Finland, Iceland and New Zealand have stated that they have submitted to the competent authorities the instruments adopted at the 44th Session, and the Government of Austria those adopted at the 43rd Session.

87. The table in Appendix I to Chapter III of Part Two of the Committee's report shows the position of each member State with regard to the obligation to submit the decisions of the Conference to the competent authorities.

General Assessment

88. The Committee notes that of the 101 States which were Members of the Organisation at the time of the 45th Session, only 34 have stated that all the instruments adopted at this session have been submitted to the competent authorities. From 1950, the date on which the Committee examined for the first time information supplied concerning the obligation to submit Conventions and Recommendations to the competent authorities, until 1960, when the Committee carried out a general review of this question, the proportion of member States which fulfilled their obligations within the time limit prescribed had very considerably increased and had risen from a quarter to a half of the States Members of the Organisation. The Committee expresses its concern to have to note that since then this proportion has been decreasing from year to year. The deterioration of the situation in this field may be due in part to the fact that certain new member States have encountered difficulties or are unaware of the specific bearing of their constitutional obligations. But also, certain other States which have been Members of the Organisation for several years have not always observed their obligations in this matter.

89. On becoming Members of the International Labour Organisation States undertake to assume all the obligations under the Constitution of the Organisation. It is therefore their duty to discharge these obligations in an effective manner. The Committee is confident that this appeal will be heard and that the member States concerned will indicate the measures they have taken or intend to take to submit to the competent authorities all the instruments for which no information has been received.

90. In this connection the Committee recalls that the authorities to which the Conventions and Recommendations must be submitted are the authorities which have the power to legislate on the matters dealt with in these instruments. It is aware that, in certain cases, other governmental or administrative bodies are invested with the power to give effect to Conventions and Recommendations. Even in such cases the instruments adopted by the Conference have to be submitted to the legislative body provided for in the national constitution, in view of the fact that the obligation under article 19 of the Constitution of the International Labour Organisation also aims at informing public opinion. The Committee hopes therefore that countries which have not considered it necessary to submit Conventions and Recommendations to the body invested with legislative power will re-examine their procedure in this matter so as to achieve this aim.

91. The Committee deems it appropriate to point out again this year that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, even if it is not intended to ratify a Convention or to implement a Recom-

mentation. A clear distinction must be made between the notions of "ratification" and "submission". The obligation to submit is general in character and does not imply that Conventions must necessarily be ratified; moreover, this obligation arises even with regard to Recommendations, which are not open to ratification. The Committee has noted in this connection that certain States have encountered difficulties due to the fact that in principle the government may place before the legislative authority only Bills intended to give effect to such instruments. The Committee expresses the hope that these States will be able to overcome the difficulties in question, as did other countries in which similar problems had arisen.

92. With regard to the form which the submission of Conventions and Recommendations to the competent authorities should take, the Committee has had, again this year, to make observations and direct requests with regard to certain countries. In order to enable the competent authorities to assess what effect might be given to Conventions and Recommendations, it is essential that the government present proposals or comments at the time of the submission of the instruments to the said authorities. The obligation to submit Conventions and Recommendations cannot be considered as having been fulfilled in a satisfactory manner in the absence of such comments or proposals.

93. The Committee regrets once again, this year, that it was not able to examine, as it intended to do in order to comply with the wish expressed by the Conference Committee in 1960, the application of the special provisions for federal States in article 19, paragraph 7, of the Constitution of the International Labour Organisation. The Committee had considered it essential to address to the countries concerned a general request for information so as to supplement the information at its disposal on the basis of the replies furnished by various countries to the questions asked in this connection in the memorandum adopted by the Governing Body, and so as to be able to take into account any new developments which may have occurred in this field.

94. This general request for information had been addressed for two consecutive years by the Office in the name of the Committee to 17 countries, of which only four have replied: Australia, India, Switzerland and the United States.

95. In these circumstances the Committee must postpone to next year the study it had intended to carry out, because the information at its disposal does not make possible an exhaustive examination of the situation. It requests the Office to address the above-mentioned request once again to those countries which have refrained from supplying information, and to draw their particular attention to the importance that it attaches to this question. The Committee trusts that these countries will supply the information requested so as to enable it to revert to this problem next year.

VII. Reports Submitted by Governments on an Unratified Convention and on a Recommendation

96. The reports which governments were requested by the Governing Body to supply under article 19 of the Constitution relate to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111).

97. Of a total of 303 reports requested under article 19 of the Constitution on the Convention and Recommendation mentioned above, altogether 227 (or 75 per cent.)

were received. A table showing the reports supplied by governments in respect of member States and in respect of non-metropolitan territories will be found in Appendix III to Part Three of this report.

98. The Committee's general conclusions arising from the examination of the reports on the Convention and the Recommendation in question will be found in Part Three of this report. As usual, this general survey takes account not only of the reports supplied under article 19 of the Constitution, but also of the reports supplied under article 22 by countries which have ratified the Convention. Having regard to the recent date of the coming into force of the Convention and the considerable volume of additional information which would be necessary, the Committee has stressed the preliminary character of the study made by it this year. In accordance with the practice followed in previous sessions, these general conclusions were prepared on the basis of a preliminary examination of the question made by a Working Party of four members of the Committee chosen by it at its previous session.

* * *

99. The Committee wishes to record once again that its work has been made possible only due to the members of the I.L.O. staff: both in the preparation of the Committee's session and in the assistance they have rendered to the Experts during the session, they have shown a degree of competence and devotion to which the Committee unanimously pays tribute.

Geneva, 5 April 1963.

(Signed) A. RAMASWAMI MUDALIAR,
Chairman.

H. BATIFFOL,
Reporter.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

A. GENERAL OBSERVATIONS

Afghanistan. A Government representative stated in the Conference Committee in 1962 that the draft Labour Code to which the Government has referred since 1958 was undergoing a second reading. As the reports contain, however, no further indication on the enactment of this Code nor provide any information on the manner in which it gives effect to the Conventions ratified by Afghanistan, the Committee is bound to express its concern at this continued delay in the implementation of these Conventions.

The Committee urges the Government to adopt early measures for the application of all ratified Conventions and to draw up its future reports in accordance with the forms of report adopted by the Governing Body.

Albania. The Committee notes that most of the reports contain no information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Argentina. A Government representative reaffirmed in the Conference Committee in 1962 that it was the Government's intention to eliminate the discrepancies between existing legislation and ratified Conventions. Certain of the reports refer in this connection to the work of a committee which the Government set up for this purpose in 1961. However, other reports, on Conventions Nos. 3, 20, 50 and 68, do not contain any information in reply to previous observations.

The Committee notes, moreover, that the reports did not arrive until the middle of February 1963. In these circumstances it must urge the Government to do all in its power to bring the national legislation into conformity with ratified Conventions. The Committee also hopes that all future reports will be received in time and will reply to previous observations.

Bolivia. For several years past the Government has either failed to supply its reports or has submitted them only during the Committee's session. The Committee much regrets therefore that the reports due for the present session have not yet been received. It trusts that the Government will not fail in future to comply with its reporting obligation.

Brazil. The Committee notes with regret that the reports did not arrive until the end of January 1963 and that those on Conventions Nos. 5, 98 and 99 do not contain any reply to previous requests. The Committee trusts that future reports will contain such replies and will be supplied in time.

Bulgaria. The Committee notes with regret that no reports have been received on 19 Conventions (Nos. 9, 11, 27, 29, 30, 32, 35, 36, 37, 38, 39, 40, 43, 44, 49, 53,

87, 94, 98) in respect of which observations and requests had previously been made. The reports which have been supplied do not, moreover, contain any information on the practical application of the Conventions. The Committee trusts that all reports will be supplied in future and that they will, where appropriate, include information on practical application.

Burma. The Committee notes with regret that the reports received did not arrive until the end of January 1963 and that no reports have been supplied on three Conventions (Nos. 26, 29, 87) in respect of which an observation and requests had previously been made. Moreover, the report on Convention No. 15 does not contain a reply to a previous request. The Committee trusts that the Government will in future supply its reports in time and reply to all the points raised by the Committee.

Byelorussia. The Committee notes that most of the reports contain no information on the practical application of Conventions. It hopes that future reports will, where appropriate, include such information.

Central African Republic. The Committee notes with regret that no reports have been received and that the observations and requests on Conventions Nos. 33, 84 and 87 must therefore be repeated. The Committee trusts that the Government will not fail in future to comply with its reporting obligation.

Ceylon. The Committee notes that none of the reports contains information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Chad. The Committee notes with regret that the reports did not arrive until the beginning of February 1963 and that most of them do not contain any information on the practical application of the Conventions. It trusts that all future reports will be received in time and will, where appropriate, contain such information.

China. The Committee notes that most of the reports contain no information on the practical application of Conventions. It hopes that future reports will, where appropriate, include such information.

Colombia. The Committee notes that the draft revision of the Labour Code which was placed before the Congress in October 1960 has not yet been adopted and that the Government has recently requested the Congress, through a special recommendation, to consider this draft revision. As the revision is designed, in particular, to give effect to a number of Conventions ratified by Colombia in respect of which the Committee had had to make observations in the past, the Committee expresses the hope that the adoption of the new Labour Code will be possible without further delay.

The Committee also notes that none of the reports contains information on the practical application of Conventions. It hopes that future reports will, where appropriate, include such information.

Congo (Brazzaville). The Committee notes that none of the reports contains information on the practical application of Conventions. It hopes that future reports will, where appropriate, include such information.

Congo (Leopoldville). The Committee notes that most of the reports contain no information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Costa Rica. The Committee notes with regret that five of the six reports received (first reports on Conventions Nos. 81, 89, 90, 95, 100) arrived either shortly before or during the Committee's session and their examination must therefore be postponed until the next session. The Committee regrets, moreover, that ten other first reports (including three due for the second year in succession) have not arrived so far. It trusts that the Government will not fail in future to discharge its reporting obligation in full.

Cuba. The Committee notes with regret that the reports have not been received and that no information is therefore available in reply to the observations and requests made as regards 24 Conventions (Nos. 1, 3, 15, 18, 27, 32, 42, 45, 52, 59, 60, 63, 67, 78, 79, 81, 87, 88, 92, 94, 98, 100, 103, 106). At the same time the first report on Convention No. 110 has thus not been received for the second year in succession.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Czechoslovakia. The Committee notes that 17 of the 19 reports arrived only shortly before the opening of the Committee's session. Moreover, the reports on four Conventions (Nos. 1, 43, 49, 90) do not reply to previous observations. Finally, none of the reports contains any information on the practical application of the Conventions.

The Committee trusts that future reports will be supplied in time and will contain all the information required.

Dahomey. The Committee notes with regret that no reports have been received. It trusts that the Government will not fail in future to discharge its reporting obligation.

Denmark. The Committee notes that most of the reports contain no information on the practical application of the Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Dominican Republic. The Committee notes with regret that the reports arrived only shortly before the opening of its session and that they do not appear to take account, in all cases, of previous observations and requests. Moreover, most of the reports contain no information on the practical application of the Conventions. The Committee trusts that future reports will be received in time and will, where appropriate, contain such information.

Ecuador. The Committee notes with regret that no reports have been received and that the previous observations and requests on Conventions Nos. 26, 29, 95, 98 and 100 must therefore be repeated. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

France. The Committee notes that most of the reports contain no information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Gabon. The Committee notes that most of the reports contain no information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Ghana. The Committee notes that most of the reports contain no information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Guatemala. The Committee notes with regret that seven of the nine reports due have not been received. The observations and requests previously made on Conventions Nos. 87, 97 and 98 must therefore be repeated. The Committee trusts that all reports will be supplied in future.

Guinea. The Committee notes that most of the reports contain no information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Haiti. The Committee notes with regret that the reports did not arrive until the beginning of February 1963 and that most of them do not contain any information on the practical application of the Conventions. It trusts that all future reports will be supplied in time and will, where appropriate, contain such information.

Honduras. The Committee regrets that the reports on Conventions Nos. 87, 98 and 100 do not contain any reply to the previous observation and requests. Moreover, none of the reports contains information on the practical application of the Conventions. The Committee trusts that the Government will include in its future reports all the information required.

Hungary. The Committee notes with regret that the reports on Conventions Nos. 6, 41 and 87 do not contain any reply to the previous observations. Moreover, none of the reports contains any information on the practical application of the Conventions. The Committee trusts that the Government will include in its future reports all the information required.

Iceland. The Committee notes with regret that no reports have been received and that the previous requests on Conventions Nos. 2, 29 and 100 must, therefore, be repeated. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Indonesia. The Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Iran. The Committee notes with regret that the report due arrived only shortly before the opening of its session. It trusts that future reports will be supplied in time.

Kuwait. The Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Liberia. As five first reports (Conventions Nos. 110, 111, 112, 113, 114) were received after the opening of the Committee's session, their examination had to be postponed to the next session. Most of those reports which could be examined do not, on the other hand, contain any information on the practical application of the Conventions. The Committee trusts that all future reports will be supplied in time and will contain the information required.

Libya. The Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Luxembourg. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, include such information.

Malagasy Republic. The Committee notes that none of the reports contains any information on the practical application of the Conventions. It hopes that all future reports will, where appropriate, contain such information.

Malaya. The Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will contain this information.

Mali. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Mauritania. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Mexico. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Nicaragua. The Committee notes with concern that the Government has failed once again to supply its reports so that no reply is available to the observations and requests which the Committee has had to repeat for the past three years as regards most of the 29 Conventions ratified by Nicaragua. The Government's failure to discharge its reporting obligation under article 22 of the Constitution thus effectively prevents the Committee and the Conference from performing their task of examination. Particular attention must therefore again be drawn to the seriousness of this case. The Committee urges the Government to supply its reports in future.

Niger. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Nigeria. The Committee notes with regret that the reports only arrived during the closing days of its session and that their examination must therefore be postponed to the next session. The Committee trusts that the Government will supply its future reports in time.

Pakistan. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Panama. The Committee notes with concern that the Government has for the third year in succession failed to supply first reports on the Conventions ratified by Panama. Reports on three Conventions (Nos. 3, 12, 17) have been due since 1959, reports on three further Conventions (Nos. 52, 87, 100) since 1960 and reports on three other Conventions (Nos. 30, 42, 45) since 1961. The Committee learned, on the other hand, with regret that a Government representative in the Conference Committee in 1962 was unable to provide any explanation for this repeated failure.

In these circumstances the Committee can only draw attention once again to the situation of a country which has refrained persistently from providing any information whatever on the effect given to nine of the ten Conventions by which it is bound.

Peru. As most of the reports, including the first reports on six Conventions (Nos. 81, 99, 100, 101, 105, 107), arrived only a few weeks before the Committee's session, their examination had to be postponed to the next session. The reports on Conventions Nos. 35, 37 and 39 have, moreover, not been received and the previous observations on these Conventions must therefore be repeated. Finally, most of those reports which could be examined do not contain any information on the practical application of the Conventions.

The Committee trusts that future reports will be supplied in time and will contain all the information required.

Philippines. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Rumania. The Committee notes with regret that the reports did not arrive until the end of February 1963. Most of the reports do not, moreover, contain any information on the practical application of the Conventions. The Committee trusts that all future reports will be supplied in time and will, where appropriate, contain such information.

Rwanda. The Committee notes with satisfaction that the Government was good enough to supply reports on ten Conventions which were in force in respect of Rwanda prior to its independence. As these reports arrived after the opening of the Committee's session, their examination has been postponed to the next session.

El Salvador. As the reports on Conventions Nos. 105 and 107 have not been received, the previous requests on these Conventions must be repeated.

Sierra Leone. The Committee notes with regret that no reports have been received and that the previous request on Convention No. 99 must therefore be repeated. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Somali Republic. The Committee notes with regret that no reports have been received and that the previous requests on Conventions Nos. 84, 94 and 95 must therefore be repeated. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Spain. In a statement communicated to the Director-General on 8 June 1962 the Government stressed the metropolitan character of its African provinces and declared that it "accepts the position according to which Conventions ratified by a member State automatically become applicable to a non-metropolitan territory once that territory ceases to be considered as such".

The Committee is therefore called upon henceforth to examine the application of ratified Conventions in all the provinces of Spain. It has for this purpose addressed certain direct requests to the Government aimed, in particular, at obtaining fuller information on the legislative provisions and the practice which give effect to these Conventions in the African provinces and hopes that it will be able, on the basis of the Government's replies, to gain a full picture of the position following the above-mentioned declaration. The Committee trusts that in those cases where complete conformity with a ratified Convention is not as yet ensured in the African provinces, the necessary measures will be taken to this end.

The Committee notes, moreover, that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Sudan. The Committee notes with regret that no reports have been received and that the previous requests on Conventions Nos. 2, 19, 29 and 98 must therefore be repeated. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Syrian Arab Republic. The Committee notes with regret that only two of the 16 reports due have been received. It trusts that the Government will not fail in future to discharge its reporting obligation in full.

Togo. The Committee notes that none of the reports contains any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Turkey. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Uganda. The Committee notes with satisfaction that the Government was good enough to supply reports on nine Conventions which were in force in respect of Uganda prior to its independence. As these reports arrived only shortly before the opening of the Committee's session, their examination has been postponed to the next session.

Ukraine. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

U.S.S.R. The Committee asked the Government in 1959 and again in each succeeding year to communicate the text of the Labour Codes in force in the various Republics of the Union. The Government indicated in response to this request that it would do so as soon as the new amended texts of these Codes had been adopted.

The Committee is bound to point out that the Codes of only two of the Republics are available in the International Labour Office and it was informed that the new version of the Codes of the Union Republics has not yet been adopted.

In these circumstances, the Committee requests the Government to make available the Codes in force in the various Republics and the new texts, once these have been adopted.

The Committee also notes that the reports were only received at the end of January 1963. Moreover, most of the reports do not contain any information on the practical application of the Conventions. The Committee hopes that future reports will be supplied in time and will, where appropriate, contain such information.

United Arab Republic. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. Moreover, the first report on Convention No. 14 has not been received for the second year in succession. The Committee trusts that the Government will in future supply all reports and include the information required.

United States. The Committee learned that by letter of 18 October 1962 the United States Government informed the Director-General of the International Labour Office that, in view of protests made by the Panamanian Government concerning references in the Committee's reports to the Panama Canal Zone as a non-metropolitan territory of the United States, the United States Government had given further study to the matter of submitting annual reports with respect to the Panama Canal Zone and had concluded that there was no legal basis in the I.L.O. Constitution for requiring that the United States include the Panama Canal Zone in its reports

concerning non-metropolitan territories on which reports were called for under article 35 of the I.L.O. Constitution.

The Committee notes with regret the discontinuance of the supply of information in respect of the application of Conventions in the Panama Canal Zone. It is addressing a direct request to the United States Government with a view to obtaining further information on the position.

Upper Volta. The Committee notes that most of the reports do not contain any information on the practical application of the Conventions. It hopes that future reports will, where appropriate, contain such information.

Uruguay. In 1961 and 1962 the Committee had expressed its regret that the 47 reports due had not been supplied. It was informed, however, in 1962 that administrative measures had been taken by the Government to facilitate the preparation of reports in future. The Committee is glad to note that as a result of these measures reports for the period ending 30 June 1962 are now available. As these reports arrived, however, only two weeks before the opening of its session, the Committee had to postpone a full examination to its next session.

While it has thus been impossible to examine these reports in detail, a cursory survey indicates that in certain cases they take into account comments made by the Committee in previous years; in many other cases the information provided is inadequate and is not set out in accordance with the forms of report; in yet other instances it would seem that no progress has been made towards the implementation of Conventions which the Committee had considered in the past to be applied to a very limited extent only: Conventions Nos. 24, 25, 62, 63, 73, 89, etc.

In these circumstances the Committee learned with interest that the Government, when sending these reports, asked the International Labour Office to communicate to it the text of all the observations made by the Committee of Experts since 1959. The Committee trusts that the Government will find it possible to take account of these comments and of the forms of report, when it draws up its next reports and when it considers the action to be taken to ensure full compliance with all Conventions ratified by Uruguay. The Committee trusts, moreover, that the Government will not fail in future to supply these reports by the date requested.

The Committee notes finally that the Government does not indicate whether copies of the reports have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. The Committee hopes that future reports will also contain this information.

Venezuela. The Committee notes with regret that the reports on Conventions Nos. 1, 3, 11, 14, 26, 27 and 29 do not reply to previous observations and requests. Most of the reports do not, moreover, contain any information on the practical application of the Conventions. The Committee trusts that future reports will contain all the information required.

Yugoslavia. As the reports on Conventions Nos. 100 and 102 have not been received the observation and requests on these Conventions must be repeated.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Belgium (ratification: 1926). The Committee takes due note of the Government's statement, in reply to the request made in 1961, that supervisors who participate in

the execution of the work directed by them and shorthand-typists in industrial undertakings are excluded from the Hours of Work Act of 1921 only if they are really employed in a confidential capacity.

Colombia (ratification: 1933). Further to the observations which it has made for a number of years and in the absence of any information on the adoption of the proposed comprehensive revision of the Labour Code, which is to give full effect to the Convention, the Committee must reconsider the question of the effective application of the Convention in Colombia.

In this connection it observes from the statistical information on hours of work in industrial undertakings supplied by the Government to the I.L.O. that in many industries the average number of working hours per week exceeds the maximum of 48 hours prescribed by the Convention: 52 in the food industry, 53 in the beverages industry, 51 in the printing, paper and publishing industry and 63 in the petroleum industry (269 hours per month).

The Committee must therefore urge the Government to review its legislation regarding hours of work and also the practical application of this legislation, so as to adopt appropriate measures in regard to the following points, where action appears to be particularly necessary.

Article 4 and Article 7 (1) (a) of the Convention. Section 166 of the Labour Code of 1950 authorises a 56-hour week in necessarily continuous processes, as permitted under Article 4 of the Convention. However, the practical application of this text would seem to require examination since, for instance, in the petroleum industry (where *certain* processes may rightly be considered as necessarily continuous) the *average* working hours for all workers are 63 per week instead of the 56 prescribed by the Code and by the Convention. The Government refers to a list of processes classed as necessarily continuous in character contained in section 4 of Decree No. 1278 of 23 July 1931. Assuming that this list is presently in force (although section 491 of the Labour Code provides for the repeal of every national measure previously promulgated to regulate matters covered by the Code) the Committee would be glad if the Government would take steps—

- (a) to ensure that only those processes in any industry or branch which are necessarily continuous in character should remain in this list;
- (b) to ensure that the schedules of working hours established and approved in regard to the necessarily continuous processes in no case provide for working hours exceeding 56 per week on the average and, if possible, to communicate copies of such schedules to the I.L.O.

Article 5 and Article 7 (1) (b). The Committee would be glad if the Government would send full information on the working of any agreement concluded under Article 5 of the Convention, and providing for a redistribution of working hours over a certain number of weeks (for example in railways, road transport, construction, etc.) as required by Article 7 (1) (b) of the Convention.

Article 6 and Article 7 (1) (c). Since the statistics supplied by the Government to the Office show that in many industries the average working hours are considerably higher than the maximum permitted by the Convention, the Committee would be glad if the Government would consider reviewing the regulations respecting overtime. At present such exceptions are governed by section 162 (2) of the Code, which authorises four hours' overtime per day, subject to the sole condition that special authorisation be granted to this effect. The Committee would therefore be glad if the Government would—

- (a) take appropriate measures to ensure that such authorisations are granted only on a temporary basis and in order to permit establishments to deal with exceptional cases of pressure of work, as prescribed in Article 6 (1) (a) of the Convention;
- (b) consider the possibility of reducing the number of additional hours permitted over a given period (Article 6 (2)); and
- (c) supply full information on these measures and their application, as required under Article 7 (1) (c).

Article 8 (1) (c). The Committee noted the statement made by a Government representative to the Conference Committee in 1962 that section 108 (5) of the Labour Code ensures compliance with this provision of the Convention. It observes, however, that this section merely requires that the rules of employment must contain particulars concerning the manner in which overtime shall be authorised, recognised and remunerated, whereas the Convention requires that employers shall keep a *record* of all additional hours worked, that is, the number of such hours. The Committee trusts therefore that the Government will not fail to take steps to ensure that, for all categories of industrial undertakings, it shall be necessary for employers to keep such records of additional hours.

Czechoslovakia (ratification: 1921). The Committee notes with regret that in its report for 1960-62 the Government has not answered the observation made in 1961. Consequently, it is obliged to repeat this observation, which read as follows:

The Committee notes with interest that an Act was to introduce progressively a 40-hour working week in mines and a 42-hour week in other branches, as from 1 January 1961. It hopes that it will be possible for the Government to forward a copy of this Act with its next report.

The Committee notes with regret that the Government has again failed to supply copies of the ministerial directives, requested in 1958 and 1960, which contain detailed stipulations as to the cases in which overtime may be worked and which fix the number of additional hours permitted. The importance attached by the Committee to these texts is explained by the fact that the basic Act of 1918 respecting hours of work permits exceptions on a wide scale; thus, the Act provides that up to 240 hours' overtime may be worked in the year "when extra work is necessitated . . . in the public interest or for other reasons" and leaves a certain degree of latitude in view of the working of section 1, i.e. that "the actual hours of work of workers shall, in principle, not exceed eight hours within 24 hours, or 48 hours in the week". Consequently any texts such as the above-mentioned ministerial directives which contain further provisions respecting overtime and which may ensure closer conformity with the Convention, might be extremely useful. The Committee hopes therefore that the Government will not fail to attach copies of these directives to its next report, together with the text of Act No. 37/1959, which was mentioned in the Government's report.¹

Greece (ratification: 1920). The Committee notes with regret, from the statement made by a Government representative at the Conference in 1962, that no immediate measures are being contemplated to remove the discrepancy between the national provisions and those of the Convention by extending the 48-hour week provisions to the categories of railway workers who are at present required to work longer hours. It also regrets that the Government's report for 1961-62 contains no further information on the subject.

The Government having recognised that these workers are in fact entitled to benefit from the standards laid down by the Convention, and no concrete response having been made by it to the repeated calls, by the Conference Committee and the Committee of Experts, for an improvement in the conditions of work of these railwaymen, the Committee can only express its sincere disappointment that the matter should still be pending. Accordingly, it must once again draw special attention to

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

the Government's failure to extend the hours of work provisions to all categories of railway workers, in conformity with its obligations under the Convention.¹

Haiti (ratification: 1952). The Committee notes with regret that the report for 1960-62 contains no new information in reply to the points raised by the Committee in its observations of 1961 and 1962. It is therefore bound to call the Government's attention again to the following points:

Article 1 of the Convention. According to section 104 of the Labour Code of 1961, section 98 (which limits normal hours of work) and section 99 (which determines the circumstances in which overtime may be worked) do not apply to certain undertakings which are covered by Article 1 of the Convention, namely land transport services, laundries, bakeries. The Committee hopes, therefore, that the Government will take steps to modify section 104 of the Code so as to ensure that these undertakings are no longer excluded from the provisions restricting hours of work in sections 98 and 99 of the Code.

The Committee would also be grateful if the Government would indicate whether handling of goods at docks, quays, etc., is regarded as falling within the scope of the activities of transport undertakings and therefore as excluded from the application of sections 98 and 100.

Article 5. The Committee would appreciate a statement from the Government in its next report indicating whether or not recourse is had to this permissive clause.

Article 6. The Committee notes the Government's statement that abuses as regards the number of additional hours worked were prevented by section 100 of the Code, which provides that recourse may be had to overtime with the approval of the labour inspector and after consultation with the workers' organisations and that hours of overtime may be prohibited in periods of unemployment. The Committee appreciates the restrictive value of this provision but points out that Article 6, paragraph 2, of the Convention specifically requires that regulations made by public authorities shall fix the maximum number of additional hours. It hopes, therefore, that steps will be taken to ensure the application of this provision of the Convention by the adoption of appropriate regulations for industrial undertakings.

Article 7, paragraph 1 (*a*). The Government indicates the categories of undertakings authorised to operate continuously; the Committee would be glad to know whether these are the only undertakings falling under section 105 of the Code, which authorises a 56-hour week in certain processes required to be carried out continuously.

Article 8, paragraph 1. The Committee would be glad if the Government would supply specimen copies of the notices to be posted up by employers in virtue of section 109 of the Code, as requested in the report form.

Article 8, paragraph 2. The last paragraph of section 109 of the Code provides that "it shall be unlawful to employ a person outside the hours fixed in virtue of paragraph (*b*) of this section". As paragraph (*b*) refers to rest periods, the Committee wonders whether it was not the intention of the legislature to prohibit employment outside the established working hours, i.e. outside the hours fixed in virtue of paragraph (*a*) of section 109 of the Code.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

The Committee notes that section 44 of the Appendix to the Labour Code provides for the repeal of all Acts or provisions of Acts which are contrary thereto. It would be glad to know whether section 1, fifth paragraph, of the Act of 5 May 1948 is now considered as repealed (this clause provided that time spent by an employee in rectifying errors for which he was responsible should not be counted as overtime).

The Committee trusts that the Government will take the necessary measures to ensure the full application of the Convention and will provide detailed information on all the above points.¹

Peru (ratification: 1945). Further to its observations made in recent years, the Committee notes with regret that the Government's report contains no information concerning the enactment of the new decree, first mentioned by a Government representative to the Conference in 1959, which is to ensure that hours in excess of eight per day and 48 per week may be worked only within the limits prescribed in Articles 3, 4, 5 and 6 of the Convention. Recalling that it has had occasion over a considerable number of years to draw attention to the fact that no measures exist in Peru to regulate overtime hours of work in conformity with the Convention, the Committee can only urge the Government to take all possible steps to secure the enactment of the above-mentioned decree without further delay.¹

Rumania (ratification: 1921). 1. The Committee takes due note of the statement made by a Government representative to the Conference Committee in 1961 that payment for overtime under section 39 of the Labour Code is in all cases based on the standard wage and that no reduction is made because of the worker's unsatisfactory output.

2. The Committee notes that the Government representative expressed the view on the same occasion that since no decisions had been taken in recent years by the Council of Ministers by virtue of the last paragraph of section 57 of the Labour Code to increase working hours beyond the maximum laid down in this section, there was no need to amend the law.

Recalling its observations of 1960 and 1961, the Committee must point out that (a) section 57 of the Code provides for the possibility of infractions of the Convention; (b) in practice no decisions of the Council of Ministers have been recently taken under this section. In these circumstances repeal of this paragraph of section 57 would appear both necessary and feasible. Alternatively, the Government could introduce a measure limiting the number of additional hours which might be permitted in virtue of decisions taken by the Council of Ministers.

3. The Government states in reply to the direct request made in 1961 that section 130 of the Labour Code, which provides that decisions by the Council of Ministers may establish special conditions of employment for wage earners employed in seasonal work, temporary construction work, etc., is in conformity with the Convention. While recalling the Government's statement in its report for 1959-60 that these workers are entitled to the minimum standards prescribed by the Labour Code on the same basis as other workers, the Committee regrets that the Government has never communicated copies of the relevant decisions. In the absence of such information the Committee is unable to ascertain whether or not section 130 is liable to give rise to infractions of the Convention. The Committee trusts, therefore, that the Government will supply information on the action which has been taken in this connection.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Spain (ratification: 1929). The Committee refers to the detailed observations it has made during recent years on the application of the Convention in Spain and to the frequent discussions on the subject in the Conference Committee. It finds however that, in spite of the explanations furnished by the Government, the position regarding the effect given to the Convention is still obscure, particularly as regards the relationship between general labour legislation and labour regulations.

Thus the Committee takes due note of the various legislative texts, mentioned by the Government, which establish the principles to be respected in the hierarchy of labour legislation, labour regulations and collective agreements, and the precedence given to the clauses which are most favourable to the workers. It also notes the Government's statement that the legal procedure as regards national standards having a higher hierarchical position is fully satisfactory; that any violation of these principles may give rise to proceedings before the courts dealing with administrative matters; and that any regulations containing standards inferior to the law would automatically be null and void.

The Committee fully appreciates the efforts made by the Government to clarify the position, and also the validity of the principles enunciated. It finds, however, from the limited documentation available to it, that practice would seem to differ in several respects from these principles. The reasons for the Committee's doubts are illustrated by the following concrete examples:

1. Labour regulations less favourable than the general law: the National Labour Regulations for Road Transport, 1947, contained certain provisions which were contrary to the basic Act of 9 September 1931. Yet these provisions were maintained unamended until 1961, when they were modified as a result of the observations made by the Committee of Experts, and not in virtue of an automatic procedure rendering null and void provisions of regulations which are contrary to the general labour legislation.
2. Labour regulations more favourable than the general law: the Labour Regulations of 12 July 1946 (section 33) respecting bakeries impose greater restrictions on night work than does the Royal Decree of 3 April 1919 (section 3 (3)) which permits extensive exceptions. Nevertheless, by a resolution of 5 July 1961 (Official Bulletin of the Ministry of Labour, September 1961), the Directorate-General for the Organisation of Work in the Ministry of Labour authorised night-shifts in a bakery, and an appeal by the workers concerned against this resolution was rejected. Thus, although the Government has stated that labour regulations take precedence over the general legislation in so far as they contain provisions more favourable to the workers, the above-mentioned resolution shows that the less favourable provisions of the Royal Decree were not in fact invalidated by the labour regulations, and this view is confirmed by the rejection of the appeal made by the workers concerned.

In brief these two examples would seem to show that, whether the more favourable clause is in the general labour legislation, or in the labour regulations approved for the industry in question, there is in fact no guarantee that this more favourable clause will prevail or that an appeal presented by the workers against the enforcement of the less favourable clause will be upheld.

In the light of such examples it is difficult for the Committee to determine what provisions are in fact applied to workers; moreover, as already indicated in previous observations, it is practicably impossible for the Committee to examine all the existing labour regulations and their modifications. It is also impossible to ascertain whether procedures exist which permit workers to appeal against unfavourable decisions.

Consequently the Committee can only indicate once again that the complexity of the situation in Spain regarding legislation on hours of work is such that it is

unable to evaluate the effect given to the Convention, whether in virtue of legislative provisions or in practice.

Accordingly the Committee urges the Government to take steps for the revision of the legislation relating to the Convention, and in so doing to take full account of the observations and requests made by the Committee on Conventions Nos. 1 and 30 and of the various comments made at the Conference Committee. The Committee trusts that there will be no difficulty in taking these measures and recalls in this connection that in 1958 the Government informed the Conference that "work on the revision of the existing labour legislation has reached an advanced stage, and steps will be taken to draft the new provisions so as to avoid any doubts on the matters referred to in the Committee of Experts' observations".¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Canada, Chile, Colombia, Cuba, Greece, India, Kuwait, New Zealand, Pakistan, Portugal, Rumania, Spain, United Arab Republic, Venezuela.*

Convention No. 2: Unemployment, 1919

Chile (ratification: 1933). The Government indicates, in reply to the observation of 1962, that the contemplated reorganisation of the Labour Services is to provide specialised staff for the Employment Service which will be responsible for the functioning of employment agencies in the provinces. The report adds that the establishment of Advisory Committees is also under study.

The Committee takes note of these assurances and urges the early implementation of the above-mentioned plans which will render possible the application of this Convention, which Chile ratified 30 years ago.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Iceland, Sudan.*

Convention No. 3: Maternity Protection, 1919

Argentina (ratification: 1933). The Committee regrets to note that for the fourth time running the Government has not replied in its report to the observations and requests made since 1957. In these conditions it can only repeat its observations in the hope that the Government will supply the details requested on the following points:

1. What are the legislative or other provisions which provide that, in conformity with Article 3 (c) of the Convention, "no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place"?

2. How are maternity benefits ensured to women workers in cases where they have not fulfilled the qualifying period imposed by the insurance scheme for these benefits (Article 3 (c) (second part of the paragraph))?

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

3. What are the legislative provisions or regulations providing that in cases where a woman worker is absent from her work on maternity leave or as the result of an illness arising out of her pregnancy or confinement, it shall not be lawful, until her absence shall have exceeded a minimum period to be fixed by the competent authority, for her employer to give her notice of dismissal during such absence or to give her notice of dismissal at such time that the notice would expire during such absence (Article 4) ?

The Committee trusts that the Government will not fail to supply this information in the near future.¹

Brazil (ratification: 1934). With reference to its previous observations, the Committee notes that the Government, considering that it is unable to give effect to the provisions of the Convention, denounced it in July 1961.

Chile (ratification: 1925). The Committee notes with regret that the Government has once more not replied to the questions which have been the subject of several requests and observations made in previous years on the prohibition of dismissal during maternity leave (Article 4 of the Convention).

The information to which the Government refers, according to which national legislation guarantees to a woman, during the whole period of her maternity leave, the granting of benefits sufficient for her own maintenance and that of her child, concerns only Article 3, paragraph (c), of the Convention, whilst the Committee had asked for clarification concerning the application of Article 4 of the Convention, which establishes a prohibition of dismissal during maternity leave without making any distinction as regards the reasons of such dismissal.

In these circumstances the Committee requests the Government: (a) to indicate if there exist legislative or other provisions which suspend, for female workers on maternity leave, the application of sections 9 and 164 of the Labour Code (valid reasons for dismissal) and, (b) if not, to take the necessary measures to ensure the application of Article 4 of the Convention, under which it shall not be lawful, while a woman is on maternity leave, " to give her notice of dismissal during such absence or to give her notice of dismissal at such a time that the notice would expire during such absence ".

Colombia (ratification: 1933). The Committee notes the information supplied by the Government both in its report and to the Conference Committee and observes that Decree No. 2690 of 1960, approving the general regulations for sickness insurance (other than occupational disease) and maternity insurance has made the Colombian Social Insurance Institute responsible for the payment of maternity benefits to women workers employed in private undertakings. The Committee has also been informed of the new extensions of the social security scheme and hopes that this scheme will be extended, in the near future, to cover all categories of workers in the whole national territory.

However, the Committee notes with regret that the new labour Code, which has been under consideration for several years now, has not yet been adopted. In these circumstances, it can only repeat the observations made in previous years, particularly as regards the following points :

Article 3 (a) and (b) of the Convention. Section 236 of the Labour Code fixes the period of maternity leave at eight weeks instead of the 12 weeks provided for by the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Article 3 (*c*) (last part of paragraph). The Labour Code contains no provisions according to which a mistake by the medical adviser in estimating the date of confinement shall not preclude a woman from receiving benefits due from the date of the medical certificate up to the date on which the confinement actually takes place.

Article 3 (*d*). Section 238 of the Labour Code provides for two interruptions of 20 minutes each for nursing instead of the 30 minutes provided for in the Convention.

Article 4. Sections 239 and 240 of the Labour Code, although laying down the principle of prohibiting dismissal on account of pregnancy or because a woman is nursing her child, provide the possibility of dismissal of a woman during her absence on maternity leave, subject to the prior authorisation of the labour inspector or the local authority, as the case may be, whereas, according to the Convention, it is not lawful for an employer to give a woman notice of dismissal for any reason whatsoever during absence on maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such absence.

The Committee can only urge the Government to take the necessary measures to remove the above-mentioned discrepancies between the provisions of the national legislation and those of the Convention which have existed for 30 years. It trusts that the Government will not fail to indicate the progress achieved in this matter.¹

Cuba (ratification: 1928). See under Convention No. 103.

France (ratification: 1950). The Committee notes the information supplied by the Government, not only in its report but also at the Conference Committee, in reply to the different points raised in the observations and requests made in previous years.

1. As regards the last clause of Article 3 (*c*) of the Convention (mistake of the medical adviser in estimating the date of confinement) the Committee notes with interest that the Court of Cassation in a judgment delivered on 28 March 1962 (which it thanks the Government for mentioning in its report) decided that Convention No. 3, duly ratified by France, prevails over the internal law and that, because of this, daily maternity benefits were due throughout the period starting from the estimated date of confinement and ending on the actual date of confinement when these dates do not coincide and notwithstanding provisions of the social security code to the contrary. The Committee also notes that the Government intends to take the necessary measures to ensure the full application of the Convention on this point and hopes that these measures will be taken in the near future and will be based on the above judgment.

2. As regards Article 3 (*d*) (two nursing periods of 30 minutes each) the Committee notes the statement of the Government that instructions have been given to the labour inspectors that they are to bring these provisions of the Convention to the notice of the employers concerned. The Committee would be grateful if the Government would supply in its next report more precise information on this subject, including any documents containing these instructions, as well as information on the effect given to them by the employers concerned.

3. As regards Article 4 (prohibition of dismissal), the Committee has, following the Government's request to the Conference Committee, re-examined the question

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

but can only repeat that the provisions of this Article of the Convention prohibit the dismissal of a woman worker for any reason whatsoever during the whole period of maternity leave. It seems clear that this prohibition, as regards women during pregnancy or following confinement, merely prolongs the legal period of notice by an additional period corresponding to the time required for the completion of the period provided for in the Convention. Further, the French Government agreed with this point of view in 1956 (in a statement made by a Government representative at the Conference) and in 1957 (in its report). Nevertheless, the Committee will be able, following the general survey which it is to submit in 1965 on the effect given by the various States to the instruments concerning maternity protection, to give more precise information on the position existing in the different countries in this field and the difficulties which they have encountered in the application of the various provisions of these instruments.

Federal Republic of Germany (ratification: 1927). The Committee takes note of the Government's reply to its previous observations and would point out once again with regret that the Maternity Protection Act, 1952, has not yet been amended so as to bring it into conformity with the following provisions of the Convention: Article 3 (c)—payments of maternity benefits to salaried women employees not covered by compulsory insurance; Article 3 (d)—at least two nursing periods to be granted daily; and Article 4—measures prohibiting dismissal regardless of motive during maternity leave or the giving of notice of dismissal at such time that it would expire during such leave.

The Committee notes the Government's statement that account would be taken of the observations made by the Committee during discussion of a proposed amendment to the 1952 Act, submitted to the Parliament in June 1962. The Committee trusts that the amendment of this Act, which has been under review since 1954, will ensure the full application of the Convention in the near future.¹

Hungary (ratification: 1928). The Committee notes with regret that the Government's report does not indicate whether the new Labour Code, which, among other things, should have applied Article 4 of the Convention (general prohibition of dismissal of women workers during their maternity leave), has already been adopted.

The Committee trusts that the Government will supply more precise information on the subject and hopes that the Code will be adopted in the near future, thus putting an end to a discrepancy which has already existed for a number of years.

Italy (ratification: 1952). With reference to its previous observations, the Committee notes with interest that the Bill providing that maternity benefits shall be paid, in future, to all categories of women workers by an insurance scheme or out of public funds, has already been approved by the Chamber of Deputies and submitted to the Senate for study. (Maternity benefits have been, up to now, the responsibility of employers for certain categories of salaried and assimilated women workers.)

The Committee trusts that the Bill will be adopted without delay and so bring the national legislation into conformity with Article 3 (c) of the Convention.

Nicaragua (ratification: 1934). The Committee regrets to note that once again the Government has not supplied a report for the current period and that, as a result, it has not replied to the requests and observations made in previous years.

¹ The Government is asked to report in detail for the period ending 30 June 1963.

In these circumstances, the Committee is obliged to repeat, for the sixth time, its questions in a new direct request and urges the Government to supply, without delay, the information requested on the application of Articles 2, 3 and 4 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba, Gabon, Greece, Ivory Coast, Nicaragua, Rumania, Spain, Venezuela.*

Convention No. 4: Night Work (Women), 1919

Albania (ratification: 1932). In reply to the Committee's previous observation, a Government representative informed the Conference Committee in 1962 that the Government is still examining the questions arising from the divergencies existing between the Convention and the legislation in force but that these questions would be resolved in the near future. As the report for 1960-62 has, however, not been received, the Committee is bound to reiterate its previous observations that "the Convention prohibits night work for all women employed in undertakings specified in Article 1 except in cases of *force majeure* and where the work has to do with materials which are subject to rapid deterioration (Article 4)".

The Committee urges the Government to make every effort to take the necessary action without further delay.

Chile (ratification: 1931). The Committee regrets to note that no action has been taken in order to give full effect to the Convention ratified more than 30 years ago. It can only repeat its previous observation which was as follows:

Chilean legislation is not in conformity with the Convention, as the prohibition of night work contained in Part II, section 48, of the Labour Code of 1931 applies only to wage earners defined in section 2, paragraph 3, of the Code as manual workers, while Article 3 of the Convention relates to all women employed in industrial undertakings, whether they are engaged on manual work or not. The first observation on this point was made by the Committee of Experts over 20 years ago.

The Committee takes due note of the assurance given in the report that the Government attaches great interest to the full implementation of this Convention. The Committee trusts therefore that the Government will take the necessary action without further delay.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Committee notes that a draft Bill designed to prohibit the employment of women at night in industrial undertakings has been prepared and is ready for submission to Parliament.

The Committee can only express the hope once again that legislation giving effect to the provisions of the Convention will be adopted without further delay.¹

Peru (ratification: 1945). As the Committee has pointed out since 1950, the extension of hours of work for women to ten a day permitted under section 10 of Act No. 2851 of 1918 may involve a reduction of their night rest to a period less than the ten hours prescribed by Article 6 of the Convention as the minimum to which the night period may be reduced (only in seasonal undertakings and under exceptional circumstances).

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

The Committee, therefore, takes due note of the assurance given by a Government representative to the Conference Committee in 1962 that national legislation would soon be brought into full conformity with the Convention. The Committee trusts that the necessary measures will be taken without further delay in order to ensure full conformity with the Convention on this point.

Togo (ratification: 1960). The Committee notes with satisfaction from the report for 1959-61 (received too late to be examined in 1962) that sections 2 and 3 of the Order No. 14/MTAS-FP of 6 December 1958 concerning employment of women prohibit night work by women during a period of at least 11 consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning, as required by Article 3 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Congo (Leopoldville), Gabon, Guinea.*

Convention No. 5: Minimum Age (Industry), 1919

Colombia (ratification: 1933). As the Government's report contains no new information, the Committee is bound to point out once again that the national legislation fails to ensure the application of two basic provisions of the Convention: Article 2 (prohibition of the employment of children under the age of 14 years in industry) and Article 4 (register showing the date of birth of persons under the age of 16 years employed in industry).

The Committee urges the Government to give full effect, without further delay, to the provisions of this Convention, which was ratified 30 years ago.

Denmark (ratification: 1923). The Committee notes from the Government's reply to the observation of 1961 that it is considering the question of prescribing registers for all young persons under 16 years of age, including apprentices, which are required under Article 4 of the Convention.

The Committee trusts that the necessary rules, to which reference has been made since 1956, will be adopted shortly.

Haiti (ratification: 1957). Further to its previous observations, the Committee notes with satisfaction that sections 403, 405 and 408 of the Labour Code of 1961 have the effect of prohibiting the employment of children under 14 years of age in industrial undertakings (Article 2 of the Convention).

Malagasy Republic (ratification: 1960). The Committee notes with satisfaction that Decree No. 62-152 of 28 March 1962 (section 23) repeals Order No. 277-IGT of 5 February 1954 which had authorised exceptions as regards the employment of children in domestic services and seasonal light work. The Committee thanks the Government for the measures taken in this connection.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Bolivia, Brazil, Cameroon, Congo (Brazzaville), Gabon, Guinea, Haiti, India, Mali, Niger, Poland, Rumania, Senegal, Spain, Switzerland, Togo, Upper Volta, Venezuela.*

Convention No. 6: Night Work of Young Persons (Industry), 1919

Albania (ratification: 1932). The Committee notes with satisfaction that section 56 of the Labour Code has been amended by a Decree of 9 April 1962 (No. 3484) which raises the age of prohibition of work at night from 16 to 18 years, in conformity with the Convention.

Denmark (ratification: 1923). Further to its previous observations, the Committee notes with satisfaction that Act No. 112 of 30 March 1962 extends the prohibition of night work for young persons to building and construction work.

Hungary (ratification: 1928). The Committee notes the statement made by a Government representative to the Conference Committee in 1962 that the Government would pursue its policy of reducing and eventually of eliminating the employment of young persons at night. Since the report for 1961-62 contains, however, no new information in this connection, the Committee must observe with regret that night work of young persons between 16 and 18 years of age has still not been formally prohibited, as provided for in Article 2 of the Convention (subject to exceptions in a limited number of industries).

The Committee can therefore only urge the Government once again to ensure, in the very near future, full conformity between the national legislation and the Convention.¹

Nicaragua (ratification: 1934). As the report for 1960-62 has not been received, the Committee must assume that legislation prohibiting night work of young persons has not been adopted as yet. The Convention continues thus not to be applied 29 years after its ratification and the Committee can only urge the Government once more to take immediate measures with a view to giving effect to the Convention.¹

Rumania (ratification: 1921). The Committee takes due note from the statement by a Government representative before the Conference Committee in 1962, in reply to its previous observations, that no order has been made under section 85 of the Labour Code which authorises the employment of young persons over 16 years of age at night in industries specified in an order by the Ministry of Labour. In these circumstances, the Committee hopes that the Government will find it possible to amend section 85 so as to limit any order which may be made to the work and undertakings specified in Article 2, paragraph 2, of the Convention.

The Government also indicated in the same statement that the Committee's observation on section 50 of the Labour Code, which defines "night" as an eight-hour period, had been submitted to a working party and that it would be taken into account when the legislation is revised.

The Committee regrets that the reports contain no new information on the progress made in this connection and urges that the Labour Code be brought, without further delay, into conformity with Article 3 of the Convention, under which the term "night" signifies a period of at least 11 consecutive hours.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Gabon, Mauritania, Togo, Venezuela*.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 7: Minimum Age (Sea), 1920

Venezuela (ratification: 1944). The Government indicates in reply to the direct request of 1961 that the register which section 114 of the Labour Act of 1947 requires every employer to keep is not used in practice. The Committee trusts that the Government will take steps to bring this register into force, thus ensuring conformity with Article 4 of the Convention, and that a specimen copy of the register will be supplied with its next report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *China, Colombia, Dominican Republic, Portugal.*

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Argentina (ratification: 1933). In reply to the observation made in 1961 concerning the adoption of legislative provisions for the implementation of the Convention, a Government representative had informed the Conference Committee in 1962 that "the Senate had already approved a draft law modifying sections 1004, 1005 and 1006 of the Commercial Code, with a view to bringing them into harmony with the Convention". The report for the period 1960-62, for its part, also refers to the draft law to modify the above-mentioned sections of the Commercial Code, indicating simply that this draft has been submitted for approval to the competent authorities.

The Committee trusts that the adoption of legislative measures designed to implement a Convention ratified 30 years ago will not be further delayed.¹

Colombia (ratification: 1933). In reply to the observation made by the Committee in 1962 drawing the attention of the Government, once again, to the urgency of adopting, almost 30 years after the ratification of the Convention by Colombia, legislation to ensure its application, the report indicates that the Government intends to urge Congress to approve the draft of the Labour Code which has been submitted to it in a form corresponding to the provisions of the Convention.

The Committee has taken due note of this statement and firmly hopes that legislation giving full effect to all the provisions of the Convention will be adopted without delay.¹

Mexico (ratification: 1937). The Committee has been pointing out for a number of years that under section 126, paragraph XII, of the Federal Labour Act the payment of unemployment benefit to seafarers whose contract of employment is terminated due to fortuitous circumstances or *force majeure* is made dependent on the existence of insurance coverage and the effective payment of his claim by the insurance to the employer, whereas Article 2 of the Convention authorises neither of these conditions but requires the payment of an unemployment indemnity to *each* seaman whose vessel has been lost or has foundered.

In its latest report the Government recognises the existence of this discrepancy of principle, but adds that it would be prepared to eliminate it on condition that it be proved that the discrepancy exists in actual fact and that the detailed considerations put forward by the Government cannot be accepted.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

The Committee learned with interest, on the other hand, of the explanation given by a Government representative to the Conference Committee in 1962 that it was necessary to protect the shipping industry in Mexico and that accordingly the payment of unemployment indemnities was subject to the actual payment of insurance benefits to the shipowner. While taking note of this explanation the Committee must point out that the purpose of the Convention is to protect seamen when they become unemployed due to the loss or foundering of their ship.

The Committee deems it necessary, therefore, to summarise the present position as follows:

- (1) The Government has admitted that section 126, paragraph XII, of the Federal Labour Act, imposes two conditions for the payment of the unemployment indemnity neither of which is provided for in the Convention.
- (2) The Government has in the past referred to section 221 of the General Communications Act, which requires harbour masters not to give clearance to vessels whose owners (or their agents) cannot show that their crews are covered by "insurance for accidents, employment and welfare". The Government has, however, not confirmed, as requested by the Committee in 1956 and 1958, that this insurance specifically and unequivocally includes payment of an indemnity against unemployment arising out of shipwreck for all days of involuntary unemployment, the total amount of which may be limited to two months' wages.
- (3) The Government has not so far supplied information, as provided for in Point V of the report form and repeatedly requested by the Committee, "concerning the number of workers covered by the relevant legislation (and) the number of cases in which indemnities have been granted under Article 2 of the Convention".

In these circumstances the Government's suggestion to the Committee, to prove "that the reasons exposed in detail (by the Government) are unacceptable and that the supposed discrepancy exists in actual fact", must be viewed in the light of Mexico's twofold obligation, under the Constitution of the I.L.O., in regard to a Convention which it has ratified: Article 19, paragraph 5 (*d*), requires it to "take such action as may be necessary to make effective the provisions of such Convention"; Article 22 requires it to report "on the measures it has taken to give effect to the provisions" of the Convention, the report "to contain such particulars as the Governing Body may request".

The indications set forth above, however, show that the provisions in force in Mexico lay down special conditions for the payment of unemployment indemnities which impose restrictions on the application of the Convention not provided for in this instrument and liable therefore to limit seriously the protection it aims to afford.

In these circumstances the Committee can only regret the attitude now adopted by the Government and draw attention once more to the need for taking the legislative measures required to ensure the full application of the Convention.¹

Rumania (ratification: 1930). In its reply to the observation made by the Committee in 1961, the Government limits itself to pointing out that no modification has taken place in Rumanian legislation.

In these circumstances the Committee is obliged to renew its previous observation which was as follows:

In its reply to the direct request of 1959 the Government states that section 20 (*c*) of the Labour Code, as amended by the Decree of 13 July 1956—which authorises the termination of employment

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

if "operations cease for more than a month"—is not applied in practice because seamen would in such a case find employment on another ship.

While taking due note of this statement, the Committee must again point out that the above-mentioned provision of the Labour Code does not ensure the payment of the unemployment indemnity provided for in Article 2 of the Convention. As, according to the Government, no practical effect is given to this provision of the Code, the Committee trusts that a suitable amendment will be introduced so as to give full effect to the Convention.

Consequently, the Committee urgently requests the Government to take the necessary measures without delay to modify section 20 (c) of the Labour Code.¹

Spain (ratification: 1924). The Committee notes that, according to the Government's reply to its request made in 1961, in conformity with section 196 (c) of the National Employment Regulation in the Mercantile Marine, unemployment indemnity in case of loss or foundering of the ship cannot be less than the sum of the wages due for the effective period of unemployment but may be limited to two months' wages.

Sweden (ratification: 1935). The Committee notes with satisfaction that Act No. 211 of 2 June 1961 which amends section 41 (2) of the Merchant Seamen's Act of 30 June 1952 ensures, in conformity with Article 2, paragraph 1, of the Convention, that all seamen regardless of their nationality shall be entitled to unemployment indemnity arising from the loss or foundering of the ship.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Spain*.

Convention No. 9: Placing of Seamen, 1920

Bulgaria (ratification: 1923). In 1961 the Committee had made a direct request concerning the application of this Convention. In the absence of a report the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

Colombia (ratification: 1933). See under Convention No. 8. The Committee has noted, moreover, the Government's statement according to which, after the adoption of the draft Labour Code and in conformity with section 15 of this draft, special services for the placement of seamen will be provided by the employment service organisation. The Committee addresses a direct request to the Government on this subject.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Colombia, Mexico, Poland, Spain*.

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Albania, Byelorussia, Nicaragua, Peru*.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 11: Right of Association (Agriculture), 1921

Albania (ratification: 1957). With regard to workers who are members of agricultural co-operatives, see under Convention No. 87.

Brazil (ratification: 1957). The Committee is grateful for the information and documentation sent by the Government.

The Committee notes that the Government repeats its statement that, in accordance with the principle that a ratified Convention is incorporated in internal legislation in Brazil, all the provisions concerning industrial workers automatically cover workers engaged in agriculture by application of Article 1 of the Convention.

The Committee had pointed out that certain provisions of Legislative Decree No. 5452 of 1943, such as sections 543 and 624, referring to protection against acts of anti-union discrimination and the protection of collective agreements, were not included in Legislative Decree No. 7038 of 1944 concerning rural occupational organisations. The Committee now notes that in ministerial resolution No. 355-A of 20 November 1962, which applies Legislative Decree No. 7038, new provisions appear which do not correspond to those which apply in industrial activities, as for example those contained in sections 3, 7 and 25 which limit rural trade unions to their respective municipal area, impose the presentation of numerous documents and require the approval of the trade union statutes by the Minister of Labour.

In these circumstances, in view of the fact that the Government maintains that a ratified Convention is automatically incorporated in the internal legislation of the country, the Committee considers that it would be desirable to take specific measures to ensure that the provisions of the Convention appear in the legislative texts and, if need be, to amend the legal provisions which are contrary to the Convention, especially those which were adopted after the ratification of the Convention (which may not be considered as tacitly repealed by ratification), so as to avoid any uncertainty as to the law applicable in any given case and at the same time to ensure full knowledge of the position on the part of employers, workers, judges, labour inspectors, etc. The Committee must insist on this point of view and hopes that the Government will take the necessary measures.

Bulgaria (ratification: 1925). In 1959 the Committee had made a direct request concerning the application of this Convention, which it repeated in 1961. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

Byelorussia (ratification: 1956). See under Convention No. 87.

Chile (ratification: 1925). The Committee thanks the Government for the information sent in its report. According to this information, the draft law to amend the provisions of the Labour Code relating to the right of association of agricultural workers has been discussed in the Senate and was sent back to the Chamber of Deputies.

In these circumstances the Committee is obliged to repeat the observations made the previous year:

1. While the Bill now under discussion eases the requirements laid down in section 443 of the Labour Code with respect to the constitution of agricultural workers' trade unions, it still prescribes the two following conditions: that the founders of the union shall have had a minimum period of continuous service on the estate whose workers are represented and that they must represent at least 40 per cent. of the workers on that estate. These conditions, as the Committee has pointed out for several years, result in denying to seasonal or casual agricultural workers the right to set

up trade unions and even make it impossible to form a trade union on estates which employ a large proportion of seasonal or casual workers.

2. According to section 426 of the Labour Code, agricultural workers can constitute a trade union only within the limits of the agricultural undertaking; agricultural workers, therefore, are deprived by law of the right to set up trade unions extending beyond the limits of one undertaking, whereas section 366 of the Code permits workers in industry to set up occupational trade unions as well as work unions.

3. Again, comparison between the legislative provisions applicable to trade unions of industrial workers having chosen the form of the works union and regulations applicable to trade unions of agricultural workers also reveals differences in treatment, some of which have the effect of limiting considerably the right to combine of agricultural workers. Thus, with respect to the administration of their funds, the trade unions of agricultural workers are subject to stricter rules than those of industrial workers. Further, under section 470 (section 53 of Act No. 8811) unions of agricultural workers may not present statements of claims "during the sowing and harvesting periods, which are fixed in each zone by regulations, the duration of each being at least 60 days. Claims may not be presented more than once a year." As the Committee has already emphasised, and especially in 1952, such a restriction, which has no equivalent in the legislation relating to industrial workers—who apparently may present claims at any time (section 505)—leads in practice to a denial to agricultural workers of any right to organise effectively, particularly in the case of seasonal or casual workers who, in agriculture, often represent a considerable proportion of the workers employed.

4. In these circumstances, the Committee, noting further that the commission set up to study the revision of the Labour Code and, especially, of the provisions relating to the right of association of agricultural workers, has not yet finished its work, observes that little progress has been made towards putting an end to the divergencies which have existed for many years between the legislation and the Convention. It can only express the hope, once again, that the Government will make every effort to fulfil the international obligations which it undertook on ratifying the Convention, and will indicate at the 46th Session of the Conference if any progress has been achieved in this connection.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

... according to the report supplied in 1959, when there is a difference between the provisions of the Labour Code and those of "the Trade Union Regulations", it is the provisions of the Labour Code (which make no distinction between agricultural and other workers) which are applied. It appears to the Committee, however, that as long as the Trade Union Regulations have not been repealed or amended, these regulations, which take the form of regulations issued under the Labour Code, will continue to be applied by the administrative authorities and observed by employers and workers. It must again insist, therefore, that the Government take the necessary measures to repeal or amend, as soon as possible, the following provisions of the Trade Union Regulations which, as was pointed out in 1958 in the following terms, restrict "the rights of association and combination" of "persons engaged in agriculture", compared with the rights given to industrial workers:

Section 6 of these Regulations provides that "when over 60 per cent. of the workers wishing to form an agricultural union are unable to read and write... they can only form a works union (*de empresa*)"; whereas industrial workers can choose between four different types of union (*gremiales, de empresa, industriales, mixtos*).

The Committee found that the indirect result of the elimination of the possibility of choosing between the various types of unions, which affects only agricultural workers, might be to prohibit the establishment of any union in undertakings giving permanent employment to less than 42 workers, since works unions, which are the only type that may be formed by agricultural workers, must have at least 25 members (section 203 of the Labour Code) and their members must comprise at least 60 per cent. of the workers in the undertaking (section 8 of the Regulations). In addition, the above-mentioned provisions in combination with those in section 38 of the Regulations which provide for the cancellation of registration, that is to say for the dissolution of any union the membership of which falls below the prescribed minimum, in fact prohibit seasonal workers from forming unions.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Peru (ratification: 1945). The Committee notes with interest the information sent by the Government in its reply to a direct request, according to which Ministerial Resolution No. 06 of 24 April 1962 has been adopted, by which the system of *arrendires* (share-croppers) and *allegados* (subtenants performing certain services) has been abolished in various parts of the country. The Committee understands that consequently these workers, who now become tenants, are covered by Ministerial Resolution No. 009 concerning trade union organisations. Tenants are protected by Convention No. 11, which guarantees to all persons engaged in agriculture the same rights of association and combination as industrial workers.

The Committee hopes that similar measures will be adopted with regard to *arrendires* and *allegados*, wherever they may be in the country, to all of whom the Convention applies, and requests the Government to supply information on the provisions it intends to adopt to accord to these workers the same rights of association and combination as to industrial workers.

Poland (ratification: 1924). See under Convention No. 87.

Rumania (ratification: 1930). See under Convention No. 87.

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

Venezuela (ratification: 1944). The Committee regrets that the Government has limited itself to repeating the comments made in 1960 and that it has not replied to the direct request made by the Committee in 1961. Consequently, the Committee wishes to point out again to the Government that, according to section 136 of the regulations concerning agricultural work, agricultural workers are prohibited from exercising the right of association in several cases in which industrial workers are not subject to equivalent restrictions (see section 231 of the Labour Law).

The Committee also notes that no information has been sent concerning the progress achieved in the preparation of the new regulations concerning agricultural work, which the Government is studying with a view, in particular, to meeting the observations of the Committee and the observations made by the principal agricultural workers' organisations of the country.

The Committee requests the Government to supply information on the progress made with a view to guaranteeing to "all those engaged in agriculture the same rights of association and combination as to industrial workers".

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Brazil, Bulgaria, China, Congo (Leopoldville), Czechoslovakia, Greece, Malaya, Spain, Syrian Arab Republic, Turkey, United Arab Republic, Yugoslavia*.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Portugal, El Salvador*.

Convention No. 13: White Lead (Painting), 1921

Colombia (ratification: 1933). In reply to the Committee's repeated observations on the lack of any legislation prohibiting the use of white lead in painting, a Government representative informed the Conference Committee in 1962 that appropriate regulations would be made to give effect to the Convention, as soon as the Bill amending the Labour Code had been adopted.

The Committee notes, moreover, with interest that a campaign against the manufacture of paints containing white lead has been carried out since 1956 and that no cases of white lead poisoning have come to the attention of the Ministry of Labour.

The Committee is bound to point out, however, that under the terms of the present Convention, which was ratified 30 years ago, the use of white lead, sulphate of lead, etc., must be prohibited by law. The Committee trusts, therefore, that the necessary measures will be taken in the near future.

Gabon (ratification: 1960). The Committee notes with satisfaction that following the Committee's comments the Government adopted Decree No. 283 of 29 September 1962 to give effect to several provisions of the Convention.

Mexico (ratification: 1938). The Committee has for a number of years referred to the need for adopting legislation to prohibit the use of white lead and sulphate of lead and of all products containing these pigments in internal painting operations, unless their use is authorised by Articles 1 or 2 of the Convention. In its report for 1959-61 the Government had referred to Article 6 of the Convention as leaving full latitude to each member State to regulate the application of Articles 1 to 5 as they think fit. The Committee pointed out in 1962 that Article 6, which requires the competent authority to "take such steps as it considers necessary to ensure the observance of the regulations prescribed by virtue of the foregoing Articles" is not intended to leave States having ratified the Convention a choice between adopting or not adopting regulations giving effect to Articles 1 to 5, but merely a choice of the steps to make the prohibition effective.

In a statement to the Conference Committee in 1962, the Government maintained its view that it is unnecessary to adopt the regulations required under the above-mentioned Articles of the Convention because, according to the Government, white lead is not used in Mexico. In its report for 1961-62, the Government adds that the Committee has misinterpreted the text of Article 6 and that the Government continues to consider the regulation of white lead unnecessary in Mexico.

As the factual situation to which the Government refers may change at any moment and as the terms of the Convention require ratifying States to adopt either legislation formally prohibiting the use of white lead in any form or regulations which would ensure that full effect is given to Article 2, paragraph 2, and Article 5 of the Convention, the Committee has no choice but to appeal once again to the Government to introduce legislation ensuring conformity with a Convention which Mexico ratified 25 years ago.

Venezuela (ratification: 1933). The Committee notes from the information supplied in reply to its request that there exists no specific legal provision authorising the competent authority to require, when necessary, a medical examination of workers engaged in painting work (Article 5, III (b) of the Convention). The Committee trusts that appropriate measures will be taken in order to enact such a provision.

The Committee also hopes that the Government will include in its next report the statistics regarding morbidity and mortality requested under Article 7 of the

Convention, as well as the information on the practical application of the Convention requested under Point V of the report form.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Gabon, Mali, Mauritania*.

Convention No. 14: Weekly Rest (Industry), 1921

China (ratification: 1934). The Committee has noted with interest from the information supplied by the Government to the Conference Committee in 1961 that a draft Labour Code, which is to extend the scope of national legislation on weekly rest to include workers not covered by the existing Factory Act and Mines Act, has been prepared by the Ministry of the Interior.

The Committee trusts that the draft code will be enacted at an early date and that a copy will be supplied with the next report.

Colombia (ratification: 1933). In reply to the Committee's previous observations, the Government has referred since 1960, and most recently in the Conference Committee in 1962, to the draft revision of the labour legislation which is pending before Congress. The report for 1961-62 is based, however, on the Labour Code of 1950 and the Committee finds it necessary to refer once more to the following points which have been raised repeatedly in the past.

Articles 1 and 2 of the Convention. Section 4 of the Labour Code of 1950 provides that "employees in State undertakings, public works and other State Services shall not be governed by this Code, but by special measures to be subsequently enacted". The Committee would be glad if the Government would indicate what special measures secure a weekly rest day to such employees.

Article 6. Since the Government has failed so far to communicate to the International Labour Office a list of the exceptions to the requirement of weekly rest made under Articles 3 and 4 of the Convention, as required by Article 6, the Committee must again stress the importance it attaches to implementation of this provision of the Convention and ask the Government to supply a list of such exceptions with its next report.

The Committee trusts that the Government will not fail to supply the information requested, without which it is impossible to appreciate the extent to which effect is being given to the Convention in Colombia.

Gabon (ratification: 1960). Further to its direct request of 1962 the Committee notes with satisfaction that Order No. 2537 of 31 December 1953 concerning weekly rest, as amended by Decree No. 285/PR of 29 September 1962, now applies also to persons employed in water and air transport undertakings (Article 1 of the Convention).

Greece (ratification: 1929). The Committee notes with interest that Royal Decree No. 387/62 secures weekly rest to an increased number of railway employees.

The Committee notes, however, that there remain railway employees for whom the question of weekly rest is still pending, and trusts that the Government will take action to ensure that all workers employed on the railways are entitled to the weekly rest provided for in the Convention.

Poland (ratification: 1924). Article 5 of the Convention. The Committee notes the Government's statement that work in mines on Sundays continues to decrease. The Committee hopes, however, that since work in mines continues to be permitted on one Sunday a month and to be resorted to in practice, the Government will take steps at an early date in accordance with Article 5 of the Convention to provide for the granting of a period of rest in compensation for such work. The Committee notes the Government's statement that dock-workers are entitled to a weekly rest day in compensation for work on Sundays under a collective agreement of 26 February 1959, and would be grateful if the text of this agreement would be supplied with the next report.

Article 6. With reference to its requests made in 1958, 1959 and 1961 that the Government supply, as required by Article 6 of the Convention, a full list of the exceptions to the requirement of weekly rest which have been made under Articles 3 and 4, the Committee takes note of the Government's statement that national legislation does not provide for any such exceptions. The Committee ventures to point out, however, that section 11 of the Hours of Work Act of 18 December 1919, to which the Government refers in its report, permits work on Sundays in certain undertakings and in certain circumstances and, in particular, in cases of economic necessity as authorised by the Council of Ministers. Since the Government has not indicated since 1949 whether any modifications have been made in the list of exceptions made under Articles 3 and 4, the Committee trusts that the Government will not fail to supply full information in its next report, in accordance with the request made in the report form under Article 6, and to indicate separately “(a) total exceptions; (b) the partial exceptions, distinguishing, in the latter cases, suspensions and diminutions and giving as full information as possible regarding such suspensions and diminutions”.

Turkey (ratification: 1946). In reply to the Committee's observation of 1961 the Government assured the Conference Committee of its hope that an amendment of section 144 of the Labour Act of 1936 would be enacted by the time of the next report so as to ensure the grant of weekly rest to all categories of undertakings covered by Article 1 of the Convention without distinction as to the number of persons employed or the importance of the area concerned.

The Committee regrets to note that the report for 1960-62 contains no information concerning the progress made in this connection. It trusts that the necessary measures will be taken as soon as possible to secure the enactment of the amendment and that a copy of the new provisions will be supplied with the next report.

Viet-Nam (ratification: 1955). The Committee thanks the Government for the information supplied in reply to the request made in 1961.

The Committee notes that the draft legislative decree which is to lay down periods of rest to compensate for the exceptions authorised by sections 182, 183 and 190 of the Labour Code has not yet been enacted, but is at present being examined by the National Economic Council on the instructions of the President. Recalling that the Government first referred to the preparation of this decree in its report for 1956-57 and that effect has not yet been given to the provisions of Article 5 of the Convention, the Committee hopes that action will soon be taken to secure the enactment of the decree.

The Committee notes with regret that the Superior Council of Currency and Credit has postponed indefinitely examination of the draft Legislative Decree concerning weekly rest in inland navigation. The Committee recalls that the Order of 31 May 1937 which at present regulates weekly rest in inland navigation merely

requires that employees should enjoy "at least three out of four rest days" during a period of four weeks (section 3) and that in the case of employees "whose duties consist essentially of simple supervision or include frequent periods of inaction" an exception from this requirement is permitted (section 5). The Committee hopes, therefore, that the Government will find it possible to reconsider the possibility of adopting legislation which will provide for stricter regulation of weekly rest in inland navigation.

The Committee regrets also that the regulations which are to revise the provisions for weekly rest on the railways and in tramway undertakings and which were first referred to in the report for 1956-57 as being in preparation have not yet been enacted. The Committee hopes that the Government will make efforts to secure the enactment of these regulations at an early date.

The Committee trusts that the Government in its next report will give full information concerning the measures taken in conformity with the Convention to guarantee weekly rest in the circumstances referred to above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Canada, China, Congo (Leopoldville), Denmark, Hungary, India, Iraq, Mali, Morocco, Portugal, Spain, Venezuela, Yugoslavia.*

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Ceylon (ratification: 1951). The Committee notes with interest the Government's statement that action is being taken to frame regulations to prohibit the employment of persons under 18 years of age as trimmers or stokers (Article 2 of the Convention). The Committee trusts that these regulations will be adopted in the near future and that a copy thereof will be included in its next report.

Turkey (ratification: 1959). Article 5 of the Convention. The Committee notes from the reply to the direct request made in 1961 that the inclusion in the crew list of a space for recording the age or date of birth of persons under the age of 18 years necessitates an amendment of the regulations and that this will be done when the said regulations are amended. The Committee hopes that the next report will indicate whether such an amendment has been adopted.

Article 6. The Committee wishes to thank the Government for the action taken to ensure that articles of agreement shall contain a brief summary of the provisions of this Convention, as requested in 1961.

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In addition, requests regarding certain other points are being addressed directly to the following States: *China, Colombia, Cuba, Morocco, Tanganyika.*

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Nicaragua (ratification: 1934). The Committee notes with regret that once again the report (for 1960-62) has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets to note that, in spite of repeated promises made by the Government that the Department of Social Welfare would issue regulations to give effect to the Convention, the latter is still not applied, as there exist no provisions making the employment of persons under 18 years on vessels subject to the production of a medical certificate (Article 2 of the Convention) and requiring the renewal of the medical examination at intervals of not more than one year (Article 3).

The Committee insists once again that the necessary legislation be adopted to give effect to the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay in order to give effect to the Convention, which was ratified 29 years ago.¹

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In addition, a request regarding certain other points is being addressed directly to *New Zealand*.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Chile (ratification: 1931). Regarding the observation made in previous years the Committee notes with regret that no progress has been made with the Bill which was to create a system of compulsory employment injury insurance and to amend section 276 of the Labour Code. The Committee feels bound to remind the Government that, according to the report for the 1959-60 period, this text had already been submitted to the National Congress. In the circumstances, the Committee can only urge the Government yet again to bring section 276 (relating to compensation for partial permanent incapacity) into conformity with Article 5 of the Convention (payment of a pension in case of permanent incapacity). As in previous years, the Committee again reminds the Government that the Convention was ratified in 1931 and that this discrepancy has been pointed out many times since 1934.¹

New Zealand (ratification: 1938). The Committee has taken note of the information supplied in the Government's report concerning various points that had been the object of previous observations.

Article 10 of the Convention. With regard to the participation by insured persons in the cost of artificial limbs and surgical appliances (after the first three years), imposed by national legislation, the Committee has noted with interest that a draft law is being prepared which will eliminate the existing divergence and which will be presented to Parliament in the near future. The Committee would be grateful if the Government would, in its next report, indicate the progress achieved in this matter.

Article 5. As pointed out by the Committee for several years past, the Employment Injury Compensation Act, which limits compensation payments to a lump sum (equal to a maximum of 274 weekly payments) in the case of death and to periodical payments for a maximum period of six years in the case of incapacity, is not in conformity with the Convention: Article 5 thereof requires in such cases that the compensation shall be in the form of periodical payments which have always been understood to mean a *life pension* or a *pension* for the duration of the contingency. In its reply the Government states that the words of this Article express no particular period or limit of time, that the Committee adheres to strict literal interpretations and that in the circumstances the Government "sees no necessity to pursue the matter further".

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

While taking due note of this reply, the Committee must voice its deep regret at the Government's attitude which raises, moreover, considerations going well beyond the technical problems concerning the application of the above Article of the Convention. The Committee's task is limited to pointing out discrepancies between the terms of a Convention and the relevant national law and practice, so as to ensure that all the countries bound by the Convention satisfy the minimum requirements of the instrument. The Committee would be failing in its task if it were to refrain, in this or any other case, from drawing attention to the existence of national provisions which, in the light of the terms of the Convention and of its application by many other ratifying States over several decades, are incompatible with the Convention.

As the Government has been good enough to take the Committee's views into account in the implementation of Article 10 of the Convention, the Committee expresses the sincere hope that the Government will see its way clear to take similar action in regard to Article 5 as well.

Nicaragua (ratification: 1934). In 1961 and in 1962 the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

United Kingdom (ratification: 1949). The Committee notes with regret that the Government has decided not to modify the rule requiring workmen injured in an industrial accident to make a contribution towards the cost of medicines and appliances. The Government refers to the impending discussion by the International Labour Conference of the question of benefits in case of employment accidents, as motivating its decision.

The Committee is bound to point out, however, once again, that regardless of any action by the Conference as a result of this discussion, the above-mentioned rule is contrary to Articles 9 and 10 of the Convention, which require expenses for medicines and appliances to be paid in full "by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions".¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Leopoldville)*, *Iraq*, *Nicaragua*, *United Arab Republic*.

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

France (ratification: 1931). See under Convention No. 42.

Nicaragua (ratification: 1934). The Committee regrets to note that once again the Government has not supplied its report and that it has not therefore replied to the requests and observations of previous years concerning the extension of the field of application of the social security system.

In these circumstances the Committee can only return to this question and insist that the Government indicate whether the social security system, and particularly the part relative to occupational injuries, has been extended to other categories of workers in different regions of the country outside the capital district.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

The Committee also requests the Government to furnish without delay information on the practical application of the Convention, in conformity with Part V of the report form adopted by the Governing Body.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Leopoldville)*, *Cuba*, *Mali*, *Mauritania*, *United Arab Republic*.

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Brazil (ratification: 1957). Following the requests made in 1960 and 1962, the Committee took due note of the Government's statement that foreign workers as well as national workers, victims of industrial accidents, are subject to the same legal compensation scheme and that consequently no special provisions exist setting out conditions for the payment of benefits to foreigners and their dependants.

Nicaragua (ratification: 1934). The Committee notes with regret that the Government has failed once again to furnish a report replying to the requests which have been made to it since 1958 concerning legislative provisions or regulations ensuring the payment of compensation to workers victims of industrial accidents, or to their dependants, if they live abroad (Article 1, paragraph 2, of the Convention).

The Committee finds it necessary therefore to repeat its request for the sixth time and urges the Government to supply the information in question concerning (a) national workers and their dependants, and (b) foreign workers and their dependants. It would be helpful if this information were supplied as regards both the compensation granted by virtue of the Labour Code and the compensation provided for under the Social Security Scheme.

The Committee equally requests the Government to indicate whether the scope of the amended Social Security Act of 1955 and the Regulation issued so as to apply it has been extended to cover new categories of workers in areas other than the district of the capital.

The Committee must therefore insist that the Government supply without fail the information requested above.

Sudan (ratification: 1957). The report for 1960-62 not having been received, the Committee must once more repeat its previous requests, which were as follows:

Please indicate what legislative provisions or regulations provide for the payment of compensation for industrial accidents occurring in the Sudan:

- (a) when the victim subsequently transfers his residence outside the Sudan;
- (b) when the dependants of the victim reside outside the Sudan at the time of the accident, or when they subsequently transfer their residence outside the Sudan.

The Committee must insist once again that the Government should in its next report supply the information referred to above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia*, *Congo (Leopoldville)*, *Czechoslovakia*, *France*, *Indonesia*, *Ivory Coast*, *United Arab Republic*.

Convention No. 20: Night Work (Bakeries), 1925

Argentina (ratification: 1955). The Committee regrets to note that the Government's report does not contain the information requested in the observation made in 1961. It must therefore repeat this observation which read as follows:

The Committee takes note with interest of the decrees issued by the Governors of the provinces of La Rioja and Corrientes, relating to the temporary exceptions which may be granted in accordance with Article 3 (*d*) and Article 4 of the Convention. The Committee would be glad if the Government would include in its next report, as it stated that it would do, the texts of the regulations adopted in the other provinces as well as the texts of those which determine in what circumstances permanent exceptions may be made by virtue of paragraphs (*a*) and (*c*) of Article 3 of the Convention.

The Committee observes that the Government has failed to reply to the following paragraph of the request made in 1958 and 1959:

The Committee would be glad if the Government would (*a*) supply the text of Collective Agreement No. 150 of 5 August 1954, and of the relevant decision of the Arbitration Tribunal (No. 30/56), together with the text of any other collective agreement applicable in bakeries; (*b*) supply the information requested under Point V of the report form, in particular as regards the number of workers covered by the relevant legislation, the exceptions allowed under Articles 3 and 4, number of workers affected by these exceptions, the nature of the contraventions reported, etc.

The Committee trusts that the Government will not fail to supply this information in the near future.

Bulgaria (ratification: 1929). Having regard to its past observations regarding the need for appropriate legislation, the Committee notes with satisfaction the adoption of Regulation No. 929 of 30 May 1962 concerning hours of work in bakeries and assimilated establishments.

Colombia (ratification: 1933). The Committee notes that the Government merely refers to the information previously supplied. In these circumstances the Committee can only deplore the fact that there exist no provisions to give effect to the Convention in Colombia, 30 years after ratification. The Committee must therefore urge the Government to take measures without further delay to prohibit night work in bakeries during a period of at least seven consecutive hours, permitting only those exceptions authorised by the Convention and ensuring that the prohibition of such work is effectively enforced.¹

Finland (ratification: 1928). Further to its previous observations, the Committee notes with satisfaction that the Bakeries Act of 9 June 1961 extends the scope of the prohibition of night work to all establishments where bakery products are made.

Spain (ratification: 1932). The Committee took note with interest of the Government's statement that it intends to revise the regulation in force relating to night work in bakeries (regulation of 12 July 1946) and that it is examining the question in the light of observations made by the Committee so as to increase the prohibited period from six to seven hours (Article 2 of the Convention).

As the Government has however referred to the revision of the above-mentioned regulation since 1958, the Committee notes with regret that a resolution dated 5 July 1961 of the General Directorate of Labour Regulation of the Ministry of Labour (Boletín oficial del Ministerio del Trabajo, September 1961, p. 978) authorises the working of shifts in a bakery during the period within which work is prohibited by the Convention and, in part, by the regulation of 1946. Since effect appears thus not to be given to the fundamental requirement of the Convention, the Committee trusts the necessary amendments will be enacted without further delay to bring national legislation into conformity with this Convention, which was ratified 30 years ago.¹

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Spain, Sweden*.

Convention No. 21: Inspection of Emigrants, 1926

A request regarding certain points is being addressed directly to *Japan*.

Convention No. 22: Seamen's Articles of Agreement, 1926

Argentina (ratification: 1950). The Committee notes the statement made in 1962 by a Government representative to the Conference Committee—and confirmed in the report for 1960-62—according to which the committee studying the measures necessary to bring the national legislation into conformity with ratified Conventions has recommended to the competent authorities that Article 13 and Article 14, paragraph 2, of the Convention, as adapted to national conditions, be incorporated in the Commercial Code.

As the Government has referred to this revision of the legislation since 1954 and as other provisions of the Convention (for example, Article 9) do not appear to be applied by existing legislation, the Committee trusts that the necessary measures will be taken and that they will ensure complete conformity with all the provisions of the Convention.

Mexico (ratification: 1934). The Committee has noted the information supplied in reply to the observation made in 1962. It notes with interest that, while reiterating the opinion that the application of Article 9 of the Convention results from the ratification of the instrument by Mexico, the report adds that the Marine Ministry has been approached with a view to taking appropriate measures in accordance with Article 9, paragraph 2, to determine "the conditions in which notice must be given, in such a manner as to avoid any subsequent dispute between the parties".

The Committee has also studied the copy of the seafarer's book attached to the report and notes that this document does not appear to be in harmony with the Convention, since the headings "Conduct Observed" (*conducta observada*) and "Aptitude Shown" (*aptitud manifestada*) permit a judgment of the quality of work of the seaman, contrary to the provisions of Article 5, paragraph 2.

Finally, with regard to Article 9, paragraph 1, of the Convention, which provides that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, the Committee notes that according to the current state of Mexican legislation, the position may be summarised as follows:

1. Section 123 of the Federal Labour Act entitles a worker to cancel (*rescindir*), in general, his contract of employment for a variety of reasons (failure to receive wages, dishonourable or dishonest acts on the part of the employer, dangerous or unhygienic working conditions, etc.) imputable to the employer. As section 146 completely prohibits the cancellation (*rescisión*) of a seaman's contract in a foreign port, the seaman is thus unable to terminate his agreement of his own free will, although the various reasons enumerated in section 123 may make it desirable for him to do so in a foreign port.

2. The Government indicated in the Conference Committee in 1962, as it had on previous occasions, that section 146 constituted a more favourable provision for

workers; the Committee can, therefore, only reiterate that Article 9, paragraph 1, of the Convention is more advantageous as it guarantees the seaman full freedom of choice and movement in regard to the circumstances and place of cancellation of the contract for an indefinite period. It should also be recalled that paragraph 3 of Article 9 envisages the possibility for national legislation to determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement.

3. The Government also referred, in the Conference Committee in 1962, to section 126 of the Labour Act as enabling a contract to terminate (*terminar*) by the will of the parties without any obstacle. The causes for termination enumerated in this section depend, however, on *force majeure* (death of the employee, bankruptcy of the undertaking, termination of the work) or on the will of the employer (closing down of the undertaking, incompetence of the employee) or on the mutual consent of the parties, so that the seaman would clearly be unable to terminate his contract under this section without the consent of the employer.

4. Finally, the Government refers once again in its most recent report to Article 133 of the Mexican Constitution under which this Convention has become binding law in Mexico. While the Committee notes with interest in this connection that the full text of the Convention was published in the Mexican Labour Review in 1961, it would point out, as it did in 1962 in connection with another Convention, that neither such publication, nor summarised references to the Convention in privately published editions of the Labour Act, would enable employers and workers, in all circumstances, to ascertain their rights under Article 9, paragraph 1, of the Convention, whereas the existing legislation is incompatible with this paragraph of the Convention, as indicated above.

In view of all the considerations set forth above, the Committee trusts that the Government will see its way clear to amend section 146 of the Labour Act so as to give clear and unequivocal effect to this fundamental requirement of the Convention.

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

... the Committee can only refer to the observations made in previous years and insist once again that the Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3, 4, 5, 6, 9, 13, 14) not hitherto applied in Nicaragua.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Venezuela, Yugoslavia*.

Convention No. 23: Repatriation of Seamen, 1926

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

... the Committee can only refer to the observations made in previous years and insist once again that the Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3 (paragraphs 2, 3 and 4), 4 and 5) not at present applied in Nicaragua.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, a request regarding certain other points is being addressed directly to *Argentina*.

Convention No. 24: Sickness Insurance (Industry), 1927

Nicaragua (ratification: 1934). In 1960, 1961 and 1962 the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua, Norway*.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Nicaragua (ratification: 1934). See under Convention No. 24.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua, Peru*.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Czechoslovakia (ratification: 1950). The Committee takes due note from the Government's reply to the request of 1961 that section 5 of Act No. 244/1948 is no longer practical and, therefore, no exceptions to wage regulations are authorised by the State Wages Commission or the ministries concerned; further, that special wages for some jobs are introduced as new regulations, and not as exceptions to existing wage rates.

In these circumstances the Government may wish to repeal the above-mentioned section so as to eliminate any possibility of abatement of wages, in conformity with Article 3, paragraph 2 (3), of the Convention.

Ecuador (ratification: 1954). In previous years the Committee had made a direct request concerning the application of this Convention. In the absence of a report the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Venezuela (ratification: 1944). As the report does not reply to the requests made in 1960 and 1961, the Committee trusts that the Government will not fail henceforth to indicate whether any minimum wage boards are now in existence, and provide information on the practical application of the Convention (e.g. trades in which minimum wage fixing machinery exists, approximate number of workers covered, wage rates in force) as required under its Article 5.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bolivia, Brazil, Burma, Chad, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Ecuador, Gabon, Ghana, India, Luxembourg, Mexico, Morocco, Portugal, Spain, Tunisia, United Arab Republic.*

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Argentina (ratification: 1950). The Committee notes with regret that no progress has been made in implementing Article 1, paragraph 4, of the Convention, under which national legislation must determine "whether the obligation for having the weight marked . . . shall fall on the consignor or on some other person or body". As the Government first indicated in its report for 1957-58 that the inclusion of an appropriate requirement in the revised Commercial Code was under consideration by the competent authorities, the Committee trusts that the necessary legislation will be adopted at an early date, so as to give effect to the above-mentioned provision of the Convention.

India (ratification: 1931). Further to its previous observations the Committee notes with satisfaction that the Marking of Heavy Packages Act, 1951, has been amended by the Marking of Heavy Packages (Amendment) Act, 1961, so as to permit the appointment of inspectors. The Committee hopes that these officials will be appointed at an early date.

Indonesia (ratification: 1933). The Committee notes from the report that no progress has yet been made towards the full implementation of the Convention in all Indonesian ports. It hopes that the Government will find it possible to extend the application of the Convention to the ports where it is not yet applied and that future reports will contain full information on this point.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Cuba, Norway, Pakistan, Portugal, Spain, Venezuela.*

Convention No. 29: Forced Labour, 1930

Bulgaria (ratification: 1932). The Committee notes that, although no report has been supplied, the Government gave certain explanations before the Conference Committee in 1962.

1. Special Labour Services. The Government representative at the Conference in 1962 stated that, by virtue of Article 2, paragraph 1, of the Convention, forced labour involved compulsion against the will of the persons concerned, and that the Special Labour Services had nothing to do with forced labour.

The Committee regrets that it finds itself unable to accept this view. It recalls that, under Article 2, paragraph 2 (a), of the Convention, work or service exacted in virtue of compulsory military service laws is excepted from the definition of "forced or compulsory labour" for the purpose of the Convention only if it is "for work of a purely military character". As the Committee has previously observed, in Bulgaria, under the Act of 1958 concerning regular military service and the Decree of 27 March 1954 concerning the Special Labour Services (as amended in 1955), persons may be compulsorily called up for two years' service in the Special Labour Services, for employment on construction projects and in agricultural work. The Committee also recalls its earlier statement that such compulsory labour services do not form part of the normal civic obligations of the citizens of a self-governing country, within Article 2, paragraph 2 (b), of the Convention.

The Committee, therefore, trusts that, in accordance with the Government's obligations under Article 1 of the Convention "to suppress the use of forced or compulsory labour in all its forms", measures will be taken to abolish recruitment for the Special Labour Services under the compulsory military service laws.

2. Self-taxation of the population. The Government representative stated at the Conference in 1962 that the services in question were voluntary. However, as the Committee has previously noted, under section 8 of the Act of 6 February 1958 respecting the self-taxation of the population, all men between 18 and 60 years of age and all women between 18 and 55 years of age are required to contribute a specified number of hours of labour (subject to certain exemptions provided for in section 9). It would, therefore, not appear possible to regard the labour in question as voluntary. As the Committee has previously noted, according to section 1 of the Ordinance of 14 February 1961, the labour exacted under the Act of 1958 is to be used for the execution of capital investment projects not covered by the national economic plan, including schemes such as the electrification of villages, water supplies, local improvement schemes, schools, roads, drainage, etc.

The Committee trusts that, in accordance with the Government's obligations under Article 1 of the Convention, this form of forced or compulsory labour will also be abolished.

Dominican Republic (ratification: 1956). The Committee regrets to note that the Government's report does not contain the information asked for in the direct request originally made in 1960 and repeated in 1962. The Committee is once more repeating this request, and trusts that the Government will not fail to supply the information in question in its next report.

Ecuador (ratification: 1954). The Committee is very much disappointed that the Government has not supplied a report for the 1960-62 period, notwithstanding the fact that already in 1962 it had to express its serious regret at the Government's persistent failure to supply information in reply to the direct requests made every year since 1959. The Committee urges the Government without fail to provide full particulars on the various points raised in its requests.

Iceland (ratification: 1958). The Committee regrets to note that the Government has not supplied a report for the 1960-62 period, and that, therefore, no information is available in answer to the direct request made in 1961 and 1962. The Committee is once more repeating this request, and trusts that the Government will supply full particulars on the various points raised therein.

Liberia (ratification: 1931). The Committee notes that the Commission appointed under article 26 of the Constitution of the International Labour Organisation to

examine the complaint by Portugal concerning the observance by Liberia of this Convention presented its report on 4 February 1963, and that at the 154th Session of the Governing Body of the International Labour Office (March 1963) the parties to the complaint indicated, pursuant to article 29, paragraph 2, of the Constitution, that they accepted the Commission's recommendations.

The Committee has also taken note with interest of the detailed report on the application of the Convention for 1960-62 supplied by the Government of Liberia.

The Committee observes that, in paragraph 461 of the report of the Commission appointed under article 26 of the Constitution, it was recommended that Liberia should indicate regularly in its reports, under article 22 of the Constitution, the action taken to give effect to the recommendations made by the Commission. The Committee accordingly requests the Government to supply information in this respect in a report for 1962-63.

Nicaragua (ratification: 1934). The Committee regrets to note that the Government has not supplied a report for the 1960-62 period, and that, therefore, no information is available in answer to the direct request made in 1959 and 1960. The Committee is once more repeating this request, and trusts that the Government will supply full particulars on the various points raised therein.

Portugal (ratification: 1956). See under Convention No. 105.

Sudan (ratification: 1957). The Committee regrets to note that the Government has not supplied a report for the 1960-62 period, and that, therefore, no information is available in answer to the direct requests made in 1960 and 1962. The Committee is once more repeating this request, and trusts that the Government will supply full particulars on the various points raised therein.

Venezuela (ratification: 1944). The Committee regrets to note that the Government's report does not contain the information asked for in the direct request originally made in 1960 and repeated in 1962, notwithstanding the observation made in 1962, in which the Committee emphasised the importance of the questions raised and asked the Government to supply a detailed report for the 1961-62 period. In these circumstances, the Committee is obliged once more to repeat this request, and urges the Government to supply detailed information on the points raised therein in a report for 1962-63.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Congo (Leopoldville), Costa Rica, Dominican Republic, Ecuador, Gabon, Ghana, Guinea, Hungary, Iceland, Iran, Ivory Coast, Libya, Mali, Mauritania, Nicaragua, Peru, Poland, Portugal, Sudan, Sweden, Tanganyika, United Arab Republic, Upper Volta, Venezuela.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Haiti (ratification: 1952). The Committee refers to its previous observations and requests on this Convention. It finds that further information or action is necessary on some provisions of the Convention and it hopes that the Government will follow up the various points raised in the request addressed to it directly by the Committee.

Norway (ratification: 1953). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee takes note of the detailed information sent by the Government in reply to the observation and request made in 1959. It finds, however, that the 1958 amendment of the Workers' Protection Act of 1956, although introducing a shorter working week, did not remove the discrepancies between the said text and the provisions of the Convention, to which the Committee had drawn attention.

The Committee trusts that the detailed indications given in a direct request, both as regards measures to be taken with a view to ensuring the application of certain provisions of the Convention (restrictions on the number of hours which may be worked in a day, and on the cases in which overtime may be worked) and as regards the supplementary information needed in respect to some points, will facilitate the elimination of these discrepancies.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Spain (ratification: 1932). See under Convention No. 1.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Finland, Haiti, Luxembourg, Norway, Spain, United Arab Republic.*

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950). The Committee takes note of the Government's report, which repeats the statement made by a Government representative in the Conference Committee in 1962 that the Government is taking all possible steps with a view to bringing the national legislation into conformity with the Convention and is for this reason trying to obtain the agreement of the employers' and workers' organisations.

Further, the Committee notes that the Government mentions once again Decree No. 6284 of 1960, which regulates the loading and unloading operation in the Port of Buenos Aires, and also the provisions of Articles 86 to 104 of a 1916 decree issued for the purpose of applying Act No. 9688 on industrial injuries and occupational diseases. However, as pointed out in the observations made in 1961 and 1962, the said decrees give only a very limited effect to Article 12 of the Convention concerning precautions to be taken in connection with work carried out in proximity to goods which are in themselves dangerous, and do not correspond in any way to the other provisions of the Convention.

In these circumstances, the Committee must once again request the Government to take the measures necessary to apply in full a Convention which was ratified by Argentina in 1950.¹

Belgium (ratification: 1952). In reply to observations made to it in 1961 and 1962 the Government states that it continues to be of the opinion that it is desirable that Article 6 of the Convention (protection of hatchways) should not apply to ships engaged in inland navigation. However, as Article 1 of the Convention provides that the Convention is applicable to inland shipping it follows that those persons working on the ships in question remain without the benefit of an important safety standard set up for their protection.

In these circumstances the Committee can only repeat once again its request that the Government, by virtue of the obligation undertaken by Belgium when ratifying the Convention, should ensure the full application of Article 6 of the Convention to ships engaged in inland navigation.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Bulgaria (ratification: 1949). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has noted with interest the provisions of the Water Transport Safety Regulations, 1959, which were adopted to secure the application of the Convention.

However, the Committee has not been able to ascertain what effect is given to certain Articles of the Convention, which are enumerated in a direct request. As the Committee has, in the absence of a detailed report, been unable fully to assess the situation, it would be glad if the Government would indicate in its next report, in respect of each Article of the Convention, the relevant provisions of national legislation, as well as the measures which have been taken or which it is proposed to take with regard to the matters mentioned in the direct request.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

China (ratification: 1935). The Committee takes note of the text of the new Regulations for the Safety and Protection of Dock Workers published by the Ministries of the Interior and of Communications on 17 May 1962. It notes with satisfaction that the Regulations would appear to give effect to the following provisions of the Convention which previously had not been applied: Article 5, paragraph 3; Article 8, paragraph 1; Article 9, paragraph 2, subparagraph (1); Article 11, paragraph 3; Article 11, paragraph 4; Article 17, paragraph 1; Article 17, paragraph 2.

However, neither the previous legislation nor the new regulations mentioned above would appear to apply the following provisions of the Convention: Article 5, paragraph 2, subparagraph (d); Article 9, paragraph 2, subparagraph (3); Article 17, paragraph 3.

Moreover, the following provisions of the Convention seem to be only partially applied: Article 9, paragraph 2, subparagraph (2) (b); Article 9, paragraph 2, subparagraph (4); Article 12.

The Committee hopes that the Government will not fail to take the measures necessary to bring the legislation into conformity with these provisions of the Convention also.

France (ratification: 1955). The Committee made certain observations in 1961 and 1962 with regard to the application of the Convention to inland navigation (Article 1 of the Convention). The Government refers, in connection with this Article, to the Act of 6 September 1947 (No. 47-1746) on the organisation of the handling of goods in the ports. However, the Committee notes that this Act of 6 September 1947 deals with the organisation of labour in the ports and not with the protection of dockers against accidents and that Decree No. 55314, intended to give effect to the provisions of the Convention, is applicable only to loading and unloading operations carried out on ocean-going vessels.

Bearing in mind that the Convention is applicable not only to ships engaged in maritime navigation but also to ships engaged in inland navigation, the Committee is bound to request the Government once again to take measures to ensure the application of the Convention to inland shipping.

Italy (ratification: 1933). Following its observation for 1961 the Committee notes the information supplied by the Government to the effect that local regulations, conforming to the Articles of the Convention, have come into force for certain Italian ports, and that with regard to other ports new regulations are being drawn up which will conform to a greater degree with the Convention.

The Committee notes however that the Government has given no information on the work of the committee which had been set up by the Ministry of Labour with

a view to unifying and supplementing regulations designed to ensure the application of the Convention.

In these circumstances the Committee must once again request the Government to take all the measures necessary to give full effect to the provisions of the Convention.

Mexico (ratification: 1934). The Committee notes with interest that the Government, after having indicated to the Conference Committee in 1962 that it was not necessary to adopt new regulations to give effect to the Convention, stated in its report for 1960-62 in reply to a direct request made in 1962 that it will take steps to adopt the necessary measures for the full application of Articles 4, 6, 11 and 13 of the Convention. These provisions of the Convention require the intervention of the national authorities to ensure application.

The Committee takes note of the Government's statement and trusts that the legislative measures and regulations in question will be taken in the near future, to give full effect to a Convention which Mexico ratified nearly 30 years ago.

Spain (ratification: 1934). Following its direct requests made in 1959 and 1961, the Committee notes with satisfaction the ordinances of 24 February 1962 and of 18 May 1962 issued by the Government so as to give effect to paragraphs 3, 4, 5 and 6 of Article 5 of the Convention (safe means of access to holds).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Cuba, Finland, France, Italy, Spain*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Argentina (ratification: 1950). The Committee notes from the Government's reply to its previous observations and requests that the committee which is to bring national legislation into conformity with the provisions of the international labour Conventions has taken note of the remarks of the Committee concerning this Convention.

The Committee recalls that Article 1, paragraph 3 (a), of the Convention makes exemptions for employment in family establishments only where such employment is not "harmful, prejudicial or dangerous within the meanings of Articles 3 and 5" and that Article 3, paragraph 2 (b), prohibits the employment of children between 12 and 14 years of age during the night (between 8 p.m. and 8 a.m.).

The Committee trusts that action will be taken at an early date to ensure full compliance with these provisions of the Convention.

Austria (ratification: 1936). Further to the observations which the Committee has made in the past as regards this Convention, it notes with satisfaction that the Federal Act of 5 April 1962 regulating the employment of young persons and children in light and casual work amends the Act of 1 July 1948 so as to prescribe the safeguards required by Article 3, paragraph 1, of the Convention.

Ivory Coast (ratification: 1960). Further to its request of 1961 the Committee notes with satisfaction that Decree No. 61-189 of 18 May 1961, amending the Order of 28 April 1954, restricts the exceptions which were permitted previously with regard to the employment of children between the ages of 12 and 14 to certain light work and in particular in domestic service, in conformity with the requirements of Article 3 of the Convention.

Malagasy Republic (ratification: 1960). Further to its request of 1961, the Committee notes with satisfaction from the report for 1960-62 that section 79 of the new Labour Code prohibits employment of children under 14 years of age, as required by Article 2 of the Convention, and that section 1 of Decree No. 62-152 dated 28 March 1962 prohibits the employment of young persons under 18 years of age in any employment which on account of its nature or the circumstances in which it is carried out may be dangerous to their health or morals (Article 5 of the Convention).

Togo (ratification: 1960). Further to its direct requests of 1959 and 1961, the Committee notes with satisfaction that Order No. 93 of 31 March 1961 restricts the exceptions authorised as regards the employment of children over 12 years of age on light work, and in particular in domestic service, in conformity with the provisions of Article 3 of the Convention.

* * *

A general request, concerning both metropolitan and non-metropolitan territories, is being addressed directly to the States which have ratified this Convention; in addition, individual requests regarding certain other points are being addressed to the following States : *Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Malagasy Republic, Mauritania, Senegal, Spain.*

Convention No. 34: Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935). A Government representative informed the Conference Committee in 1962, in reply to the observation of the same year, that fee-charging employment agencies still exist with regard to domestic servants and that, as yet, no legislative measures have been taken to prohibit such agencies. The Government adds, in its report, that steps have been taken to prevent the issuing of licences to these agencies and that the competent authorities have also been requested to overcome the obstacles referred to in the Committee's observations.

The Committee takes due note of these statements and trusts that appropriate measures will be adopted in the near future to abolish all fee-charging employment agencies conducted with a view to profit and to regulate such agencies not conducted with a view to profit, in accordance with the requirements of the Convention.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Argentina (ratification: 1955). The Committee thanks the Government for the information supplied in its report in reply to the observation and the direct request made in 1961 in connection with Articles 3, 6 and 8 (b) of the Convention.

The Committee regrets that it has not yet been found possible, for reasons of an economic nature, to put the national legislation in conformity with Article 9, paragraph 4, of the Convention, which provides that the public authorities shall contribute to the financial resources or to the benefits of insurance schemes.

As the Government indicated in its report for 1957-58 that a draft revision of the legislation on social security was under consideration, the Committee would be glad if the Government would include in its next report information on the progress made in this field.

Bulgaria (ratification: 1949). The Committee notes the statement made by a Government representative to the Conference Committee in 1961 in reply to the

observations and requests made during the course of previous years in respect of the suspension of pension rights as an additional punishment for certain crimes against persons, public property, or the national economy, cases of suspension which are not listed amongst those provided for in Article 8 of the Convention. In this statement the Government, while explaining that the courts of law rarely have recourse to the provision of national legislation authorising the suspension of pension rights, said that it was prepared to consider an amendment of the legislation in order to bring it into full conformity with the Convention.

The Committee notes this intention, but observes with regret that no new indication of the progress achieved in this matter has been supplied since then because the Government has not supplied a report for the period under examination. The Committee hopes, therefore, that the Government will not fail to supply information on this matter and to transmit, if so, a copy of the texts adopted.

Peru (ratification: 1945). The Committee notes with regret that the Government has not supplied a report for the period 1960-62. Nevertheless it notes the new legislation on the pension scheme for workers and employees adopted in 1961 and 1962 (that is: Act No. 13640 of 22 March 1961 in respect of the Workers' Pension Scheme and its Regulations approved by the Supreme Decree No. 013 of 7 August 1961; Act No. 13724 of 18 November 1961 and its Regulations of 11 January 1962, completed by Act No. 14069 of 11 July 1962) and requests the Government to supply in its next report—in conformity with the indications contained in the report form adopted by the Governing Body—information on the way in which this legislation gives effect to the various provisions of the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Czechoslovakia, France*.

Convention No. 36: Old-Age Insurance (Agriculture), 1933

Argentina (ratification: 1955). See under Convention No. 35.

Bulgaria (ratification: 1949). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia, France*.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35 (the comments concerning Article 8 of that Convention also apply to Article 9 of Convention No. 37).

Peru (ratification: 1945). See under Convention No. 35.¹

* * *

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Czechoslovakia, France.*

Convention No. 38: Invalidity Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 37.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia, France.*

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35 (the comments concerning Article 8 of this Convention also apply to Article 11 of Convention No. 39).

Peru (ratification: 1945). See under Convention No. 35.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia.*

Convention No. 40: Survivors' Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 39.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia.*

Convention No. 41: Night Work (Women) (Revised), 1934

Gabon (ratification: 1960). The Committee notes with satisfaction that the Government has adopted Decree No. 286P.R. of 29 September 1962, which excludes the exceptions to the prohibition of night work by women previously authorised under General Order No. 3759 of 25 November 1954.

Hungary (ratification: 1936). Although a Government representative had informed the Conference Committee in 1962 that progress had been made in the application of the Convention, the Committee notes with regret that the report provides no new information on the legislative measures designed to prohibit the employment at night of women in industry. The Committee can, therefore, only insist once more that the national legislation be brought without further delay into full conformity with the Convention, which prohibits night work by women in industrial undertakings, except in the cases specified in Article 4 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Peru (ratification: 1945). See under Convention No. 4.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Guinea, Venezuela*.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

France (ratification: 1948). The Committee notes the information supplied by the Government to the Conference Committee as well as the report which it supplied for 1961-62, in reply to the observations of previous years. It regrets to note that no measures have yet been taken to bring national legislation into full conformity with the Convention. As a detailed report on this Convention will be due from the Government for the current period, the Committee wishes to draw the Government's attention at this time to the following points:

The Government's report refers once again to the way in which the principle of the presumption of occupational origin, laid down by the Convention, is applied by French legislation, whereas this question has not been raised by the Committee. The Committee's observations and requests have only been made regarding the schedule of occupational diseases, which contains a limited list of the different pathological manifestations giving right to compensation, whereas the schedule contained in the Convention is drafted, in this respect, in much more general terms and thus covers all pathological manifestations caused by toxic substances or their noxious agents listed in the Convention.

The enumeration, in the French legislation, of some only of these symptoms and pathological manifestations caused by the substances or agents in question is likely to exclude from entitlement to compensation disorders or diseases which are either serious or not yet fully identified and recognised, but which, however, have an occupational origin. Moreover, this list often does not take into account the disorders caused by a defined product or by certain of its compounds, whereas the Convention covers all the compounds of this product. For example, the symptoms due to poisoning by lead and its compounds, which are limitedly enumerated in the list to the French legislation, do not cover poisoning by tetraethyl lead; similarly the symptoms due to poisoning by mercury and its compounds which are limitedly enumerated in the list to the French legislation do not cover all poisonings which may be caused by organic compounds of mercury, etc. Thus, the limitations contained in the list laid down by the national legislation restrict the scope of the protection provided by the Convention and reduce the number of cases giving right to compensation.

As regards the other points raised in the Committee's observations, regarding poisoning by the halogen derivatives of hydrocarbon and poisoning by phosphorus and its compounds of the aliphatic series (a part only of which figures in the national legislation), primary epitheliomatous cancer of the skin (the national legislation only mentions ailments caused by pitch) and anthrax infection (the legislation does not mention, among the trades corresponding to this disease, the loading and unloading or transport of merchandise in general), the Government is requested to refer to the remarks made in this respect in the requests of 1959 and 1960, which remain valid.

The Committee trusts that the Government will take the above-mentioned considerations into account, and will not fail to indicate in the above-mentioned detailed report the measures contemplated to abolish these discrepancies, the existence of which has been drawn to the Government's attention for several years.

Haiti (ratification: 1955). The Committee notes once again with regret that, despite repeated observations and direct requests (since 1958), no progress has been made as regards the amendments to be made to the list of occupational diseases so as to bring it into conformity with the Convention.

In these circumstances, the Committee can only insist once again that the Government take, as soon as possible, the necessary measures to eliminate the numerous discrepancies which exist between the national legislation and the Convention. These discrepancies are mentioned in a new request addressed directly to the Government.

The Committee also insists that the Government supply, in its next report, the information requested several times on the generalisation of the compulsory insurance scheme, provided for in the Social Insurance Act of 1951, as amended, and in sections 568 and 569 of the new Labour Code.

Republic of South Africa (ratification: 1952). Further to its previous direct requests the Committee notes with satisfaction that Notice No. R. 90 of 27 April 1962 has completed the list of occupational diseases and the corresponding trades by adding to poisoning by benzene, poisoning by the nitro and amino derivatives of this product, and to pathological manifestations due to radiation, manifestations caused by radioactive substances other than radium and X-rays.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Bolivia, Congo (Leopoldville), Cuba, Haiti, Republic of South Africa.*

Convention No. 43: Sheet-Glass Works, 1934

Bulgaria (ratification: 1949). In 1962 the Committee had made a direct request concerning the application of this Convention. The report for 1960-62 not having been received, the Committee must deal with this matter once again in an observation.

The Committee recalls that in 1959, in reply to observations made by the Committee, the Government indicated that new provisions were being proposed respecting hours of work in automatic sheet-glass works, which would apply to the workers covered by the Convention. In spite of direct requests made in 1959 and 1961 on this subject, no further information has been supplied regarding these proposed provisions nor regarding the general application of Conventions Nos. 43 and 49.

The Committee must therefore point out that, although there are provisions prescribing a six or seven-hour working day for certain categories of workers in the glass industry, the information available is insufficient to enable the Committee to ascertain whether or not these provisions cover all the workers falling within the scope of the Conventions, or whether these workers are all entitled to the benefits of the other provisions laid down in the Conventions.

In these circumstances, the Committee urges the Government to indicate in its next report all the legislative texts relating to the application of the Conventions in the undertakings covered by these instruments and to supply information not only on the maximum daily hours of work, but also on the effect given to the various other provisions of the Conventions.

Czechoslovakia (ratification: 1938). The Committee notes with regret that the report for 1960-62 does not contain the detailed information requested in 1960 and 1961 on the manner in which effect is given to Conventions Nos. 43 and 49. It recalls that this matter has been pending since 1949 and, while noting the Government's statement (Conference Committee, 1960) that the Conventions are fully

applied in practice, it must once again urge the Government to include in its next report, under each Article of the Convention, all the detailed information requested in the report form adopted by the Governing Body.¹

Mexico (ratification: 1938). The Committee refers to its requests of 1959 and 1961 and urges the Government (*a*) to indicate whether there exist in Mexico any automatic sheet-glass works, other than the works in Nuevo Leon mentioned in the report for 1958-60; (*b*) if so, to supply the texts of the collective agreements relating to these works.

The Committee must also once again urge the Government to indicate what are the provisions whereby employers are required to keep records of additional hours worked and compensation granted, in conformity with Article 4 (*c*) of the Convention.

Convention No. 44: Unemployment Provision, 1934

A request regarding certain points is being addressed directly to *Bulgaria*.

Convention No. 45: Underground Work (Women), 1935

China (ratification: 1936). The Committee notes with regret that no measures have been taken to eliminate the following discrepancies between the national legislation and the Convention, ratified 27 years ago:

1. The Mines Act, 1950, refers only to mines which employ simultaneously 50 or more workers, whereas the Convention applies to all mines regardless of the number of workers employed.

2. Regulation 187 of the Regulations for the Security of Mines, which appears to be still in force, provides that women may, with special permission, undertake light work connected with transport in mines, whereas the Convention does not authorise any such exception to the prohibition of underground work by women.

The Committee trusts that the Government will, without further delay, take the necessary measures to bring the national legislation into conformity with the Convention by prohibiting all forms of underground work by women in mines not authorised by the Convention.

Hungary (ratification: 1938). Further to its previous observations the Committee notes with satisfaction that Decree No. 4 of 5 April 1962 of the Minister of Labour, regarding the protection of the life and health of women and young persons, prohibits underground work of women in mines, as laid down in Article 2 of the Convention.

United Arab Republic (ratification: 1947). Further to its direct requests of 1960 and 1962, the Committee notes with satisfaction that Order No. 64 of 11 February 1960 has prohibited underground work of women in mines and that under Presidential Decree No. 1900 of 1962 this prohibition applies to all mines, whether public or private.

Yugoslavia (ratification: 1952). The Committee notes with interest from the Government's reply to the observation of 1962 that in virtue of an instruction issued by the Secretariat of Labour of the Federal Executive Council the labour inspectorate

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

may not grant any exceptions from the prohibition of work by women underground in mines, authorised under section 76 of the Act respecting employment relationships.

The Committee noted moreover the assurance given by a Government representative to the Conference Committee in 1962 that, in the course of the forthcoming revision of the legislation on employment relations, section 76 of the above Act would be amended so as to bring it into full conformity with the Convention. The Committee hopes that this amendment will soon be adopted as the present wording of section 76 allows for wider exceptions than are authorised under Article 3 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Dominican Republic, Honduras, Hungary.*

Convention No. 47: Forty-Hour Week, 1935

Requests regarding certain points are being addressed directly to the following States: *Byelorussia, Ukraine, U.S.S.R.*

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

A request regarding certain points is being addressed directly to *Yugoslavia.*

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

Bulgaria (ratification: 1949). See under Convention No. 43.

Czechoslovakia (ratification: 1938). See under Convention No. 43.¹

* * *

In addition a request regarding certain other points is being addressed directly to *Mexico.*

Convention No. 50: Recruiting of Indigenous Workers, 1936

Argentina (ratification: 1950). The Committee regrets to note that legislation to implement the provisions of the Convention has not yet been enacted. Recalling that the Convention was ratified 13 years ago, and that the Committee has had occasion to comment on the matter since 1958 (the last observation was made in 1961), it trusts that such legislation will be adopted without any further delay.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Leopoldville), Tanganyika.*

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 52: Holidays with Pay, 1936

Argentina (ratification: 1950). The Committee has taken due note of the Government's reply to its 1962 observation supplying information according to which the courts have always considered that days of absence from work owing to accident or sickness cannot be deducted from holidays and that a draft Bill has also been prepared which expressly brings the provisions of national legislation into conformity with the text of the Convention.

The Committee hopes that this Bill will be passed in the near future thus confirming the practice of the courts to which the Government refers and bringing the national legislation expressly into line with Article 2, paragraph 3 (*b*), of the Convention.

Byelorussia (ratification: 1956). In the report for the period 1959/61, which was received too late for examination in 1962, the observation made by the Committee of Experts in 1960 has not been taken into account.

The Committee must, therefore, repeat this observation, which was as follows:

The Committee notes that under sections 91, 116 and 120 of the Labour Code provision is made for the replacement of holidays by compensation in cash or for the postponement of holidays. The Committee points out that the Convention authorises no exceptions whatsoever to the granting of annual leave with pay and that in virtue of Article 4 of the Convention any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday shall be void. It hopes therefore that the Government will take the necessary measures to ensure that the legislation is brought into conformity with the Convention.

Cuba (ratification: 1953). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation concerning interruptions of work due to sickness which, according to a Government representative, were absolutely separate from the right to holiday and were not counted in the annual paid holiday. The Committee has inquired repeatedly in virtue of what provision this separation is ensured, and hopes that the Government will be able to provide this information without further delay.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Byelorussia, Iraq, Peru, United Arab Republic*.

Convention No. 53: Officers' Competency Certificates, 1936

Bulgaria (ratification: 1949). In 1962 the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Philippines*.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

A request regarding certain points is being addressed directly to *Liberia*.

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Albania (ratification: 1957). The Committee notes with satisfaction that, following the direct request made in 1962, the Government has issued the Decree of 9 April 1962 prohibiting the conclusion of contracts of employment with children under 15 years of age in maritime work (Article 2 of the Convention).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, Liberia, Turkey*.

Convention No. 59: Minimum Age (Industry) (Revised), 1937

Albania (ratification: 1957). Further to its previous observation, the Committee notes with satisfaction that Praesidium Decree No. 3484 of 9 April 1962 amends section 9 of the Labour Code so as to prohibit the conclusion of contracts of employment with children under 15 years of age in industry.

China (ratification: 1940). The Committee notes with interest from the Government's reply to the observation of 1961 that provision has been made under section 48 of the draft Labour Law to fix the age of admission of children to work in mines at 15 years, as provided in Article 8, paragraph 3, of the Convention. The Committee hopes that the draft Labour Law will be adopted soon and thus bring national legislation into conformity with the Convention.

Pakistan (ratification: 1955). The Committee notes from the Government's reply to the requests made since 1958 that the proposed amendment to the Mines Act is still under consideration. In the circumstances, the Committee can only observe once again that effect is not given to Article 7, paragraph 5, of the Convention, which requires a certificate of medical fitness for all young persons under the age of 17 years employed in mines (whether on the surface or underground).

The Committee trusts that the necessary legislation will be adopted shortly.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Byelorussia, Cuba, Ghana, Iraq, Italy, Luxembourg, Philippines, Tanganyika, Ukraine, U.S.S.R.*

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Cuba (ratification: 1954). The Committee notes with satisfaction the Government's statement to the Conference Committee in 1962 that Resolution No. 143 of 22 May 1959 (which authorised the employment of young persons at night on light work) has been repealed by Resolution No. 3705 of 22 May 1962, and that the legislation has thus been brought into conformity with Article 3, paragraph 4, of the Convention.

Luxembourg (ratification: 1958). The Committee notes with interest from the information supplied in reply to the request of 1962 that the Bill relating to the

protection of children and young workers has been amended to ensure conformity with Article 2, Article 4, paragraph 2 (a), and Article 6 of the Convention. The Committee trusts that this Bill will be adopted shortly.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Byelorussia, Cuba, Italy, Luxembourg, Ukraine, U.S.S.R.*

Convention No. 62: Safety Provisions (Building), 1937

France (ratification: 1950). The Committee notes with interest that the special Subcommittee of the Occupational Safety Committee entrusted with the revision of the Decree of 9 August 1925 is actively continuing its work. It notes in particular that, in order to bring the new regulations into conformity with the Convention, the above-mentioned Subcommittee has taken into consideration the following provisions of the Convention which were the object of observations in 1961 and 1962: Article 7, paragraphs 1, 2, 3 (c), 5, 6 and 8; Article 8, paragraph 1 (a), (b); Article 9, paragraph 2; Article 10, paragraphs 1, 3 and 5; Article 16, paragraph 1.

In view of the fact that the revision of the above-mentioned decree has been under consideration since 1956, the Committee hopes that the government regulations intended to replace the decree will be ready and brought into force in the near future, so as to ensure the full application of the Convention.

Mexico (ratification: 1941). The Committee notes the information supplied in reply to the direct request made in 1962 as well as copies of the Regulation on Building and Public Services in the Federal District, of 1951, which the Government has supplied for the first time. It notes that this Regulation gives effect, in general, to the provisions of the Convention, except for the following points:

Articles 11 to 15 of the Convention. The provisions of Chapter 42.4 of the Regulation on Building, to which the Government refers, seem to cover, despite their general character, only lifts and other hoisting machines permanently installed in buildings. The Convention is concerned with provisional hoisting machines used in the course of building work.

Article 17. It does not seem that special measures of protection are provided, as the Convention requires, in respect of work carried on in proximity to any place where there is risk of drowning.

On the other hand, the Committee recalls that in a report received in October 1961, the Government recognised the need to extend the application of the standards of the Convention to all the states of the Republic and indicated that it had sent the text of the Convention to the state Governors so that they could take it into account in the framework of local legislation. The Government added that as a result of this communication "it did not doubt that it would soon be able to make known the result of such action".

The report for 1960-62 contains no statement of the progress achieved in this matter, but indicates on the other hand that, according to the general census of 1960, of the 225,000 persons occupied in the building industry, 162,000 worked outside the federal district.

The Committee must therefore observe, once again, that the great majority of building workers do not appear to benefit from the measures of protection provided for by the Convention.

In these circumstances, it can only renew its appeal to the Government that it take without delay the measures which are essential in order to ensure the full application of the Convention throughout the national territory.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Finland, Federal Republic of Germany, Poland, Spain, Tunisia.*

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Cuba (ratification: 1954). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has taken note of the promulgation of an Act, No. 907 dated 31 December 1960, to establish a Directorate of Statistics in the Ministry of Labour and an Act, No. 761 dated 18 March 1960, respecting a census of workers. It notes that these two new legislative instruments provide for the compilation of statistics on wages and hours of work.

As this new legislation is now in force, the Committee trusts that, as indicated in the report, the Government will take the necessary measures to compile and publish as soon as possible the statistics provided for in the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Requests regarding certain points are being addressed directly to the following States: *Congo (Leopoldville), Ghana.*

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Cuba (ratification 1953). In 1962 the Committee had made a direct request concerning the application of this Convention. The report for 1960-62 not having been received the Committee must deal with this matter once again in an observation.

The Committee would be glad if the Government would confirm that the texts of Decree No. 2513, Legislative Decree No. 800 and the Order of 4 January 1934 are brought to the attention of those concerned in a form containing the amendments made in conformity with article 66 of the Constitution.

In addition, so as to put all the documents necessary to assess the effect given to the Convention at the Committee's disposal, the Committee requests the Government:

- (i) to supply copies of the collective agreements which fix conditions of work in road transport undertakings;
- (ii) to supply copies of the drivers' workbooks provided for in the Ministerial Decision of 9 January 1956 (which the Committee requested already in 1958);
- (iii) to indicate in what form the registers or documents indicating hours of work and of rest are kept by employers and made available to the enforcing authorities, in accordance with Article 18 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Furthermore, having regard to the Government's statement that in practice drivers prefer to accumulate working hours up to 192 hours in order to be able to rest for the remainder of the month, the Committee requests the Government to indicate the measures which are taken or which it is proposed to take to determine, in accordance with Article 6 of the Convention, the maximum number of hours that may be worked in any week when the calculation of hours of work as an average is permitted, and to ensure that drivers enjoy in every period of 24 hours the rest prescribed by Article 15, paragraph 3, and in every period of seven days the rest prescribed by Article 16, paragraph 2.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Convention No. 68: Food and Catering (Ships' Crews), 1946

Argentina (ratification: 1956). The Committee notes with regret that no specific provisions have been adopted as yet with a view to ensuring the application of the Convention. As the Government had already indicated in its report for 1958-59 that measures had been initiated to bring the legislation into conformity with the Convention, the Committee must urge the Government to make every effort to give effect to this instrument through suitable legislative and practical action.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France, Italy, Netherlands, Norway, Portugal*.

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Government indicates in its report that the Convention is applied in the case of private vessels by the Maritime and River Law and in the case of government vessels by the State Merchant Marine Service Regulations, and that shipowners require a medical examination for all seafarers prior to their entering employment on board.

While noting this information, the Committee notes with regret that none of the information requested in 1958, 1959, 1960 and 1962 has yet been supplied. In these circumstances, the Committee can only insist once more that the Government provide this information which is asked for in a request addressed to it directly.

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A request regarding certain points is being addressed directly to *Argentina*.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Requests regarding certain points are being addressed directly to the following States: *Albania, Byelorussia, Luxembourg, Philippines*.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Requests regarding certain points are being addressed directly to the following States: *Albania, Byelorussia, Cuba, Iraq, Luxembourg*.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Cuba (ratification: 1954). The Committee notes with satisfaction from the Government's reply in the Conference Committee in 1962 to the observation of the same year that Resolution No. 143 of 22 May 1959 which authorised the employment at night of young persons as messengers, commissionnaires, etc., in restaurants, clubs, cabarets, etc., has been repealed by Resolution No. 3705 of 22 May 1962, and thus the legislation has been brought into conformity with Article 3, paragraph 1, of the Convention.

Dominican Republic (ratification: 1953). The Committee notes from the report that, by virtue of section 2 of Act No. 5475 (dated 20 January 1961), to amend sections 26 and 227 of the Labour Code, the age of 18 years, wherever it is mentioned in the Code and in the provisions issued thereunder, is reduced to 16 and consequently the prohibition of night work for young persons (section 224 of the Code) now only applies to young persons under 16 years of age, whereas Article 3, paragraph 1, of the Convention prohibits the employment at night of young persons under 18 years of age. Thus, the above-mentioned provision of section 2 of Act No. 5475 is contrary to the Convention.

The Government states that it has taken advantage of Article 7 of the Convention. However, this Article is only applicable to a "Member which, before the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations restricting the night work of children and young persons in non-industrial occupations". As this provision thus does not allow any Member having ratified the Convention to reduce an age limit of 18 years already prescribed by the national legislation, the Committee hopes that the legislation will again be brought into full conformity with Article 3, paragraph 1, of the Convention in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Byelorussia, Cuba, Dominican Republic*.

Convention No. 81: Labour Inspection, 1947

Ceylon (ratification: 1956). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Government's report for 1959-61 does not indicate, in reply to the observation of 1960, whether any action has yet been taken to require labour officers to treat the source of any complaint as absolutely confidential (Article 15 (c) of the Convention). The Committee hopes that measures to give effect to this requirement of the Convention will be adopted at an early date.

The Committee also notes that the section of the Administration Report of the Commissioner of Labour for 1960, dealing with Occupational Health and Research, does not include statistics of occupational diseases as required by Article 21 (g) of the Convention.

As the Administration Report for 1961, which is now available, also fails to contain the statistics referred to above, the Committee trusts that the Government will take all possible steps to ensure that this information is included in the next Administration Report.

Greece (ratification: 1955). The Committee notes the statements made by the Government both to the Conference Committee and in the report supplied on the

application of the Convention for the period 1961-62, in reply to the observation and direct request made in 1962.

However, it notes with regret that these replies are not satisfactory and it must urge the Government to take the necessary measures to eliminate the following discrepancies between national legislation and practice and the provisions of the Convention.

Article 12, paragraph 1 (c), and Article 13 of the Convention. Since 1958 the Committee has pointed out to the Government that the provisions of Decree No. 2954/54 on the organisation of the labour inspectorate do not give full effect to the above-mentioned provisions of the Convention, which deal with the powers of inspectors. In reply, the Government indicated in 1959 that a new regulation would fulfil the requirements of the Convention on these points. The Committee having noted in its observation in 1962 that the new regulation in question (Decree No. 868 of 1960) did not contain the necessary provisions, the Government representative at the Conference replied that the Decree of 1960 simply supplemented the Decree of 1954 "which defined the powers of inspectors in conformity with the Convention". As it was the Decree of 1954 itself which was the subject of the earlier observations, the Committee trusts that the Government will re-examine the problem and take the necessary measures to give full effect to these basic provisions of the Convention as soon as possible.

Article 14. The Government representative at the Conference stated in 1962 that a ministerial decision had made it the duty of the medical practitioner who diagnosed an occupational disease to inform immediately the Institute of Social Insurance, whereas the Committee has emphasised that according to this Article, it is to the services of the Labour Inspectorate that these notifications of occupational diseases should be made. The Government is requested to take measures to ensure that in future the Labour Inspectorate must be informed of any cases of occupational diseases diagnosed.

Articles 20 and 21. Although section 7 (2) and (3) of the Decree of 1954 provided for the establishment of an annual general report on the activities of the labour inspectorate, and despite several observations by the Committee on this point, no such report has yet reached the International Labour Office. Consequently, the Committee requests the Government to indicate if such reports are published regularly each year and contain all the information required under Article 21 of the Convention and to take the necessary measures to ensure that in future such reports are sent to the I.L.O. within three months after the end of the year to which they relate (Article 20).¹

Pakistan (ratification: 1953). The Committee regrets to note that, according to the information contained in the report, the adoption of new legislation intended to amend the Mining Act, 1923, and the Factory Act, 1934, to give full effect to Articles 12, 14 and 15 of the Convention, has again been delayed because—since the adoption of the new Constitution of 1962—labour questions are within the competence of provincial governments. It notes, however, that the Government hoped to submit the Bill in question to the National Assembly during its next session in March 1963. The Committee trusts that the amendments concerned will be adopted in the near future.

Furthermore, the Committee notes the Government's report for 1960 on the application of the Workmen's Compensation Act, 1923, in East Pakistan. It notes

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

that—other than this report—the last inspection reports received by the I.L.O. relate to the year 1959 (in two cases) or to previous years, and that no report has yet been supplied on the application of the Sind Shops and Establishments Act and the Mines Maternity Benefits Act. The Committee must recall that under Article 20 of the Convention the Government is required to publish each year, within 12 months of the year to which it relates, a general report on the activities of the Labour Inspectorate concerning the application of the various Acts within its competence and that this report, which should contain information on all the points mentioned in Article 21 of the Convention, should be transmitted to the International Labour Office within three months of its publication. The Committee trusts that the Government will take all the necessary measures to give effect to the Convention also on these points.

United Arab Republic (ratification: 1956). The Committee notes the information supplied by the Government which only partially replies to the requests made in 1959, 1960 and 1962. Consequently, it requests the Government to supply information on the following points:

Article 3, paragraph 2, of the Convention. As the report simply restates information previously supplied, please indicate whether labour inspectors are given additional functions to those which are enumerated in paragraph 1 of this Article.

Article 6. Please communicate a copy of the regulations governing service in the Labour Inspectorate, as well as information on their conditions of service.

Article 12, paragraph 1 (*a*). Please indicate whether orders have been made under section 212 (4) of Act No. 91 of 5 April 1959 to prescribe “how the effective inspection of work by night and outside working hours is to be achieved”, and if so, please supply copies of the text.

Article 12, paragraph 1 (*c*) (iii) and (iv). Please indicate which legislative provisions give labour inspectors power to fulfil the functions described in the paragraphs mentioned above.

Further, the Government has not supplied any information on the effect given to Articles 12 (paragraph 2), 15, subparagraphs (*a*) and (*c*), 17, 22, 23 and 24 of the Convention which were also the subject of the request mentioned above.

The Committee trusts that the Government's next report will contain the information requested.

Finally the Committee notes with regret that the Government has not replied to the requests made since 1959 on the subject of the measures taken to publish and transmit to the International Labour Office the annual report on the work of the labour inspection services, which is provided for in Article 20 of the Convention, and which should cover the subjects enumerated in Article 21. The Committee trusts that the Government will take the necessary measures to give effect to these important provisions of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Iraq, Jamaica, Luxembourg, Pakistan, Spain*.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

Niger. The Committee regrets to note that the Government has not supplied information on the application of this Convention and merely states that the Con-

vention has not been ratified by the Republic of Niger. At the time of its admission to the I.L.O. in February 1961 the Government undertook to apply the provisions of this Convention until it could proceed to the ratification of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Committee therefore hopes that the Government will supply a detailed report for the period up to 30 June 1963 and that this report will arrive in time to permit the Committee to examine it at its next session in 1964.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ghana, Somali Republic*.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

Requests regarding certain points are being addressed directly to the following States: *Central African Republic, Congo (Leopoldville), Gabon, Togo*.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Messrs. Korovin and Gubinski, members of the Committee, stated that they could not subscribe to the observations of the Committee as regards the application of the Freedom of Association Conventions in the socialist countries. They expressed their conviction that the conclusions of the report in this respect appear to be influenced by the mechanical transfer to the socialist system of concepts tied to the capitalist system. In their view this transfer distorts the aspects of social reality and may lead to erroneous conclusions. Messrs. Korovin and Gubinski feel compelled to draw the attention of the Committee to the fact that the observations may slow down if not impede the ratification of Conventions and their practical application.

The Committee wishes to emphasise in this connection, as it had done in 1962, its opinion that "in compliance with its terms of reference, while noting the various political, economic and social conditions in different countries, it is not called upon to express any view concerning the systems of different countries but simply to examine, from a purely legal point of view, to what extent the countries which have ratified Conventions give effect in their legislation and practice to the obligations which derive therefrom". The Committee considers that it would be acting in violation of its mandate if it did not point out that States which have ratified Convention No. 87 must grant to workers and employers the rights and guarantees laid down in the Convention.

* * *

Albania (ratification: 1957). The Committee thanks the Government for the information supplied in reply to the request which it had addressed to it.

1. The Committee has noted that up to the present time there has not been any case in which a foreigner has been refused the right of affiliation to a trade union and that no provision exists contrary to the exercise of this right by foreigners.

2. The Committee notes that the Government has not made any comment with regard to the observations presented in 1961 and in particular with regard to the following observations:

¹ The Government is requested to supply a detailed report for the period ending on 30 June 1963.

1. The Committee has noted that according to section 228 of the Labour Code "the structure, operation and duties of the trade unions shall be determined in their rules, as approved by the Albanian Congress of Trade Unions". The obligation for the trade unions to have their structure "approved" by a confederation designated by name in legislation does not appear to be compatible with the Convention. It is in fact evident that section 228 permits the "Albanian Congress of Trade Unions" to approve the establishment of an organisation which might wish to remain outside the trade union hierarchy (as enumerated in section 227 of the Code) of which the Congress is one of the higher organs. This kind of delegation of powers established by legislation to an organisation, therefore, leads in fact to a requirement of "previous authorisation" contrary to Article 3 of the Convention. Further, this provision does not appear to respect the "freedom of choice" of the founders of an organisation who, according to the Convention, shall have the right to establish, if they so desire, a new organisation independent of any organisation already in existence.

.....

3. Section 228 imposing the requirement of approval by the Albanian Congress of Trade Unions of the rules and, in consequence, of the "functioning" and "tasks" of trade unions, and the penultimate paragraph of section 229, according to which trade union rules "and the directives issued by the Central Council of Trade Unions shall determine the extent" to which the rights accorded to trade unions "shall be exercised by the different trade union authorities" result in a primary trade union organisation being prohibited from formulating a programme of activity independent of that of the inter-union organisation. These provisions are not compatible with Article 3 of the Convention, according to which workers' and employers' organisations shall have the right "to draw up their constitutions and rules" and "to organise their administration and activities and to formulate their programmes", the public authorities being required to "refrain from any intervention which would restrict this right or impede the lawful exercise thereof".

4. Finally, the provisions referred to above are also not in conformity with the provisions of Articles 5 and 6 of the Convention, according to which federations and confederations shall enjoy all the guarantees prescribed by the Convention with respect to the establishment and functioning of primary organisations.

The Committee therefore expresses the hope that the Government will take all necessary measures to repeal or amend the provisions referred to above.

3. With regard to the right of association of the directors of enterprises, the Government states that they are subject to the generally applicable rules in this matter. The Committee concludes from this that if they should wish to establish, as salaried employees, their own professional organisations they must do so with the authorisation of the Albanian Congress of Trade Unions. If the directors of enterprises should wish, on the other hand, to organise themselves outside the trade union movement of salaried workers, they could do so according to the regulations of Law No. 2362 of 1956 concerning non-profit associations.

4. With regard to non-salaried workers, that is to say members of production co-operatives, they are excluded from the field of application of trade union legislation. With regard to agricultural co-operatives or craftsmen co-operatives, the Committee has pointed out, on several occasions, that they could not be considered either in law or in fact as "workers' organisations" in the sense of Article 10 of the Convention. If these non-salaried workers cannot form trade unions regulated by the Labour Code and if their co-operatives cannot be considered as workers' organisations in the sense of the Convention, there remains for them the possibility of establishing non-profit associations regulated by Law No. 2362.

5. The Committee notes that according to the terms of section 7 of Law No. 2362, the associations regulated by this text are authorised to represent the economic and legal interests of their members on condition that they do not belong to a trade union. However, to be able to establish these associations the approval of a competent public authority must be obtained, authority which varies according to the territorial field of action of the association (sections 8 and 10), the association may only obtain legal personality and function legally if the competent authority approves its statutes (section 12). These associations are under the control not only of the public authority, but also of Councils of the People and of other social organisations

(sections 14 and 15). In certain cases the public authority may order the expulsion of a member or of a director of an association, order the provisional dissolution of its executive committee and even dissolve the organisation itself (sections 17 and 20). All these provisions are manifestly incompatible with the provisions of the Convention, which provide in particular that trade unions must be allowed to establish themselves "without previous authorisation" to adopt "freely" their statutes and their programme without "intervention on the part of the public authorities" (Articles 2 and 3) and "shall not be liable to be dissolved or suspended by administrative authority" (Article 4).

6. The Committee regrets that the Government has not replied to a request addressed to it, namely whether article 21 of the Constitution establishing that "... the Albanian Labour Party... [is] the leading core of all organisations of workers both social and state" results in rendering it *legally* impossible for any group of workers to establish a trade union if they so desire independent of the Labour Party.

7. The Committee also regrets that the Government has not supplied the texts which had been requested, namely: the rules of the Albanian Congress of Trade Unions, the text of the provisions of a general nature (civil code and others) applicable to associations, the provisions applicable with respect to the right of meeting, the text of the penal code, etc.

The Committee expresses the hope that the Government will study the measures which it might take with a view to bringing national legislation into harmony with the Convention and that it will supply the information and the texts requested.

Burma (ratification: 1955). The Committee notes with regret that the report for 1960-62 has not been received. The Committee notes however the information communicated by the Government to the Conference Committee in 1962, according to which certain amendments to the Trade Unions Act had been considered in the light of the observations made. No further information has been received by the Committee as regards the amendment of the existing legislation and it is therefore bound to repeat its previous observation, which was as follows:

1. The Committee has noted with interest that the Government is studying the amendment of section 4 of the Trade Unions Act, as amended, which is not in harmony with the Convention. As the Committee pointed out in a request addressed directly to the Government in 1961, this section, which provides that a trade union may not be registered unless it has as members more than 50 per cent. of the total number of employees in the undertaking or establishment concerned, is not in conformity with Article 2 of the Convention, which provides that workers shall have the right "to establish... organisations of their own choosing without previous authorisation". The provisions of section 4 of the Act place a major obstacle in the way of establishment of trade unions capable of "furthering and defending the interests" of their members and, furthermore, have the indirect result of prohibiting the establishment of a new trade union whenever a trade union already exists in the undertaking or establishment concerned.

2. The Committee hopes that, when this revision of the Act is being undertaken, the Government will not fail to amend sections 6 (*h*) and 22 of the Act, which are not in harmony with the Convention, as the Committee pointed out in 1961 in a direct request which was, in substance, as follows:

A. Under section 6 (*h*) of the Trade Unions Act, as amended in 1959, any official of a trade union who is an executive member of any political party must cease to be an official of the trade union. This provision appears not to be in conformity with Article 3 of the Convention under which workers' and employers' organisations have the right "to elect their representatives in full freedom" and the public authorities must refrain "from any interference which would restrict this right".

B. Section 22 of the Trade Unions Act, as amended in 1959, provides that all the officers of every registered trade union shall be employees of the undertaking or establishment for which the trade union is formed. This provision, which has the effect of prohibiting the election as trade union leaders of persons not working in the undertaking or establishment concerned, is also not in conformity with Article 3 of the Convention, which provides for the right of organisations "to elect their representatives in full freedom". It is, moreover, liable to facilitate acts of interference.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Byelorussia (ratification: 1956). The Committee has taken due note of the statement made by the Government representative before the Conference Committee in 1962 and of the information contained in the report submitted by the Government.

The Committee has examined all these statements very carefully and finds that at present no new elements exist that would invalidate the conclusions reached by the Committee in previous years, i.e. that the legislation in force in Byelorussia contains a number of provisions which are or are liable to be contrary to the rights and guarantees laid down in the Convention. This applies in particular to sections 152, 153, 156, 157 and 158 of the Labour Code, the Decrees of 23 June 1933 and 21 August 1934, the Order of 15 May 1935, section 18 of the Civil Code and article 126 of the Constitution, and possibly the legislation issued under the Federal Decree of the U.S.S.R. of 6 January 1930.

In consequence, the Committee can only refer to all its previous comments and observations and it expresses the hope that the Government will adopt all necessary measures to bring its legislation into harmony with the Convention.

The Committee is prepared to consider these problems further when the legislation has been modified or new elements of information have been brought to its attention. Meanwhile, the Committee requests the Government to keep it informed of any developments that may take place in this connection and to furnish the information which is still outstanding and which is asked for in a direct request.¹

Cameroon (ratification: 1960). The Committee notes with interest the report of the Government, to which it is making a direct request concerning certain new legislative provisions. In view of the importance of the matter, the Committee would be grateful if the Government would supply the information requested in a report for the period 1962-63.²

Central African Republic (ratification: 1960). The Committee has taken note of the report furnished by the Government in 1962, which arrived too late for examination and regrets that the Government has not supplied a report this year.

1. The Committee has observed that the report furnished in 1962 refers to a Labour Code adopted by Act No. 61-221 of 2 June 1961, and regrets that this enactment reproduces certain provisions of Act No. 60-106 of 9 September 1960 which it had pointed out in 1961 and again in 1962 were incompatible with the Convention.

2. Paragraph 1 of section 10 of the Labour Code lays down that the officers of a trade union "shall have belonged to the occupation for five years". This provision does not appear to be in conformity with Article 3, paragraph 1, of the Convention, according to which trade unions should be able "to elect their representatives in full freedom". This rule would also appear in certain circumstances to constitute an obstacle to the forming and functioning of trade unions.

3. Under section 22 of the Labour Code, it is compulsory for collective agreements to be negotiated by union representatives "belonging to the occupation or occupations concerned". This provision does not appear in keeping with Article 3, paragraph 1, of the Convention, according to which trade unions should be able to organise their activities in full freedom.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

² The Government is requested to communicate a report for the period ending 30 June 1963.

4. The Committee hopes that the Government will indicate in its next report what measures it proposes to take to bring its legislation into line with the Convention on the two points to which reference is made above.

5. In addition the Committee's attention has been drawn to Act No. 60-170 of 12 December 1960—not mentioned by the Government in its reports—whereby the President of the Republic, acting by decree issued in Council of Ministers, may “dissolve any . . . trade union . . . whose activities are gravely disturbing to public order”. In application of this Act, Decree No. 60-011 of 10 January 1961—likewise not mentioned in the reports—ordered the dissolution of a trade union. The Committee therefore feels bound to point out that such measures are in violation of the Convention, Article 4 of which expressly provides that “workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority”. Furthermore, while Article 8 of the Convention states that “workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land”, the latter “shall not be such as to impair, nor shall it be so applied as to impair the guarantees provided for in this Convention”. The Committee hopes that the Government will indicate what measures it plans to take to repeal or amend the Act in question as it applies to trade unions.¹

Cuba (ratification: 1952). The Committee regrets that the Government has not sent the report which was requested. Nevertheless the Committee has taken note of the statement made by a Government representative to the Conference Committee in 1962. The Committee notes with interest that according to this statement section 5 (*h*) of Act No. 907, which had been considered incompatible with Article 3 of the Convention, has been repealed.

1. The Committee also notes with interest that according to the statement made by the Government representative the Government intends to amend Act No. 962 in order to eliminate the exceptions provided for in section 17 of the Act which exclude certain categories of *workers* from the Act on trade unions. As no information has been received on this point, the Committee hopes that the Government will not fail to take the necessary measures with regard to this question.

2. The Committee notes that according to the statement of the Government representative *employers* may form associations in conformity with the Royal Decree of 1888. According to section 12 of this decree, the governing authority may at any time enter the offices of the association and the premises in which it holds the meetings. The authorities may also suspend the activities of any association when they consider that the association or its members have committed illegal acts or have committed crimes. This section seriously affects the right of associations to organise their administration and their activities (Article 3 of the Convention) and is incompatible with Article 4 of the Convention, which provides that “workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority”.

3. The Committee had noted in 1962 that Section 1 of Act No. 962 provides that workers “have the right to establish trade union organisations without previous authorisation”. However, Title III of Chapter II of the Act, under the head “Legal Personality of Trade Union Organisations” (sections 34 to 37), provides that trade unions must be registered with one of the Ministry of Labour directorates. Section 36 empowers this body to refuse registration. In the event of refusal, a request for review by the Minister is the only appeal provided. In view of the fact that according

¹ The Government is requested to furnish a report for the period ending on 30 June 1963.

to section 34 the legal personality without which organisations may not function ensues upon registration, this procedure would appear to result in a requirement of "previous authorisation" for the creation of organisations which is not compatible with Article 2 of the Convention. These provisions are also incompatible with Article 7 of the Convention, according to which the acquisition of legal personality shall not be made subject to conditions of such a character as to restrict the application of the guarantees provided for in the Convention.

The Government representative stated that sections 34 to 37 did not involve any prior authorisation, that registration was a mere formality and that up to the present time the registration of a trade union has not been denied. Nevertheless the Committee notes that according to section 36 the Ministry of Labour appears to have complete discretion concerning the registration of trade union organisations, as "it may decide on the application . . . accepting or rejecting it". In these circumstances the Committee must repeat its observation on this point.

4. The Committee had also observed that—

Section 11 of the Act, which provides that "only one union branch may lawfully be established in each basic labour union", and section 18, according to which "the trade union branch comprises all the workers, whether manual or intellectual, and whatever their occupation, trade or speciality" in the same basic work unit, do not appear to be compatible with Article 2 of the Convention, which provides that workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation".

The Government representative stated that this provision of the Act was intended to avoid multiplicity of unions and the existence of parallel unions in an enterprise as occurred under the previous legislation and which was a cause of weakness. The Committee considers that to avoid the prejudicial effects of trade union multiplicity it would not be contrary to the principles of freedom of association to recognise certain special rights—principally with regard to collective negotiation—to majority unions, that majority position being ascertained in accordance with objective criteria. Nevertheless, this does not imply that the existence of other unions to which the workers of a specific unit may wish to affiliate may be prohibited by legislative authority.

5. The Committee must also maintain the following observations which were made in 1962 and on which no new element has been reported permitting a modification of its conclusions. The Committee had pointed out that—

Section 40 (e) of the Act provides that trade union leaders must "belong to the occupation or branch to which the trade union organisation corresponds". This provision is not fully in harmony with Article 3 of the Convention, according to which trade unions have the right "to elect their representatives in full freedom".

6. The Committee had also noted that—

Section 26 of the Act respecting trade union organisations, which provides that "national trade unions shall be established to correspond to those activities which are approved by the Ministry of Labour in agreement with the Confederation of Cuban workers", is not compatible with Articles 5 and 6 of the Convention, which provide that "workers' and employers' organisations shall have the right to establish and join federations and confederations", and that the latter shall enjoy the guarantees prescribed in the case of workers' and employers' organisations by Article 2 of the Convention.

7. Finally, the Committee had pointed out that—

Section 11 of the same Act respecting trade union organisations authorises the establishment of only one national trade union in each branch of administration or labour, and a single central trade union organisation in the country. This provision is not compatible with Article 6 of the Convention, which refers to Article 2 of the Convention with respect to the establishment of federations and confederations and to affiliation therewith. According to these provisions of the Convention trade union organisations must be able to establish and join federations or confederations "of their own choosing without previous authorisation".

The Committee hopes that the Government will be able to take appropriate measures to repeal or amend the provisions in question in order to bring its legislation into harmony with the Convention.

Dahomey (ratification: 1960). The Committee regrets that this year the Government has not supplied the report requested. The Committee has, however, taken note of a number of questions referred to it by the Governing Body on the recommendation of its Committee on Freedom of Association.

1. The Governing Body of the I.L.O. has drawn the Committee's attention to a Decree No. 494/PR/MAISD of 17 November 1962 ordering the dissolution of a trade union confederation. The Committee observes, as the Governing Body has already done, that such a measure is in violation of the rule laid down by Article 4 of the Convention—"workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority"—which is equally applicable to federations and confederations of workers' and employers' organisations under the terms of Article 6 of the Convention.

2. The Committee notes from the information supplied by the Government to the Committee on Freedom of Association that this decree resulted from a desire to give the trade union movement a unified character and avoid splintering it. In other cases the Committee has had occasion to point out that the fact that it is, generally speaking, to the advantage of both workers and employers to avoid a multiplication of competing organisations cannot be taken as justification for the adoption by a State of measures hindering the establishment of new trade unions and, *a fortiori*, of measures to dissolve existing ones; such measures, as well as being, in the latter case, in violation of Article 4 of the Convention, would in fact be such as to impair the right afforded to workers and employers by Article 2 of the Convention to "establish organisations of their own choosing". Furthermore, they would constitute "interference" incompatible with both Article 3, paragraph 2, and Article 8, paragraph 2, of the Convention.

3. The Government also drew the attention of the Committee on Freedom of Association, as a reason justifying dissolution by legislation, to the international affiliation of the confederation in question. The Committee of Experts therefore feels bound to remind the Government that Article 5 of the Convention guarantees to workers' and employers' organisations and their federations and confederations "the right to affiliate with international organisations of workers and employers", and that under Article 8, paragraph 2, "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention".

The Committee would be grateful if the Government would indicate what measures it proposes to take to give effect to the Convention on all the points mentioned above.¹

Dominican Republic (ratification: 1956). The Committee notes with regret that the report does not refer to the observation made in 1961. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has noted that, according to the terms of section 265 of the Labour Code and of regulation 67 of Regulations No. 7676 to apply the Labour Code, the provisions of the Code shall not apply "to any agricultural undertaking, agricultural undertaking of an industrial type or stock-raising or forestry undertaking" which does not continuously and permanently employ more than ten persons. These provisions are not compatible with Article 2 of the Convention, according to which workers "without distinction whatsoever" shall have the right to establish and join organisations of their own choosing without previous authorisation.

¹ The Government is requested to furnish full particulars to the 47th Session of the Conference, and to submit a detailed report for the period ending 30 June 1963.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Guatemala (ratification: 1952). The Committee regrets that the Government has not sent the report requested, but it has noted the statement made by a Government representative to the Conference Committee in 1962.

The Committee must insist on the point raised in previous years, that the prohibition of the re-election of trade union leaders contained in section 222 (a) of the Labour Code is incompatible with Article 3, paragraph 1, of the Convention, according to which organisations shall have the right "to elect their representatives in full freedom".

The Committee has noted the statement made by the Government representative, that the ratification of the Convention had had the effect of amending section 211 (a) and (b) of the Labour Code, which appears to permit an intervention by the public authorities in the administration and functioning of the trade unions, contrary to Article 3 of the Convention. In these circumstances the Committee considers that the Government should have no difficulty in expressly repealing or amending the said provision of the Labour Code.

For several years, the Committee has requested the Government to supply information on the practical application of section 226 (a) of the Labour Code, which refers to the dissolution of trade unions in certain situations. The Government has never sent this information in its report; consequently the Committee is obliged to insist once again on its request.

The Committee had also noted that new regulations concerning officials and employees in the service of the State or public organisations, in which the right to organise of all these workers is recognised, were before Congress. The Committee has not received further information on these draft regulations and therefore requests the Government to send information on this proposed legislation which is to provide the said workers with the benefit of the rights of association guaranteed in this Convention.

The Committee hopes, consequently, that in the next report the Government will indicate the measures that it has taken to bring its legislation on these points into harmony with the Convention.

Honduras (ratification: 1956). The Committee regrets that the Government has made no reference in its report to the observations made in 1961 and that it has not sent any information on the draft Labour Code which according to a Government statement to the Conference Committee in 1961 was being prepared with a view to bringing the legislation into harmony with the Convention.

The Committee must therefore repeat the observations made in 1961, which were as follows:

1. The Committee pointed out in 1959 that the provision in the legislation then in force according to which two-thirds of the members of each occupational association must be nationals of Honduras was not compatible with Article 2 of the Convention, which provides that workers and employers "without distinction whatsoever" shall enjoy the right to organise. It regrets to observe that this provision is aggravated in the new Labour Code (sections 475 and 504), according to which at least 90 per cent. of the members of a trade union must be nationals of Honduras.

2. Section 472, which provides that not more than one works union may exist within a given undertaking, institution or establishment and that, if for any reason more than one such union does exist, only the union having the largest number of members shall be retained, is not compatible with Article 2 of the Convention, according to which workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation".

3. Section 510 (c), which provides that an officer of a trade union must, at the time of his election, be regularly employed in an activity, occupation or trade covered by the union and have been so employed for more than six months during the previous year, would seem to be incompatible

with Article 3 of the Convention, according to which workers' organisations shall have the right "to elect their representatives in full freedom". Further, this provision might impede the formation or functioning of certain trade unions.

4. The Committee has noted that the provisions in the Labour Code fixing the necessary majorities for the validity of certain decisions by the trade union require, in particular, a majority of two-thirds of all the members of the union by secret ballot in order to declare a strike (sections 495 and 563) or lockout (sections 495 and 575) and that, in addition, the non-application is punishable by the administrative authorities. Thus, with regard to workers' organisations, sections 570 and 571 provide that the Ministry of Labour and Social Welfare may, by order, impose sanctions, going as far as dissolution, on a trade union which has taken part in a strike which was not decided upon by the necessary majority. Such provisions constitute an intervention by the public authorities in the activities of trade unions which is of a nature to restrict the rights of such organisations, contrary to Article 3 of the Convention.

5. Moreover, section 571 referred to above, providing that the order declaring a strike to be unlawful, has the effect of suspending for from two to six months the legal personality of the union which has furthered or supported the stoppage and may, in addition, pronounce the dissolution of a trade union, is contrary to Article 4 of the Convention, which provides that "workers' . . . organisations shall not be liable to be dissolved or suspended by administrative authority". Also incompatible with this Article are the provisions of section 500 (2) (c), according to which the Ministry of Labour and Social Welfare may suspend the legal personality of a trade union guilty of a contravention of the code, and the provisions of section 500 (2) (b), which make it possible to suspend the members of the managing committee from the performance of their trade union duties by administrative decision when they have been responsible for a breach of the provisions of the Code.

6. By virtue of section 537, federations and confederations have no power to call a strike; according to section 541, the members of the managing committees of federations or confederations must have been employed in the activity or trade represented by the organisation for more than one year prior to election. These provisions are not compatible with Article 6 of the Convention, which applies Article 3 of the Convention with respect to the functioning of federations and confederations. Indeed, according to this provision, trade union organisations shall have the right "to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes", while the public authorities shall refrain "from any interference which would restrict this right or impede the lawful exercise thereof".

The Committee expresses the hope that the Government will not fail to take appropriate measures to repeal or amend the provisions in question in order to bring its legislation into full conformity with the Convention.¹

Hungary (ratification: 1957). The Committee has taken note of the information furnished by the Government before the Conference Committee in 1962 and in its annual report. It regrets to have to note that the Government does not intend to amend its legislation. It observes, however, that nothing in the information furnished invalidates the conclusions which it formulated as follows in 1962: ". . . the legislation in force includes various provisions which are incompatible with the rights and guarantees laid down in the Convention; this is the case, especially, with regard to Legislative Decree No. 18 of 1955, various provisions in the Labour Code and Decree No. 53 of 28 November 1953."

1. With regard to Legislative Decree No. 18 of 1955, the Government repeats that trade unions are excluded from its scope and that the establishment of trade unions is not subject to any registration or authorisation, by reason of the fact that the provisions of Article 56, paragraph 2, of the Constitution provide that "the workers . . . set up trade unions".

2. The Committee has to point out that the constitutional provision referred to by the Government creates a right which is exercisable only within the limits of the rules laid down in law or in practice. Thus, although the constitutional provision referred to recognises the right to organise of "workers", it appears from the information furnished previously that according to practice established by long tradition organisations of non-wage-earning workers are not regarded as trade unions.

¹ The Government is requested to report in detail for the period ending 30 June 1963.

3. The Committee is aware that Law No. 18 of 1955 does not apply to trade unions, but it appears from the information already furnished that, in the absence of any definition of the term "trade union", any organisation is regarded as a trade union if its constitution and rules are in accordance with sections 1 to 3 of Law No. 53 of 1953 enumerating the functions of the Central Council of Trade Unions and trade unions (see paragraph 6 below). With regard to *other* organisations—organisations which would not be affiliated to the Council of Trade Unions or set up by that central body—the Committee already observed in 1962 that "it ensues from the replies furnished by the Government (in particular in its report for the period 1959-60) that . . . it is the administrative authorities who legally have the power (even if the question has never in fact arisen) to decide in all sovereignty whether a newly created organisation is or is not a 'trade union'. In other words, the administrative authorities have, according to law, the right to decide whether an organisation of workers within the meaning of the Convention will be placed under the system of tutelage prescribed by Legislative Decree No. 18 of 1955 and thus to subject this organisation to the administrative procedures and strict supervision provided for in that legislative decree. Such a result is manifestly contrary to the Convention, which prohibits any intervention by the public authorities in the establishment and functioning of workers' organisations."

4. In fact, in so far as the Legislative Decree of 1955 may be applicable to organisations of workers or employers having the object of "furthering and defending the interests of their members" (Article 10 of the Convention), it contains provisions which are incompatible with the rights and guarantees laid down in the Convention: prohibition of any "previous authorisation" (Article 2); the right of workers or employers to establish the organisation "of their own choosing" (Article 2); freedom of action of organisations (Article 3, paragraph 1); non-interference by the administrative authorities (Article 3, paragraph 2); prohibition of suspension or dissolution by administrative authority (Article 4), etc.

5. This is the case, as the Committee pointed out in 1962, with regard to the following provisions of this enactment:

The administrative authorities may refuse registration of an association and therefore prohibit its existence as such on pain of penal sanctions applicable to its members (section 160 (*f*) of the Penal Code), in particular if they consider that the association "does not possess the qualities required" (section 6); the administrative authorities exercise strict control over the activities of associations (section 13 (1)) any of whose decisions they may cancel if they consider them contrary to the interests of the workers (section 12 (2)); finally, they may order the suspension or dissolution of associations (section 13 (2)). All these decisions may be taken by virtue of provisions which leave to the administrative authorities a very extensive discretion in exercising their judgment and subject only to appeals of an administrative nature.

6. The Government has also supplied no new elements of information to cause the Committee to modify the conclusion which it expressed in 1962 to the effect that the analysis of the national legislation confirms that it does not permit of any possibility of workers' organisations within the meaning of the Convention being set up, unless such organisations are created within the "Congress of Trade Unions" or by organs of that central organisation. The result is that, contrary to the Convention, workers do not have the right to set up "organisations of their own choosing" and, in particular, if they so desire, an organisation which is independent of the other organisations.

7. The Committee had based this conclusion on the following considerations:

Thus, the only definition of the term "trade union" which exists in the national legislation indicates that this term means the "central directing body of the trade unions" which is elected by the "Congress of Trade Unions" (Labour Code, section 150).

It is also necessary to point out that, by entrusting to an organisation specifically named in the law or to its organs (Central Council of Trade Unions) various administrative functions, the Labour Code and Decree No. 53 of 28 November 1953 do not leave any room for the existence of any other organisation which the workers might wish to set up. Thus, the Central Council of Trade Unions is called upon "in co-operation with the ministers" to "give directives concerning the conclusion of collective agreements" and to "approve" collective agreements (Decree No. 53 of 1953, section 2, paragraphs 1 (a) and (b)); to "direct and supervise" the social security of the workers (*ibid.*, section 6 (a) and Legislative Decree No. 39 of 1950).

8. Noting that the Government again states that the legislation corresponds to the existing situation and must take account of the existing system of trade union organisation, the Committee is bound to repeat that the national legislation of countries in which the Convention is in force must not contain provisions which result in instituting or maintaining by legislative means a trade union monopoly in favour of an organisation designated by name in the law. Further, if trade union unity results solely from the will of the workers, it has no need to be embodied in legal texts the existence of which may give the impression that such unity is merely the result of the legislation in force or is maintained only by that legislation.

9. With regard to non-wage-earning workers, the Committee has taken note of the statement in the report to the effect that organisations set up by such workers are not within the scope of Legislative Decree No. 18 of 1955 and enjoy complete independence. The Committee assumes that special rules must have been drawn up which apply to organisations of such workers. In fact, as it indicated in 1962, in the absence of such rules, these workers would be unable to associate except within the framework of the Legislative Decree of 1955. It therefore regrets all the more that the Government, in spite of the request which was addressed to it, has not communicated the text of the rules which are applicable in this connection.

10. The Committee regrets that the Government has not replied to the direct request which was addressed to it in 1962.

11. The Committee expresses the hope that the Government will take the measures which the observations made above show to be necessary and will also furnish the information which is again the subject of a direct request addressed to it.¹

Malagasy Republic (ratification: 1960). The Committee notes that the Government, having examined the remarks which it had made in 1961 and 1962 in its direct requests, maintains its opinion that the prohibition of all political activity by trade unions (which is contained in Ordinance No. 60-119 of 1 October 1960) is necessary and that this provision could not in the least be applied in a manner incompatible with the Convention. In these circumstances the Committee can only repeat the comments which it made in its direct request to the Government in 1962 and which were as follows:

According to the Government, section 3 of Ordinance No. 60-119 of 1 October 1960 instituting the Labour Code which, dealing with the aims of trade unions, states that "they are forbidden to engage in any political activity", does not in the least infringe on the freedom of trade unions; this is only a corollary of the principle embodied in the same section and taken from the previous legislation that "trade unions have as their sole object the study and protection of economic, industrial, commercial and agricultural interests".

The Committee is nevertheless of the view that this provision is rather more than a mere corollary of this principle (if it were not so, it would appear superfluous). Indeed the principle that "trade unions have as their sole object the study and protection of economic interests, etc." gives the courts of law full discretion to decide, where appropriate, whether a political action undertaken by the trade unions or one with which they have associated themselves, does or does not serve the purpose of defending the interests of their members. On the other hand, a prohibition of a general kind such

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

as that introduced in the legislation would have the result of forbidding trade unions to engage in any political activities, including such as are designed only to ensure the protection of the interests of their members.

It should be noted in this respect that, as has been pointed out by the Conference Committee, "there is no line of demarcation between the political field on the one hand and the economic and social field on the other". It would thus appear that a prohibition of a general kind such as that recently introduced in the legislation is likely to be applied in a manner incompatible with Article 3 of the Convention, which provides that workers' and employers' organisations shall have the right to organise their activities in full freedom and to formulate their programmes and that the public authorities shall refrain from "any interference which would restrict this right or impede the lawful exercise thereof", and with Article 8, which provides that, while the organisations must, of course, respect the law of the land, "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this provision". Moreover, one should also take into account Article 10 of the Convention, which covers in general terms the furtherance and defence by the organisations "of the interests" of their members.

The Committee is well aware that, as the Government states, "the judicial tribunals retain their power of assessment in all cases". This power must, however, be considerably limited when they are called upon to apply a provision which specifically forbids trade unions to participate in "any political activity".

In 1959 the Committee indicated in this respect the difficulties to which such provisions of general tenor may give rise. Recalling the resolution adopted by the Conference in 1952 on the matter, it considered that States should be able, without prohibiting in general terms and *a priori* all political activities by occupational organisations, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by organisations which had lost sight of the fact that their fundamental objective should be "the economic and social advancement" of their members.

The Committee would therefore be grateful if the Government would indicate what measures it intends to take to repeal or amend the above-mentioned provision.

Mexico (ratification: 1950). The Committee notes that the Government maintains its position, according to which the new Statute for Workers in the Service of the Authorities of the Union is in conformity with the Convention, despite the repeated observations made by the Committee. The Committee has carefully studied the declaration made by a Government representative to the Conference Committee in 1962, as well as the explanations given by the Government in its last report.

1. According to these explanations, it appears that the *existence* of a minority association in every department would be possible, even though it does not receive *recognition* in order to defend the interests of its members. In fact, according to sections 46, 49, 50 and 51 of the Statute *the existence of one trade union only* is permitted in each unit, that is to say, the trade union that has been registered and which therefore enjoys legal personality and recognition. The existence of more than one *trade union organisation* in the same unit is not possible under the law, only the majority organisation being accepted. Accordingly, under the present system a trade union can have no legal existence without recognition. The trade union which has been registered may represent the sole interests of its members (section 55). Consequently, workers who do not wish to join this union are deprived of all trade union protection. The Committee considers that it would not be contrary to the Convention to give a majority trade union special rights in negotiation, consultation and international representation, with the understanding that minority trade unions may continue to exist and to raise with the authorities and employers matters affecting the interests of their members. In the system established by the Statute, minority organisations are unable to act as organisations which have as their object "the furthering and defending" of the interests of their members, because in each unit *the existence of one trade union only* is recognised (section 46) "for the study, furtherance and

defence of the interests of the workers", and which alone "supports and defends its members with the superior authorities and the arbitration tribunal" (section 55). The result is that, contrary to Article 2 of the Convention, workers in the service of the State are deprived by legislation of the right to "establish organisations of their own choosing without previous authorisation".

2. The Committee has noted the explanation given by the Government with respect to section 53 of the Statute—which prohibits the re-election of members of the executive committees of the trade unions—but considers that it must insist on its point of view, namely that this provision is not compatible with Article 3 of the Convention, which provides that "organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities . . ." and that "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof".

3. As the Committee pointed out in 1962, section 56 of the same Statute prohibits organisations of public officials from adhering to federations or confederations of industrial or agricultural organisations. It seems difficult to reconcile this provision with Article 5 of the Convention, which provides that "workers' and employers' organisations shall have the right to establish and join federations and confederations". In this connection the Committee has taken note of the statement in the report that the right to federate is accorded to organisations of public officials by section 55, IV, of the Statute. This section provides that organisations of public officials may federate among themselves and that only the federation constituted in this way "will be recognised by the State". This last provision, as well as the provision contained in section 56, does not appear to be compatible with Article 6 of the Convention, which refers to Article 2 of the Convention with respect to the establishment of federations and confederations and adherence to these higher organisations. According to these provisions of the Convention, trade union organisations should have the right to establish federations or confederations "of their own choosing without previous authorisation".

4. The Committee also noted in 1962 that by virtue of section 60 of the Statute, the provisions applicable to trade unions of public officials, and in particular, sections 46, 49, 50 and 53, are also applicable to any federation of such trade unions; they are not, however, compatible with Article 6 of the Convention, which provides that Articles 2, 3 and 4 of the Convention "apply to federations and confederations of workers' and employers' organisations".

5. The Committee also noted in 1962 that, bearing in mind that legal personality appears to be indispensable for trade unions in Mexico, the fact that the acquisition of legal personality by a trade union of public officials is subject to the rules laid down in the Statute, according to which no new organisation can be recognised when a majority organisation already exists in the service concerned, does not appear to be compatible with Article 7 of the Convention, which provides that "the acquisition of legal personality by organisations . . . shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 of the Convention".

6. Finally, the provisions of section 47 of the Statute, which provide that a public official who has joined a trade union must compulsorily remain a member of that trade union (unless he is expelled by the union), taken together with sections 46, 49, 50, 55 (IV) *in fine* and 60 of the same Statute, according to which only a single trade union can exist in one service and only one federation for the whole of the

workers concerned, result in the establishment of a trade union monopoly, which does not permit the exercise of the guarantees provided for in the Convention.

In these circumstances, the Committee must again urge the Government to take the necessary measures to bring the legislation into harmony with the Convention.

The Committee notes that the Government does not mention at all the result of the transmission made in 1961 to certain of the Mexican states of the observations made by the Committee with regard to their legislation concerning workers in the service of the State. The Committee hopes that the Government will not fail to supply information in its next report on the measures that these states intend to take in order to bring their legislation into conformity with the Convention.

Netherlands (ratification: 1950). The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1962 that a bill was being drafted which would bring the legislation into complete conformity with the Convention, as well as the information supplied by the Government that the Bill has been submitted to the Council of State.

The Committee trusts that the Bill will soon become law and that, in any case, the Government will not fail to furnish information, in its next report, on the progress made in this matter.

Niger (ratification: 1961). The Committee notes with interest the statement contained in the report that since the adoption of the Constitution of 8 November 1960 which gives to ratified Conventions authority superior to that of national law, Ordinance No. 59-101 of 4 July 1959 has been deprived of legal effect.

It appears to the Committee that, in these circumstances, with a view to bringing national legislation into conformity with Article 4 of the Convention, which provides that trade unions shall not be liable to be "dissolved . . . by administrative authority", and with a view to avoiding all uncertainty as to the legal position in this matter, the Government should encounter no difficulty in expressly repealing the provisions of section 1 of the Ordinance which empower the President of the Republic to dissolve trade unions by decree in certain cases. The Committee would therefore be grateful if the Government would indicate the measures which it contemplates for this purpose.

Pakistan (ratification: 1951). The Committee notes that the provisions under which separate associations must be established for each category of officials are still in effect. The Committee has declared on several occasions that these provisions are not in conformity with Article 2 of the Convention, which states that workers "without distinction whatsoever" must be able "to establish and . . . join organisations of their own choosing". Hence the Committee must again request the Government to adopt the necessary amendments to bring its legislation into conformity with the Convention.¹

Philippines (ratification: 1953). The Committee notes with regret that Congress has not examined the Bill to amend Act No. 875 of 17 June 1953 and that the Bill is still pending. In 1959, the Committee made certain comments on this Bill and the Government undertook to draw the attention of Congress to them in order that they might be borne in mind during the discussion on the Bill.

The Committee is obliged to draw the Government's attention again to the necessity of amending Act No. 875 in order to bring the trade union legislation of the Philippines into conformity with the Convention; it trusts, therefore, that Congress will adopt, as soon as possible, the Bill that has been submitted to it, taking into account the comments that the Committee had made, as follows:

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

By virtue of section 2 of the Bill attached to the Government report for 1957/8, "the Registrar of Labour Organisations shall cancel registration of a labour organisation, association or union, if any of its officers has been finally convicted of violation of Republic Act No. 1700, known as the Anti-Subversion Act, unless the said labour organisation or union shows that it has already expelled such officer from the organisation".

The Committee observes that if the above-mentioned Bill comes into force, the registration of an organisation might be cancelled (involving its dissolution as a trade union) even if the organisation had in no way been connected with the unlawful activities of one of its leaders and even if the other members of the organisation were wholly unaware of its activities. Moreover, it would hardly be reasonable to require a trade union to expel one of its members (and, *a fortiori*, one of its leaders) so long as he had not been finally convicted. The Committee also notes that as the legislation provides that a person convicted of a crime may not be chosen as a trade union leader or continue to hold office (as is the case in certain countries), it is desirable that the trade union to which the person belongs should, under the relevant Acts or the regulations issued thereunder, be allowed a certain period after the conviction has become final to take the measures required by the legislation.¹

Poland (ratification: 1957). The Committee has taken note of the statements made by a Government representative to the Committee of the Conference in 1962 and of the texts annexed by the Government to its report.

1. After having carefully considered the statements made, the Committee can only observe that they add no new elements of information of such a nature as to cause it to modify the observations which it has made in preceding years, namely, that sections 5, 6 and 9 of the Trade Unions Act of 1 July 1949 (which concerns wage earners) run counter to the rights and guarantees laid down in the Convention and, in particular, to the right accorded to workers and employers by Article 2 of the Convention to establish "organisations of their own choosing without previous authorisation". In this connection, therefore, the Committee refers to the detailed observations which it made in 1959, 1960, 1961 and 1962.

2. The Committee has further observed that the statements made before the Conference Committee in 1962 confirm that the associations which the directors of undertakings might set up outside the workers' trade union movement (Act of 1949) would be governed by the provisions of the Associations Act of 27 October 1932. It has also noted that the Government has not denied that this enactment is applicable to the organisations which non-wage-earning workers (including workers who are members of producers' co-operatives) may set up in order to defend their occupational interests. In fact, these workers cannot establish or join trade unions under the provisions of the Act of 1949. The Committee pointed out in 1962 that the application of certain provisions of the Act of 27 October 1932 to organisations "for furthering and defending the interests of their members" was incompatible with the rights and guarantees laid down in the Convention. It regrets, therefore, that the Government has not indicated the measures which it might take to give effect to the Convention with regard to the various points on which the Committee expressed itself as follows:

... section 19 of the Act of 1932 provides that legal personality ensues upon registration with the administrative authority, a registration which, according to section 20, may be refused in the public interest or because the "association is not conducive to public welfare", or, again, may be "conditional" upon an amendment of its rules. The application of these provisions to organisations "for furthering and defending the interests" of their members (Article 10 of the Convention) is not compatible with Articles 2 and 3 of the Convention, according to which it must be possible to establish workers' organisations "without previous authorisation" and to adopt "freely" their constitutions and rules and their programmes without "interference" by the public authorities; it is also not compatible with Article 7 of the Convention, according to which the acquisition of legal personality by occupational organisations "shall not be made subject to conditions of such a character as to restrict the application of Articles 2 and 3" thereof. Likewise, the application to

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

organisations "for furthering and defending the interests" of their members of section 24 of the Act (which refers to section 15) and of section 43 (a), which prescribe or establish close supervision of the activities of the association by the registering authority, is incompatible with Article 3, according to which organisations have the right "to organise their administration and activities and to formulate their programmes" without "interference" on the part of the public authorities. Furthermore, section 24 of the Act, referring to section 16, permits the administrative authority to suspend and dissolve an association. The application of this section to organisations "for furthering and defending the interests" of their members is not compatible with Article 4 of the Convention, which provides that occupational organisations "shall not be liable to be dissolved or suspended by administrative authority". In the same way the provisions of section 42 of the Act providing that the rules governing associations shall apply to federations thereof are not compatible with Articles 5 and 6 of the Convention, which accord to federations and confederations the same guarantees as are accorded to primary organisations.

3. The Committee has also taken note of the texts which the Government has furnished in response to the request which was addressed to it.

4. The Order of 7 June 1927 concerning industrial law regulates the right of association of employers in the non-nationalised sector. The organisations which are established in accordance with Part V: Guilds and Federations of Guilds, and Part IX: Handicraft Guilds and Federations of Handicraft Guilds appear to be essentially instruments of economic management, although, among other objects, it is recognised that they have the function of "defending the economic interests of their members". It appears, however, that the provisions of this text applied to organisations of employers covered by the Convention (Article 10 of the Convention) are incompatible with the rights and guarantees laid down in the Convention: prohibition of any "previous authorisation" (Article 2); the right of the workers or employers to establish the organisation "of their own choosing" (Article 2); freedom of action of organisations (Article 3, para. 1); non-interference by the administrative authorities (Article 3, para. 2); prohibition of dissolution by administrative authority (Article 4), etc. This is the case, for example, with regard to the provisions of the Order which provide for the establishment of organisations by the administrative authority, membership being compulsory (sections 76, 77, 160), supervision of organisations by the administrative authority (sections 74 and 163a), which has the right to approve constitutions and rules (sections 73 and 162a) and to dissolve the organisation (sections 75 and 163b).

5. It would seem, therefore, that, if the organisations covered by the Order of 1927 are the only organisations which employers in the non-nationalised sector may form in order to further and defend their interests, it would be necessary to amend this enactment in order to bring it into harmony with the Convention; in the event of their being able to set up associations under the Act of 1932, the Committee refers to the observations made in paragraph 2.

6. The Committee hopes that the Government will therefore take the necessary measures, having regard to the observations made above, to give full effect to the Convention.¹

Rumania (ratification: 1957). The Committee has taken note of the information furnished in 1962 to the Conference Committee by a representative of the Government; it regrets to note, however, that the report furnished this year merely reproduces that information and does not supply the relevant texts, which the Committee has requested from the Government since 1959 and which have not yet been supplied. As it would appear from the statements made by the Government representative

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that the text applicable to occupational organisation is Act No. 52 of 1945, as amended by Act No. 316 of 1947, the Committee requests the Government to annex to its next report:

- (a) an up-to-date text of Act No. 52 referred to above;
- (b) all regulations issued pursuant to the Act;
- (c) the legislative texts governing the right of meeting.

The Committee trusts that the Government will not fail to furnish the information requested.¹

Senegal (ratification: 1960). The Committee has taken note of the information supplied by the Government, in its report, in reply to the requests addressed to it in 1962; it appears that the Government reserves to itself, by invoking Article 9, paragraph 2, of the Constitution of 25 August 1960, the right to dissolve trade unions, by administrative authority, in the public interest, but refers to a possibility of having recourse to the Courts with a view to annulling the administrative measure. The Committee points out that such a procedure permits the dissolution of the organisations by administrative means before they have been able to have recourse to the Courts, which is contrary to Article 4 of the Convention, which provides that the organisations "shall not be liable to be dissolved or suspended by administrative authority". It expresses the hope therefore that the Government will renounce the practice of dissolving trade union organisations by administrative authority.

Ukraine (ratification: 1956). The Committee has taken due note of the statements made by the Government representative before the Conference Committee in 1962 and of the information contained in the report submitted by the Government.

The Committee has examined all these statements very carefully and finds that at present no new elements exist that would invalidate the conclusions reached by the Committee in previous years, i.e. that the legislation in force in the Ukraine contains a number of provisions which are or are liable to be contrary to the rights and guarantees laid down in the Convention. This applies in particular to sections 152, 153, 156, 157 and 158 of the Labour Code, the Decrees of 23 June 1933 and 21 August 1934, the Order of 15 May 1935, section 18 of the Civil Code, and article 126 of the Constitution, and possibly the legislation issued under the federal Decree of the U.S.S.R. of 6 January 1930. +

In consequence, the Committee can only refer to its previous comments and observations and it expresses the hope that the Government will adopt all necessary measures to bring its legislation into harmony with the Convention. In this connection the Committee welcomes the information contained in the report of the Government according to which it is proposed to replace section 18 of the Civil Code by other provisions specifying that workers' organisations shall be formed and dissolved in accordance with their own constitution and rules.

The Committee is prepared to consider these problems further when the legislation has been modified or new elements of information have been brought to its attention. Meanwhile, the Committee requests the Government to keep it informed of any developments that may take place in this connection and to furnish the information which is still outstanding and which is requested in a direct request.²

U.S.S.R. (ratification: 1956). The Committee has taken due note of the statements made by the Government representative before the Conference Committee

¹ The Government is asked to report in detail for the period ending 30 June 1963.

² The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

in 1962 and of the comments contained in the report submitted by the Government and in the letter communicating this report to the Director-General of the I.L.O.

The Committee has studied these statements very carefully and finds that no new element has been adduced which would invalidate the conclusions reached by the Committee in previous years, i.e. that the legislation of the U.S.S.R. contains a number of provisions which are or are liable to be contrary to the rights and guarantees laid down in the Convention. In this respect the Committee had made several comments and observations, in particular regarding sections 152, 153, 156, 157 and 158 of the Labour Code of the R.S.F.S.R., the Decrees of 23 June 1933 and 21 August 1934, the Decree of 10 July 1932 applying in the R.S.F.S.R. the federal Decree of 6 January 1930, the Order of 15 May 1935, section 18 of the Civil Code and section 137 of the Penal Code of the R.S.F.S.R. (there is no change of substance in the amended version of this section in the new Penal Code) and article 126 of the Constitution of the U.S.S.R.

In consequence, the Committee can only refer to these comments and observations and express the hope that the Government will adopt all necessary measures to bring its legislation into harmony with the Convention. The Committee is prepared to consider these problems further when the legislation has been modified or new elements of information have been brought to its attention. Meanwhile, the Committee requests the Government to keep it informed of any developments that may take place in this connection and to furnish the information which is still outstanding and which is requested in a direct request.

In the course of its current session, the Committee's attention was drawn to the recently enacted General Principles of Civil Legislation and of Civil Procedure of the U.S.S.R. According to section 129 of the first enactment and section 64 of the second enactment, in case of conflict ratified international treaties or agreements prevail over the provisions contained in the Soviet civil legislation.

The Committee is addressing a direct request to the Government of the U.S.S.R. to elicit the exact effect of section 129 of the General Principles of Civil Legislation and section 64 of the General Principles of Civil Procedure as regards the application of Convention No. 87.¹

United Arab Republic (ratification: 1957). The Committee has considered the information supplied by the Government, as also the statement made by a Government representative to the Conference Committee in 1962. The assurances given previously, according to which the Committee's observations were to be examined by the Higher Labour Consultative Council, were repeated and it was further indicated that a special tripartite committee had been set up to revise the Labour Code of 1959. The Committee regrets that, nevertheless, no measure has yet been taken in response to its observations in order to bring the legislation into harmony with the Convention. Consequently, the Committee feels bound to maintain the observations made in 1962:

1. Section 162 of the Labour Code annexed to Act No. 91 of 5 April 1959 forbids the establishment of more than one general trade union by persons employed in the same occupation, trade or craft. According to the information furnished by the Government, this provision responds to the need to avoid disputes and splits in the trade union movement. As the Committee has already pointed out on several occasions, while it may be to the advantage of the workers to avoid a multiplicity of trade union organisations, unification of the trade union movement must not be imposed through state intervention by legislative means, as such an intervention runs counter to the rule laid down in the Convention that workers and employers have the right to establish and join organisations "of their own choosing" (Article 2), and shall be enabled to "exercise freely the right to organise" (Article 11).]

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

2. Section 169 (a), as amended by Act No. 132 of 1960, provides that a trade union committee in an establishment will be formed "on condition that the number of workers requesting to contribute is not less than 50". It would appear that the requirement of such a high number of "founders" is likely to hinder the establishment of trade unions, contrary to the Convention, which provides that all necessary and appropriate measures shall be taken to ensure that workers and employers "may exercise freely the right to organise" (Article 11).

3. The Government indicates that section 165 of the Code was enacted in order "to avoid the interference of public authorities" for the purpose of conciliation between the various groups seeking to form a trade union. It would seem that, while the public authority does not intervene directly to authorise the establishment of a trade union by supporting one group rather than another, it delegates its powers by law to a higher trade union organ which is designated by name. Indeed, according to section 165, the deposit of the rules—a condition precedent to the carrying on of any activities by a trade union (section 166 of the Code)—can be effected only by a trade union representative furnished with a document issued by the General Federation of Labour (a single central confederation by virtue of section 183 of the Code). Thus, no occupational organisation can legally exist as a trade union if it has not obtained the "authorisation" of the General Federation of Labour. Further, the fact that such competence is, as the Government indicates, entrusted to the General Federation of Labour "as being the higher trade union organisation", places that organisation in a position in which it is both judge and party. Such a rule does not permit the founders to set up an organisation "of their own choosing" whereas, according to the Convention, they should be able to establish, if they wish, a new organisation independent of any organisation already in existence.

4. Sections 6 and 7 of Act No. 91, as amended in 1960, require trade unions existing prior to the enactment of the Labour Code to integrate themselves in the new trade union system (unified trade unions at all levels) or dissolve. This rule is such as to limit the choice of the workers with respect to the establishment of trade unions or membership in such unions (see paragraph 9 below).

5. The terminology of section 6 of Act No. 91, according to which trade union assets are made over to the Ministry of Social Affairs and Labour "for the formation of new trade unions", is likely to make possible intervention on the part of the Government, which could limit "the freedom of choice" of the founders of an organisation. Moreover, in order to give effect to Article 3 of the Convention, the devolution of these assets should take place in the absence of any intervention by the Government, in accordance with the relevant rules laid down in the constitutions and rules of the dissolved trade unions whenever they contain any such rules.

6. Section 163 of the Code provides that "no worker may continue to be a member of a trade union more than two years after the date of his ceasing to be employed". The Committee, noting in this connection the information furnished by the Government to the effect that this prohibition applies solely to members of trade union committees in establishments, observed in 1961 that such a restriction of the scope of application of section 163 is not apparent from the wording of that section, which contains, in addition to the prohibition referred to above, rules of general application. In any event, if this provision results in prohibiting the election as trade union officers of persons who are not engaged in the undertaking or occupation represented by the trade union concerned, it is not compatible with Article 3 of the Convention, according to which workers' organisations shall have the right to elect their representatives "in full freedom".

7. Section 177 of the Labour Code provides that "notice of every general meeting of a general trade union shall be sent by registered letter to the administrative authority concerned at least seven days before the date fixed for the meeting", a rule which Act No. 132 of 1960 amending section 169 of the Labour Code has extended to general meetings of regional trade unions and works trade unions. The Committee, noting that according to the information furnished by the Government, these provisions are intended to enable the administrative authorities to provide protection in the event of disorder and are applicable to all kinds of meetings in general, emphasised in 1961 that such a provision is not justifiable in respect of private meetings held in trade union premises or in premises hired for that purpose. It may indeed, restrict the right of organisations to organise their activities freely and permit of interventions on the part of the public authorities contrary to the provisions of Article 3 of the Convention, according to which trade unions shall have the right freely "to organise their... activities", while the public authorities shall "refrain from any interference which would restrict this right". It is also incompatible with Article 8, paragraph 2, of the Convention.

8. Section 174 of the Labour Code, forbidding trade unions in general terms to "concern themselves with political questions" might, as the Committee has already pointed out on other occasions, be interpreted in such a manner as to place considerable restrictions on the right of trade unions "to formulate their programmes" without any "intervention" by the "public authorities" (Article 3 of the Convention), especially—as the Conference Committee has indicated—as there exists no precise demarcation between the political field, on the one hand, and the economic and social field, on the other.

9. According to section 183, "it shall be unlawful to form more than one general federation in the United Arab Republic". This provision does not appear to be compatible with Articles 5 and 6 of the Convention, which apply the guarantee laid down in Articles 2 and 3 of the Convention to the establishment of federations and confederations and to affiliation with these higher organisations. Indeed, under these various provisions of the Convention, trade union organisations shall have the right to establish and join federations or confederations "of their own choosing without previous authorisation".

10. Finally, as under section 184, regional or general federations have the same obligations as general trade unions, it would appear that the various provisions referred to above in connection with primary organisations are also incompatible with the corresponding provisions of the Convention in so far as federations and confederations are concerned.

The Committee must also bring the following points to the attention of the Government. Section 164 (13), as amended, limits the amount which can be devoted to union administrative expenses to 20 per cent. of the annual revenue and section 164 (14), as amended, provides that the percentage of the funds to be utilised for defraying expenditure on the health, social, cultural and occupational needs of the workers may not be less than 80 per cent. The Committee considers that, though the object of these provisions be, as the Government pointed out, to prevent extravagance in union administrative expenses and to ensure the utilisation of funds in accordance with purposes of the union, the consequence of such legislative intervention in financial affairs of occupational organisations is that they cannot freely organise their administration and activities as provided in Article 3, paragraph 1, of the Convention.

Section 4 of Act No. 132 of 1960, adding a new paragraph to section 175 of the Code, places the administration of the unions under the supervision of the labour inspectorate which is authorised to examine all registers and documents and request any information it deems necessary. Labour inspectors are responsible to the Ministry of Social Affairs and Labour. In this connection, the Committee of Experts had pointed out the potential usefulness of this supervision to protect union members against misappropriation of funds. However, the Committee had also pointed out that the said control might imply interference by the government authorities in the administration of trade unions, unless a certain independence of the supervisory authorities were guaranteed. In view of the wide powers given under Act No. 132 of 1960 to labour inspectors, whose functions are not restricted to the financial supervision of unions, and taking into account that the persons concerned are administrative officials of the Ministry of Social Affairs and Labour, the Committee considers that there is a serious risk of a violation of Article 3 of the Convention.¹

Yugoslavia (ratification: 1958). The Committee thanks the Government for the information forwarded in response to the requests made in 1962. It is making a direct request to the Government to specify the implications of some of the particulars furnished and send additional information on other points. In view of the importance of the problems of freedom of association and protection of the right to organise, the Committee would be grateful if the Government would supply this information in a report for the period 1962-63.²

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Belgium, Bulgaria, Burma, Byelorussia, Cameroon, Central African Republic, Congo (Brazzaville), Cuba, Dominican Republic, Gabon, Federal Republic of Germany, Guatemala, Honduras, Hungary, Ireland,*

¹ The Government is asked to supply full particulars at the 47th Session of the Conference and to communicate a detailed report for the period ending 30 June 1963.

² The Government is requested to furnish a report for the period ending 30 June 1963.

Israel, Italy, Ivory Coast, Jamaica, Luxembourg, Mali, Mauritania, Mexico, Niger, Norway, Pakistan, Peru, Philippines, Poland, Rumania, Senegal, Sweden, Tunisia, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, Upper Volta, Yugoslavia.

Convention No. 88: Employment Service, 1948

Cuba (ratification: 1952). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes from the Government's report that Law No. 907 of 31 December 1960 makes a national authority responsible for all matters pertaining to employment and unemployment (section 21). The Committee trusts that in these circumstances it will be possible to give effect to the various provisions of the Convention with a view to the establishment of a national system of employment offices and of the advisory committees provided for under Articles 2, 3 and 4 of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

United Arab Republic (ratification: 1954). The Committee had observed in 1962 that the advisory committees provided for in section 15 of the Labour Code and Articles 4 and 5 of the Convention had not yet been established. As the report for 1961-62 does not appear to indicate any progress in this respect, the Committee must urge the Government to take the necessary steps to establish such committees in compliance with these articles of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Israel, Spain, United Arab Republic.*

Convention No. 89: Night Work (Women) (Revised), 1948

Austria (ratification: 1950). The Committee notes with interest that on 11 June 1962 the Federal Ministry of Social Affairs submitted to the competent bodies a Bill concerning night work of women, designed to bring national legislation into harmony with the Convention. The Committee trusts that the Bill will be enacted in the very near future.

Czechoslovakia (ratification: 1950). The Committee notes from the statement made by a Government representative to the Conference Committee in 1962 that although national legislation does not provide specifically a night rest of at least 11 consecutive hours for women, such a rest period is observed in practice, and that the divergency between the legislation and Article 2 of the Convention will be removed in the course of a general revision of the labour legislation now under consideration.

As no new information has been supplied on this point in the report, the Committee can only urge the Government to eliminate without further delay this discrepancy between national legislation and the Convention, to which attention has been drawn since 1955.

Pakistan (ratification: 1951). The Committee notes with regret from the Government's reply to the observation of 1962 that the Mines (Amendment) Bill is still

under consideration. Section 46 (1) of the Mines Act gives the Central Government *general* powers to grant exemptions from the provisions of the Act, whereas Article 5 of the Convention authorises the suspension of the prohibition of night work by women only when in cases of serious emergency the national interest demands it.

In these circumstances the Committee can only recall, once again, that no action has been taken on a divergency which the Government has promised to eliminate since 1955.

Rumania (ratification: 1957). The Committee notes with interest from the statement of a Government representative before the Conference Committee in 1962, in reply to the observation of the same year, that the definition of the term "night", which, in terms of section 50 of the Labour Code comprises an eight-hour period only, was under consideration by a working party and that the Committee's observation on this point would be taken into account when the legislation was modified.

As the Government's report contains no new information on the progress made in this connection, the Committee trusts that the Labour Code will very soon be brought into full conformity with Article 2 of the Convention, under which the term "night" signifies a period of at least 11 consecutive hours.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Luxembourg, Yugoslavia*.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Czechoslovakia (ratification: 1950). The Committee notes from the statement made by a Government representative to the Conference Committee in 1962, in reply to the observations of 1960, 1961 and 1962, that the Convention is applied in practice and that the legislation itself will be brought into conformity with the Convention in the course of the general revision of labour legislation now under consideration. The Committee takes due note of this promise. As the report contains no new information, the Committee must reiterate the following points:

(a) The legislation available to the Committee (Act No. 91 of 1918, section 9 (1)) does not contain a prohibition of night work for male workers between 16 and 18 years of age.

(b) The school-leaving age having been raised to 15 years by Act No. 186 of 1960, apprentices between 17½ and 18 years of age (the last semester of their three-year course) may, under section 2 (5) of Act No. 177 of 1946, start work in bakeries from 3 a.m., whereas under the Convention (Article 3, paragraph 4) they may not start work before 4 a.m.

The Committee urges the Government to make every effort to eliminate these discrepancies without further delay.¹

Pakistan (ratification: 1951). The Committee regrets to note that the Factories Act, 1934, has not yet been amended, although the first report, communicated for the period 1952-53, already referred to a draft Bill designed *inter alia*—

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

- (a) to extend the night work prohibition to all young persons (sections 53 and 54 of the Act);
- (b) to repeal the provision authorising the local government to vary the limits of night rest (section 54 (3));
- (c) to provide that registers should be kept in all undertakings in respect of all young persons, showing their dates of birth.

Since such action would ensure conformity with Article 2, paragraph 2, Article 3, paragraph 1, and Article 6, paragraph 1 (*e*), of the Convention respectively, the Committee can only trust that the proposed legislation will be enacted without any further delay, as promised by a Government representative to the Conference Committee in 1962.

The Committee also notes with regret that no reference is made in the report to the proposed amendment of the Employment of Children Rules, 1955, and the Consolidated Mines Rules, 1952, to bring them into conformity with Article 3, paragraph 2, of the Convention (authorising exceptions only in industries or occupations which are required to be carried on continuously and after consultation with the employers' and workers' organisations) and of the Mines Rules, to bring them into conformity also with paragraph 3 of this Article (a rest period of at least 13 consecutive hours). As an assurance was given by a Government representative to the Conference Committee in 1960 that this would be done, the Committee trusts that the Rules in question will be brought into conformity with the Convention in the near future.

Ukraine (ratification: 1956). The Committee notes that the Government reiterates its intention to amend the legislation to extend to 12 hours, including the interval between 10 o'clock at night and 6 o'clock in the morning, the night period during which the work of young persons under 18 years of age is forbidden (Article 2 of the Convention).

The Committee trusts that the Government will make every effort to take the necessary action in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Byelorussia*, *Yugoslavia*.

Convention No. 92: Accommodation of Crews (Revised), 1949

Cuba (ratification: 1952). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Government states, in reply to the observation made in 1960, that the absence of any special legislation in Cuba to give effect to the provisions of the Convention does not necessarily mean that they are not observed. The report adds that, as regards crew accommodation, the authorities competent to enforce observance of sanitary, technical and other requirements are the harbour-masters in each port, who are entitled to inspect all ships and to refuse them authorisation to leave the port. It would seem necessary, however, for the harbour-masters to be able to refer, in the exercise of their inspection duties, to precise, detailed laws or regulations.

Since the Government indicates that as from the present time all bodies concerned with the Cuban Merchant Marine are placed under the authority of the Cuban Maritime Development Office (*Oficina de fomento marítimo cubano*), according to the terms of Act No. 84 dated 17 January 1959, the enactment of legislation to give effect to the numerous technical requirements of Parts II, III and IV of the Convention should be made much easier.

The Committee hopes, therefore, that the Government will not fail, in accordance with Article 3 of the Convention, to take the necessary measures to ensure as soon as possible the application of the provisions of this Convention, which was ratified ten years ago.

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In addition, a request regarding certain other points is being addressed directly to *Brazil*.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Austria (ratification: 1951). The Committee regrets that the directives which are to provide for the insertion of appropriate labour clauses in public contracts have not yet been adopted because of the difficulty of agreeing on a text acceptable to all parties. It recalls that the question of the adoption of these directives has been pending since 1955. It trusts that, as indicated by the Government in its report, a solution will be found in any case prior to the 47th Session of the Conference so that the Government will be able to inform the Conference at that session that the necessary measures have been taken and that the Convention is fully implemented in Austria.¹

Bulgaria (ratification: 1955). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets the Government's statement, in reply to the observation of 1960, that it has nothing to add to the information supplied in the previous report and that no legislation has been adopted. As the Committee had set out in detail, in this observation, the reasons why specific action is called for in all ratifying countries to implement the Convention, it is now bound to observe that no such action has been taken in Bulgaria.

In these circumstances the Committee reiterates the above-mentioned explanations in a direct request and appeals to the Government to give effect to the Convention without further delay.¹

Denmark (ratification: 1955). The Committee notes that, following the observations it has made in previous years, the Government is now considering the preparation of the regulations required for the application of the Convention. It trusts that these regulations will soon be issued.

Philippines (ratification: 1953). The Committee notes from information supplied by a Government representative to the Conference Committee in 1962, in reply to the observation of the same year, that a parliamentary committee was considering a Bill which would ensure full compliance with the Convention. The Committee regrets that no further information on this matter is supplied in the Government's report. It recalls that the Convention was ratified ten years ago and urges that the Bill in question be enacted at an early date and that effect will thus be given to the Convention, particularly as regards the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the terms of the clauses (Article 2, paragraphs 1 and 2), the consultation of employers' and workers' organisations (Article 2, paragraph 3) and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba, Jamaica, Somali Republic*.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957). The Committee notes that the draft Labour Code—in which the terms of the Convention were to be incorporated—has not yet been approved. It recalls that this Bill has been mentioned by the Government since 1960 and expresses the hope that it will be enacted shortly and will ensure the full implementation of the Convention. Pending its adoption the Committee would be glad if the Government would attach a copy of this Bill, in its present form, to its next report.

Ecuador (ratification: 1954). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

With respect to Article 14, it appears to the Committee that the Article is effectively applied to homeworkers, to workers covered by minimum wage orders and to transport workers. The Committee considers, however, that the provisions mentioned in the Government's report do not ensure that workers other than those referred to above are informed in an appropriate and easily understandable manner (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed, and (b) at the time of each payment of wages, of the particulars of the wages for the pay period concerned, in so far as such particulars may be subject to change.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Gabon, Honduras, Iraq, Israel, Mali, Somali Republic, Togo, United Arab Republic.*

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Pakistan (ratification: 1952). According to the statement by a Government representative to the Conference Committee in 1962, legislation for the abolition of fee-charging agencies conducted with a view to profit, as defined in Article 1 (a) of the Convention, had been prepared and was to be submitted to Parliament at the session commencing 8 June 1962. The Government's report for 1961-62 indicates, however, that the proposed legislation has not been enacted.

The Committee recalls that observations on this Convention have been pending since 1955 and that legislation has been mentioned by the Government since 1958. It expresses the earnest hope that the proposed legislation will be enacted without any further delay and that it will ensure full conformity with the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, United Arab Republic.*

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). The Committee notes the information contained in the report for 1961-62, which repeats the information provided by a Government representative before the Conference Committee in 1962. It notes that the Government states once again that the maternity "allowances are closely connected with demographic questions . . . and are not strictly speaking social security benefits", and that this fact justifies the refusal to grant the said allocation to those children who are not born French or do not acquire French nationality within the first three months of their birth. The Committee would, however, draw attention to the fact that maternity allowances like all other benefits of this nature are financed by means of contributions to family allowances and that consequently for whatever reasons it may originally have been introduced, this allowance cannot be distinguished from the other family benefits to which foreign workers are entitled.

Moreover, the notion that maternity allowances cannot "strictly speaking" be regarded as a social security benefit is too vague in so far as the provisions of the Convention are concerned.

The Committee notes further that the Government representative stated that since the new instrument relating to equality of treatment between nationals and non-nationals with regard to social security gave rise to the same question, the Government could not yet fully state its position. The Committee urges the Government to apply the provisions of Convention No. 97 in accordance with their terms.¹

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

In 1959 the Committee noted that the national legislation does not ensure the application of Article 8 of the Convention, which provides that a migrant for employment admitted on a permanent basis shall not be returned to his territory of origin if he is unable to follow his occupation by reason of illness contracted or injury sustained subsequent to entry.

As the report supplies no information on this matter, the Committee once again expresses the hope that the Government will take the necessary measures to bring the legislation into conformity with the Convention in this respect.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France, Federal Republic of Germany, Jamaica*.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Byelorussia (ratification: 1956). See under Convention No. 87.

Dominican Republic (ratification: 1953). The Committee notes with regret that the report does not refer to the observation made in 1961. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with interest the amendment of section 307 of the Labour Code, aimed at giving a larger protection to workers against acts of discrimination and to their unions against acts of interference, as well as encouraging collective bargaining. It notes, however, that, contrary to

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

the Convention which applies to all workers, the Labour Code excludes certain agricultural workers from its scope, and thus denies to the latter trade union rights and *a fortiori* the benefits of the section mentioned above. (See under Convention No. 87.)

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Ghana (ratification: 1959). The Committee thanks the Government for the text of the Industrial Relations (Amendment) Act (No. 7 of 1960) and for its comments in reply to a direct request, but feels bound to maintain its observations on the following points:

1. The Committee had pointed out that, according to section 10 (1) of the Industrial Relations Act (No. 56 of 1958), the only trade unions entitled to negotiate collective agreements are those to which the Minister of Labour has issued the necessary certificate. From the terms of the Act, the Minister seems to have wide discretionary power in the issue or withdrawal of the said certificate. There are no provisions laying down objective criteria which must be followed in the issue or withdrawal of the certificate or which apply to the procedure in question basic guarantees such as would be constituted by its taking place before an independent body. That being so, it does not seem that the appropriate measures have been taken "to encourage and promote the full development and utilisation of machinery for voluntary negotiation . . . of collective agreements", as required by Article 4 of the Convention.

2. Sections 16 and 31 (1) (a) of the 1958 Act, as amended in 1960, which establish a system of compulsory union membership by law, may lead, where state undertakings are concerned, to the acts of interference prohibited by Article 2 of the Convention. There would be, in this case, interference by the State as employer in virtue of provisions promulgated by the State as public authority.

3. According to section 10 (6) of the 1958 Act, a certificate to conduct collective bargaining may not be issued in respect of persons in the public service. In consequence, such persons do not have the right to bargain collectively. This section of the Act, which covers not only public servants, excluded from the Convention (Article 6), but also the other workers employed by the various administrations, public services, etc., is contrary to Article 4 of the Convention, under which "measures appropriate to national conditions shall be taken . . . to encourage and promote the full development and utilisation of machinery for voluntary negotiation . . . with a view to the regulation of terms and conditions of employment by means of collective agreements".

The Committee hopes that the Government will take the measures necessary to amend its legislation and bring it into harmony with the Convention on the points indicated.

Guatemala (ratification: 1952). See under Convention No. 87 as regards workers other than public servants who are employed in public undertakings.

Japan (ratification: 1953). The Committee takes note of the remarks made at the 45th Session of the Conference by a Government representative but observes that, while repeating in more detailed form the earlier comments of the Government they add no new elements to the information before the Committee when it made its observation in 1961.

The Committee therefore can only reaffirm its observation that section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law and section 5

(3) of the Local Public Enterprise Labour Relations Law, which is drafted in similar terms, run counter to Article 2 of the Convention, according to which "workers' and employers' organisations shall enjoy adequate protection against any acts of interference . . .".

It expresses regret that the Bill to repeal the provisions criticised did not pass the Diet in April 1962. It notes, however, from paragraph 67 of the 68th Report of the Committee on Freedom of Association, that the Government declared, in a communication dated 13 February 1963, its intention to submit the amending Bill to the current session of the Diet. The Committee expresses therefore its firm hope that the provisions in question will now be repealed.

Poland (ratification: 1957). See under Convention No. 87.

Rumania (ratification: 1958). The Committee has observed that the report now furnished merely refers to the previous report. The Committee therefore points out that it addressed the following observation to the Government in 1962:

In 1961, taking note of the first report supplied by the Government, the Committee noted that its brevity prevented appreciation of the extent to which the Convention was applied: the information which it contained related only to Article 4 of the Convention; with regard to the other Articles the only information given was that there could be no discrimination against trade unions in Rumania (Article 1). The Committee therefore addressed directly to the Government certain questions with a view to obtaining additional information. It must note with regret that the Government has supplied in reply a report which merely states that collective agreements have been concluded in all undertakings (Article 4 of the Convention) and apart from this merely expresses the view that "the previous report answers the questions of the Committee of Experts".

The Committee recalls that under article 22 of the I.L.O. Constitution, States which have ratified a Convention must make a report on the effect given to it, a report which shall be made "in such form" and which "shall contain such particulars as the Governing Body may request".

In these circumstances, the Committee can only repeat its request and express the hope that the Government's next report will indicate, in conformity with the Report Form approved by the Governing Body, what effect is given to Articles 1 to 3 of the Convention (the Government is asked to attach the relevant texts and supply information on practical application, e.g. judicial or other decisions).

The Committee trusts that the Government will take the necessary measures in the light of this observation.¹

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

United Kingdom (ratification: 1950). The Committee notes that the Governing Body Committee on Freedom of Association had before it, at its meeting in November 1962, complaints presented by certain British trade union organisations regarding the application in respect of the banking industry of Article 2 of the Convention (acts of interference), and recommended the Governing Body to propose to the Government that it should arrange for an impartial, full and prompt inquiry, followed by an attempt to promote negotiation towards an agreed settlement, the Committee on Freedom of Association meanwhile adjourning its examination of the complaints until May 1963 in order to afford the Government an opportunity of indicating whether it is in a position to accept such recommendation. The recommendation of the Committee on Freedom of Association was approved by the Governing Body at its 154th Session (March 1963). The Committee trusts that the Government will inform it in due course as to further developments in the matter.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Belgium, Brazil, Bulgaria, Cuba, Dominican Republic, Ecuador, Federal Republic of Germany, Ghana, Guinea, Haiti, Honduras, Hungary, Indonesia, Italy, Luxembourg, Malaya, Morocco, Pakistan, Poland, Sudan, Syrian Arab Republic, Tanganyika, Turkey, United Arab Republic, Yugoslavia.*

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the following States: *Brazil, Mexico, Morocco, Sierra Leone.*

Convention No. 100: Equal Remuneration, 1951

Austria (ratification: 1953). The Committee takes note of the information communicated by the Government in 1961 in reply to the observation made by the Committee of Experts the same year.

The Committee notes with interest that the Government has completed its survey of some 2,000 collective agreements with a view to ascertaining the extent to which the principle of equal pay is implemented, that different wages rates were found to have been fixed for men and women workers in the case of 243 agreements and that measures have been taken with a view to modifying 133 of these agreements. The Committee further notes that the Austrian Trade Union Federation has not yet concluded its survey of such agreements from the point of view of the equal pay principle. It looks forward to learning in due course of the results of this survey.

The Committee also hopes that the Government's next report will provide the information referred to in its direct request, as regards the measures taken to eliminate differential wage rates in all collective agreements where they relate to work of equal value.

Cuba (ratification: 1954). In 1959 and 1960, the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

Ecuador (ratification: 1957). The Committee notes with regret that the report for 1961-62 has not been received. The Committee is bound, therefore, to repeat the observation made in 1960, 1961 and 1962 which was as follows:

The Committee notes that the Government's first report on this Convention is limited to a statement that its provisions are incorporated in the national Constitution and Labour Code. The Committee hopes that the Government will, in its next report, provide detailed information on the application of the Convention, in law and practice, in accordance with the report form adopted by the Governing Body pursuant to article 22 of the Constitution of the I.L.O.

The Committee hopes that the Government will make every effort to supply the above-mentioned information without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Italy (ratification: 1956). The Committee notes with interest, from the information supplied in reply to its observation of 1961, the progress made in applying the Interconfederal Agreement of 16 July 1960 in 70 collective agreements for various occupational groups, and its incorporation in Presidential (Legislative) Decree No. 1009 of 2 January 1962.

The report indicates, in reply to the request of 1961, that although there were frequent differentials in the wages prescribed for men and women workers in collective agreements, the Government "did not consider eliminating them" in virtue of the powers granted it under Acts Nos. 741 of 1959 and 1027 of 1960, as this "would have conflicted with the main objective of the Enabling Act designed to guarantee certain minimum standards in matters of remuneration and conditions of work, or would have resulted in an excessive delegation of power". The Committee recalls in this regard that section 5 of Act No. 741 specifies that the legal provisions issued by the Government (giving force of law to collective agreements) shall not conflict with the binding provisions of existing laws; it also recalls that article 37 of the Italian Constitution, which lays down the principle of equal remuneration, has constantly been held to be binding law by the Italian courts. It would appear therefore that the Government is under an obligation to ensure that no provisions issued in virtue of Act No. 741 contain wage rates which are in conflict with the principle of equal pay laid down in article 37 of the Constitution and in Presidential Decree No. 1009 of 2 January 1962. The Committee would therefore be grateful if the Government would indicate what measures have been taken under section 5 of Act No. 741 with a view to implementing the equal pay principle.

The Committee notes from the report of the Government that the Italian General Confederation of Labour has drawn attention to cases of discrimination against women employed by the state monopolies. The Committee has dealt with these and other matters in a direct request.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Austria, Belgium, Brazil, China, Cuba, Denmark, France, Federal Republic of Germany, Haiti, Honduras, Iceland, India, Indonesia, Italy, Norway, Philippines, United Arab Republic.*

Convention No. 101: Holidays with Pay (Agriculture), 1952

Requests regarding certain points are being addressed directly to the following States: *Brazil, Morocco, United Arab Republic.*

Convention No. 102: Social Security (Minimum Standards), 1952

Belgium (ratification: 1959). Part VI — Employment Injury Benefit. The Committee, in a request addressed to the Government in 1962 drew attention to the fact that the Royal Order of 18 September 1931, which makes employers responsible for the payment of employment injury compensation benefits (except where employers have voluntarily insured themselves with an agreed organisation) was not in conformity with the Convention. The Convention does not permit the application of this part of the Convention by non-compulsory insurance schemes (see Article 6) and provides in Article 71 that the cost of all benefits "shall be borne collectively by way

of insurance contribution or taxation". The Committee regrets to note therefore that this year's report indicates that no amendment to the Belgian system of financing is contemplated. It notes however that according to the report itself "in fact the great majority of employees are protected by an insurance scheme selected by the employers who for economic reasons have chosen full coverage". It would appear that in these circumstances and so as to fulfil the obligations arising from the Convention, the Government should be able to give the force of law to established practice by making such insurance obligatory, at least for such numbers of enterprises as will ensure protection for a number of employees equal to the number provided for in Article 33 of the Convention. The Committee hopes that the Government will indicate in its next report the measures which it proposes to take in this connection.

Greece (ratification: 1955). Part IX — Invalidity Benefit. As regards the suspension of benefits by reason of the earnings of the beneficiary, a possibility provided for by section 29 (7) (c) of the Insurance Act but not authorised by this Part of the Convention, the Committee notes the statement of a Government representative to the Conference Committee that the Government would propose the amendments necessary to bring the legislation into conformity with the Convention. The Committee takes note of this statement, as did the Conference Committee, and, while regretting that the Government has not supplied any further information on the matter in its report, hopes that the promised measures will soon be taken.

Sweden (ratification: 1953). The Committee notes that the Parliamentary Committee which is reviewing unemployment insurance is due to terminate its work in the course of 1963. It hopes therefore that the Government will soon be able to indicate the conclusions arrived at with respect to the duration of the waiting period and the fixing of the amount of the benefits in cases of unemployment, on both of which points the national legislation is not in complete harmony with the Convention (Article 24, paragraph 3, and Article 22, paragraph 1, of the Convention).

Yugoslavia (ratification: 1954). The Committee notes with regret that the report for 1960-62 has not been received. However, it notes the explanations supplied by a Government representative to the Conference Committee in 1961 as regards national legislation in the field covered by Part IV of the Convention (Unemployment Benefit) and takes note of the statement recognising that "formally, this legislation was not in full conformity with the Convention". It also notes the statement that certain amendments might be made to the national unemployment insurance scheme at the same time as the over-all revision of the social security scheme which is in the course of preparation. The Committee hopes that the Government will take advantage of this revision to take into consideration the following observations which have been made since 1959:

Articles 21 and 22 of the Convention. In virtue of section 1 of the Decree of 29 March 1952 all wage and salary earners are protected against unemployment; however, in virtue of section 9 (6) of this same decree, all persons whose annual income tax exceeds 250 dinars per person living in the household are excluded. Moreover, according to sections 89 (2) and 100 (6) of the Act of 12 December 1957 respecting employment relationships, the right to unemployment benefit is subject to the condition that the income of the beneficiary and of his near relations or dependants does not exceed a specified amount. The Committee observes that under Articles 21 and 22 of the Convention, a reduction in the benefits by reason of the beneficiary's means or those of his family during the contingency is authorised only in cases where the protection extends to all residents. On the other hand, when the protection covers only prescribed classes of employers (Article 21, paragraph (a)), the benefit must, in virtue of Article 22, paragraph 1, be granted in conformity with the provisions either of Article 65 or of Article 66, neither of which provides for the reduction of benefit by reason of the other means of the beneficiary or of his family during the contingency. The Committee would

therefore be grateful if the Government would indicate what measures it intends to take with a view to ensuring the application of the above-mentioned provisions of the Convention either:—

- (a) by extending the protection against unemployment to all residents (whose means during the contingency do not exceed the prescribed limit); or
- (b) by fixing the amount of the benefit so as to satisfy the standards established by Article 65 or by Article 66.

The Committee hopes that the Government will not fail to take the necessary measures and to supply the information to which the Committee refers in a direct request, particularly as regards the amendments which have been made respecting cases of forfeiture of the right to pensions.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Denmark, Federal Republic of Germany, Greece, Israel, Italy, Norway, Sweden, Yugoslavia.*

Convention No. 103: Maternity Protection (Revised), 1952

Cuba (ratification: 1955). In 1958, 1959 and 1962 the Committee had made direct requests concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Byelorussia, Cuba, Hungary, Ukraine, U.S.S.R. and Yugoslavia.*

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

Requests regarding certain points are being addressed directly to the following States: *Portugal, El Salvador.*

Convention No. 105: Forced Labour, 1957

Portugal (ratification: 1959). The Committee notes the information supplied in the Government's report for 1961-62 on the measures so far taken to implement the recommendations made by the Commission appointed under article 26 of the Constitution.

The Committee notes with interest that Legislative Decree No. 44309 of 27 April 1962 has, with effect from 1 October 1962, repealed the Native Labour Code, 1928, and all regulations, orders and other instruments issued thereunder, and brought into force a new Rural Labour Code, governing the employment of unskilled labour in all overseas provinces except Macao. The Committee notes that the new Code has eliminated provisions permitting the exaction of forced or compulsory labour, and provides in section 325 that any person who imposes compulsory labour on a worker in any manner whatsoever shall be liable to imprisonment for up to two years.

The Committee would be glad if the Government would supply further information in its next report on the following matters arising out of the report of the Commission appointed under article 26 of the Constitution:

1. Paragraphs 730 to 734 and 736 of the Commission's report. The Committee would be glad if the Government would indicate whether any regulations, decisions, instructions, circulars or other documents have been issued in the territories concerned to amplify, adapt or explain the provisions of the Rural Labour Code of 1962, and if so, supply copies thereof.

2. Paragraph 735. The Government is requested to indicate whether Ministerial Legislative Instrument No. 24 of 9 May 1961 of Angola is still in force, and, if not, to indicate the provisions which repealed it. If this legislation is still in force, the Committee would be glad to receive full particulars of its practical application during the reporting period, including the number of persons called up for service in the Labour and Economic Recovery Corps, the areas and work in which they have been employed, the length of service and conditions of employment.

3. Paragraph 738. The Committee notes the information from the Governor of the District of Luanda concerning recruiting arrangements of the Diamond Company of Angola, appended to the Government's report. The Committee would be glad if the Government would in its next report—

- (a) supply particulars of the number of workers recruited by the Company according to area of recruitment;
- (b) indicate whether, as stated in paragraph 524 of the Commission's report, workers recruited for the Company are still obtained through "sobas";
- (c) give information on the measures taken by the authorities to supervise the Company's recruiting operations, particularly to ensure the strict application of sections 154 to 160 of the Rural Labour Code in this connection;
- (d) supply particulars of the measures taken by the Company, in accordance with the policy mentioned in paragraph 525 of the Commission's report, to make conditions of employment more attractive with a view to replacing recruited labour by labour offering its services spontaneously at the workplace, together with an indication of the results achieved towards this end.

4. Paragraph 741. Full particulars are requested of all measures taken, in accordance with the recommendation contained in this paragraph of the Commission's report, to ensure the strict enforcement of the instructions issued in Angola on 31 August 1961 concerning recruiting of labour for public services and undertakings, to improve conditions of employment in publicly owned railways and ports so as to attract voluntary labour, to make the employment available known to potential workers and to provide proper transport and accommodation.

5. Paragraph 744. The Government is requested to supply full particulars of the measures taken, in accordance with the recommendation contained in this paragraph of the Commission's report, to ensure the elimination of all forced labour in road construction and maintenance. It is also asked to indicate the procedures followed in the territories concerned for the execution of such works, and to supply copies of regulations, administrative instructions or circulars governing these procedures.

6. Paragraph 749. The Committee notes the statement by the Cassequel Agricultural Company and the report by the Chief Labour Inspector of Angola on his

inspection of the Company's plantations supplied by the Government with its report. The Committee would be glad if the Government would append to its next report copies of reports on any further labour inspection visits to the Company's plantations which may have been made during the reporting period.

7. Paragraph 750. The Committee would be glad if the Government would supply particulars of the conclusions and recommendations submitted by the committee set up on 14 September 1961 to consider the system of cotton cultivation in Angola and Mozambique (referred to in paragraph 249 of the Commission's report) and of any measures contemplated by the Government in this connection.

8. Paragraph 751. The Government is requested to indicate what consideration has been given to changes in taxation systems in order to avoid their operating as a possible form of indirect compulsion upon workers to undertake contract labour.

9. Paragraph 752. The Government is requested to indicate for each of the three territories concerned (a) the number of persons who have been sentenced or to whom security measures have been applied on the grounds of vagrancy; (b) the nature and duration of penalties or other measures imposed upon them and (c) the work to which they have been assigned.

The Committee would be glad if the Government would also indicate the measures taken to modify or supplement paragraphs 5 and 8 of Decision No. 11 of the Governor-General of Mozambique of 13 September 1961 (set out in paragraph 221 of the Commission's report) in order to ensure that vagrancy provisions will not, as under the repealed circulars of 1942 and 1947, be applied so as to compel persons to undertake specified forms of employment.

10. Paragraph 754. The Government is requested to supply information concerning the activities of the labour inspectorate in enforcing the Rural Labour Code, including the number of full-time inspectors in each province, the number of inspection visits, the number of violations of provisions governing recruiting and the conclusion of contracts, and particulars of proceedings in respect thereof.

It is also asked to supply information concerning the number of recruiting licences issued, the areas and number of workers to which they related, the number of workers recruited and the branches of activity for which they were recruited.

11. Paragraphs 762 and 763. The Committee would be glad to receive information on the practical application of the provisions of the Rural Labour Code concerning public placement services, mentioned in the Government's report, including the number and location of employment offices, the number of workers placed by them and the branches of activity in which these workers have been placed.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Canada, China, Costa Rica, Cuba, Cyprus, Federal Republic of Germany, Ghana, Iran, Iraq, Ireland, Jamaica, Jordan, Malaya, Philippines, Poland, Portugal, El Salvador, Sierra Leone, Sweden, Tanganyika, United Arab Republic.*

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Ghana (ratification: 1958). The Committee takes note of the Government's statement that the regulations to be made under section 119 of the Labour Ordinance with a view to giving effect to the Convention are still under examination.

The Committee notes that at present, with the exception of civil servants who are entitled to weekly rest by virtue of General Order 188 (ii) and such employees within the scope of the Convention as are entitled to weekly rest under collective agreements, it is only by national custom that workers in commerce and offices receive weekly rest. In these circumstances, the Committee expresses once more the hope that regulations will soon be issued to ensure that all persons employed in the establishments listed in Article 2 of the Convention are entitled to weekly rest as prescribed in the various Articles of the Convention.

The Committee trusts that the Government will supply a copy of these regulations with its next report.

Guatemala (ratification: 1959). The Committee takes due note of the statement in the report under Article 3 of the Convention that the Convention is applicable to the persons employed in all the establishments enumerated in this Article.

Haiti (ratification: 1958). The Committee takes due note of the statement in the report under Article 3 of the Convention that the Convention is applicable to the persons employed in all the establishments enumerated in this Article.

Tunisia (ratification: 1958). The Committee takes due note of the statement in the report under Article 3 of the Convention that the Convention is applicable to the persons employed in all the establishments enumerated in this Article.

Yugoslavia (ratification: 1958). The Committee takes due note of the statement in the report under Article 3 of the Convention that the Convention is applicable to the persons employed in all the establishments enumerated in this Article.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba, Denmark, Guatemala, Haiti, Iraq, Mexico, Pakistan, Portugal, Tunisia, United Arab Republic, Yugoslavia*.

Convention No. 107: Indigenous and Tribal Populations, 1957

Requests regarding certain points are being addressed directly to the following States: *Argentina, Ghana, India, Mexico, Pakistan, Portugal, El Salvador, United Arab Republic*.

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: *Ghana, Tunisia*.

Convention No. 110: Plantations, 1958

Requests regarding certain points are being addressed directly to the following States: *Ivory Coast, Mexico*.

Convention No. 111: Discrimination (Employment and Occupation), 1958*General Observation*

The Committee, which in 1962 examined first reports from six countries, has this year been called upon to consider those of 22 others, bringing up to 28 the number of countries from which it has received information about the application of the Convention in accordance with article 22 of the Constitution of the I.L.O. The Committee has likewise been called upon to consider the information on the Convention and the complementary Recommendation supplied under article 19 of the Constitution. The third part of this report contains its general conclusions based on the information made available, under both article 19 and article 22 of the Constitution, on the 1958 instruments concerning discrimination in employment and occupation.

In a general observation made in 1962 about this Convention, the Committee called attention to the appeal which the Governing Body of the International Labour Office had made to all governments that they should send in reports as complete as possible, and pointed out the scope of the information which must be supplied to permit a precise assessment of the effect given to the Convention. At its 154th Session (March 1963) the Governing Body reaffirmed the special importance given to the examination of the application of this Convention.

The Committee this year has had to send governments of countries which have ratified the Convention requests for additional information, sometimes on certain points only, but sometimes on most of the points concerning the application of the Convention, as in many cases the reports did not respond to the above-mentioned appeal. The Committee therefore wishes to renew the previous appeal. At the same time, it calls the attention of governments to its general conclusions relating to the instruments concerning discrimination in employment and occupation; these appear in Part Three of its report, where it has attempted to give general indications useful to governments in their assessment of the information they should supply and of the questions relevant to the application of the Convention. The Committee suggests that the general conclusions should also be brought to the attention of the governments of countries for which the Convention will enter into force later (for instance, at the time of the request for the first report under article 22 of the Constitution). It expresses the hope that governments will not fail to supply all the information requested in order to permit a precise assessment of the effect given to the Convention in each country.

* * *

Requests for additional information are being addressed directly to the following States: *Bulgaria, Byelorussia, China, Costa Rica, Denmark, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Hungary, India, Iraq, Israel, Ivory Coast, Libya, Malagasy Republic, Mexico, Norway, Pakistan, Philippines, Poland, Portugal, Tunisia, Ukraine, U.S.S.R., Upper Volta, Yugoslavia*. Of these countries, the Committee is requesting the following (which sent very brief reports) to supply a detailed report for the 1962-63 period: *Ghana, Guinea, Hungary, Iraq, Malagasy Republic, Pakistan, Philippines*; the following countries (from which no report has been received) are also being requested to supply a detailed report for the 1962-63 period: *Dahomey, Honduras, Syrian Arab Republic, United Arab Republic*.

Convention No. 112: Minimum Age (Fishermen), 1959

A request regarding certain points is being addressed directly to *Guinea*.

Convention No. 113: Medical Examination (Fishermen), 1959

A request regarding certain points is being addressed directly to *Guinea*.

Convention No. 114: Fishermen's Articles of Agreement, 1959

A request regarding certain points is being addressed directly to *Guinea*.

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: *Ghana, Norway*.

**Appendix I. Detailed Reports Received and Detailed Reports Not Received
by 5 April 1963**

Reports received: 1,059. Reports not received: 250. Total: 1,309.

(Article 22 of the Constitution)

Countries ¹	Reports received †		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan	2	14, 95	0	—	2
Albania	13	5, 6, 11, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100	1	4	14
Argentina	28	1, 3, 5, 7, 8, 11, 14, 15, 20, 21, 22, 23, 26, 27, 30, 32, 33, 35, 36, 50, 52, 58, 68, 73, 87, 98, 100, 107	1	9	29
Australia	9	7, 8, 9, 11, 15, 21, 26, 27, 42	0	—	9
Austria	11	5, 11, 21, 27, 33, 87, 89, 94, 98, 99, 100	0	—	11
Belgium	26	1, 5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 32, 33, 43, 50*, 58, 62, 64*, 68, 84*, 87, 97, 98, 100, 102, 107	0	—	26
Bolivia	0	—	3	5, 14, 26	3
Brazil	12	5, 7, 11, 14, 19, 26, 58, 92, 98, 99, 100, 101	1	3	13
Bulgaria	18	1, 3, 5, 7, 8, 14, 15, 20, 21, 26, 58, 59, 60, 62, 68, 100, 106, 111	19	9, 11, 27, 29, 30, 32, 35, 36, 37, 38, 39, 40, 43, 44, 49, 53, 87, 94, 98	37
Burma	6	1, 11, 14, 15, 21, 27	3	26, 29, 87	9
Byelorussia	14	11, 15, 47, 58, 59, 60, 77, 78, 79, 87, 98, 100, 103, 111	0	—	14
Cameroon	7	5, 11, 14, 26, 33, 84, 87	0	—	7
Canada	10	1, 7, 8, 14, 15, 26, 27, 32, 58, 68	0	—	10
Central African Republic .	0	—	8	5, 11, 14, 26, 33, 41, 84, 87	8
Ceylon	7	5, 7, 8, 11, 15, 58, 99	1	81	8
Chad	6	5, 11, 14, 26, 33, 87	0	—	6

† For footnotes see end of table, p. 127.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Countries	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Chile	21	1, 2, 3, 4, 5, 7, 8, 9, 11, 14, 15, 17, 20, 26, 27, 30, 32, 35, 36, 37, 38	0	—	21
China	11	7, 11, 14, 15, 26, 27, 32, 45, 59, 100, 111	0	—	11
Colombia	13	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26	0	—	13
Congo (Brazzaville)	6	5, 11, 14, 26, 33, 87	0	—	6
Congo (Leopoldville)	13	4, 11, 12, 14, 17, 18, 19, 26, 27, 42, 62, 64, 85*	4	29, 50, 84, 94	17
Costa Rica	6	81*, 89*, 90*, 95*, 100*, 111	13	45, 87, 88, 92, 94, 96, 98, 99, 106, 107	16
Cuba	0	—	58	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 29, 30, 32, 42, 45, 52, 58, 59, 60, 63, 67, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 110	58
Cyprus	3	15, 84, 97	0	—	3
Czechoslovakia	19	1*, 5*, 11, 14*, 21*, 26, 27*, 29*, 35*, 36*, 37*, 38*, 39*, 40*, 43*, 49*, 89*, 90*, 100*	0	—	19
Dahomey	0	—	8	5, 11, 14, 26, 33, 84, 87, 111	8
Denmark	18	5, 7, 8, 9, 11, 14, 15, 21, 29, 58, 87, 94, 98, 100, 102*, 105, 106, 111	0	—	18
Dominican Republic *	10	1, 5, 7, 26, 29, 79, 87, 98, 100, 106	2	45, 107	12
Ecuador	0	—	5	26, 29, 95, 98, 100	5
Finland	14	7, 8, 9, 11, 14, 15, 20, 21, 27, 30, 32, 62, 87, 98	0	—	14
France	26	3, 5, 8, 9, 11, 14, 15, 26*, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97*, 98*, 99, 100*	0	—	26

REPORT OF THE COMMITTEE OF EXPERTS

Countries	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Gabon	11	5, 11, 14, 26, 29, 33, 41, 84, 87, 95, 111	4	3, 10, 12, 19	15
Federal Republic of Germany	16	3, 7, 8, 9, 11, 15, 26, 27, 62, 87, 97, 98, 99, 100, 102, 111	0	—	16
Ghana	12	15, 26, 50, 58, 59, 64, 84, 98, 106, 107, 108, 111	0	—	12
Greece	12	1*, 3, 5, 7, 8, 9, 11, 14, 15, 27, 81, 102	0	—	12
Guatemala	2	106, 111	7	19, 45, 86, 87, 97, 98, 108	9
Guinea	12	5, 11, 14, 26, 29, 33, 87, 98, 111, 112, 113, 114	0	—	12
Haiti	9	1, 5, 14, 30, 42, 98, 100, 106, 107	0	—	9
Honduras	5	45, 87, 95, 98, 100	4	78, 106, 108, 111	9
Hungary	16	3, 6, 7, 14, 15, 21, 26, 27, 41, 45, 62, 87, 98, 100, 103, 111	0	—	16
Iceland	0	—	9	2, 11, 15, 29, 58, 87, 98, 100, 105	9
India	12	1, 5, 11, 14, 15, 21, 26, 27, 32, 100, 107, 111	0	—	12
Indonesia	6	19, 27, 29, 45, 98, 100	0	—	6
Iran	1	29*	0	—	1
Iraq	8	14, 52, 58, 59, 78, 95, 106, 111	0	—	8
Ireland	16	5, 7, 8, 11, 14, 15, 20, 21, 26, 27, 28, 43, 49, 68, 87, 98	0	—	16
Israel	10	1, 5, 14, 20, 30, 87, 97, 98, 102, 111	0	—	10
Italy	25	3, 7, 8, 9, 11, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 58, 59, 60, 68, 87, 97, 98, 100, 102	0	—	25
Ivory Coast	8	3, 5, 11, 14, 26, 33, 87, 111	0	—	8
Jamaica ^a	6	15, 50, 64, 86, 97, 98	1	87	7
Japan	10	5, 7, 8, 9, 15, 21, 27, 50, 58, 98	0	—	10
Kuwait	1	1	0	—	1

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Countries	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Liberia	9	29, 53, 55, 58, 110*, 111*, 112*, 113*, 114*	1	—	9
Libya	1	111	0	—	1
Luxembourg	19	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 59, 60, 87, 98	0	—	19
Malagasy Republic	7	5, 11, 14, 26, 33, 87, 111	0	—	7
Malaya	3	11, 50, 64	0	—	3
Mali	10	4, 5, 11, 14, 26, 29, 33, 84, 85, 87	0	—	10
Mauritania	15	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 84, 85, 87, 95	0	—	15
Mexico	22	8, 9, 11, 13, 14, 21, 22, 26, 27, 30, 32, 43, 49, 58, 62, 87, 99, 100, 106, 107, 110, 111	0	—	22
Morocco	8	11, 14, 15, 26, 27, 98, 99, 101	0	—	8
Netherlands	15	5, 8, 9, 11, 15, 21, 26, 27, 33, 58, 62, 68, 87, 97, 99	0	—	15
New Zealand	20	1, 9, 11, 14, 15, 16, 21, 26, 30, 32, 47, 49, 50, 58, 59, 60, 64, 84, 97, 99	0	—	20
Nicaragua	0	—	29	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30	29
Niger	7	5, 11, 14, 26, 33, 84, 87	0	—	7
Nigeria *	14	8, 11, 15, 26, 32, 50, 58, 59, 64, 87, 95, 97, 98, 105	0	—	14
Norway	25	5, 7, 8, 9, 11, 14, 15, 21, 24, 25, 26, 27, 32, 43, 49, 50, 58, 59, 68, 87, 97, 98, 100, 102, 111	1	30	26
Pakistan	17	1, 11, 14, 15, 21, 27, 32, 59, 81, 87, 89, 90, 96, 98, 106, 107, 111	0	—	17
Panama	0	—	10	3, 12, 17, 30, 42, 45, 52, 81, 87, 100	10

REPORT OF THE COMMITTEE OF EXPERTS

Countries	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Peru *	11	1, 11, 14, 52, 81, 87, 99, 100, 101, 105, 107	6	35, 36, 37, 38, 39, 40	17
Philippines	10	53, 59, 77, 87, 94, 98, 99, 100, 105, 111	0	—	10
Poland	19	7, 8, 9, 11, 14, 15, 27, 35, 36, 37, 38, 39, 40, 62, 68, 87, 98, 100, 111	1	5	20
Portugal	12	1, 7, 14, 26, 27, 29, 68, 104, 105, 106, 107, 111	0	—	12
Rumania *	15	1, 3, 5, 6, 7, 8, 9, 11, 14, 15, 27, 87, 89, 98, 100	0	—	15
Rwanda * ^a	10	11, 14, 26, 42, 50, 62, 64, 84, 89, 94	0	—	10
El Salvador *	2	12, 104	2	105, 107	4
Senegal	6	5, 11, 14, 26, 33, 87	0	—	6
Sierra Leone	0	—	14	5, 7, 8, 15, 26, 32, 50, 58, 59, 64, 86, 87, 98, 99	14
Somali Republic	0	—	4	29, 65, 85, 105	4
(Former Trust Territory of Somaliland)	0	—	6	16, 17, 19, 22, 23, 45	6
(Former British Somaliland)	0	—	5	50, 64, 94, 95, 105	5
Republic of South Africa	1	26	0	—	1
Spain	18	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 26, 27, 30, 32, 33, 62, 81, 88	0	—	18
Sudan	0	—	5	2, 19, 26, 29, 98	5
Sweden	14	7, 8, 9, 11, 14, 15, 20, 21, 27, 32, 58, 87, 98, 102	0	—	14
Switzerland	9	5, 8, 11, 14, 15, 26, 27, 58, 62	0	—	9
Syrian Arab Republic	2	11, 98	14	1, 14, 17, 18, 26, 30, 87, 94, 96, 100, 105, 106, 107, 111	16
Tanganyika	5	15, 50, 59, 64, 98	0	—	5
Togo	7	5, 11, 14, 26, 33, 84, 87	0	—	7

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Countries	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Tunisia	10	11, 14, 26, 62, 87, 98, 99, 106, 108, 111	0	—	10
Turkey	5	11, 14, 15, 58, 98	0	—	5
Uganda * ⁴	9	5, 11, 15, 26, 50, 64, 84, 86, 98	0	—	9
Ukraine	16	10, 11, 15, 16, 47, 58, 59, 60, 77, 78, 87, 90, 98, 100, 103, 111	0	—	16
U.S.S.R.	11	11, 15, 47, 58, 59, 60, 87, 98, 100, 103, 111	0	—	11
United Arab Republic . . .	21	1, 11, 17, 18, 19, 26, 29, 30, 45, 52, 81, 87, 88, 95, 96, 98, 100, 101, 105, 106, 107	2	14, 111	23
United Kingdom	24	5, 7, 8, 11, 15, 17, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102	0	—	24
United States	1	58	0	—	1
Upper Volta	8	5, 11, 14, 26, 33, 84, 87, 111	0	—	8
Uruguay *	47	1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 42, 43, 45, 52, 58, 59, 60, 62, 63, 67, 73, 77, 78, 79, 87, 89, 90, 94, 95, 97, 98, 99, 101, 103	0	—	47
Venezuela	15	1, 3, 5, 6, 7, 11, 13, 14, 21, 22, 26, 27, 29, 41, 45	0	—	15
Viet-Nam	4	5, 14, 26, 27	0	—	4
Yugoslavia	28	2, 3, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 22, 23, 24, 25, 27, 45, 58, 69, 87, 90, 98, 103, 106, 111	2	100, 102	30

* Reports received too late to be summarised in Report III (Part I).

¹ This list, relating to reports due for the period ending 30 June 1962, does not include Algeria, Burundi, Trinidad or Western Samoa, which attained independence in the course of 1962.

² The reports communicated by the Government of Jamaica, which became a Member of the I.L.O. in 1962, cover a period preceding its admission to the I.L.O. The Government has also submitted reports on Conventions Nos. 5, 7, 8, 11, 26, 32, 35, 36, 37, 38, 39, 40, 68, 84 and 99.

³ The reports communicated by the Government of Rwanda, which became a Member of the I.L.O. in 1962, cover a period preceding its admission to the I.L.O.

⁴ The reports communicated by the Government of Uganda, which became a Member of the I.L.O. in 1963, cover a period preceding its admission to the I.L.O.

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee ¹		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— ²	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ³	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1,026	212	20.6	840	81.8	917	89.3
1953-1954	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-1955	1,234	283	22.9	1,063	86.1	1,170	94.8
1955-1956	1,333	332	24.9	1,234	92.5	1,283	96.2
1956-1957	1,418	210	14.7	1,295	91.3	1,349	95.1
1957-1958	1,558	340	21.8	1,484	95.2	1,509	96.8
1958-1959	995 ⁴	200	20.4	864	86.8	902	90.6
1958-1960	1,100 ⁴	256	23.2	838	76.1	963	87.4
1959-1961	1,362 ⁴	243	18.1	1,090	80.0	1,142	83.9
1960-1962	1,309 ⁴	200	15.5	1,059	80.9	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932, and 23 July in 1945; the date limit for the receipt of reports has accordingly varied. ² The Conference did not meet in 1940.

³ First year for which this figure is available. ⁴ As a result of a decision by the Governing Body, detailed reports were requested on only certain ratified Conventions.

II. Observations on the Application of Conventions in Non-Metropolitan Territories (Article 22 and Article 35, paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Australia

The Committee notes that most of the reports do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

Denmark

The Committee notes that the reports do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

France

The Committee regrets that only 92 of the total of 161 reports due in respect of the four Overseas Departments have been received. It trusts that in future all reports requested will be submitted.

The Committee also notes that most of the reports, both in respect of Overseas Departments and in respect of the Overseas Territories, do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

Netherlands

In 1961 and 1962 the Committee had to note that no reports had been received in respect of Surinam. This year only 13 of the 42 reports requested in respect of this territory have been received. The Committee trusts that arrangements will be made to ensure that in future all reports due are submitted in time.

The Committee notes that the reports submitted in respect of the Netherlands Antilles and Surinam do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

New Zealand

The Committee notes that the reports do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

Spain

See the general observation in Part Two, Chapter I A.

United Kingdom

As regards declarations under article 35 of the Constitution, the Committee has noted with interest that, since its last session, 303 declarations have been received in respect of United Kingdom non-metropolitan territories, including 178 declarations of application or acceptance of the Convention concerned (without modification in all but five cases). These declarations of application or acceptance included 26 in respect of Convention No. 5, 22 in respect of No. 7, 16 in respect of No. 8, 31 in respect of No. 11, 25 in respect of No. 12, 24 in respect of No. 26, 5 in respect of No. 87 and 7 in respect of No. 98.

The Committee notes that once again a very high percentage of the reports requested has been supplied (over 95 per cent. of the 932 reports requested). It regrets, however, that only one of the 27 reports due in respect of Nyasaland has been communicated, particularly as in respect of a number of the Conventions on which no report has been supplied for this territory observations or direct requests are outstanding.

The Committee also notes that, in respect of a number of territories, the reports do not contain any information on the practical application of Conventions. It hopes that all future reports will, where appropriate, contain such information.

B. INDIVIDUAL OBSERVATIONS**Convention No. 3: Maternity Protection, 1919***France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

See Chapter I, under Convention No. 3, *France*.

French Polynesia.

With reference to the direct requests made in 1959 and 1961, the Committee notes with interest that Order No. 177/IT of 2 July 1956 in respect of the Employment of Women and Pregnant Women formally prohibits in section 19 the employment of women during the six weeks following their confinement, as provided for in Article 3 (a) of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

Convention No. 5: Minimum Age (Industry), 1919*Denmark**Faroe Islands.*

Further to its previous observations, the Committee notes from the report that according to the local government of the Faroe Islands the Bill required for the

application of the Convention is to be introduced during the parliamentary session of 1962-63.

The Committee trusts that this legislation will be adopted without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, New Caledonia, French Polynesia, St. Pierre and Miquelon, French Somaliland), *United Kingdom* (Antigua, Bahamas, Barbados, British Guiana, British Honduras, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Kenya, Malta, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands, Zanzibar).

Convention No. 7: Minimum Age (Sea), 1920

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, Bahamas, Barbados, British Guiana, British Honduras, Gilbert and Ellice Islands, Hong Kong, Malta, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands, Zanzibar).

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles), *United Kingdom* (Gibraltar, Malta, Solomon Islands).

Convention No. 9: Placing of Seamen, 1920

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 11: Right of Association (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Australia* (New Guinea, Norfolk Islands, Papua), *Denmark* (Faroe Islands), *United Kingdom* (Barbados, Malta, Solomon Islands).

Convention No. 13: White Lead (Painting), 1921

Netherlands

Surinam.

The Committee thanks the Government for its detailed reply to the direct requests of 1958, 1959 and 1960. It takes due note of the Government's intention to give full effect to Articles 1, 3 and 5 of the Convention. It also notes that all annual reports by the Department of Social Affairs, containing data on cases of lead poisoning (Article 5, III (a) of the Convention), will henceforth be communicated to the I.L.O. and that employers' and workers' organisations will be consulted in the cases contemplated by the Convention.

Article 1 of the Convention. The Government confirms that section 1, paragraph 3, of the Order of 19 October 1949 does not prohibit the use of chrome yellow containing sulphate of lead, although this product may have the harmful effects which

the Convention aims to prevent. The Committee hopes that the Order will be amended in the near future, so as to specify that chrome yellow may be used in the internal painting of buildings only if the lead sulphate content is 2 per cent. at the most, in conformity with Article 1, paragraph 2, of the Convention.

Article 3. The Committee hopes that the Government will soon adopt provisions formally prohibiting the employment of females and of males under 18 years of age in any painting work of an industrial character involving the use of white lead or sulphate of lead or other products containing these pigments.

Article 5. The Committee hopes that appropriate regulations will be adopted at an early date to give full effect to the provisions of Article 5, II (c) (suitable arrangements in order to prevent clothing removed during working hours from being soiled by painting materials) and of Article 5, III (b) (the competent authorities may require, when necessary, a medical examination of workers).

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

A request regarding certain points has been addressed directly to *Denmark* (Greenland).

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

A request regarding certain points is being addressed directly to *Denmark* (Greenland).

Convention No. 17: Workmen's Compensation (Accidents), 1925

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Requests regarding certain points are being addressed directly to *Australia* (Nauru, New Guinea, Papua).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Netherlands

Surinam.

The Committee notes that no amendment has been made to section 6, paragraph 7, of the Workmen's Compensation Ordinance of 1947 which permits, contrary to Article 1, paragraph 2, of the Convention, a difference of treatment between its own nationals and foreigners as regards the payment of benefits in cases where the victim of an industrial accident or his dependants move their residence outside Surinam.

The Government states in its report that this discrepancy will be eliminated as soon as possible. The Committee takes note of this statement and trusts that measures will be taken without delay with a view to bringing the national legislation into conformity with the Convention on this point, which was first raised by the Committee in 1956.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Guiana, British Honduras, Dominica, Falkland Islands, Fiji, Gibraltar, Hong Kong, Malta, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland and Zanzibar).

Convention No. 29: Forced Labour, 1930*United Kingdom**British Honduras.*

The Committee notes with satisfaction that Labour Ordinance No. 15 of 1959 has ensured the statutory application of Articles 1, 2 and 25 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana, Guadeloupe, Martinique), *Netherlands* (Surinam), *United Kingdom* (Dominica, Sarawak).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932*France**Comoro Islands.*

The Committee notes with satisfaction from the Government's reply to the request made in 1961 that Order No. 60-130/IT/C of 1 August 1961 removes the discrepancies between the national legislation and Article 3 of the Convention in respect of the safeguards and limitations to be imposed on the exceptions allowed with regard to light work performed by children who have attained 12 years of age.

St. Pierre and Miquelon.

The Committee notes with interest the Government's reply to the direct request of 1961 that it is intended to repeal Order No. 446 of 14 August 1954, which permits certain exceptions for the employment of children on light work without taking into account some of the restrictions and safeguards required by Article 3 of the Convention.

The Committee would be grateful if the Government would supply with its next report the text of the measures adopted in this respect.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934*Netherlands**Surinam.*

The Committee notes that according to the Government's reply to the requests of 1960 and 1962—which was received too late to be examined in 1962—a draft Bill corresponding to the standards established by the Convention has been prepared and is ready to be sent to the employers' and workers' organisations for their observations.

The Committee trusts that this Bill, which should complete the list of occupational diseases and thus ensure full conformity with the Convention, will soon be adopted, in view of the fact that the Government has declared its intention to do so since 1956.

Republic of South Africa

South West Africa.

See Chapter I, under Convention No. 42, *Republic of South Africa*.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia* (Nauru, New Guinea, Papua), *Republic of South Africa* (South West Africa).

Convention No. 50: Recruiting of Indigenous Workers, 1936

United Kingdom

British Guiana.

The Committee notes that the legislation intended to give effect to those provisions of the Convention which are not the subject of legislation is still under consideration. As reference to the proposed legislation was made already in the Government's report for 1957-58, the Committee trusts that it will be adopted in the near future.

Hong Kong.

The Committee regrets to note that, notwithstanding the observations made by it since 1953, legislation to implement the Convention has not yet been adopted. It recalls that as long ago as 1953 the Government recognised the necessity of revising the existing legislation and reinforcing existing administrative practices; that it stated at the Conference in 1957 that priority was being given to the drafting of legislation to give effect to the Convention; that in its report for 1957-58 the Government indicated that this legislation was likely to come into effect in 1959; and that at the Conference in 1961 it stated that consideration was being given to the enactment of interim legislation to ensure the application of the Convention, pending the enactment of a comprehensive Employment Bill.

The Committee urges that the legislation in question be adopted without any further delay.

Swaziland.

The Committee notes with satisfaction that, in response to requests made by it in 1959 and 1961, the Government has now amended the African Labour Proclamation, 1954, to ensure the full statutory application of Articles 3, 6 and 18 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Bechuanaland, Mauritius, Northern Rhodesia, Swaziland, Zanzibar).

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to the *United Kingdom* (Malta).

Convention No. 58: Minimum Age (Sea) (Revised), 1936*Netherlands**Netherlands Antilles.*

The Convention having been declared applicable in August 1957, the Committee notes from the Government's reply to the direct requests of 1958, 1959 and 1961 that there are no statutory regulations prohibiting the employment of young persons on board vessels but that strict supervision is exercised by the Labour Inspectorate to prevent the engagement of boys under 16 years of age. The Committee trusts in these circumstances that it will be possible at an early date to enact appropriate legislation in accordance with Article 2 of the Convention.

Convention No. 62: Safety Provisions (Building), 1937*France**Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).*

See Chapter I, under Convention No. 62, *France*.

*Netherlands**Surinam.*

The Committee notes with regret that the information given in the report for 1959-61 (which arrived too late to be examined in 1962) according to which the resolution providing for security measures in the building industry, under preparation since 1958, still has not been completed. Consequently the Committee can only repeat the observations made in 1958, 1961 and 1962, which draw attention to the fact that Articles 6, 12, 13 and 16 of the Convention are not applied, whereas Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partially applied.

The Committee trusts that the Government will not fail to take the necessary measures to bring into force in the very near future provisions giving full effect to the Convention, which has been applicable to Surinam since 1951.¹

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939*United Kingdom**Bechuanaland.*

The Committee notes the Government's statement that the provisions of the Convention were included in a first draft Employment Bill which was to be presented to the Legislature at its meeting in November 1962. As the Government stated already in the report for 1956-57 that the legislation was to be reviewed, the Committee hopes that the Government will be able to inform the Conference in 1963 that legislation to ensure the full application of the Convention has been adopted.

British Guiana.

The Committee notes the Government's statement in reply to the observation made in 1961 that recommendations have been made as regards the legislation necessary to give effect to the provisions of the Convention, but that this legislation has not yet been adopted. The Committee recalls that the Government mentioned

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

already in the report for 1953-54 that it was intended to enact such legislation and that the Committee has made observations on the matter since 1957. It therefore trusts that the legislation in question will be adopted without any further delay.¹

British Honduras.

The Committee notes with satisfaction that section 50 of the Labour Ordinance, 1959, has been amended to give full effect to Article 3 of the Convention and that the Government proposes to make a further amendment to implement Article 10 of the Convention.

Northern Rhodesia.

The Committee notes that the African Employment Bill, which was to implement certain provisions of the Convention not covered by existing legislation, was withdrawn, but that the Employment of Natives (Amendment) Bill has been adopted as an interim measure. The Committee regrets to note, however, that this interim legislation has not provided for the statutory implementation of Article 13, paragraph 2, of the Convention (concerning repatriation of workers' families), although a Government representative informed the Conference Committee in 1958 that a note had been made to include a provision to this effect in the proposed amending legislation. The Committee hopes that legislation to implement this provision of the Convention will be adopted at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Basutoland, Bechuanaland, Hong Kong, Kenya, North Borneo, Northern Rhodesia, Seychelles, Solomon Islands, Swaziland).

Convention No. 68: Food and Catering (Ships' Crews), 1946

Requests regarding certain points are being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Reunion).

Convention No. 81: Labour Inspection, 1947

Netherlands

Surinam.

The Committee notes from the reply to the observation made in 1960 and repeated in 1962 that a Bill concerning the legal status of public servants and intended to give effect to the provisions of Article 6 of the Convention was presented to Parliament on 7 May 1960. It notes also that the Government proposes to ensure that duly qualified experts and technicians are associated in the work of inspection (Article 9 of the Convention).

The Government also states that the whole of the social legislation in Surinam provides for the requirements of Articles 12 and 13 of the Convention (powers of inspectors). The Committee recalls in this connection that the Government admitted in its 1958-59 report that no legislative provisions existed concerning labour inspection activities and stated that new legislation would be introduced ensuring the proper functioning of the service in conformity with the Convention. This promise was repeated in 1960 by a representative of the Government before the Conference Committee.

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

As it would appear that no such legislation has since been adopted, the Committee trusts that the Government will make every effort in the near future to give effect to Articles 7, 8, 9, 12 and 13 of the Convention.

Moreover, the Committee notes that the last inspection report received by the Office relates to 1955. It therefore recalls that Article 20 of the Convention provides for the publication of a general report on the activities of the inspection services within 12 months after the end of the year to which it relates and for the transmission of this report to the I.L.O. within three months of its publication.

United Kingdom

Barbados.

The Committee takes due note from the reply of the Government to its previous requests that future annual reports of the Labour Inspectorate will contain statistics of the workplaces liable to inspection and the number of workers employed therein (Article 21 (c) of the Convention).

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Barbados).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

United Kingdom

Barbados.

Article 19, paragraphs 2 and 3, of the Convention. The Committee notes with regret the Government's statement in reply to its direct requests made in 1961 and 1962 that it has not yet given consideration to prescribing a school-leaving age or to the prohibition of employment during school hours provided for in paragraph 3 of this Article. The Committee draws the attention of the Government to the obligations which it assumed under this Article progressively to develop, *inter alia*, broad systems of education and to prescribe a school-leaving age. Statistical data supplied in the report for 1959-1961 indicated moreover that both the number and percentage of children between the ages of 5 and 14 regularly attending school had increased since August 1957.

In these circumstances the Committee trusts that the Government will find it possible to prescribe a school-leaving age and to prohibit the employment during school hours of children below that age and will provide full information in its next report on the existing plans for educational development and on the progress which has been made in carrying them out.

While noting that section 67 of the Liquor Licences Act prohibits employment of persons under 18 years in connection with the sale or supply of intoxicating liquor, the Committee hopes that the Government will be able to make further progress in the near future towards prescribing a minimum age for employment in other occupations which fall outside the scope of the Employment of Women, Young Persons and Children Act, 1938, as is required by paragraph 2 of Article 19 of the Convention.

Montserrat.

Further to its observation of 1962, the Committee notes with satisfaction that the Protection of Wages Ordinance of 1962 regulates the maximum amounts and manner of repayment of advances on wages, as provided for in Article 16 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Dominica, Grenada, Nyasaland).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

United Kingdom

Barbados.

The Committee has noted that the amendment which the Government has for several years envisaged making to the trade union legislation, in order to ensure trade union rights to agricultural and other workers concerned, will be introduced in the Legislature shortly. The Committee hopes that the Government will propose this amendment without delay, especially in view of the fact that, according to the reports, it would give effect to existing practice.

Fiji.

The Committee notes that the Bill which is to amend or replace the Industrial Associations Ordinance is now under consideration.

The Committee hopes that with a view to guaranteeing the right to associate to casual and seasonal workers the Government will take all possible steps towards the early enactment of the amendment to section 8 (a) of the Ordinance, which has been proposed since 1956.

Hong Kong.

The Committee takes note with interest of the detailed report supplied by the Government. It notes with satisfaction that the Trade Union Registration Ordinance of 1961 on the one hand institutes judicial appeal against refusal of registration and on the other hand does not empower the Registrar, as did former legislation, to refuse registration when in his opinion a trade union which has already been registered adequately represents the trade concerned.

North Borneo.

The Committee takes note of the information supplied by the Government in reply to the request made in 1961. It notes that no decision has yet been taken concerning the draft amendment to section 17 (1) of the Trade Union and Trade Disputes Ordinance. As the Committee has indicated in previous years, section 17 (1) of the Ordinance, by virtue of which tradesmen in government employment can only become members of an ordinary trade union after having received "written approval from the Chief Secretary" is incompatible with Article 2 of the Convention, which provides that the right of employed persons to associate shall be guaranteed. It hopes, therefore, that the Government will be able to indicate in its next report that this provision of the Ordinance has been repealed or amended.

Singapore.

The Committee has taken note of the statement made by the Government representative before the Conference Committee in 1961 and of the information contained in the report. As the legislation has not been changed, the Committee is bound to repeat its previous observation which was as follows:

The Committee regrets to observe that, in spite of the assurances given in the report for 1955-56 following the observations made by the Committee in preceding years, the Trade Unions (Amendment) Ordinance, No. 53 of 1959, does not provide for an appeal to the courts against refusal or

cancellation of the registration of a trade union, but only for an appeal to the Minister. The Committee feels bound, therefore, to emphasise once again that only a right of appeal to the courts offers a real guarantee of "the rights of employers and employed alike to associate for all lawful purposes" (Article 2 of the Convention). The Committee trusts, therefore, that the Government will spare no effort to give effect to the Convention in this respect.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Southern Rhodesia.

The Committee has already noted that under section 4 (2) (a) of the Industrial Conciliation Act, 1959, the Act does not apply to "persons in respect of their employment in farming operations (including forestry) or any domestic servants in private households".

The Committee also notes that according to the statements made by a Government representative before the Conference Committee in 1961, the inclusion of these persons within the scope of the Industrial Conciliation Act would be considered in the light of the Committee of Experts' observations.

The Government has not indicated in its report whether any progress was made in this respect. In view of the fact that the Convention guarantees the right "to associate for all lawful purposes" to all employed persons, the Committee requests the Government to indicate the measures it is proposed to take to harmonise its legislation with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, Bahamas, Basutoland, Bechuanaland, Fiji, Gambia, Hong Kong, Malta, Mauritius, Nyasaland, St. Helena, St. Lucia, Singapore, Southern Rhodesia, Swaziland).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

United Kingdom

Nyasaland.

The Committee notes with regret that the report for 1960-62 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

For several years, the Committee has been drawing the Government's attention to the discrepancy between section 5, paragraph 2 (b), of the African Employment Ordinance, under which the employer may ask to be present when a worker is interviewed by a labour officer, and Article 3 of the Convention, which expressly provides that "workers . . . shall be afforded every facility for communicating freely with the inspectors".

The Committee further notes that the Government had informed the Conference Committee in 1960 that this ordinance was under review and that the above-mentioned provision was to be repealed. It regrets that the report for 1959-61 simply repeats the information given to the Conference.

In view of the serious nature of this discrepancy the Committee trusts that the Government will take the necessary measures to eliminate it in the shortest possible time.¹

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Dominica).

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

*United Kingdom**British Guiana.*

See under Convention No. 64.¹

Southern Rhodesia.

The Committee regrets to note that, notwithstanding the observation made by it in 1959 and repeated in 1961, legislation to implement Article 3, paragraphs 2 and 3, and Article 4, paragraph 1, of the Convention has not yet been adopted, and that, on the contrary, the Revised Inter-Territorial Agreement on Migrant Labour was terminated and the Migrant Workers' Act, 1948, repealed in 1960. The Committee recalls that the intention to enact legislation to implement the Convention was mentioned already in the Government's report for 1953-54, and that it has had occasion to make observations on the matter since 1955.

The Committee trusts that measures will be taken without any further delay to apply the Convention.¹

* * *

Requests regarding certain other points are being addressed directly to the *United Kingdom* (Bechuanaland, Gilbert and Ellice Islands, Hong Kong, Northern Rhodesia).

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

*United Kingdom**Sarawak.*

The Committee notes with interest the report of the Government, to which it is making a direct request concerning in particular the application of Article 8 of the Convention. In view of the importance of the matter, the Committee would be grateful if the Government would supply the information requested in a report for the period 1962-63.²

Swaziland.

The Committee has learned with interest of the adoption in 1962 of Proclamation No. 49, which amends the Trade Unions and Trade Disputes Proclamation to permit the Registrar to refuse registration to any trade union the rules of which contain any discriminatory clause as to race, colour, sex or creed.

The Committee has also noted that the Government has renounced the modification which it attached to its declaration of application of the Convention to the territory.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Surinam), *United Kingdom* (Aden, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Dominica, Gambia, Gibraltar, Grenada, Malta, Mauritius, North Borneo, Nyasaland, St. Lucia, St. Vincent, Sarawak, Swaziland, Zanzibar).

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 88: Employment Service, 1948

*Netherlands**Surinam.*

In its reply to the request of 1960 (received too late for examination in 1962) the Government indicates that draft legislation concerning the Employment Service has recently been introduced to the legislative body. As the intention to enact such legislation was first mentioned in the Government's report for 1958-59, the Committee trusts that this legislation will be enacted shortly and that it will give effect to all the provisions of the Convention.

Convention No. 94: Labour Clauses (Public Contracts), 1949

*Netherlands**Surinam.*

The Committee notes with regret from the Government's report (received too late to be examined in 1962) that it has not as yet been possible to ensure the application of the Convention. It recalls that this matter was originally raised by the Committee in 1956 and it trusts that there will be no further delay in taking the necessary steps with a view to giving effect to this Convention.¹

*United Kingdom**Grenada.*

The Committee notes with satisfaction that, following the direct request made in 1961, the Labour Clauses (Public Contracts) (Amendment) Rules, 1961, was issued, requiring contractors to post notices informing workers of their conditions of work as required by Article 4 (a) (iii) of the Convention. It also notes that a circular letter has been issued drawing the attention of the parties concerned to the Labour Clauses (Public Contracts) Ordinance of 1960, in accordance with Article 4 (a) (i) of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Barbados, Dominica, Fiji, Grenada).

Convention No. 95: Protection of Wages, 1949

*France**French Guiana.*

The Committee notes from the Government's reply to its previous observation and requests that inspection visits carried out in works stores show that the prices charged are below average. It hopes that these visits will be continued as long as such stores are maintained, so as to ensure that they are operated for the benefit of the workers concerned, as required by Article 7, paragraph 2, of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Barbados, Montserrat, St. Lucia).

¹ The Government is asked to supply full particulars to the Conference at its 47th Session and to report in detail for the period ending 30 June 1963.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Netherlands

Surinam.

In its reply to the request of 1960 (received too late for examination in 1962) the Government merely refers to recent draft legislation on the employment service. As the Government first stated in its report for 1957-58 that it intended to consider legislation to prohibit fee-charging employment agencies conducted with a view to profit and to supervise and regulate other agencies (Part II of the Convention), the Committee trusts that such legislation will be adopted in the near future so as to give effect to this Part of the Convention.

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, Bahamas, British Guiana, British Virgin Islands, Grenada, Montserrat, St. Lucia, St. Vincent, Zanzibar).

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Faroe Islands), *United Kingdom* (Aden, Bahamas, Dominica, Gambia, Gibraltar, Kenya, Malta, North Borneo, Sarawak, Singapore, Zanzibar).

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Reunion).

Convention No. 100: Equal Remuneration, 1951

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

The Committee thanks the Government for the information sent in reply to the requests and observations made in previous years regarding the manner in which effect is given to the Convention.

Convention No. 102: Social Security (Minimum Standards), 1952

A request regarding certain points is being addressed directly to the *United Kingdom* (Isle of Man).

Convention No. 105: Abolition of Forced Labour, 1957

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Greenland), *United Kingdom* (Aden, Bechuanaland, British Guiana, British Honduras, Gambia, Gibraltar, Gilbert and Ellice Islands, Malta, Isle of Man, Mauritius, North Borneo, Sarawak, Seychelles, Solomon Islands, Southern Rhodesia, Zanzibar).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to *Denmark* (Faroe Islands, Greenland).

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 5 April 1963**

(Non-Metropolitan Territories)

Reports expected: 1,405. Reports received: 1,269. Reports not received: 136.

The numbers of Conventions in respect of which declarations of application without modification or declarations of application with modifications had been registered by 30 June 1962 are printed in *italic type*.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

(Articles 22 and 35 of the Constitution)

Countries and territories	Reports received †		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Australia	32		0		
Nauru	8	7, 8, 9, 11 *, 15, 21, 26, 27.	0	—	4
New Guinea	8	7, 8, 9, 11 *, 15, 21, 26, 27.	0	—	1,402
Norfolk Island	8	7, 8, 9, 11 *, 15, 21, 26, 27.	0	—	1
Papua	8	7, 8, 9, 11 *, 15, 21, 26, 27.	0	—	503
Denmark	31		0		
Faroe	15	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100, 102, 106, 111.	0	—	34
Greenland	16	5, 7, 8, 9, 11, 14, 15, 16, 21, 58, 87, 98, 100, 102, 106, 111.	0	—	31
France	221		70		
Overseas Departments:					
French Guiana	23	3, 8, 9, 11, 14, 15, 26 *, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 97 *, 99, 100 *.	15	5, 12, 16, 22, 23, 53, 56, 63, 69, 73, 74, 82, 84, 92, 98.	31
Guadeloupe	24	3, 5, 8, 9, 11, 14, 15, 26 *, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 97 *, 99, 100 *.	12	16, 22, 23, 53, 56, 63, 69, 73, 74, 84, 92, 98.	270

† For footnotes see end of table, p. 148.

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Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France (cont.)					
Overseas Departments (cont.)					
Martinique	24	3, 5, 8, 9, 11, 14, 15, 26 *, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 87, 97 *, 99, 100 *.	27	2, 12, 13, 16, 22, 23, 44, 45, 52, 53, 56, 63, 69, 73, 74, 77, 78, 82, 84, 85, 88, 92, 94, 95, 96, 98, 101.	277
Reunion	21	3, 8, 9, 11, 14, 15, 26 *, 27, 32, 33, 35, 36, 37, 38, 58, 62, 68, 87, 97 *, 99, 100 *.	15	5, 12, 16, 22, 23, 43, 49, 53, 56, 69, 73, 74, 84, 92, 98.	336
Overseas Territories:					
Comoro Islands	26	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100.	0	—	183
French Polynesia . . .	25	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100.	1	33.	76
French Somaliland . .	26	3, 5, 8 *, 9 *, 11 *, 14 *, 15 *, 26, 27 *, 32 *, 33 *, 35 *, 36 *, 37 *, 38 *, 43 *, 49 *, 58 *, 62 *, 68 *, 84 *, 87 *, 97, 98, 99 *, 100 *.	0	—	67
New Caledonia . . .	26	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100.	0	—	77
St. Pierre and Miquelon	26	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100.	0	—	5
Netherlands	28		29		
Netherlands Antilles . .	15	5, 8, 9, 11, 15, 21, 26, 27, 33, 58, 62, 68, 87, 97, 99.	0	—	190
Surinam	13	13, 17, 19, 27, 29, 42, 62, 81, 87, 88, 94, 95, 96.	29	2, 5, 8, 9, 10, 11, 12, 15, 16, 21, 22, 23, 26, 33, 45, 48, 58, 63, 68, 69, 73, 74, 89, 90, 92, 97, 99, 101, 105.	308

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population (thou- sands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
New Zealand	56		0		
Cook Islands and Niue	21	1, 9, 11, 14, 15, 16, 21, 26, 30, 32, 47, 49, 50, 58, 59, 60, 64, 81, 84, 97, 99.	0	—	18
Tokelau Islands	35	1, 2, 9, 10, 11, 12, 14, 15, 16, 17, 21, 22, 26, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 60, 63, 64, 81, 84, 88, 89, 97, 99, 101.	0	—	2
Republic of South Africa	1		0		
South West Africa	1	26.	0	—	522
United Kingdom	895		37		
Aden	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	810
Antigua	22	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 98, 99, 102.	1	97.	54
Bahamas	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	105
Barbados	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 81, 82, 84, 86, 87, 95, 97, 98, 99, 102.	0	—	232
Basutoland ²	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39 *, 40, 50 *, 64 *, 68 *, 84 *, 86, 87 *, 97 *, 98, 99, 102.	0	—	697
Bechuanaland ²	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	288
Bermuda	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	43
British Guiana	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	567

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population (thou- sands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (cont.)					
British Honduras	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	90
British Virgin Islands . . .	18	7, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 64, 68, 86, 87, 98, 99, 102.	5	5, 8, 50, 84, 97.	34
Brunei	23	5 *, 7 *, 8 *, 11 *, 15 *, 26 *, 32 *, 35 *, 36 *, 37 *, 38 *, 39 *, 40 *, 50 *, 64 *, 68 *, 84 *, 86 *, 87 *, 97 *, 98 *, 99 *, 102.	0	—	84
Dominica	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68 *, 82, 84, 85, 86, 87, 94, 97 *, 98 *, 99, 102.	0	—	60
Falkland Islands	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	2
Fiji	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	381
Gambia	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	284
Gibraltar	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	27
Gilbert and Ellice Islands	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	46
Grenada	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68 *, 82 *, 84, 86, 87 *, 97, 98, 99, 102.	0	—	76
Guernsey	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	42
Hong Kong	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	3,128

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Jersey	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	57
Kenya	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	7,287
Malta	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	329
Isle of Man	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	54
Mauritius	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	639
Montserrat	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	12
North Borneo	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	454
Northern Rhodesia ^{2, 3}	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	2,480
Nyasaland ^{2, 3}	1	102.	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82, 84, 85, 86, 87, 94, 97, 98, 99, 105.	2,890
St. Christopher-Nevis-Anguilla	20	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 86, 87, 98, 99, 102.	4	68, 84, 97, 101.	57
St. Helena	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	5

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
St. Lucia	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	86
St. Vincent	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	80
Sarawak	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	745
Seychelles	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	42
Singapore	22	5, 7, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84*, 86, 87, 97, 98, 99, 102.	1	8.	1,687
Solomon Islands	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	124
Southern Rhodesia ^{2, 3} .	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97*, 98, 99, 102.	0	—	3,140
Swaziland ²	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	266
Zanzibar	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102.	0	—	307
United States of America .	5		0		
American Samoa	1	58.	0	—	20
Guam	1	58.	0	—	67
Puerto Rico	1	58.	0	—	2,406
Trust Territory of Pacific Islands	1	58.	0	—	78
Virgin Islands	1	58.	0	—	34

* Reports received too late to be summarised in Report III (Part I). ¹ Source: United Nations: *Demographic Year Book*, 1961. ² Territories having no seaboard. ³ Federation of Rhodesia and Nyasaland.

III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Afghanistan

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1962 according to which the instruments adopted at the 41st to 45th Sessions were being examined by the Council of Ministers which was to submit them with its comments to Parliament. The Committee hopes that the instruments in question have now been submitted to Parliament and that the Government will shortly supply all the documents and information called for in the *Memorandum* on this subject adopted by the Governing Body.

Albania

In 1960 and 1961 the Committee had noted that the Praesidium of the People's Assembly, to which Conventions and Recommendations were submitted, reported to the People's Assembly on its activities between the sessions of the Assembly, particularly as regards the international field, and that the People's Assembly was thus ultimately informed. According to a statement made by a Government delegate before the Conference Committee in 1962 the Praesidium itself acts as the competent authority if it does not consider it necessary to submit the Conventions and Recommendations to the People's Assembly.

The Committee notes with regret that this statement does not in all respects correspond with statements previously made on the Government's behalf. The Committee can only recall once more that if the main objects with regard to submission to the competent authorities are to be fully attained, it would be desirable for Conventions and Recommendations to be submitted to the most representative legislative body established by the national Constitution. The Committee trusts that in future the Government will find it possible to submit such instruments to the People's Assembly itself.

Bolivia

The Committee notes the information supplied by the Government regarding the instruments adopted at the 45th Session and expresses its regret that these instruments, like those mentioned in the observation made in 1962, have not in fact been submitted to the competent authorities. The Committee greatly regrets the situation thus created by the Government, which seems to ignore the obligations in this matter incumbent on every State Member of the I.L.O. in virtue of article 19 of the Constitution.

The Committee confidently expects that this state of affairs will not continue. Consequently, it addresses an urgent appeal to the Government to take, without further delay, the measures necessary for the submission to the National Congress of all the instruments adopted since the 31st Session (with the exception of Convention No. 96 which has been ratified) and to supply all the information and documents requested in the *Memorandum* on the subject adopted by the Governing Body.

Bulgaria

The Committee notes with regret that the Government has not supplied information on the matters raised in the observation made in 1962, which was in the following terms:

... the Committee notes the statements made by a Government representative to the Conference Committee concerning the respective functions of the Praesidium of the National Assembly, particularly in regard to the examination of Conventions and Recommendations, and of the National Assembly itself. It notes with interest that according to these statements the National Assembly is the supreme body and that it can examine a Convention and decide to ratify it even if the Praesidium disagrees. The Committee understands therefore that the instruments in question and the decisions of the Praesidium concerning them are in practice laid before the National Assembly, which may reconsider the question. It hopes therefore that the Government will supply information on the measures thus taken as well as information on the examination of Conventions and Recommendations by the Praesidium.

Byelorussia

In connection with the statement made by a Government representative before the Conference Committee in 1962, the Committee deems it advisable to recall that if the main objects as regards submission to the competent authorities are to be fully attained, it would be desirable for Conventions and Recommendations to be submitted to the most representative legislative bodies provided for in the national Constitution of member States, even in cases in which other bodies may be empowered to take administrative or other action to give effect to such instruments.

The Committee recalls that, as it stated in its general report in 1960, submission to the competent authorities is intended, first, to bring the matter before the legislative authority that can take the necessary action to give effect to Conventions and Recommendations, and secondly to inform public opinion concerning the contents of such instruments. This object cannot be deemed to have been fully attained if the instruments in question are not submitted to the most representative legislative body provided for in the national Constitution. The Committee therefore trusts that the Government will find it possible to submit Conventions and Recommendations to the most representative legislative organ according to the Constitution of Byelorussia.

Canada

The Committee has noted with satisfaction the statement made by a Government delegate before the Conference Committee in 1962 that the Government will give further consideration, in the light of the Committee's observations, to the procedure followed for submitting instruments adopted by the Conference to Parliament. The Committee has also noted that, in a statement to Parliament concerning the instruments adopted by the Conference at its 46th Session, the Minister of Labour stated that these instruments would be examined by the departments concerned with a view to possible action.

The Committee expresses the hope that the Government will in future inform Parliament of the decisions which it proposes to take with regard to Conventions and Recommendations, in the light of their examination by the various departments concerned, and that it will supply information on the action taken.

China

The Committee notes the information communicated by the Government to the Conference Committee in 1962, according to which a number of Conventions were being examined by the Legislative Council or by the Executive Council or the com-

petent bodies with a view to their submission to the competent authorities. The Committee nevertheless notes with regret that, despite the assurances given by the Government on several occasions, little progress has been made towards the fulfilment of the obligation arising out of article 19 of the Constitution in this matter. It hopes that the various studies initiated a number of years ago have now been completed and that the Government will indicate, in the very near future, whether all the instruments adopted since the 31st Session and referred to in the last column of the table in Appendix I to this chapter, have been submitted to the Legislative Council, supplying in regard thereto the information and documents called for in the *Memorandum* adopted by the Governing Body.

Costa Rica

The Committee noted in 1961 the Government's assurance that, in future, it would present to the Legislative Assembly appropriate comments or proposals on the effect to be given to the Conventions and Recommendations submitted to that body. It also noted that the Government was intending to take the necessary measures to submit to the Legislative Assembly a certain number of instruments adopted since the 31st Session and in respect of which the obligation arising from article 19 of the I.L.O. Constitution had not then been fulfilled. The Committee deeply regrets that no information has since been supplied on this subject. It again urges the Government to indicate, without delay, the measures it intends taking for the submission to the Legislative Assembly of the various instruments referred to in the last column of the table in Appendix I to this chapter.

Czechoslovakia

The Committee has noted with satisfaction the statement made by a Government representative before the Conference Committee in 1962 that, when all the instruments adopted by the Conference are considered in connection with the proposed revision of labour legislation, proposals will be made to the Government to meet the observations made by the Committee concerning the nature of the authorities to which Conventions and Recommendations should be submitted.

The Committee trusts that consideration will be given to the fact that, since submission to the competent authorities is also intended to inform public opinion, this object cannot be deemed to have been fully met if Conventions and Recommendations are not submitted to the most representative legislative body provided for in the national Constitution.

The Committee expresses the hope that the Government will in the near future indicate the measures which have been taken to submit to the National Assembly, which is, under the national Constitution, the supreme body of state authority invested with legislative power, the various instruments which are referred to in the last column of the table in Appendix I to this chapter.

Ecuador

The Committee once again deplores that the Government has supplied no information on the measures taken to submit to the competent authorities the various instruments adopted by the Conference since its 31st Session and referred to in the last column of the table in Appendix I to this chapter.

It notes with regret that, despite its reiterated appeals, the Government continues to ignore the obligations arising under article 19 of the Constitution for every State Member of the I.L.O.

The Committee must again urge the Government to indicate, without delay, the measures it intends taking to submit all the instruments concerned to the competent authorities.

Ethiopia

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1962, according to which the work of the I.L.O. received the full attention of the Government. It also notes that the reorganisation of the Department of Labour and the training of the necessary personnel with the assistance of the I.L.O. would enable the Government to fulfil its obligation to submit Conventions and Recommendations to the competent authorities in accordance with article 19 of the Constitution. The Committee therefore expresses the sincere hope that the Government will do all in its power to submit to the competent authorities all the instruments adopted by the Conference since its 31st Session and that it will supply, in this connection, all the information and documents called for in the *Memorandum* adopted by the Governing Body.

Greece

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1962 that the Government hoped to find a solution, in the near future, which would enable it to submit all Conventions and Recommendations to the competent authorities, even in the absence of proposals to give effect to these instruments. The Committee accordingly hopes that the Government will be able to indicate, in the near future, the measures taken to that end regarding the various instruments referred to in the last column of the table in Appendix I to this chapter.

Guatemala

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1962, according to which the Government would submit to Congress all the Conventions and Recommendations in respect of which the obligation arising from article 19 of the Constitution had not been discharged, and would indicate the measures taken to that end. It regrets, however, that, despite the assurance to that effect given by the Government to the Conference Committee in 1960, no progress has been made so far. The Committee trusts that the Government will indicate, in the near future, the measures taken to submit to the competent authorities all the instruments referred to in the last column of the table in Appendix I to this chapter.

Haiti

The Committee greatly regrets that despite the observations it has made on several occasions, the Government has supplied no information regarding most of the Conventions and Recommendations adopted at the 31st to 39th and 45th Sessions of the Conference and referred to in the last column of the table in Appendix I to this chapter. The Committee again stresses the obligation incumbent on member States, under article 19 of the Constitution of the I.L.O., to submit Conventions and Recommendations to the competent authorities, and urgently appeals to the Government to take, without further delay, the measures necessary for the submission of all the above-mentioned instruments to the National Assembly.

Hungary

The Committee regrets the failure of the Government to communicate any information following the observation made in 1962 in the following terms:

Referring to the observation made in 1961, the Committee notes that, according to the statement made by a Government representative to the Conference Committee, Conventions and Recommendations are submitted for examination by the Presidential Council, which is competent to legislate and to take other measures when the National Assembly is not sitting, and that the Presidential Council regularly reports on its activities to the National Assembly which is free to initiate measures and to propose the ratification of the Convention even if the Presidential Council is opposed to this. The Committee accordingly understands that the instruments in question and the examination made by the Presidential Council are in practice the subject of a report to the National Assembly. It hopes therefore that the Government will communicate information on the measures thus taken and also information relating to the examination of Conventions and Recommendations by the Presidential Council.

Indonesia

The Committee notes the information supplied with regard to the instruments adopted at the 45th Session. It also notes the statement by a Government representative to the Conference Committee in 1962 that new ratifications of Conventions could be undertaken only after revision of labour legislation at present being undertaken. The Committee must draw the attention of the Government to the distinction which must be made between the ratification of Conventions and the obligations concerning submission to the competent authorities. The latter obligations do not imply that Conventions must necessarily be ratified. They apply in all cases, whatever the decision which may be proposed as regards ratification. Moreover, these obligations apply similarly with regard to Recommendations which are not open to ratification. The Committee trusts that the Government will shortly take the necessary measures to submit to the competent authorities the various instruments referred to in the last column of the table in Appendix I to this chapter.

Iran

The Committee regrets to note that the Government has supplied no information with regard to the instruments adopted by the Conference from the 41st to the 45th Sessions. It must draw the attention of the Government to the obligation of every member State to submit Conventions and Recommendations to the competent authorities, in accordance with article 19 of the Constitution. The Committee trusts that the Government will shortly state what measures it proposes to take to discharge its obligations in this respect and that it will communicate the information and documents referred to in the *Memorandum* adopted by the Governing Body in this connection.

Iraq

The Committee notes the information communicated by the Government to the Conference Committee in 1962 according to which the departments concerned are giving particular attention to the study of Conventions and Recommendations with a view to their submission to the competent authorities and the ratification of the greatest possible number of instruments. The Committee notes with regret, however, that no progress has been achieved by the Government for many years with a view to meeting its obligations under article 19 of the Constitution in this respect. In this connection the Committee must draw the Government's attention to the fact that the obligation to submit Conventions and Recommendations to the competent authorities applies *in all cases* and not merely when the Government is able to propose the ratification of Conventions or the adoption of measures to give effect to Recommendations.

The Committee trusts that the Government will state without further delay whether the instruments in respect of which no information has been received and which are referred to in the last column of the table in Appendix I to this chapter have been submitted to the competent authorities, and that it will communicate in this connection all information and documents requested in the *Memorandum* adopted by the Governing Body.

Jordan

The Committee notes the statement by a Government representative to the Conference Committee in 1962 that all Conventions and Recommendations mentioned in its observations would be submitted, following study, to the Council of Ministers or Parliament. The Committee deeply regrets to note, however, that, despite its repeated requests, no progress has been made, since Jordan became a Member of the I.L.O., with a view to its discharging its obligations under article 19 of the Constitution. The Committee once again points out that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, irrespective of the decision proposed. It also points out that the Conventions and Recommendations should be submitted to the legislative body provided for by the national Constitution, even if other bodies are empowered to take measures concerning them.

The Committee hopes that in the light of these considerations the Government will without further delay take the necessary action with a view to the submission to Parliament of all the instruments adopted since the 39th Session, except Convention No. 105, which has been ratified.

Lebanon

Referring to the statement by a Government representative to the Conference Committee in 1962, the Committee wishes to recall that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when the ratification of a Convention appears possible or it is deemed desirable to give effect to the provisions of a Recommendation. The Committee notes that certain difficulties have been encountered in this respect in meeting the obligations under article 19 of the Constitution of the I.L.O., since in principle the Government may submit to the National Assembly only instruments which it is proposed to ratify.

The Committee trusts that these difficulties will be overcome, as in the case of other countries where similar problems have arisen, and it hopes that the Government will shortly indicate the measures adopted to submit to the National Assembly all the instruments referred to in the last column of the table in Appendix I to this chapter.

Liberia

The Committee notes with interest the statement by a Government representative to the Conference Committee in 1962 that all the Conventions and Recommendations referred to in the last column of the table in Appendix I to this chapter have been submitted to the competent authorities. It also notes that the proposals made in connection with these instruments will be communicated. The Committee therefore hopes that the Government will shortly communicate all information and documents mentioned in the *Memorandum* adopted by the Governing Body with regard to the submission of the instruments concerned to the competent authorities.

Libya

The Committee deeply regrets to note that, notwithstanding the statement by a Government representative to the Conference Committee in 1961 that the reorganisation of the Ministry of Labour then in progress would enable the Government to discharge its obligations under article 19 of the Constitution, no information has been provided since then with regard to the measures in question.

The Committee once more urges the Government to take the necessary measures without any further delay to submit to the competent authorities the various instruments referred to in the last column of the table in Appendix I to this chapter and to communicate all the information requested in the *Memorandum* adopted by the Governing Body in this connection.

Luxembourg

The Committee notes with satisfaction that all the instruments referred to in its observation of 1961 have been submitted to the Chamber of Deputies.

Malaya

The Committee notes with satisfaction that, following its observations, a new procedure has been adopted by the Government to submit to Parliament all Conventions and Recommendations, irrespective of the decision proposed concerning the action to be taken thereon.

Mexico

Referring to the statement by a Government representative to the Conference Committee in 1962 and to the information supplied by the Government, the Committee regrets to note that Recommendations are transmitted to the Ministry of Labour and are not submitted to Congress unless the Government considers it possible to implement them. The Committee must again draw the Government's attention to the fact that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when it is proposed to ratify a Convention or to give effect to a Recommendation. The Committee must also point out once more that, in requiring Conventions and Recommendations to be brought "before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action", article 19 of the I.L.O. Constitution clearly refers to the legislative body provided for in the national Constitution.

The Committee therefore hopes that the Government will find it possible to submit all Recommendations and Conventions to Congress, which is the legislative body under the national Constitution.

Nicaragua

The Committee regrets to note that, despite its repeated appeals, the Government still fails to discharge its obligations under article 19 of the Constitution of the I.L.O. The Committee noted in 1960 that, according to information communicated by the Government, Conventions and Recommendations were to be submitted to the legislature following adoption of new labour legislation then being prepared. The Committee notes with regret that no information has since then been communicated by the Government with regard to its action in this connection.

The Committee trusts that this situation will not continue any longer. It urgently requests the Government to indicate without delay what action has been taken to

submit to the legislature all the instruments adopted by the Conference since its 40th Session and to supply in this connection all information requested in the *Memorandum* adopted by the Governing Body.

Panama

Referring to the statement by a Government representative to the Conference Committee in 1962, the Committee wishes to recall that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when it is proposed to ratify a Convention or to give effect to a Recommendation. It notes in this connection that certain difficulties had been encountered in discharging the obligations under article 19 of the Constitution, since the Government could in principle submit to the National Assembly only instruments which it is proposed to ratify. The Committee also notes that the Government was endeavouring to find a solution within a short period.

The Committee expresses the hope that the Government has now been able to overcome these difficulties as in the case of other countries where similar problems had arisen, and that it will shortly indicate what action it has taken to submit to the National Assembly all the instruments referred to in the last column of the table in Appendix I to this chapter.

Paraguay

The Committee notes with regret that the Government has not communicated any information in reply to the observation made by the Committee in 1962 in the following terms:

The Committee notes with regret that the only information supplied by Paraguay since it rejoined the I.L.O. refers merely to the transmission of Conventions and Recommendations to the competent body, without further details. In these circumstances the Committee cannot ascertain whether or not effect has been given to the provisions of article 19 of the Constitution. It must therefore draw the attention of the Government to the fact that the authorities to which Conventions and Recommendations must be submitted are the authorities competent to legislate in regard to the matters dealt with by these instruments. The Committee therefore urges the Government to state whether all the instruments adopted since the 40th Session have been submitted to the legislature and to supply with regard to them the information called for by the *Memorandum* adopted in this connection by the Governing Body.

The Committee trusts that the Government will not fail to take the necessary action and communicate the information concerned.

Poland

In 1960 the Committee of Experts and the Conference Committee had noted that, according to a communication from the Government, all Conventions and Recommendations, accompanied by the decisions adopted by the Council of State (in the case of Conventions) or the Council of Ministers (in the case of Recommendations) concerning action to be taken on these instruments, were to be communicated to the President of the Diet, which is the most representative legislative body under the national Constitution. The Government had stated that this procedure would apply to the Conventions and Recommendations adopted by the Conference in 1958 and 1959.

The Committee notes with deep regret that since then the Government has supplied no information in this regard.

In the circumstances the Committee must urge the Government to state without further delay what measures it has been able to take to submit to the competent

authorities the numerous instruments referred to in the last column of the table of Appendix I to this chapter, and to forward all the information and documents mentioned in the *Memorandum* adopted by the Governing Body.

Rumania

With regard to the statement made by a Government representative before the Conference Committee in 1962 and to the information supplied by the Government, the Committee recalls that, if the main objects with regard to submission to the competent authorities are to be fully attained, it would be desirable for Conventions and Recommendations to be submitted to the most representative legislative body established by the national Constitution, even in cases in which other bodies are empowered to give effect to them.

The Committee therefore once again expresses the hope that the Government will reconsider the existing procedure in the light of the foregoing considerations and will submit Conventions and Recommendations to the Grand Assembly, which is the most representative legislative body under the national Constitution.

El Salvador

The Committee notes the statement made by a Government representative before the Conference Committee in 1962 that the Government had been unable to fulfil its obligations under article 19 of the I.L.O. Constitution with regard to the submission of Conventions and Recommendations to the competent authorities, owing to difficulties of a constitutional character. However, the Committee notes with regret that these difficulties have been mentioned by the Government since 1958.

The Committee trusts that this situation will not continue. It expresses the earnest hope that the Government will, like other governments, find a solution to the difficulties in question and will indicate in the near future the steps taken to submit to the competent authorities the various instruments referred to in the last column of the table in Appendix I to this chapter.

Republic of South Africa

The Committee notes that, according to the procedure in force in the Republic of South Africa with regard to the submission of Conventions and Recommendations to the competent authorities, Members of Parliament can request further information in connection with documents submitted to them.

However, the Committee would point out, as it has emphasised on several occasions to all member States, that the objects of article 19 of the I.L.O. Constitution can be fully attained only if the legislative body is enabled, by appropriate comments and proposals submitted by the Government, to arrive at an informed opinion on the action to be taken on Conventions and Recommendations and to take any decisions on the subject.

The Committee therefore trusts that, as in other countries where similar problems had arisen, the Government will reconsider the matter, will submit to Parliament proposals concerning the effect to be given to Conventions and Recommendations, and will supply the information and documents mentioned in the *Memorandum* adopted by the Governing Body on this subject.

Thailand

The Committee notes the statement by a Government representative to the Conference Committee in 1962 that some of the departments concerned to which Con-

ventions and Recommendations have been communicated for study by the Council of Ministers with a view to submission to the competent authorities have already stated their opinions. The Committee notes with regret, however, that this study has been going on for several years. The Committee is obliged to address an urgent appeal to the Government to take without further delay the necessary action to discharge its obligations in this connection under article 19 of the Constitution of the I.L.O. The Committee firmly hopes that the Government will very shortly indicate the action taken in this connection with regard to the instruments adopted from the 37th to the 44th Sessions.

Ukraine

In connection with the statement made by a Government representative before the Conference Committee in 1962, the Committee deems it advisable to recall that if the main objects as regards submission to the competent authorities are to be fully attained, it would be desirable for Conventions and Recommendations to be submitted to the most representative legislative bodies provided for in the national Constitution of each member State, even in cases in which other bodies may be empowered to take administrative or other action to give effect to such instruments.

The Committee recalls that, as it stated in its general report in 1960, submission to the competent authorities is intended, first, to bring the matter before the legislative authority that can take the necessary action to give effect to Conventions and Recommendations, and secondly to inform public opinion concerning the contents of such instruments. This object cannot be deemed to have been fully attained if the instruments in question are not submitted to the most representative legislative body provided for in the national Constitution. The Committee therefore trusts that the Government will find it possible to submit Conventions and Recommendations to the most representative legislative organ according to the Constitution of Ukraine.

U.S.S.R.

In connection with the statement made by a Government representative before the Conference Committee in 1962, the Committee deems it advisable to recall that if the main objects as regards submission to the competent authorities are to be fully attained, it would be desirable for Conventions and Recommendations to be submitted to the most representative legislative bodies provided for in the national Constitution of each member State, even in cases in which other bodies are empowered to take administrative or other action to give effect to such instruments.

In this regard the Committee recalls that, as stated in its general report in 1960, submission to the competent authorities is intended, first, to bring the matter before the legislative body that can take the necessary measures to give effect to Conventions and Recommendations, and secondly to inform public opinion concerning the contents of such instruments. This object cannot be deemed to have been fully attained if the instruments in question are not submitted to the most representative legislative body provided for in the national Constitution. The Committee understands that these considerations have received the Government's attention, since a Government delegate stated before the Conference Committee in 1960 that Conventions and Recommendations were in practice the subject of several measures of publicity, particularly within the Supreme Soviet. The Committee therefore hopes that the Government will find it possible to extend the current practice and to submit all Conventions and Recommendations to the most representative legislative body provided for in the national Constitution.

Uruguay

The Committee has noted with interest the information supplied by the Government that the instruments adopted from the 38th to the 45th Session of the Conference have been transmitted to the Ministry of Foreign Affairs with a report from the Ministry of Labour with a view to the drafting of messages concerning their submission to the legislature.

The Committee would be grateful if the Government would state whether these instruments have finally been submitted to the legislature, and if in this connection the Government would supply all the information and documents mentioned in the *Memorandum* adopted by the Governing Body.

Viet-Nam

In 1961 the Committee had noted the statement made by a Government representative before the Conference Committee in 1960, in reply to its observations, that Conventions and Recommendations would in future be submitted to the National Assembly. In the absence of any further information since then, the Committee would be grateful if the Government would state what measures have been taken to submit to the National Assembly the instruments adopted at the 43rd, 44th and 45th Sessions, and if it would supply all the information and documents requested in the *Memorandum* adopted by the Governing Body on this subject.

Yugoslavia

The Committee notes with interest the statement by a Government representative to the Conference Committee in 1962 that Conventions and Recommendations are submitted to the National Assembly *in all cases*, even when it is not proposed to give effect to them. It also notes from the above-mentioned statement that extracts from reports presented to the National Assembly in this connection could be supplied. The Committee therefore expresses the hope that the Government will shortly communicate such documents and all information requested in the *Memorandum* adopted by the Governing Body in this connection.

* * *

In addition, requests on certain other points are being addressed to the following States: *Albania, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Dahomey, Dominican Republic, Finland, France, Gabon, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, Italy, Malagasy Republic, Malaya, Mali, Mauritania, Mexico, Netherlands, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, Senegal, Somali Republic, Spain, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, Venezuela.*

**Appendix I. Position of the Individual Members with Regard
to the Obligation to Submit Conference Decisions to the
Competent Authorities**

(31st to 45th Sessions of the International Labour Conference, 1948-61)

Note. The number of the Convention or Recommendation is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the I.L.O. for determining the sessions of the Conference whose decisions are taken into consideration.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Afghanistan	31st to 36th, 38th to 40th	41st, 42nd, 43rd, 44th and 45th
Albania	31st to 45th	—
Argentina	31st to 41st and 42nd (C 110, 111)	42nd (R 110, 111), 43rd, 44th and 45th
Australia	31st to 45th	—
Austria	31st to 44th	45th
Belgium	31st to 44th	45th
Bolivia	32nd (C 96)	31st, 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th
Brazil	31st to 43rd	44th and 45th
Bulgaria	31st to 43rd (C 112, 113), 44th and 45th	43rd (C 114; R 112)
Burma	31st to 43rd	44th and 45th
Byelorussia	37th to 45th	—
Cameroon	—	44th and 45th
Canada	31st to 45th	—
Central African Republic	—	45th
Ceylon	31st to 43rd	44th and 45th
Chad	45th (C 116)	45th (R 115)
Chile	31st to 42nd, 45th	43rd and 44th

SUBMISSION TO THE COMPETENT AUTHORITIES

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
China	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th, 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 40th, (C 105, 107; R 103, 104), 41st (R 105, 106, 107, 108, 109), 42nd (C 111; R 110, 111), 43rd (C 112, 113, 114), 44th and 45th	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 35th (C 101, 102, 103), 38th (C 104), 40th (C 106), 41st (C 108, 109), 42nd (C 110) and 43rd (R 112)
Colombia	31st to 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108) to 44th	37th, 40th (R 104), 41st (C 108; R 107, 109) and 45th
Congo (Brazzaville) . .	—	45th
Congo (Leopoldville) .	—	45th
Costa Rica	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100), 35th (C 101, 102, 103), 38th (C 104), 39th, 40th, 41st, 42nd and 43rd	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 44th and 45th
Cuba	31st, 32nd 34th, 35th (C 101, 103; R 93, 95), 38th, 40th and 42nd (C 110)	33rd, 35th (C 102; R 94), 36th, 37th, 39th, 41st, 42nd (C 111; R 110, 111), 43rd, 44th and 45th
Cyprus	—	45th
Czechoslovakia	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90), 37th and 38th	32nd (R 87), 33rd, 34th (C 99; R 89, 91, 92), 35th, 36th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th
Dahomey	—	45th
Denmark	31st to 45th	—
Dominican Republic . .	31st to 43rd	44th and 45th
Ecuador	32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 35th (C 102, 103), 36th, 38th (C 104), 40th (C 105), 42nd (C 111)	31st, 32nd (R 87), 33rd, 34th (R 91, 92), 35th (C 101; R 93, 94, 95), 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th and 45th
Ethiopia	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th
Finland	31st to 44th	45th

REPORT OF THE COMMITTEE OF EXPERTS

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
France	31st to 44th	45th
Gabon	—	45th
Federal Republic of Germany	34th to 45th	—
Ghana	40th to 44th	45th
Greece	31st, 32nd, 34th (C 99, 100), 35th (C 101, 102, 103) and 40th (C 105)	33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th and 45th
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100), 35th (C 101, 102), 39th, 40th (C 105, 106), 41st, 42nd and 43rd (C 112, 113, 114)	32nd (C 91, 92, 93; R 87), 33rd, 34th (R 89, 90, 91, 92), 35th (C 103; R 93, 94, 95), 36th, 37th, 38th, 40th (C 107; R 103, 104), 43rd (R 112), 44th and 45th
Guinea	43rd (C 112, 113, 114)	43rd (R 112), 44th and 45th
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 45th
Honduras	39th to 44th	45th
Hungary	31st to 44th	45th
Iceland	31st to 45th	—
India	31st to 45th	—
Indonesia	34th (C 100), 40th, 41st, 43rd, 44th and 45th	33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 42nd
Iran	31st to 40th	41st, 42nd, 43rd, 44th and 45th
Iraq	31st (C 88), 40th (C 105, 106), 42nd (C 111), 43rd (C 112, 113, 114), 44th (C 115; R 114) and 45th (C 116)	31st (C 87, 89, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd (R 112), 44th (R 113) and 45th (R 115)
Ireland	31st to 45th	—
Israel	32nd to 44th	45th

SUBMISSION TO THE COMPETENT AUTHORITIES

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Italy	31st to 44th	45th
Ivory Coast	45th	—
Japan	35th to 45th	—
Jordan	40th (C 105)	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th and 45th
Kuwait	45th	—
Lebanon	31st (C 89, 90)	31st (C 87, 88; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th
Liberia	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd and 43rd (C 112, 113, 114)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86), 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 43rd (R 112), 44th and 45th
Libya	38th (C 104), 40th (C 105) and 42nd (C 111)	35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th and 45th
Luxembourg	31st to 45th	—
Malagasy Republic	—	45th
Malaya	—	41st, 42nd, 43rd, 44th and 45th
Mali	—	44th and 45th
Mauritania	—	45th
Mexico	31st, 32nd (C 95), 34th (C 99, 100; R 89, 90), 40th to 44th	32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (R 91, 92), 35th, 36th, 37th, 38th, 39th and 45th
Morocco	39th to 45th	—
Netherlands	31st to 40th (C 105)	40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th and 45th
New Zealand	31st to 45th	—

REPORT OF THE COMMITTEE OF EXPERTS

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Nicaragua	—	40th, 41st, 42nd, 43rd, 44th and 45th
Niger	45th (C 116)	45th (R 115)
Nigeria	45th (C 116)	45th (R 115)
Norway	31st to 45th	—
Pakistan	31st to 44th	45th
Panama	31st (C 87) and 34th (C 100)	31st (C 88, 89, 90; R 83), 32nd, 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 45th
Paraguay	—	40th, 41st, 42nd, 43rd, 44th and 45th
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114)	42nd (R 111), 43rd (R 112), 44th and 45th
Philippines	31st to 45th	—
Poland	31st (C 87), 32nd (C 91, 92, 95, 96, 98), 34th (C 100; R 90), 35th (C 101), 36th, 40th (C 105), 42nd (C 111) and 45th (C 116)	31st (C 88, 89, 90; R 83), 32nd (C 93, 94, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 91, 92), 35th (C 102, 103; R 93, 94, 95), 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th and 45th (R 115)
Portugal	31st to 42nd	43rd, 44th and 45th
Rumania	39th to 45th	—
El Salvador	38th (C 104) and 40th (C 105, 107)	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd, 44th and 45th
Senegal	—	44th and 45th
Sierra Leone	45th	—
Somali Republic	—	45th
Republic of South Africa	31st to 45th	—
Spain	39th to 43rd (C 112, 113, 114), 44th, (C 115), 45th (C 116)	43rd (R 112), 44th (R 113, 114) and 45th (R 115)

SUBMISSION TO THE COMPETENT AUTHORITIES

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Sudan	39th and 40th	41st, 42, 43rd, 44th and 45th
Sweden	31st to 45th	—
Switzerland	31st to 45th	—
Syrian Arab Republic. .	31st (C 87, 88, 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101, 103), 36th (R 97), 38th (C 104), 39th (R 102), 40th and 42nd	31st (C 90; R 83), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102; R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100), 39th (R 101), 41st, 43rd, 44th and 45th
Thailand	31st to 36th, and 45th	37th, 38th, 39th, 40th, 41st, 42nd, 43rd and 44th
Togo	—	44th and 45th
Tunisia	39th to 45th (C 116)	45th (R 115)
Turkey	31st to 45th	—
Ukraine	37th to 45th	—
U.S.S.R.	37th to 45th	—
United Arab Republic .	31st (C 87, 88, 89; R 83), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101), 38th, 39th, 40th, 42nd, 44th and 45th (C 116)	31st (C 90), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102, 103; R 93, 94, 95), 36th, 37th, 41st, 43rd, 44th and 45th (R 115)
United Kingdom . . .	31st to 45th	—
United States	31st to 45th	—
Upper Volta	45th	—
Uruguay	31st to 36th, 38th (R 99, 100) and 40th (C 105)	37th, 38th (C 104), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th and 45th
Venezuela	31st to 45th (C 116)	45th (R 115)
Viet-Nam	33rd to 42nd	43rd, 44th and 45th
Yugoslavia	31st to 45th	—

**Appendix II. Tables Showing the Position of Members with Regard to
the Obligation to Submit Conference Decisions to the Competent Authorities**

**TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN
THE PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS
AND RECOMMENDATIONS HAVE BEEN SUBMITTED
TO THE COMPETENT AUTHORITIES**

Number of States in which, according to information sup- plied by governments—	Sessions at which decisions were adopted ¹														
	31st 1948	32nd 1949	33rd 1950	34th 1951	35th 1952	36th 1953	37th 1954	38th 1955	39th 1956	40th 1957	41st 1958	42nd 1958	43rd 1959	44th 1960	45th 1961
All the decisions have been sub- mitted	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34
Some of these decisions have been submitted	7	2	— ²	4	3	1	— ²	4	1	13	3	7	8	1	9
None of these decisions has been submitted (including cases in which no in- formation has been supplied by the govern- ment)	37	42	42	35	38	37	40	41	37	26	42	36	38	44	58
Number of States which were Members of the Organisation at the time of the session	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101

¹ Except for the 41st Session (April-May 1958) all these sessions of the Conference were held in June.
session the Conference adopted one Recommendation only.

² At this

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 25 MARCH 1963

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted ¹														
	31st 1948	32nd 1949	33rd 1950	34th 1951	35th 1952	36th 1953	37th 1954	38th 1955	39th 1956	40th 1957	41st 1958	42nd 1958	43rd 1959	44th 1960	45th 1961
All the decisions have been submitted	46	44	44	46	45	48	45	49	56	56	52	52	45	42	34
Some of these decisions have been submitted	10	13	— ²	12	9	—	— ²	7	1	12	2	8	8	2	9
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	4	4	19	6	12	18	24	13	19	9	25	19	27	39	58
Number of States which were Members of the Organisation at the time of the session	60	61	63	64	66	66	69	69	76	77	79	79	80	83	101

¹ Except for the 41st Session (April-May 1958) all these sessions of the Conference were held in June.
² At this session the Conference adopted one Recommendation only.

PART THREE

DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

**General Conclusions on the Reports relating
to the Convention (No. 111) and Recommendation (No. 111)
concerning Discrimination in respect of Employment
and Occupation, 1958**

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GENERAL CONCLUSIONS ON THE REPORTS RELATING TO THE CONVENTION (No. 111) AND RECOMMENDATION (No. 111) CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION, 1958

INTRODUCTION

1. Equality of rights for all human beings, which is acknowledged to be one of the fundamental principles of law in an ever-growing number of countries, is also coming to be more and more a focal point of international interest. This interest, which finds expression, in the social field, in a concern for equality of opportunity and treatment, is given solemn expression in the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation (adopted by the Conference in 1944, and incorporated in the Constitution of the Organisation), which states that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" (Part II, (a)). It is also expressed in general terms in the Universal Declaration of Human Rights, article 2 of which proclaims that everyone is entitled to all the rights and freedoms set forth in the Declaration—including free choice of employment and the other rights attaching to employment—"without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Respect for such principles is all the more needed today because inequality, prejudice and intolerance, present though they have been since the dawn of history, are among the evils to which the evolution of the world has given a special significance. The growth of contacts between men of differing origin and background, the repercussions of material changes on social, family and working life, the intermingling of peoples, the stepping up of political activity, as well as other factors, have posed the problem in all its vastness, while at the same time there is an ever-stronger call for equality not only in the eyes of the law but in everyday dealings between man and man.

2. In the particularly crucial sphere of employment, respect for equality of opportunity and treatment has been one of the fundamental objectives of the International Labour Organisation since its foundation. The I.L.O.'s Constitution, in the original form which it took in 1919, already included this principle among those "of special and urgent importance" by which the Organisation's policy should be guided (article 41, principles 7 and 8). In a resolution adopted in 1938, the International Labour Conference reminded all Members of the need to apply the principle of equality of treatment to all workers, without distinction on account of race or confession.¹ In 1944, on the eve of a new era, the Declaration of Philadelphia, to which reference has already been made, reaffirmed the principles of equality of opportunity and treatment in the most unequivocal and solemn terms. As will be seen in more detail below, these principles have constantly found their reflection in action by the

¹ I.L.O.: *Record of Proceedings*, International Labour Conference, 24th Session, Geneva, 1938 (Geneva, 1938), p. 679.

Conference, whose standard-setting activities in this field were crowned in 1958 by the Discrimination (Employment and Occupation) Convention and Recommendation.¹

3. The campaign against discrimination of all kinds has likewise occupied a prominent place among the activities of the United Nations and various specialised agencies. The Economic and Social Council, together with the Commission on Human Rights, the Subcommission on the Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women, among others, have been constantly active in this field.² Recently the General Assembly of the United Nations charged the Economic and Social Council and the Commission on Human Rights with the preparation of a draft Convention on the elimination of all forms of racial discrimination³, as well as a draft Convention on the elimination of all manifestations of religious intolerance.⁴ Moreover, in accordance with the aims and principles of the United Nations Charter, the bodies set up to examine information in respect of non-self-governing territories and reports concerning trusteeship territories have also given this problem their special attention. Among the specialised agencies special mention should be made of the United Nations Educational, Scientific and Cultural Organisation (U.N.E.S.C.O.) which has devoted an important part of its activities to the problem of discrimination and has framed international standards to combat it in its own field of operation.⁵

STANDARD-SETTING ACTIVITIES OF THE I.L.O. IN THE FIELD OF DISCRIMINATION

4. The 1958 Convention and Recommendation were the first instruments adopted by the International Labour Conference dealing specifically with discrimination in respect of employment and occupation and covering the problem as a whole. As already stated, however, the 1958 instruments mark the high point of a long history of standard-setting activities, consistently based on the principle of non-discrimination. Broadly speaking, the Conventions and Recommendations adopted by the International Labour Conference do not tolerate or permit discrimination as defined by the 1958 instruments. Moreover, a number of Conventions and Recommendations on specific subjects expressly forbid the taking of discriminatory measures or provide for their abolition; this is particularly so in the case of the standards relating to certain fundamental rights, such as those dealing with freedom of association and forced labour⁶, or with essential services such as the employment service⁷ and vocational training⁸; the standards providing for the abolition of dis-

¹ The text of the substantive provisions of the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, is reproduced in Appendix I to the present survey.

² The framing of the I.L.O. Discrimination (Employment and Occupation) Convention and Recommendation was largely the result of a resolution of the Economic and Social Council inviting the I.L.O. to make a study of discriminatory measures in this field (resolution 545 C (XVIII) of 29 July 1954).

³ Resolution 1780 (XVII) of the General Assembly, 7 December 1962 (Document A/RES/1780 (XVII)).

⁴ Resolution 1781 (XVII) of the General Assembly, 7 December 1962 (Document A/RES/1781 (XVII)).

⁵ At its 11th Session in 1960 the General Conference of U.N.E.S.C.O. adopted a Convention and a Recommendation concerning the Prevention of Discrimination in the Field of Education; by 15 March 1963 the Convention had been ratified by 15 countries (Bulgaria, Byelorussia, Central African Republic, Cuba, Czechoslovakia, France, Israel, Kuwait, Liberia, New Zealand, Norway, Ukraine, U.S.S.R., United Arab Republic, United Kingdom).

⁶ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (Article 2); Abolition of Forced Labour Convention, 1957 (No. 105) (Article 1 (a) and (e)).

⁷ Employment Service Recommendation, 1948 (No. 83) (Paragraph 12).

⁸ Vocational Training Recommendation, 1962 (No. 117) (Paragraph 2 (4)).

criminary measures against particular categories of persons such as indigenous workers and populations¹ or migrant workers², or plantation workers³; and the standards dealing specifically with equality for workers of both sexes, especially in regard to remuneration.⁴

5. Along with the provisions mentioned above, which refer to particular sectors or special forms of discrimination, standards of general application had been adopted prior to the 1958 instruments aimed especially at non-metropolitan territories, particularly the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)⁵; Article 18 of this Convention calls for the abolition of all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in a number of fields which it lists in detail and which include, broadly speaking, admission to employment, vocational training, conditions of work and of remuneration, etc. The obligations of this Convention have been, or had been, accepted⁶ in respect of 72 countries: 45 countries⁷ for whose international relations member States are still responsible and 27 countries which have since achieved independence.⁸ It should be noted, furthermore, that the above-mentioned provisions have been repeated in the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which is modelled on the earlier Convention except that the provisions limiting its application to non-metropolitan territories have been deleted, primarily with the idea of enabling former non-metropolitan territories to continue to be bound by the standards contained in it, in accordance with a wish expressed by the First African Regional Conference of the I.L.O. at Lagos (December 1960).

6. The 1958 Convention and Recommendation are, however, the first instruments dealing specifically with discrimination in respect of employment and occupation and universal in their scope.

¹ Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104) (Article 5); Indigenous and Tribal Populations Convention, 1957 (No. 107) (Articles 3, 15, etc.) (as regards non-metropolitan territories see paragraph 5).

² Migration for Employment Convention (Revised), 1949 (No. 97) (Article 6); Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100) (Paragraphs 37-40, 45). Mention is not made here of standards dealing *solely* with equality of treatment of nationals and non-nationals (see below, paragraph 27.)

³ Plantations Convention, 1958 (No. 110) (Article 2).

⁴ Equal Remuneration Convention, 1951 (No. 100) (Article 2); Equal Remuneration Recommendation, 1951 (No. 90) (see below, paragraph 34).

⁵ See also: Social Policy in Dependent Territories Recommendation, 1944 (No. 70) (Annex, Article 41); Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74) (Annex, Article 6).

⁶ Without modification, or with modifications that do not concern the principles set forth in Article 18.

⁷ *France* : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon; *New Zealand* : Cook Islands and Niue, Tokelau Islands. *United Kingdom* : Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar.

⁸ Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Gabon, Ghana, Guinea, Ivory Coast, Jamaica, Malaya, Malagasy Republic, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Tanganyika, Togo, Trinidad and Tobago.

THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION
AND RECOMMENDATION, 1958

7. The Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111) were adopted almost unanimously by the International Labour Conference in 1958. It should be noted in particular that not a single Government delegate voted against the Convention. This high degree of agreement is a reflection both of the general condemnation of discrimination and of the manner in which the Conference chose to treat the problem.

8. Both the Convention and the Recommendation refer in particular to "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin¹, or such other distinction as may be determined by the Member concerned which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation". They are designed to promote the application, in all spheres of employment, of the general principles of equality, dignity and freedom which have been given expression, as noted, in various forms at the international level and in particular in the Universal Declaration of Human Rights and the Declaration of Philadelphia, to both of which express reference is made in the preamble to Convention No. 111.

9. While there is general agreement on the existence of the evils to be combated and the aims to be achieved, divergent opinions are often expressed—and were indeed expressed during the preparatory work on the Convention—as to the methods to be used to combat these evils and achieve these aims. It is not for the Committee to take up this discussion, but simply to observe that the International Labour Conference chose to leave individual countries a fairly wide margin of discretion in this respect. The Convention (Article 2) requires each Member ratifying it to declare and pursue a policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof. The obligation to proceed resolutely along the path indicated in the Convention is clear and unequivocal, but the Convention lays stress on the objectives to be attained rather than on the means to be employed and, while it lists various measures to be taken in this connection, it leaves each State free to proceed "by methods appropriate to national conditions and practice" (Articles 2 and 3). The Recommendation, though laying down more precise directives, is based on the same general approach.

INTERNATIONAL ACTION TO FURTHER THE APPLICATION
OF THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) STANDARDS

10. The importance attached internationally to the enforcement of these standards has been shown in a number of ways since their adoption. The United Nations Economic and Social Council, at its July 1959 Session, adopted a resolution urging the governments of States Members of the United Nations and of the International Labour Organisation to ratify the Convention or take other appropriate action in respect of it, and to adjust their policy to the supplementary Recommendation. The International Labour Conference, at its 44th Session (June 1960), adopted in turn a resolution which took note of the one adopted by the Economic and Social Council and requested the Governing Body of the International Labour Office to give special

¹ Convention, Article 1, paragraph 1 (b), and Recommendation, Paragraph 1 (1) (b).

attention to the Convention.¹ Referring to these resolutions the Governing Body at its 147th Session (November 1960) addressed a special appeal to the governments of countries which had not yet ratified the Convention, drawing their attention to its fundamental importance and inviting them to consider or reconsider the possibility of ratifying it. The matter has also been raised on a regional basis; the First African Regional Conference of the I.L.O. (Lagos, December 1960) adopted a resolution drawing particular attention to the international labour Conventions concerning the protection of certain fundamental human rights, among them the Discrimination (Employment and Occupation) Convention, "the ratification and strict application of which should be regarded by all African States as a question of honour and prestige".² The Seventh Conference of American States Members of the International Labour Organisation (Buenos Aires, April 1961), in its "Declaration of Buenos Aires", mentioned the Convention concerning discrimination among those on which economic development and social progress in the countries concerned should be based.³ Finally, a resolution adopted by the Fifth Asian Regional Conference of the International Labour Organisation (which met in Melbourne in November-December 1962) also invited all governments concerned to pursue a policy of balanced economic development in the promotion of workers' social and human rights and indicated that all action in this respect should provide for the ratification of certain of the I.L.O.'s fundamental Conventions, one of these being the Discrimination Convention.⁴

RATIFICATION OF THE CONVENTION

11. Up to the date of this report the 1958 Convention had been ratified by 39 countries: Bulgaria, Byelorussia, China, Costa Rica, Dahomey, Denmark, Ecuador, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Honduras, Hungary, India, Iraq, Israel, Ivory Coast, Liberia, Libya, Malagasy Republic, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Somali Republic, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Ukraine, U.S.S.R., United Arab Republic, Upper Volta and Yugoslavia. Twenty-five other countries have also indicated that ratification has been decided (Haiti), or has been submitted to Parliament (Austria, Brazil, Chile, Iceland, Italy, Venezuela) or is envisaged (Burma, Cameroon, Chad, Colombia, Congo (Leopoldville), Finland, Greece, Indonesia, Iran, Lebanon, Mali, Mauritania, Nigeria, Peru, Senegal, Sierra Leone, Turkey, Uruguay).

REPORTS EXAMINED

12. Taking into account, as usual, the reports furnished under article 22 of the Constitution on ratified Conventions and under article 19 on unratified Conventions and on Recommendations, the Committee has been able to examine for the purpose

¹ By calling for reports under article 19 of the Constitution of the I.L.O. and taking "such further action as it may consider appropriate in regard to the matters dealt with in that Convention, in particular consideration of the advisability and feasibility of setting up special machinery for dealing with this matter".

² Resolution concerning the work of the International Labour Organisation in Africa (*Official Bulletin* (Geneva, I.L.O.), Vol. XLIII, 1960, No. 4, pp. 351-355).

³ *Ibid.*, Vol. XLIV, 1961, No. 2, p. 47.

⁴ Resolution concerning measures to promote stable prices of basic commodities in world markets and other measures for the effective utilisation of resources and the improvement of living standards.

of the present survey information concerning 138 countries: 90¹ member States and 48 non-metropolitan territories.² Reports have been received from 34 countries which have ratified the Convention, mostly under article 22 of the Constitution, or under article 19 in the case of certain countries where a sufficiently long period has not elapsed since ratification for them to be required to report under article 22. Appendix III to this report contains a table showing for each country and each non-metropolitan territory the reports requested and received under article 19 on the Convention and the Recommendation. The Committee regrets that 13 member States have failed to submit either of the reports requested: Belgium, Cuba, Cyprus, Dahomey, Ethiopia, France, Jordan, Nicaragua, Panama, Paraguay, El Salvador, Somali Republic, Syrian Arab Republic.

OBJECTIVES OF PRESENT SURVEY WITHIN THE FRAMEWORK
OF INTERNATIONAL ACTION IN RESPECT OF DISCRIMINATION
(EMPLOYMENT AND OCCUPATION)

13. This survey, which follows on other comprehensive surveys of the same type prepared by the Committee in previous years in respect of various aspects of fundamental human and social rights (such as those dealing with the effect given to the instruments relating to forced labour, minimum standards of social security, freedom of association and equal pay)³, also forms part of a series of measures decided upon by the Governing Body of the International Labour Office in connection with discrimination in respect of employment and occupation at its 147th Session (referred to above) and at its 150th Session (November 1961). At the latter session the Governing Body took the view that consideration should be given first of all to the information made available through the Committee's present survey; for this reason the Governing Body addressed a special appeal to governments to supply the fullest reports on both the Convention and the Recommendation.

14. The Committee would like to stress particularly that for the reasons stated below the examination which it was called upon to undertake this year could in all respects be no more than a preliminary one.

15. The first remark to be made is that the contents of the reports which have been submitted to it do not respond fully to the appeal by the Governing Body just mentioned. This undoubtedly stems from the fact that the bearing of the international standards in question has not always been fully grasped, either as to the diversity of forms of discrimination covered or even as to the type of measures which may be taken to combat discrimination or promote equality of treatment. Naturally

¹ The reports from Liberia and Nigeria arrived only during the Committee's session; consequently, it has not been possible to take full account of them in this survey.

² The summaries of reports supplied under article 22 (ratified Conventions) appear in: I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part I), International Labour Conference, 47th Session, 1963, and those supplied under article 19 (unratified Conventions and Recommendations) in: idem, Report III (Part II), in so far as these reports were received in time to be included in these publications.

³ See I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations* (Report III (Part IV)), International Labour Conference, 46th Session, 1962, Part Three: *Forced Labour* (also published as an off-print); idem, 1961, Part Three: *Minimum Standards of Social Security* (also published as an off-print); idem, 1959, Part Three: *Freedom of Association and Protection of the Right to Organise*; idem, 1956, Appendix IV, pp. 148 ff.: *Equal Remuneration Convention, 1951 (No. 100), and Recommendation, 1951 (No. 90)*.

the Committee recognises that there was bound to be a great diversity in the information supplied in the reports in view of the variety of the problems and of the different forms that measures against discrimination may take in different countries. The reports of certain countries gave detailed information on the existence of internal measures corresponding to different kinds of action against discrimination suggested by the Convention and the Recommendation¹; consequently, many of the examples cited during the course of this survey (in particular in Chapter II) have been taken from these reports. In this survey the Committee has attempted in a general manner to provide some clarification as regards the various points raised by the application of the Convention and the Recommendation and on the information needed in this connection.

16. There is no doubt that these gaps are largely due to the fact that both the Convention and the Recommendation are of recent date—having been adopted barely four years prior to the preparation of the Committee's present survey—and that many of the questions involved in their application are likely to emerge only as more experience is gained. It should be remembered particularly that the Convention did not come into force until June 1960; while a small number of first reports under article 22 of the I.L.O. Constitution on the application of this Convention by countries which have ratified it were examined by the Committee in 1962, a much larger number—more than 20—have been submitted to it only this year; the fact that the particularly close study which must be given to first reports has had to be made at the same time as the preparation of the present comprehensive survey has inevitably given rise to practical problems for the Committee; in particular, the additional information requested from a number of countries which have ratified the Convention will only be received later, and the Committee is not yet in a position to form an opinion on a number of questions.

SCOPE OF THE PROBLEMS RAISED AND INFORMATION NEEDED

17. The considerations set out above are strengthened by the broad scope of the Convention and the Recommendation, which will be gone into in more detail below. It may be noted here in particular that the instruments refer to grounds of discrimination as diverse as race, sex or political opinion, for example. They cover the exercise of discriminatory acts in very general terms as "any distinction, exclusion or preference . . . which has the effect of nullifying or impairing equality of opportunity or treatment", and which can be the result not only of legislation, but also—and mainly—of existing situations or practice. They reach into all sectors of employment and occupations, both public and private, and extend to vocational training, access to employment and to particular occupations as well as to conditions of employment in general. The methods proposed by these instruments to combat discrimination range, for example, from direct intervention through legislation to educational activities, and from action by the State to action by employers' and workers' organisations and other interested bodies. Finally, they show the need to draw a line between discrimination and the requirement of qualifications for certain posts, measures to protect the security of the State and special protective and assistance measures designed to meet the particular requirements of certain persons.

18. From these few introductory remarks it is possible to appreciate the volume and diversity of the legislative texts and practical information it has been felt necessary

¹ In particular, Canada, India, U.S.S.R. and United States.

in principle to collect and consult in preparing a survey of this kind: constitutions and basic national laws; labour legislation practically *in toto*; provisions concerning access to particular occupations and their exercise, the civil service, vocational training, social security and welfare services, employment services; provisions relating to the security of the State, those referring to the protection or assistance of certain categories of persons; educational programmes; practical data on the employment of categories of persons defined by race, sex, etc., on wage levels, on the activities and functions of the public services in connection with employment, on the activities of the occupational organisations; collective agreements; statistics; rulings of courts or other bodies; information on the machinery for guaranteeing the rights accorded under constitutions or basic laws, etc.

19. The Committee feels bound to point out that it has not by any means been able to obtain all the data which it would have been of interest to examine, and of which the above list gives only a general idea. It has endeavoured, nonetheless, to draw on as many documents as possible from the official collections at its disposal; it has also referred to the information communicated by governments on the application of other international labour Conventions, or published under the auspices of various United Nations organs.¹ Nevertheless, in many respects the documentation thus assembled has necessarily been rather fragmentary in character, particularly as regards practice. As regards legislation, a list of the texts examined for each of the countries considered will be found in Appendix II to this survey. The Committee would like to stress, as is pointed out in a footnote to that appendix, that it is in no way a list of legislation containing elements of a discriminatory nature; it is a list of texts which it has appeared feasible and useful to examine, even though they may have been found to contain no discriminatory provisions under the terms of the Convention or the Recommendation; it includes, of course, in addition, enactments which, on the contrary, forbid discrimination or aim at combating it. Furthermore, for the reasons stated above, this list can in no way be considered as an exhaustive one.

GENERAL CHARACTER OF THE SURVEY²

20. For the various reasons mentioned above, the Committee has taken the view that the purpose of the present survey would be essentially to make a preliminary review of the various problems which are likely to arise out of the application of the international standards concerning discrimination in respect of employment and occupation, rather than give a detailed picture of the varying situations in individual countries in this sphere. Any references to such situations which may be made—by way of illustration—in this survey must not be taken to mean that there do not exist other comparable situations, and do not imply any attempt at a final evaluation by the Committee in the absence of the additional information which would be necessary. In preparing this survey the Committee has sought, first and foremost, not to make a collection of adverse data but to assist governments to appreciate the bearing of the international instruments in relation to the positive action they may take for the abolition of discrimination.

¹ In particular: *Yearbook of Human Rights*; documents of the Commission on Human Rights (Subcommission on the Prevention of Discrimination and Protection of Minorities) and the Commission on the Status of Women of the Economic and Social Council; information in respect of non-autonomous territories.

CHAPTER I

Definition and Scope

21. The provisions of Article 1 of the Convention, which are repeated in Paragraph 1 of the Recommendation, are as follows:

1. For the purpose of this Convention the term "discrimination" includes—
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with the representative employers' and workers' organisations, where such exist, and with appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Further, Articles 4 and 5 of the Convention also refer to certain kinds of measures which, under the conditions specified, are not considered as discrimination, and provisions of the same kind occur in Paragraphs 6 and 7 of the Recommendation; the relevant provisions of the Convention in this respect read as follows:

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.
2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

The problems relating to the various aspects of the definitions and scope of application thus laid down by the instruments of 1958 will be examined successively on the basis of the information available.

SECTION 1. GROUNDS OF DISCRIMINATION

(a) Grounds Referred to Specifically in the Convention and Recommendation

22. The above-mentioned provisions of the Convention and Recommendation refer expressly to *race, colour, sex, religion, political opinion, national extraction and social origin*. In the light of the information received it appears necessary first of all to stress particularly the diversity of the grounds covered by the instruments in question. The reports reveal that concern about discrimination is not felt with equal

strength in respect of all the grounds mentioned; some reports practically confine their review of the position to certain grounds such as race, colour or sex in particular; it would also appear, as will be seen in more detail below, that the national anti-discrimination measures, whether constitutional or of another character, generally refer to factors such as race, colour, religion or perhaps sex, but less frequently to political opinion, for instance. It is true that the relative importance of the problems to which these different grounds give rise may vary with the conditions of each country; it is essential, however, that when reviewing the position and deciding on the measures to be taken, governments should give their attention to *all* the grounds of discrimination mentioned specifically in the 1958 instruments.

Race and Colour.

23. Attention is focused generally on distinctions on the basis of race or colour. Problems of this kind arise particularly in countries where large population groups of differing race or colour live together, but they are not confined to these alone and merit consideration however few people are involved. There is little difference between the issue of race and that of colour, unless it is that the former has a wider connotation, since racial barriers may exist between persons of the same colour. The term race cannot be given a very precise scientific definition, the essential point being the way in which the persons concerned consider their differences, and the attitudes resulting therefrom, in their relations with one another, particularly in so far as this concerns employment and occupation. There are cases, for example, where distinctions on the basis of clan or tribal origin¹ or distinctions between population groups set apart by a number of different characteristics (language, traditions, religion, etc.) are not different from distinctions founded on a more precise concept of race. There are times, moreover, when it becomes arbitrary to distinguish between the issue of race and that of national extraction. Although, in its most elementary form, discrimination on account of race or colour stems from prejudice, it is often the result of differences in the degree of social and economic advancement, and may be complicated by conflicts of economic and sometimes political interests.

Sex.

24. From the information available it would seem that distinctions on grounds of sex may be summed up as those established to the detriment of women. They derive from traditional beliefs which are still strongly held in some communities, though in many countries they have become considerably attenuated owing to the general improvement in the status of women; even in the latter case, however, significant instances may still be found. Where it is not based on their supposed inferiority, discrimination as regards the employment of women is often founded on other arbitrary considerations. For example, distinctions which limit access to and security of employment are met, particularly in respect of married women. The payment of lower remuneration to women than to men for doing equal work is another characteristic form of discrimination that still persists.²

Religion.

25. Discrimination in social life, and more especially in employment, for reasons of religion may take a variety of forms. Where there exist in a country communities

¹ Some countries refer specifically to this type of distinction in their reports (Congo (Leopoldville), Ivory Coast) or their legislation (Liberia: Penal Code, section 262). The Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), both list "tribal association" among the grounds for discrimination to be done away with.

² See below, paragraph 34.

of differing religions which have traditionally lived their separate lives, similar problems may arise to those met with in multi-racial or multi-national communities. In other cases the risk of discrimination derives more specifically from an attitude of intolerance towards persons of a particular faith, or not belonging to a given faith or professing any faith whatever; where religious considerations hold a large place in public and social life—and in particular where one religion has been established as the religion of the State—care has to be taken that this will not lead to arbitrary consequences as regards employment and occupation, especially in the public sector. Inversely, this problem may also arise where the State is officially anti-religious or the dominant line of political thought is hostile to all religions.

Political Opinion.

26. Special attention should be drawn to this potential ground of discrimination, since an examination of the reports reveals that less attention has undoubtedly been paid to this factor than to others, and that the express reference to political opinion—along with social origin—in the 1958 instruments was largely an innovation in comparison with the anti-discrimination clauses to be found in other international labour Conventions and Recommendations.¹ The problem is assuming even greater importance as political activity increases and affects more and more of the population. One of the essential traits of this type of discrimination is that it is most likely to be due to measures taken by the State or the public authorities. Its effects may be felt in the public services, but are not confined thereto; moreover, in many modern economies the distinction between the public and the private sector has become blurred or has disappeared completely. Discrimination may be exercised against persons holding a particular viewpoint, or even any political opinion other than that of the authority or person imposing the measure.

National Extraction.

27. A perusal of the reports shows a need first of all to define the meaning of this expression, which is distinct from that of “nationality”; some countries have mentioned as an obstacle to ratification of the Convention the restrictions imposed on *aliens* in respect of employment and occupation.² Bearing in mind the special problems arising in connection with the employment of aliens, the reference to “national extraction” applies, as was made clear during the preparatory work on the Convention³, to distinctions made in a country between nationals of that country on the ground of foreign ancestry or foreign birth, and does not concern the position of persons of foreign nationality⁴ as such.⁵ As regards the position of immigrant

¹ It should be noted that the Abolition of Forced Labour Convention, 1957 (No. 105), calls for the suppression of forced labour, *inter alia*, on grounds of political opinion or as a means of social discrimination (Article 1 (a) and (e)).

² For example, Chad, Mauritania, Viet-Nam.

³ I.L.O.: *Record of Proceedings*, International Labour Conference, 42nd Session, Geneva, 1958, p. 710; idem, *Discrimination in the Field of Employment and Occupation*, Report IV (2), p. 8. See also: Memorandum by the International Labour Office in reply to a request from the Tunisian Government (Governing Body document G.B.142/16/12 (142nd Session, May-June 1959)).

⁴ However, this in no way means that foreign nationals may be excluded from the scope of the Convention if problems of discrimination arise not on the ground of their foreign nationality but for one of the reasons referred to in the instrument (race, colour, sex, religion, etc.).

⁵ The Convention against discrimination in education, adopted by the General Conference of U.N.E.S.C.O. in 1960 (see Introduction, paragraph 3 above), mentions, among grounds of discrimination, “national origin”. It has been indicated that, in the U.S.S.R., following the ratification of this Convention, the new regulations of 1963 concerning the admission of students to educational establishments expressly provide for equality of treatment of all foreigners residing in the U.S.S.R.

workers of foreign nationality, a special provision in Recommendation No. 111 (Paragraph 8) states that regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949 (No. 97), relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949 (No. 86), relating to the lifting of restrictions on access to employment.¹

28. Consequently, discrimination on the ground of national extraction must be considered to include discrimination against persons who, while nationals of the country in question, have acquired that nationality through naturalisation, or are descended from foreign immigrants, or belong to groups of different national extraction living together in the same State. Problems may arise both with regard to persons of a particular national extraction and in respect of all national extraction different from the main national stock; the discrimination may not merely be unilateral, but may also result from the reciprocal attitudes of different groups towards one another.

Social Origin.

29. Some of the remarks made above with respect to the reference to political opinion in the 1958 instruments are equally applicable to the mention of social origin. The information available reveals that this issue has not always been given as much attention as some others. Furthermore, the problem of discrimination on the basis of social origin is undoubtedly one of the most difficult to define. It arises in an extreme form, for example, when the prospects of individuals in respect of employment and occupation vary in accordance with a rigid division of society into classes, or when certain "castes" are looked upon as inferior and allowed to do only the most menial tasks. In societies where such rigid classifications have disappeared, prejudice or privilege based on social origin may subsist. In addition there may be various factors which, though not necessarily constituting deliberate discrimination, continue to be an obstacle to perfect equality of opportunity for all strata of society. A position of discrimination may arise, for example, if steps are not taken to offer to certain classes of society the same opportunities for training and chances to move up the occupational ladder as are available to others. Inversely, support given to certain categories may result in discrimination against others. Finally, social origin may be considered as presumptive evidence of certain political opinions which work either to the advantage or disadvantage of the persons concerned.

(b) Other Grounds

30. Aside from the distinctions, exclusions or preferences based on one of the considerations to which they refer specifically and which are discussed above, both the Convention and the Recommendation provide that for the purpose of their application "such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or

¹ The Migration for Employment Convention (Revised), 1949 (No. 97), requires migrant workers to be given the same treatment as nationals with regard to pay and working conditions, apprenticeship and vocational treatment, trade union rights and collective agreements, housing, social security, etc. (Article 6). The Migration for Employment Recommendation (Revised), 1949 (No. 86), provides for the lifting of employment restrictions on migrant workers after certain period of residence which should not in principle be longer than five years (Paragraph 16 (2)); it also provides that such restrictions should cease to be applied to the wife and children of an age to work who are normally accompanying the migrant worker, at the same time as they cease to be applied to the migrant. The information supplied in reports on the action taken on Paragraph 8 of Recommendation No. 111, which refers to these provisions of Convention No. 97 and Recommendation No. 86, does not permit a detailed assessment in this respect in the present survey.

occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies"¹ may be included.

31. The possible grounds of discrimination in respect of employment and occupation are not by any means limited to race, colour, sex, religion, political opinion, national extraction and social origin. Among other grounds to which attention has been given in certain countries according to the information received, or which were discussed during the preparatory work on the 1958 instruments, mention may be made for example of language², age³, disablement, membership or non-membership of a trade union⁴, etc. It would obviously be impossible to draw up an exhaustive list of the criteria which may give rise to discrimination, and others are moreover likely to emerge or develop in the future. While laying down a minimum standard of agreement on a certain number of grounds, the Convention and the Recommendation have left it to each country to extend the anti-discrimination policy prescribed by these instruments to any other ground which it may deem appropriate to specify, after consultation with representative employers' and workers' organisations and with other appropriate bodies. So far none of the countries which have ratified the Convention has expressly made use of this opportunity, although, for certain of them, other grounds than those specifically contained in Article 1, paragraph 1 (a), of the Convention are covered by constitutional or legislative provisions intended to prevent discrimination.

SECTION 2. SPHERES OF APPLICATION

General

32. It is stated in the Convention (Article 1, paragraph 3) and the Recommendation (Paragraph 1 (3)) that "the terms 'employment' and 'occupation' include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment". Before going in more detail into the matters covered by these different fields (as spelled out in Paragraph 2 (b) of the Recommendation), it should be stressed that there is no provision in either the Convention or the Recommendation limiting their scope as regards either individuals or occupations. This is in line with the purpose of these instruments, which is to ensure respect for certain fundamental rights which should be afforded to *all* human beings as concerns the types of discrimination to which they refer. In the same way the instruments embrace all sectors of activity; they cover both public service and private employment and occupations; they extend to independent workers as well as those working for wages or a salary, as is clearly shown by the broadness of the

¹ Article 1, paragraph 1 (b), of the Convention, and Paragraph 1 (1) (b) of the Recommendation.

² For instance, there are constitutional anti-discrimination provisions referring, *inter alia*, to this ground in Austria (Constitution, section 7), Iraq (Provisional Constitution of 1958, section 9), Italy (Constitution, section 3) and Libya (Constitution, section 11).

³ For instance, United States (Acts to provide for fair employment practices in Connecticut, Delaware, Massachusetts, New York, Oregon, Pennsylvania, Puerto Rico, Washington, Wisconsin; Acts dealing with the employment of the aged: Alaska, California, Colorado, Louisiana, Massachusetts, Ohio, Rhode Island).

⁴ The report of Chile, for example, mentions the problems arising out of the refusal by some employers to hire trade union members or officers. Special provision is made for the protection of workers against anti-union discrimination in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It was not possible, however, to achieve unanimity on the question of the preference sometimes given to trade union members (though there would be discrimination in respect of employment in the sense of the 1958 instruments if the union was constituted on the basis of one of the discriminatory criteria listed by these instruments).

expression "employment and occupation" and from the preparatory discussions on the Convention.¹

Access to Vocational Training, Employment and Particular Occupations

33. This is enlarged upon more specifically in Paragraph 2 (b) of the Recommendation, which provides in the first place, that all persons should enjoy equality of opportunity and treatment in respect of "(i) access to vocational guidance and placement services; (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment; (iii) advancement in accordance with their individual character, experience, ability and diligence; (iv) security of tenure of employment . . .". Paramount importance attaches, first of all, to vocational training, on which actual prospects of access to employment and occupations depend; it frequently happens that unequal chances of vocational training lead to the impairing or nullifying of equality of opportunity or treatment in all other spheres. Since the 1958 instruments cover all forms of employment and occupations, the words "vocational training" should by no means be interpreted exclusively in a narrow sense such as apprenticeship and technical education.² It will be remembered that the prevention of discrimination in education in general was the subject of a special Convention adopted in 1960 by the General Conference of U.N.E.S.C.O.³; however, in so far as the completion of certain studies coming under the heading of general education is necessary to obtain access to any given employment or occupation, or to some specialised form of vocational training, the problems relating thereto should not be overlooked in the application of the 1958 instruments concerning discrimination in respect of employment and occupation. Secondly, as regards access to employment and occupations as such, the problem of equality of opportunity and treatment arises not only in connection with restrictions or limitations imposed directly, but also with regard to the use of the facilities necessary to that end (guidance and placement services); it covers the possibility of access to the various senior levels and progress in employment (advancement), as well as continuity in the employment or occupation. It should, moreover, be pointed out that the problem of equality in the exercise of the employment of one's choice may also arise, for instance, where forced or compulsory labour is exacted from certain categories of persons set apart on the grounds listed in the 1958 instruments, and not others.⁴

Terms and Conditions of Employment ; the Question of Equal Remuneration

34. What is meant by "terms and conditions of employment" is likewise explained more specifically in Paragraph 2 (b) of the Recommendation, which goes on to refer

¹ In this connection see: I.L.O.: *Discrimination in the Field of Employment and Occupation*, Report IV(1), International Labour Conference, 42nd Session, 1958 (Geneva, 1957), p. 34: Appendix, Note on the Significance of the Words "Employment and Occupation". During the discussions at the Conference amendments to exclude independent workers from the scope of the Convention were rejected on a number of occasions (I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1958), Report of the Committee on Discrimination, paragraphs 17-18, p. 743, 42nd Session, Geneva, 1958; *ibid.* (Geneva, 1959), Report of the Committee on Discrimination, paragraphs 15-16, p. 711).

² The Vocational Training Recommendation, 1962 (No. 117), defines its scope of application in the following terms: "All training designed to prepare or retrain a person for initial or later employment or promotion in any branch of economic activity including such general, vocational and technical education as may be necessary to that end."

³ See above, Introduction, paragraph 3.

⁴ The Abolition of Forced Labour Convention, 1957 (No. 105), prohibits, *inter alia*, forced labour "as a means of racial, social, national or religious discrimination" (Article 1 (e)) or on political grounds (Article 1 (a)). See the comprehensive survey prepared by the Committee in 1962, referred to above (Introduction, paragraph 13).

to “(v) remuneration for work of equal value; (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment”. As regards remuneration it should be recalled that the problem of discrimination based on sex in this field has been dealt with in a special Convention, as has already been stated: the Equal Remuneration Convention, 1951 (No. 100)¹, supplemented by a Recommendation on the same subject, also of 1951 (No. 90). Equality of remuneration without distinction on the basis of sex, *inter alia*, for work of equal value is therefore also covered by the 1958 instruments on discrimination in respect of employment and occupation, as is made quite clear, moreover, by the discussions on this point which preceded the adoption of the Convention.² Some countries have stated in this respect that they do not feel able to ratify Convention No. 111 for the same reasons which have prevented them from ratifying Convention No. 100.³ It should be borne in mind, however, that the obligations stemming from each of these two Conventions are not identical⁴; the elimination of discrimination based on sex in respect of remuneration is, under the terms of Convention No. 111, one of a number of elements in a general policy “designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation” (Article 2), which allows, as will be seen, for a greater degree of flexibility as regards timing and choice of methods than under Convention No. 100. The Committee would draw the attention of the governments concerned to the fact that when it is not considered possible to ratify Convention No. 100, this does not necessarily imply an impossibility to give effect to Convention No. 111 in this sphere.

Trade Union Rights

35. Paragraph 2 (f) of the Recommendation states that “employers’ and workers’ organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs”, and clause (e) of the same Paragraph emphasises that the principle of equality of opportunity and treatment should be respected in collective negotiations and industrial relations. As for the Convention, it was decided not to include a special clause referring generally to the right to establish or to join trade unions and to participate in trade union activities⁵ in order to avoid duplication with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)⁶, which provides that all workers and employers have these rights “without distinction

¹ This Convention is in force for 48 countries: 44 member States: Albania, Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussia, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Italy, Ivory Coast, Libya, Malagasy Republic, Mexico, Norway, Panama, Peru, Philippines, Poland, Rumania, Senegal, Sweden, Syrian Arab Republic, Ukraine, U.S.S.R., United Arab Republic, Yugoslavia; and four French non-metropolitan territories: French Guiana, Guadeloupe, Martinique, Reunion.

² See in particular I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, 1957, Report of the Committee on Discrimination, p. 742, paragraph 13; 42nd Session, *idem*, p. 710, paragraph 9.

³ Australia, Netherlands.

⁴ The application of Convention No. 100 (and Recommendation No. 90) was the subject of a comprehensive survey by the Committee in 1956, as already stated (see above, Introduction, paragraph 13).

⁵ I.L.O.: *Discrimination in the Field of Employment and Occupation*, Report VII (1), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1956), pp. 7 and 35.

⁶ *Idem*, *Discrimination in the Field of Employment and Occupation*, Report VII (2) (Geneva, 1957), p. 110.

whatsoever".¹ The Discrimination Convention does provide, nonetheless, that each Member must, *inter alia*, "seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance" of a national policy designed to eliminate discrimination in respect of employment and occupation, and it is obvious, firstly, that it would be impossible for a State to pursue efforts in that direction while sanctioning or countenancing discrimination within trade unions, and secondly, that one of the aspects of the collaboration which is called for here has to be the abolition of discriminatory practices on the part of the unions with regard to admission to and retention of membership, union activities, etc.² It is especially important to bear in mind that inequalities in the field of employment properly so called as defined in Article 1, paragraph 3, of the Convention may be the result of inequalities in trade union affairs: this is so, for instance, where membership of a trade union is a prerequisite for admission to employment or access to vocational training or the enjoyment of certain conditions of employment, and where membership is denied to specific categories of persons on one of the grounds (race, colour, etc.), covered by this Convention.

SECTION 3. CHARACTER OF MEASURES HAVING THE EFFECT OF NULLIFYING OR IMPAIRING EQUALITY OF OPPORTUNITY OR TREATMENT

General

36. The definition given in this respect in Article 1 (1) of the Convention and Paragraph 1 (1) of the Recommendation is "any distinction, exclusion or preference . . . which has the effect of nullifying or impairing equality of opportunity or treatment" on the grounds and in the fields covered by these instruments. This definition, couched in the broadest possible terms, takes into account the fact that equality of opportunity or treatment may be affected not only by negative attitudes, which are the more apparent, but also by preferences, which are often less easy to discern in practice; it embraces both situations where equality is nullified completely and those more subtle instances where it is merely impaired. In particular, an examination of the information available reveals that special comment is called for in respect of two essential aspects of this definition: firstly, the fact that it comprises "any distinction, exclusion or preference", whatever its origin—law or practice—and secondly, that it is based on the objective criterion of the "effect" of the distinctions, exclusions or preferences in question on equality of opportunity and treatment.

Legislative or Practical Nature of Discrimination: Information Required

37. The distinctions, exclusions or preferences covered by the 1958 instruments may have their origin in law or in practice. From an examination of the reports it would seem that the attention of governments has been primarily focused on legislation. It is therefore important to stress the special significance of practice in this connection. The fact is that while there may still exist statutory provisions or administrative instructions affecting equality of opportunity or treatment which need to be repealed or modified in conformity with the Convention and the Recommendation³, this is but one limited aspect of the problems covered by these instruments, which find their expression mainly in practice and in fact. It is therefore essential that

¹ The application of this Convention, among others, was the subject of a comprehensive survey by the Committee in 1959 (see above, Introduction, paragraph 13).

² See Chapter II, Section 3, below.

³ Article 3 (c) of the Convention and Paragraph 5 of the Recommendation (see Chapter II, Section 6, below).

information on the practical position as well as on legislation should be collected by governments and embodied in their reports, as is expressly requested in the forms of report adopted by the Governing Body, so as to make possible an evaluation of the measures taken or to be taken as part of a national policy to combat discrimination by methods appropriate to national conditions and practice, in conformity with these instruments. When examining the effect given to the 1958 instruments each government, particularly if it has ratified the Convention, should take the opportunity to review the existing situation scrupulously and objectively; one facet of this task consists primarily in reviewing the whole of the legislation relevant to this field so as to seek out any possible sources of discrimination contained therein, and which may have been overlooked.¹ It is especially important to give specific reconsideration to practices in the various spheres of employment and occupation and the relations prevailing therein between different categories of persons defined according to the criteria mentioned in the Convention; this may be done, in particular, on the basis of reports and special information requested from the various competent administrative services (placement or labour inspection services, for example), employers' and workers' organisations or other appropriate public or private bodies, etc. Apart from a few cases where it appears that specific inquiries of this type have been made², it is not generally clear from the reports whether they have in fact been carried out, and in what form. The Committee has requested a number of countries which have ratified the Convention to indicate the nature of any research, inquiries, etc., they have carried out in order to determine whether or not there exist any forms of discrimination such as those defined in the Convention.

Objective Nature of the Definition

38. Examination of the reports has also shown the need to stress that, by referring to "the effect" of distinctions, exclusions or preferences on equality of opportunity and treatment, the definition given in the 1958 instruments is based on the criterion of the objective consequences of these measures. It is therefore important that consideration of this matter should not be limited to provisions or practices whose stated aim is to nullify or impair such equality. For example, provisions intended to be applicable to all may, in the concrete cases where they are in fact applied, have effects which are detrimental to equality in respect of employment or occupation. The information available would seem to show that "discrimination" has for the most part been taken to mean direct and deliberate discrimination, and it should be stressed that, when analysing the position and the information in reports, governments should endeavour to give more general consideration to the effect which, from an objective viewpoint, all distinctions, exclusions or preferences, in law or in practice, may have on equality of opportunity or treatment.

The Special Case of Distinctions, Exclusions or Preferences Designed to Ensure Fair Representation of Different Population Groups in Employment and in Occupations

39. Bearing this definition in mind, the question arises as to whether distinctions or preferences resulting from arrangements made in countries made up of hetero-

¹ For example, the Australian report indicates that an inter-departmental committee has been set up to re-examine all federal laws likely to contain distinctions as to race or colour, and measures have also been taken with the same object in various states of the Commonwealth.

² See, for example, the report of the United Kingdom under article 19 of the Constitution (summarised in Report III (Part II) to the 47th Session of the Conference, 1963); see also (in the same document) the reports furnished under the same article by the following countries: Luxembourg, New Zealand, Northern Rhodesia, Southern Rhodesia, United States; the report from China indicates that investigations have been requested.

geneous population groups to balance the numbers from the different groups in employment and in occupations constitute "discrimination" in the sense of the 1958 instruments, or whether, on the contrary, they can be deemed to be part of a policy to promote equality of opportunity and treatment of the type envisaged by the instruments. In some instances, for example, there are measures to provide that in principle a certain number of posts should be filled by members of special categories of the population, previously placed on a footing of inferiority, in order to further their employment prospects and social advancement¹; in suitable cases—and subject to periodic re-examination of their continued justification—these measures may in fact be considered essential elements in a policy designed to achieve true equality in this field.² In other cases, to meet a situation where the population is made up of groups of differing race or national extraction, there are provisions fixing the percentage of posts which may be held by members of each community³; arrangements of this kind, subject to individual examination in each case, may likewise be considered as not constituting discrimination in the sense of the Convention if their effect is, on the contrary, to secure an equilibrium between the different communities and ensure protection of minorities. Another country gives as an example of the difficulty in applying the Convention the fact that it has provided for preference to be given, in appointments and promotion in the public services, to members of one section of the population who had not previously occupied a proportion of posts in these services corresponding to their numeric strength; this policy is to continue until the existing unequal distribution is corrected, even though the long-term objective of the Government is the application of a policy of equality in the public service without distinction as to race.⁴ The report of one country composed of population groups of differing race or national extraction⁵ mentions in particular the problem arising out of the fact that under the national Constitution provision is made for the reservation for one population group of a proportion⁶ of positions in the public service, of educational privileges or special facilities and of permits and licences where these are required for the operation of any trade or business⁷; the Government states that these measures have been taken solely to compensate for the economically less advanced position of this group as compared with others, and does not consider them to be discriminatory in the real sense of the term; it declares nonetheless that in view of these measures it does not feel able to ratify the Convention because of the problem raised by the definition of discrimination. In the absence of more detailed information it is not possible for the Committee to conclude whether the special measures in question are compatible with the Convention. As a general rule it is only possible to

¹ This is so, for instance, with the measures taken in India in favour of "scheduled castes" and "scheduled tribes" or other "backward classes of citizens" under articles 16 (4) and 335 of the Constitution (see paragraph 51 below).

² In both the Convention (Article 5, paragraph 2) and the Recommendation (Paragraph 6) the possibility is moreover expressly left open, under certain conditions, of defining as non-discriminatory "special measures designed to meet the particular requirements of persons who . . . are generally recognised to require special protection or assistance" (see paragraphs 50 to 52 below).

³ The Constitution of Cyprus (article 123) provides for 70 per cent. of civil service posts to be filled by members of the Greek community and 30 per cent. by members of the Turkish community.

⁴ Tanganyika.

⁵ Malaya (according to its report the population is made up approximately as follows: Malays 49.8 per cent.; Chinese 37.2 per cent.; Indians 11.3 per cent.; others 1.8 per cent.).

⁶ To be determined by the Government.

⁷ Article 153 of the Constitution, concerning the "special position of the Malays" (conditions are laid down to ensure respect for the acquired rights of other persons). However, article 8 of the Constitution embodies the principle that there shall be no discrimination on the sole ground of religion, race, descent or place of birth in any law or in administrative practice in relation to employment and occupation.

make a precise evaluation of measures of this type in relation to the 1958 instruments, in each individual case, on the basis of detailed information on the actual situation giving rise to them and their application in practice; it is necessary to consider, for example, whether they are designed to ensure access to employment and to occupations for members of the different groups reasonably in proportion to the relative size of these groups; whether there are appropriate conditions and guarantees to ensure that these measures are applied objectively (under the supervision of representatives of the different groups, for example, or in some other way); whether they are not excessively rigid, and so on. It is for the government concerned in the first instance to evaluate in good faith the nature and the effects of the measures in question, and where necessary to furnish to the supervisory bodies of the I.L.O. all information likely to assist in evaluating the justification for these measures and their application in practice.

SECTION 4. MEASURES WHICH ARE NOT DEEMED TO BE DISCRIMINATION

40. Both the Convention and the Recommendation set apart three categories of measures which "shall not be deemed to be discrimination": those based on the inherent requirements of a particular job (Article 1 (2)), those which under certain conditions may be justified for the protection of the security of the State (Article 4 of the Convention), and special measures of protection or assistance (Article 5 of the Convention).

Inherent Requirements of a Particular Job

41. The 1958 instruments provide that "any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination".¹ Generally speaking, the information supplied in reports regarding the application of this provision is insufficient. A study of the information available gives the impression that the meaning of this clause has perhaps not been fully grasped. In fact it is a question of determining in which cases a criterion such as race, colour, sex, religion, political opinion or social origin² might justifiably be taken as an inherent requirement of a particular job, thereby not giving rise to discrimination within the meaning of the Convention and the Recommendation. It is indeed only in such cases that, in considering the inherent requirements of a job, the problem arises of where to draw the line between what is and what is not discriminatory. It is clear from the preparatory work on the Convention that it was indeed to meet such cases that the provision in question was included in the instrument.³

42. The information now available gives no examples of cases in which considerations of race, colour or social origin have been deemed to be inherent requirements of a particular job. Distinctions based on sex exist as a general rule for certain jobs requiring for example a high degree of physical effort, which could also come under the heading of special measures of protection, to which reference is made below; on the other hand, in cases where women continue to be excluded from certain responsible positions, for instance in the civil service⁴, it would seem, in the absence of fuller

¹ Convention: Article 1, paragraph 2; Recommendation: Paragraph 1 (2).

² Or, where appropriate, such other criterion as may be determined by the Member concerned in conformity with the provisions of Article 1, paragraph 1 (b), of the Convention (and Paragraph 1 (1) (b) of the Recommendation).

³ I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1958), Appendix X: Report of the Committee on Discrimination, paragraph 25, p. 743.

⁴ See paragraph 89.

information, that such measures are of the kind which the 1958 instruments seek to eliminate, by methods appropriate to national conditions and practice. As regards religion, national provisions may be found, for example, which expressly specify as non-discriminatory certain measures to restrict employment connected with the affairs of a particular religion to persons professing that religion.¹ In the related field of political opinion, one country states in its report² that employment exchanges would not consider to be discriminatory the restriction by the offices of a political party of an offer of employment to members of that party. The Committee is likewise aware that political opinions may be taken into account in connection with the requirements of certain senior administrative posts involving special responsibility in the implementation of government policy; if carried beyond certain limits, however, this practice comes into conflict with the provisions of the 1958 instruments, which call for the pursuance of a policy designed to eliminate discrimination on the basis of, *inter alia*, political opinion, particularly in employment under the direct control of a national authority.³ As regards national extraction, there exist, for example, certain temporary restrictions concerning access of recently naturalised persons to certain official posts; this may be due to a desire for assurance as to the durability and finality of the person's attachment to his new nationality; additional information would nonetheless be necessary as regards the extent of, and reasons for, these provisions in various countries.⁴

43. These examples show how important it is for governments to look closely into the application of this provision, and to furnish full particulars, in order that it may be determined which cases can be deemed to be non-discriminatory within the meaning of the Convention and the Recommendation. It is also essential that governments should make an objective reappraisal of all cases in which one of the criteria cited by these instruments is taken into consideration in determining the inherent requirements of a job, in order to establish whether or not they are really justified. There may be many borderline cases. That is why the report form asks for information on any difficulties of application, disputes or controversies which may have arisen in this connection. The Committee must once again stress the need to give proper attention to the cases in question and to any problems to which they may have given rise, and it has decided to address requests for additional information in this respect to a number of countries which have ratified the Convention.

Measures Taken in Regard to Activities Prejudicial to the Security of the State

44. Article 4 of the Convention states that "any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State" shall not be deemed to be discrimination, "provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice"; a similar provision is to be found in the Recommendation (Paragraph 7). The reasons for including a clause of this nature in the 1958 instruments were twofold: on the one hand, to prevent the protection of a non-discrimination policy being sought by persons who in reality are engaged in activities prejudicial to the security of the State, and on the other hand, to prevent measures allegedly taken to protect the security of the State from running, in practice,

¹ For example: Malaya, Constitution, article 8 (5) (b).

² United Kingdom.

³ See paragraphs 91, 93-96 below.

⁴ For example, by virtue of the nationality codes of the following countries: Central African Republic (section 41); Congo (Brazzaville) (section 33); Ivory Coast (section 43); Madagascar (section 38); Morocco (section 17); Senegal (section 16); Tunisia (section 25).

counter to the policy of non-discrimination, by laying down conditions and guarantees to be observed in relation to these measures. From the information available it would appear that the problems which this provision was designed to meet are closely linked with the issue of discrimination on the basis of political opinion.

45. Measures designed to protect the security of the State appear to exist in all countries.¹ Generally speaking, the reports refer to the provisions on this subject contained in penal codes or other criminal laws; or in special enactments to meet situations such as martial law or a state of emergency; even where such provisions do not specifically refer to employment or occupation², their effects are felt directly in this sphere.³ In addition there are special measures whereby the State safeguards its security as concerns access to or retention in employment in government departments or specific public or private institutions. The general provisions governing the relations of the State with its own officials and with undertakings working on its behalf may themselves provide a vehicle for the taking of measures in the cases covered by Article 4. At times, too, special rules are drawn up on the subject of such measures in legislation or other official enactments. It is undoubtedly more difficult to evaluate the scope of such measures and the guarantees afforded, or not afforded, to those likely to be affected by them when they are based solely on administrative practice or government instructions which are not published. The detailed information needed to assess the extent to which the international standards in question are observed is not yet available in many cases; yet the supply of such information by each government follows logically from the government's determination to give effect to the 1958 instruments. The Committee has addressed requests for additional information in this respect to a number of countries which have ratified the Convention.

46. If Article 4 of the Convention (and Paragraph 7 of the Recommendation) are to be properly applied, two requirements must be fulfilled: one a requirement of substance (measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State), and the other a procedural safeguard (the right to appeal to a competent body established in accordance with national practice).

47. The first requirement excludes, first of all, any measures taken not because of individual activities but by reason of membership of a particular group or community; such measures could not be other than discriminatory. Secondly, it refers to "activities" prejudicial to the security of the State (which must be proved or justifiably suspected on sufficiently serious grounds) as distinct from intentions. Finally, it rests on the protection of the "security of the State", the definition of which should be sufficiently narrow to avoid the risk of coming into conflict with any policy of non-discrimination. As already noted⁴ while some national provisions appear at first sight to contain a sufficiently precise definition of what constitutes a threat to the security of the State, others are couched in such broad terms (covering for example lack of "loyalty", "the public interest", "anti-democratic" behaviour, membership in or support of certain political movements, etc.) that in the absence of detailed information as to their application in practice it is not possible to be certain that use might not be made of them for reasons related solely to political opinion. In any

¹ See, in general, the legislation on the subject mentioned in Appendix II to this Part.

² Often the sentences pronounced in respect of threats to the security of the State include loss of entitlement to employment in civil service posts, for example, or in certain occupations.

³ These measures take the form (apart from the death penalty, normally exceptional) of deprivation or restriction of liberty, restricted residence, banishment, etc.

⁴ See International Labour Conference, 46th Session, 1962, Report III (Part IV), Part Three, paragraphs 169 to 175.

event it will be important to ensure that measures regarding the security of the State do not in fact lead to discrimination expressly on the ground of political opinion.

48. The second condition provided for in Article 4 of the Convention as an essential safeguard is the existence of a right of appeal "to a competent body established in accordance with national practice". As stated above, this right of appeal does not in itself suffice for the requirements of Article 4 to be taken as fulfilled; the substantive requirements referred to in the preceding paragraph also have to be satisfied. But a right of appeal must in any event be provided. In many cases additional information is needed as to the existence of such a right where express reference has not been made to it in the legislation examined. The possibility of appeal may result from the application of the ordinary rules of procedure before courts of law or administrative tribunals; in some instances there is a special procedure for dealing with such cases; the guarantees offered may vary a great deal according to whether the procedure is quasi-judicial in character or purely administrative, according to the composition of the appeals body, according to whether it has the power to take decisions or is purely advisory, etc. Additional information would be needed in order to assess exactly the various procedures employed, having regard not only to their formal requirements but also to their application in practice.

49. The wording used in the Convention allows for a variety of systems, whose conformity to Article 4 must be evaluated in the light of the circumstances of each case; it does appear, nevertheless, that the requirement of a "right to appeal to a competent body established in accordance with national practice" of necessity presupposes the observance of certain minimum criteria: there should be a "body" to which appeals can be made, which should therefore be independent from administrative or governmental authorities, and a mere right of appeal to the administrative or governmental authority hierarchically above the authority that took the measure is not enough; this body should offer guarantees of independence and impartiality; it must be "competent" to assess fully the substance of the matter: that is, it should be in a position to ascertain the reasons underlying the measure taken¹, and give the appellant facilities for fully presenting his case. If the Convention has been ratified, it is particularly essential for a government to give exact particulars of the appeals procedure called for by Article 4, and here again the Committee has addressed requests to that effect to a number of countries which have ratified this instrument.

Special Measures of Protection or Assistance

50. Article 5 of the Convention states, in paragraph 1, that "special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination". In effect, the standard-setting activities of the Conference in this sphere—for instance as concerns the employment of women or indigenous populations—should not be considered as establishing or authorising discrimination as defined in the 1958 instruments; hence, the ratification and application of the latter instruments are in no way incompatible with the ratification or application of other instruments providing for special measures of protection or assistance adopted by the Conference.

51. Furthermore, Article 5 of the Convention provides, in paragraph 2, that "any Member may, after consultation with representative employers' and workers'

¹ In one country it has been ruled by the administrative courts that the reasons must be deemed to be unlawful or non-existent if the Government refuses to reveal them (France: Conseil d'Etat, Jugement Barel et al., 28 May 1954 (*Recueil des arrêts du Conseil d'Etat*, 1945); this case concerned refusal to admit candidates to a competition for admission to the civil service).

organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination". The Recommendation (Paragraph 6) lays down that application of the non-discrimination policy should not adversely affect special measures of this kind. As with the preceding paragraph, it is clear that these provisions were due to a desire to avoid conflict between the policy of non-discrimination and other measures which might give rise to certain "distinctions, exclusions or preferences", but which are justified because their purpose is to give special protection or assistance as defined by these instruments. Measures of this kind are normally to be found in all countries, as for instance those concerned with the protection of women and children in employment, maternity, older workers, the disabled or those with family responsibilities. In some countries special measures have also been taken for the benefit of categories of persons for whom special protection or assistance is recognised to be necessary for reasons of social or cultural status; the direct aim of such measures may be to combat discrimination to which these categories have been subjected in practice.¹

52. It is important for the proper application of the 1958 instruments that any special measure of this type should really pursue an aim of protection or assistance. A thorough reappraisal of some measures may reveal that there is a possibility that in practice they may have the effect of establishing or authorising distinctions, exclusions or preferences of the kind referred to in Article 1 of the Convention. Accordingly, Article 5, paragraph 2, of the Convention lays down an important safeguard in the determination of measures which may be deemed not to be discriminatory under this paragraph, by providing that representative employers' and workers' organisations (where such exist) have to be consulted. Such consultation should ensure that the measures in question are closely examined before they are classed as being non-discriminatory, and that the representative employers' and workers' organisations have an opportunity to express their views on the subject.

CHAPTER II

National Policy Designed to Eliminate Discrimination

53. The objective of Articles 2 and 3 of the Convention, as well as Paragraph 2 and the following Paragraphs of the Recommendation, is the implementation of a national policy designed to promote—according to the terms of the Convention—equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof. The general characteristics of the action contemplated by the Convention and the Recommendation will be examined first; the later sections of this chapter will deal with the different measures

¹ For example, the measures taken in India under section 16 (4) of the Indian Constitution (which permits reservation of appointments and posts in favour of "any backward class of citizens" not adequately represented in state services) and section 335 (which requires that the claims of "scheduled castes" and "scheduled tribes" should be considered in the appointment to state services). The Central and state Governments have reserved a certain percentage of posts for members of "scheduled castes and scheduled tribes" and members of other "backward classes" have also benefited from similar measures in some states. Moreover, concessions have also been given as regards admission to institutions of higher and technical education to members of scheduled castes and scheduled tribes or other backward classes (see also paragraphs 39, 96, 102).

provided for in these instruments, in order of the provisions of the Convention (Articles 2 and 3, paragraphs (a) to (e)) together with the supplementary provisions of the Recommendation.

SECTION 1. GENERAL CHARACTERISTICS OF THE ACTION CONTEMPLATED BY THE INSTRUMENTS OF 1958

54. As indicated, the Convention and the Recommendation emphasise the objectives to be attained rather than imposing recourse to any particular types of action. An examination of the reports would seem to point to the need for underlining the different aspects of this characteristic of the instruments of 1958, as regards, in particular, a general understanding of the measures to be taken to give effect to these instruments and more particularly to the obligations of the Convention in the case of ratification.

Article 2 of the Convention (and Paragraph 2 of the Recommendation)

55. In the first place, the fundamental undertaking laid down in the Convention (Article 2) is to "declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof". Similarly, the Recommendation, at the beginning of Paragraph 2, provides for the formulation and application of a national policy for the prevention of discrimination in this field. Although the formulation of the national policy in question must comply, in substance, with conditions laid down in the Convention or the Recommendation, it must be underlined that its form is not subject, under these instruments, to any particular conditions. This formulation may be the result, according to national conditions and practice, of constitutional or legal standards, or find expression through a statement of Government policy presented, for example, to parliament or in any other manner in conformity with national practice; this formulation may also be the result of a combination of different methods, a statement of Government policy supplementing, for example, certain constitutional principles when the latter relate only partially to the questions covered by the Convention¹, etc. What matters from the point of view of the Convention is that this formulation should be such as to define a real "national policy" and that it should cover all the objectives of this instrument.

56. Secondly, in defining the national policy as "designed to promote . . . equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof", it is not the purpose of the Convention to require that all discrimination, as defined in Article 1, shall be eliminated at the moment of its coming into force; this elimination should be the objective and the unequivocal basis of the national policy contemplated by Article 2, through the concrete and progressive development of equality of opportunity and treatment. The Recommendation, in the same spirit, states in Paragraph 2 that each Member should carry out a policy "for the prevention of discrimination in employment and occupation", taking into account, in particular, the principle that "the promotion of opportunity and treatment in employment and occupation is a matter of public concern" (clause (a)); the Paragraph goes on to describe in more detail the various objectives to be achieved by such a policy (clauses (b) to (f)):

(b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of—

¹ See below, Section 2.

- (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;
- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

Article 3 of the Convention (and Paragraphs 3, 4, 5, 9 and 10 of the Recommendation)

57. Article 3 of the Convention lists a series of forms in which the policy to promote equality of opportunity and treatment should find expression; under its provisions each State must undertake, in particular, by methods appropriate to national conditions and practice, “ (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy; (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy; (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy; (d) to pursue the policy in respect of employment under the direct control of a national authority; (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority ”. Moreover, the Recommendation adds for its part that each Member should also, where practicable, promote the observance of the principles of non-discrimination in respect of other employment and other vocational guidance, vocational training and placement services (than those covered by (d) and (e) above) by encouraging state, provincial or local government departments, etc., to ensure their application and by laying down conditions for the award of public contracts and grants (Paragraph 3 (b)); the Recommendation also provides for the setting up of appropriate agencies to promote the general application of the anti-discrimination policy, and in particular to take steps to keep the public informed and to examine complaints (Paragraph 4); it states that there should be continuing co-operation between the competent authorities and interested organisations to consider what further appropriate measures may be taken (Paragraph 9), and that there should be co-ordination with measures for the prevention of discrimination in other fields (Paragraph 10).

58. It may be seen from the above-mentioned provisions that the essential purpose of the 1958 instruments is to provide for the development of a policy designed to give effect to the principles they embody. It should be noted in this connection that the

principle referred to in the reports of some countries¹, whereby ratification of a Convention automatically gives it the force of national law, would not suffice to give full effect to the present Convention, which expressly requires the State to take positive measures to give effect to it, not only in law but also in practice.

Adaptation of Methods to National Conditions and Practice

59. In Article 2 of the Convention, and again in Article 3, each country is expressly called upon to pursue the objectives and take the measures prescribed "by methods appropriate to national conditions and practice". The Recommendation also, in Paragraph 2, provides for action to be taken in a variety of ways: "by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice". The result is that, broadly speaking, both instruments leave it to the discretion of each country to adopt the methods which, having regard to national conditions and practice, seem the most appropriate from the point of view of their nature, timing and intensity. It is significant to note in this connection that Article 3 (*f*) of the Convention specifically draws attention to the general obligation incumbent on every State to indicate in its reports on the application of this instrument "the action taken in pursuance of the policy and the results secured by such action", thus emphasising above all the importance of positive action and its efficacy rather than the form it takes.

Special Problems : the Question of the Intervention of the State in Matters Dealt with by Negotiation Between the Parties in Industrial Relations

60. The reports of some countries² mention, as a difficulty which might hinder acceptance of the obligations deriving from the Convention, the fact that some of its provisions appear to imply intervention by the State, mainly through legislation, in matters which in these countries are in principle left to be negotiated between the parties to industrial relations. It should be noted that, broadly speaking, since it provides for action by methods appropriate to national conditions and practice, the Convention should not be considered as obliging the State to intervene in certain areas in any manner not appropriate to such conditions and practice. As regards legislation in particular, while, as has been said, Article 3 (*b*) of the Convention calls on Members, *inter alia*, "to enact such legislation... as may be calculated to secure the acceptance and observance" of the national policy, it does not require that legislative measures have to be taken in all the fields covered by the Convention³, but, on the contrary, relates them to their suitability in implementing the policy prescribed, having regard to the methods appropriate to national conditions and practice.⁴ It would consequently not seem possible for this clause to be taken as imposing a general obligation to legislate in all the fields covered by the instrument; the State should enact legislation where it is appropriate for it to

¹ Guatemala, Tunisia.

² Austria, Jamaica, United Kingdom, in particular.

³ Attention should be drawn to the difference in wording between this clause and clause (*c*) of Article 3, which, by requiring Members "to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy", imposes a general obligation to eradicate from legislation any provision of this type (subject only to the reservation that the timing of these measures may be adapted "to national conditions and practice").

⁴ The report of the Committee on Discrimination to the 42nd Session of the Conference (1958) expressly took note of a remark by the United Kingdom Government member, supported by some other members, to the effect that the wording given to this clause meant that governments which calculated that legislation would be ineffective in this connection would not be expected to legislate (*Record of Proceedings*, 1958 (Geneva, I.L.O., 1959), paragraph 24, p. 712).

do so in furtherance of the policy in question, having regard to national conditions and practice, but it may well be that in some fields it will be more practicable or appropriate to take measures of another kind. For example, one country which has ratified the Convention states in its report ¹ that the national policy of non-discrimination will be pursued in harmony with the principle of freedom to contract embodied in civil law, and that the State has requested the co-operation of employers' and workers' organisations in particular in the implementation of this policy.²

Federal States

61. In federal States the division of powers and responsibilities between the federal authorities on the one hand, and the authorities of the constituent units (states, provinces, cantons, etc.) on the other, may also give rise to problems in giving effect to the 1958 instruments.³ The countries which have ratified the Convention include a number of federal States ⁴, one of which ⁵ states that the central and state governments are equally bound to secure, in their respective spheres, observance of the fundamental rights guaranteed under the Constitution, and that the necessary co-ordination is ensured through consultations, discussions, etc., before the initiation of legislative or other action; another ⁶ mentions that the collaboration of the cantonal authorities is necessary to secure the application of the instrument throughout the territory, and that in keeping with the requirements of the federal constitutional structure the competent federal department has forwarded a circular to cantonal governments calling their attention to the obligations arising under the Convention.

62. Among the federal States which have not ratified the Convention and which have furnished information on the working of their federal structure, one ⁷ indicates that action at the federal level is considered appropriate in the case of the 1958 instruments (the report shows that the powers vested in the constituent units under the national Constitution likewise cover the application of these instruments); another indicates that the Convention is appropriate for action by both the federal and state governments ⁸; a further one ⁹ states that the questions dealt with in these instruments are a matter for either federal or provincial action, or both: the individual rights involved come within the competence of the provinces, while under the Constitution the federal authorities have the power to legislate in respect of specified activities and undertakings. Another country¹⁰ states that the division of functions between the federation and its constituent states in the spheres covered by the 1958 instruments is determined not only by legal and constitutional qualifications but also by the governmental relations between the federal and state governments and that

¹ Switzerland (report supplied under article 19 of the Constitution of the I.L.O.).

² The Government adds that in its first report under article 22 on the application of the ratified Convention it will furnish more detailed information on the measures taken and the results obtained.

³ The position of federal States as regards the measures to be taken in respect of the instruments adopted by the Conference, in general, is dealt with in article 19, paragraph 7, of the Constitution of the I.L.O.

⁴ Federal Republic of Germany, India, Libya, Mexico, Pakistan, Switzerland, U.S.S.R., Yugoslavia.

⁵ India.

⁶ Switzerland.

⁷ Malaya (other reasons have led the Government to express doubts as to the possibility of ratifying the Convention: see above, paragraph 39).

⁸ Australia.

⁹ Canada.

¹⁰ United States.

the Government has in consequence taken the view that the 1958 instruments are appropriate in whole or in part for action by the constituent states.¹

63. It will be seen from the information cited above that in federal States the application of the 1958 instruments may require special kinds of action, depending on the way in which responsibility is distributed between the federal authorities and those of the constituent units, which varies from country to country. This has, rightly, not been found to be inconsistent with the obligations of the Convention by the federal States which have ratified it, though they have drawn attention to the special problems referred to above. Here again, in fact, by providing specially for action by methods appropriate to national conditions and practice, the Convention takes into account, *inter alia*, the special problems which may stem from the federal structure of a State. The result is that federal governments are called upon to put into effect directly the Convention in the spheres falling within their competence under the national constitutional system, while in other fields the Convention does not create obligations which would affect the division of responsibility existing between the federal authorities and those of the constituent units; here it may well be that the methods appropriate to national conditions and practice will consist for the federal authorities in a general campaign for the education and information of the public, persuasion of the competent authorities in the constituent states, trade unions, etc. It would consequently appear that Convention No. 111, establishing as it does a framework within which the States may take action by methods appropriate to national conditions and practice, does not give rise in the case of federal States to the legal difficulties as regards ratification which may arise in connection with other international labour Conventions.²

SECTION 2. DECLARATION OF NATIONAL POLICY AND BASIS OF ITS APPLICATION

General

64. As was stated earlier, the declaration of a national policy in accordance with the Convention and the Recommendation is not subjected by these instruments to specific requirements as to form³, but it must comply in substance with the conditions resulting from the definitions and scope of the two instruments⁴: it must cover the grounds specified in the instruments (race, colour, sex, religion, political opinion, national extraction, social origin)⁵; it must be designed to promote equality of opportunity and treatment by combating any distinctions, exclusions or preferences of any kind, not only in law, but also in everyday relationships; and it must

¹ In submitting the Convention and the Recommendation to Congress, the Government indicated that it did not propose ratification of the Convention (House of Representatives, 86th Congress, 1st Session, Document No. 155).

² A similar comment may be made in regard to the implementation of the Recommendation; it is particularly worthy of note that in Paragraph 3 of the latter a clear distinction is drawn between the duty of a State to *ensure* application of the principles of non-discrimination in employment and in the activities of vocational guidance, vocational training and placement services under the direction of a national authority, and its duty to *encourage* state or provincial departments or agencies, among others, to ensure application of the principles.

³ See above, paragraph 55.

⁴ See above, Chapter I.

⁵ And any other which may be specified by the Member concerned in accordance with Article 1, 1 (b) of the Convention and Paragraph 1 (1) (b) of the Recommendation.

be designed to achieve these aims in all forms of employment and occupation as defined by these instruments. As will be seen, when the measures mentioned in the reports do not wholly comply with these requirements, it is important, if effect is to be given to the 1958 instruments, to take supplementary measures appropriate to national usage, e.g. declarations of government policy (not necessarily requiring the adoption or amendment of legislation), etc.¹

Constitutional and Other Provisions

65. The information supplied by most countries refers to provisions of the national constitution or fundamental law as the basis of national policy against discrimination²; in addition to these provisions, the information supplied by some countries shows that national policies on the subject are also embodied more specifically in a series of statutory and governmental measures.³ The declarations of policy under these provisions and measures vary considerably. As regards the definition of the grounds of discrimination, certain provisions state in general terms the principle of the equality of all citizens⁴; while this formula, owing to its general character, may be understood to cover the grounds specified by the 1958 instruments, additional information may be necessary in order to decide, especially in the light of national circumstances and practical implementation of the policy concerned, whether such is in fact the case. Other provisions of this type are supplemented or accompanied by a list of the grounds on account of which equality may not be impaired: in some instances this list seems capable of covering at least the various grounds specified in the 1958 instruments⁵; in other instances, some of these grounds

¹ See above, paragraph 55.

² e.g., the constitutional provisions or fundamental laws of the following countries: Albania (articles 14, 15, 17), Argentina (articles 14, 14bis, 16, 20), Austria (article 7), Bolivia (articles 6, 42), Brazil (article 141), Bulgaria (articles 71, 72, 73), Byelorussia (articles 93, 97, 98), Canada (Canadian Declaration of Rights, 1960), Central African Republic (preamble to the Constitution), Chad (article 5), Chile (article 7), Colombia (article 39), Costa Rica (article 56), Czechoslovakia (articles 19-38), Denmark (article 70), Ecuador (articles 169, 170, 181, 185, 187), Finland (article 5), Gabon (article 1 (4)), Federal Republic of Germany (article 3 (3)), Greece (article 3), Guatemala (articles 40, 42, 100, 112, 116, 122), Haiti (article 16), Honduras (articles 57, 111, 112), Hungary (articles 49, 50), India (articles 16, 29, 30), Indonesia (article 27), Iraq (article 9), Israel (Proclamation of Independence), Italy (article 3), Ivory Coast (article 6), Japan (articles 14, 22), Lebanon (article 7), Libya (article 11), Luxembourg (article 11), Malaya (article 8), Malagasy Republic (preamble to the Constitution), Mauritania (article 1), Mexico (article 4), Morocco (articles 5, 13), Netherlands (articles 4, 5), Niger (article 6), Norway (article 110), Peru (articles 23, 44), Poland (articles 58 to 61, 66, 69, 70), Portugal (articles 5, 8), Rumania (articles 15, 77, 81), Senegal (articles 4, 6, 7, 20), Southern Rhodesia (Part II, clauses 11, 12), Spain (Labour Charter, article 11), Switzerland (article 4), Tanganyika (Preamble to the Constitution), Togo (articles 7, 10), Tunisia (article 6), Turkey (articles 12, 14, 40-42), Ukraine (articles 96, 102, 103), U.S.S.R. (articles 118, 122, 123), United States (fifth and 14th amendments), Uruguay (articles 8, 36), and Yugoslavia (articles 5, 21).

³ Canada (especially the Fair Employment Practices Act; see also below, Section 4); Costa Rica (Act No. 2694 dated 22 November 1960 concerning the prohibition of any form of discrimination in employment and occupation; see also below, paragraph 79); United States (especially the Civil Rights Act of 1957 establishing, *inter alia*, a Commission on Civil Rights—see below, paragraphs 68, 96; Executive Order No. 10925; see also below, paragraphs 96, 98 and Section 4). The Government of Mauritania states that the new Labour Code now being drafted lays down in detailed terms, similar to those of Articles 1 and 2 of the Convention, the policy that must be followed in the relevant regulations (Section 40).

⁴ e.g. the above-mentioned constitutional provisions of the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Finland, Greece, Haiti, Honduras, Indonesia, Lebanon, Luxembourg, Mauritania, Mexico, Morocco, Norway, Peru, Portugal, Spain, Switzerland, Tunisia, Uruguay, United States.

⁵ e.g. the above-mentioned provisions in the following countries: Austria, Central African Republic, Costa Rica, Gabon, Federal Republic of Germany, Guatemala, Ivory Coast, Niger, Senegal, Tanganyika, Togo.

are not specifically mentioned, i.e. while considerations such as race, colour, sex, religion and national extraction are usually covered, political opinions and social origins for example are not mentioned in a number of these provisions¹; in some cases sex² is not specified. In all these cases, additional information is also needed regarding criteria which are not explicitly dealt with. When the constitutional standards just referred to require the principle of equality to be respected, they specify in some cases that the principle applies also to employment and occupation³, but when the principle is only stated in general terms⁴, this would not in itself be sufficient to constitute a declaration of a national policy on the specific subject as provided for by the 1958 instruments. Lastly, it is important to note that, as certain countries specifically mention⁵, the constitutional provisions are usually intended to set the standards to be observed in legislation and its application and in the operations of the public authorities, but do not necessarily provide guidance for the activities of private individuals who are not subject to legal obligations (e.g. in matters of recruitment or promotion, or wages when they are freely negotiated by the parties). It would therefore be important in all these cases that supplementary action should be taken to ensure that national policy clearly states that its purpose is to promote equality of opportunity and treatment for all the categories of persons covered by the Convention, in all forms of employment and occupation, whether public or private (having regard—as provided by the 1958 instruments—to the methods appropriate to national conditions and practice).⁶

Publicity

66. The formulation of a national policy in accordance with the 1958 instruments implies, of course, that suitable publicity is given to it. It is important to ensure that all concerned are fully informed of the implications of the national policy, especially public agencies in their capacity as employers; bodies responsible for operating or supervising vocational guidance, training and placement departments; labour administrations and inspectorates; bodies with responsibility for questions affecting entry to independent occupations, handicraft trades, the professions, etc., and their exercise; employers' and workers' organisations; any other private or public bodies concerned, and generally speaking the public as a whole. In cases which involve the implementation of constitutional or statutory provisions, these needs may be met by taking general steps to publish and enforce such provisions. Nevertheless, it is always important to ascertain whether further publicity may not be appropriate. One country⁷ states, for example, that lectures and courses are held for officials of the labour service as one way of implementing national policy. In other cases special measures have been taken to inform government departments and employers' and

¹ e.g. the above-mentioned provisions in the following countries: Albania, Bulgaria, Byelorussia, Canada, Hungary, Israel, Malaya, Poland, Rumania, Ukraine, U.S.S.R., United States, Yugoslavia.

² e.g. Iraq, Libya, Malaya, Malagasy Republic.

³ e.g. Albania, Argentina, Brazil, Bulgaria, Byelorussia, Canada, Colombia, Costa Rica, Ecuador, Gabon, Federal Republic of Germany, Guatemala, Honduras, Hungary, Indonesia, Japan, Malagasy Republic, Mexico, Morocco, Poland, Portugal, Rumania, Senegal, Spain, Turkey, Ukraine, U.S.S.R., United States, Uruguay.

⁴ e.g. the above-mentioned provisions in the following countries regarding the general principle of the equality of citizens before the law: Bolivia, Chile, Finland, Greece, Haiti, Lebanon, Luxembourg, Peru, Switzerland, Tunisia.

⁵ India, Malaya, Switzerland.

⁶ See above, paragraphs 55, 64.

⁷ Chile.

workers' organisations.¹ As will be shown later when dealing with the educational measures envisaged by the Convention and the Recommendation, the information about some countries shows that more extensive campaigns to keep the public informed of national policy have taken a number of different forms.²

Information and Supervision

67. While it is important that everybody concerned should be duly informed about national policy, one general condition which must be fulfilled, if the policy is to be properly formulated and carried out, is that the national authorities themselves must be kept specially informed about the actual situation and the conditions in which the policy is to be carried out. The Convention does not require the establishment of any special machinery for this purpose and it is possible that national authorities keep themselves informed and exercise their control by means of the usual machinery, whether of an administrative or other character³; in any event it would seem essential, however, that appropriate instructions should be issued to the bodies or departments concerned. Nevertheless, adequate information on this point is not usually given in the reports, and it would be desirable for governments to specify the general arrangements whereby they supervise the enforcement of national policy (e.g. the nature of the machinery for keeping them informed about problems affecting the formulation and implementation of the policy, for revealing cases of non-observance, the instructions given to the appropriate bodies, etc.).

Special Bodies

68. The Recommendation for its part states (Paragraph 4) that "appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment . . .".⁴ The information supplied by some countries shows that special bodies have in fact been set up to help their governments in carrying out the national policy. One country⁵ states, for example, that from time to time the Government calls a meeting of a special committee, comprising, *inter alia*, representatives of employers' and workers' organisations and organisations representative of ethnic and religious groups, for the purpose of discussing the application of national policy and making recommendations to the Government on the subject. In another country a "Commission on Civil Rights" has been created by law to deal with questions affecting the rights of citizens and, *inter alia*, to review the policy of the national authorities aimed at promoting equality of treatment in employment (as in other fields) and to report thereon to the Govern-

¹ As stated, e.g., in the reports of China and Switzerland.

² See below, Section 5.

³ e.g., the report by the U.S.S.R. indicates that the control in this matter is exercised by the Attorney-General and the local representatives of the State Prosecutor's Office, by the State Committee on Labour and Wage Questions attached to the Council of Ministers, as well as by trade union bodies and trade union committees.

⁴ This Paragraph also states that bodies of this type should be responsible for taking measures to foster public understanding and to investigate complaints that the policy is not being observed (see below).

⁵ Canada (see also the summary of this country's report in: I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 47th Session, Geneva, 1963 (Geneva, 1963).

ment.¹ This Commission is responsible, in particular, for examining the situation in law and in practice, in co-operation with public and private bodies and advisory committees appointed by it in various parts of the country, and for putting forward conclusions and recommendations on the further development of national policy. In the same country, special bodies have been appointed to ensure the application of government measures in certain specific sectors, and of special enactments passed in various parts of the country against discrimination in employment.²

Co-ordination with Measures in Other Fields

69. Lastly, Paragraph 10 of the Recommendation recognises that the formulation and application of a national policy for promoting equality of opportunity and treatment in employment and occupation can only be one aspect of a wider effort extending into other fields of public and social life. The problems which may arise with regard to employment and occupation are not usually isolated, and this provision of the Recommendation states that the authorities responsible "should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated". Some countries state in their reports³ that co-operation of this type does exist with other responsible authorities, e.g. as regards forms of discrimination that may occur in public premises and housing.⁴ Another country indicates that it is considered necessary to take action simultaneously in every field where inequality of treatment may have a direct or indirect influence on employment and occupation.⁵ In another country, special bodies have also been set up to study and recommend measures calculated to improve relations in all spheres between sections of the population belonging to different races and to make propaganda and inquiries concerning discrimination in admission to commercial establishments, etc.⁶ Any measures calculated to promote general feeling and respect for equality between human beings irrespective of their race, religion, opinions, etc., are of great importance in themselves and because of the effect they are bound to have on employment and occupation in particular.

SECTION 3. CO-OPERATION BY EMPLOYERS' AND WORKERS' ORGANISATIONS AND OTHER APPROPRIATE BODIES IN PROMOTING ACCEPTANCE AND OBSERVANCE OF NATIONAL POLICY

General

70. The first type of action mentioned in Article 3 of the Convention (paragraph (a)) among the measures to be taken in carrying out a national policy designed

¹ United States: The United States Commission on Civil Rights was instituted by the 1957 Civil Rights Act. See the report of this Commission for 1961, the third volume of which deals with employment.

² See below, paragraphs 72, 80, 96.

³ Canada, India.

⁴ Canada.

⁵ United States. The Government recalls that the elimination of segregation in educational establishments is being continued in accordance with the decisions of the Supreme Court which ruled that segregation was a form of discrimination contrary to the Constitution. The terms of reference of the "Commission on Civil Rights", mentioned above, are to examine the situation and to report on equality of treatment in a whole series of fields, and not only in employment. (See above-mentioned report (1961), Volumes 1, 2, 4, 5.)

⁶ Northern Rhodesia: Central Race Relations Advisory Committee and district committees set up by the 1960 Race Relations Ordinance.

to promote equality of opportunity and treatment in respect of employment and occupation, by methods appropriate to national conditions and practice, is "to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy". In so doing, the Convention emphasises the important role such bodies can play, first in gaining general acceptance for the policy and then in facilitating its application. Employers' and workers' organisations are, of course, most directly concerned, in view of their important part in regulating labour-management relations. Other bodies, too, such as those set up to defend the interests of certain categories of persons defined by characteristics such as race, colour, sex, religion and so forth, or civic bodies for the defence of human rights, the promotion of understanding between groups and so on, can also play a very important part as regards their members, employers' and workers' organisations, and the public authorities, for instance. Even when it would seem unnecessary—in particular national conditions—to seek the co-operation mentioned in Article 3, paragraph (a), of the Convention in order to promote "the acceptance" of national policy, this co-operation is always likely to be conducive to the "observance" of the policy; it is vitally important for the practical application of the policy, so that employers' and workers' organisations and other bodies may be thoroughly acquainted with the aims of the national authorities and so that the latter may likewise be fully informed by these bodies of the problems arising, the situation in practice and like matters. The Recommendation similarly states¹ that "there should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect".

Machinery for Co-operation

71. The forms in which the co-operation of employers' and workers' organisations or other appropriate bodies may be sought, in accordance with Article 3 (a) of the Convention, may vary with national conditions and practice. They may consist of the ordinary existing procedures for consultation and co-operation between public authorities and employers' and workers' organisations, for example, in general social and labour affairs; these procedures have been dealt with, in particular, in the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which itself leaves countries the necessary organisational flexibility by providing that "measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations, as well as between these organisations".² As this Recommendation points out, such consultation and co-operation should not derogate from freedom of association or from the rights of employers' and workers' organisations, including their right of collective bargaining.³ It should be noted that this Recommendation expressly provides that the measures taken to promote the consultation and co-operation in question "should be applied without discrimination of any kind against these organisations or amongst them on grounds such as the race, sex, religion, political opinion or national extraction of

¹ Paragraph 9.

² Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), Paragraph 1 (1).

³ Paragraph 2.

their members".¹ Many countries² already seem to have general machinery of various types for consultation and co-operation between public authorities and employers' and workers' organisations, which may form a suitable framework for co-operation in compliance with Article 3 (a) of the Discrimination Convention and Paragraph 9 of the corresponding Recommendation.³ Consultation machinery attached to certain social and labour services—such as the employment service⁴—in which employers' and workers' organisations are represented, may also provide a basis for co-operation in promoting the acceptance and observance of the policy of equality of opportunity and treatment.

72. This co-operation may also be carried out in certain specific ways within the framework of the anti-discrimination policy itself. For instance, one country⁵ reports that the Ministry of Labour sets up ad hoc advisory committees composed of members from employers' and workers' organisations and members representing ethnic and religious groups; these committees review the application and development of the anti-discrimination policy and make recommendations. This country's report also states that the appropriate government departments are constantly in touch with the representative organisations and, in particular, the special bodies set up by the latter to deal with human rights and anti-discrimination problems.⁶ In another country, the membership of bodies responsible for applying anti-discrimination measures includes representatives of workers, of employers or of certain groups.⁷ This country's report also states that the machinery provides some powers which can elicit co-operation, in the application of the equal opportunity and treatment policy, from labour unions organising federal contractors' employees.⁸

Collective Bargaining

73. Collective bargaining is a particularly important form of effective co-operation by employers' and workers' organisations in the implementation of a policy of equality of opportunity and treatment. As the Recommendation states⁹ "in collective negotiations and industrial relations, the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should

¹ Paragraph 1 (2).

² See, for instance, the information about national legislation and practice given in the report prepared for the first discussion of the above Recommendation: I.L.O.: *Collaboration between Public Authorities and Employers' and Workers' Organisations at the Industrial and National Levels*, Report VIII (1), International Labour Conference, 43rd Session, Geneva, 1959 (Geneva, 1958).

³ e.g., the reports of Byelorussia, Ukraine and the U.S.S.R. indicate that this co-operation is carried out through the local factories and undertakings, trade union committees (as regulated by the Ordinance of 15 July 1958 of the Praesidium of the Supreme Soviet of the U.S.S.R.) and by the committees for the settlement of labour disputes (Ordinance of 31 January 1957 of the Praesidium of the Supreme Soviet of the U.S.S.R.).

⁴ See Section 8 of this chapter.

⁵ Canada.

⁶ e.g., the Canadian Labour Congress has set up a National Committee on Human Rights which has local committees. The report also states that various organisations representing special groups have anti-discrimination committees.

⁷ United States, President's Committee on Equal Employment Opportunity (see paragraph 96); bodies responsible for the application of state legislation on fair employment practices or advisory bodies provided for in this legislation (see paragraphs 79, 80).

⁸ Executive Order No. 10925 (see below, paragraph 96); for instance, the contracting undertaking must ask the trade union to which its employees belong for a declaration of non-discrimination; the above-mentioned President's Committee can exert a certain pressure (through investigations, publication of names, legal action) on workers' organisations not complying with the required policy (Executive Order No. 10925, sections 304 and 305).

⁹ Paragraph 2 (e).

ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment". Sometimes national legislation provides that collective agreements shall not limit rights in employment and occupation guaranteed to the workers by such legislation.¹ In various countries² the parties to collective agreements have inserted express anti-discrimination clauses and, as certain government reports indicate, it is through collective bargaining that it has been possible to make positive progress in the promotion of equality in opportunity and treatment.³ When conditions of work are left to be settled freely between the parties, these negotiations form an essential framework for the practical application of the principle of equal opportunity and treatment. This is the case, for instance, as regards the application of the principle of equal remuneration, without distinction on grounds of sex, for work of equal value which, in varying degree, still falls short of full observance in collective bargaining, as can be seen from the information on various countries.⁴

74. The Discrimination (Employment and Occupation) Convention in no way requires Members to abandon such principles of free collective bargaining as prevail in national practice. It calls for the Member to endeavour to obtain the co-operation of workers' and employers' organisations in the policy of promoting equal opportunity and treatment, the acceptance and observance of which will find practical expression in, *inter alia*, collective bargaining. National authorities can use various means to this end, such as persuasion and consultation, or they can bring their influence to bear through the procedures for the approval, enforcement, or extension of collective or wage agreements, etc. Not only is it important that collective bargaining should observe the principles of equality in employment as between members of the organisations taking part, but it must also refrain from establishing discrimination within the meaning of Article 1 of the Convention against other persons.⁵ This is particularly important when workers' unions, for example, group their members on grounds such as those enumerated in Article 1 of the Convention.

¹ As indicated, e.g., in the reports by Byelorussia (article 18, Labour Code) and by the U.S.S.R.

² For instance the clauses by which the employer undertakes, *inter alia*, "not to take into account the opinions, beliefs . . . , social or racial origin of workers in reaching their decisions regarding recruitment, remuneration, conduct or distribution of work, measures concerning discipline, dismissal or promotion" (Chad, Collective Agreement on Road and River Transport, 2 February 1961, section 7; similar clauses are to be found in many collective agreements, particularly in African States).

³ For instance, in Northern Rhodesia and Southern Rhodesia agreements between railway workers' organisations and the railway management have sought to promote access to employment for members of various races. In Sweden an agreement of 18 March 1960 between the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions concerned dealt in particular with the application of the principle of equal pay for equal work; similar steps have also been taken in Denmark and Norway.

⁴ For instance, Australia, Finland, Luxembourg, the Netherlands, New Zealand, the United Kingdom and various territories for whose international relations the United Kingdom is responsible, and Switzerland. Regarding the application of the principle of equal pay for equal work by male and female labour, through collective bargaining, *inter alia*, see the study of measures taken in the field of the Equal Remuneration Convention (No. 100), 1951: I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 39th Session, 1956, pp. 148 ff., and paragraph 34 above.

⁵ The United States report stresses that, by court ruling, trade unions acting as collective bargaining representatives under statutory authority must represent fairly, impartially, in good faith and without discrimination, all the workers of the sector covered by the collective agreement, whether or not they are members of the negotiating body (United States Supreme Court, *Steele v. Louisville and N.R.R.*, 1944).

Non-Discrimination in Trade Unions

75. Yet another way in which employers' and workers' organisations can co-operate in applying a policy of equal opportunity and treatment in employment and occupation is by refraining from practising or countenancing "discrimination in respect of admission, retention of membership or participation in their (union) affairs", as stated in the Recommendation (Paragraph 2 (*f*)). In accordance with the principles of freedom of association, as laid down in the Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87), workers and employers, without distinction whatsoever, have the right to join organisations of their own choosing without previous authorisation "subject only to the rules of the organisation concerned" (Article 2); naturally, the organisations themselves have the right to draw up their constitutions and rules, etc., without any interference from the public authorities which would restrict this right (Article 3); yet it is consistent with these principles to request organisations to refrain from imposing conditions as regards admission to membership or participation in union affairs which certain persons would find it impossible to fulfil as involving factors beyond their control or constituting in effect a denial of their freedom of association. In certain cases it has been deemed appropriate for legislation to specify that unions must not make discriminatory distinctions, e.g. in admission to and retention of membership.¹ As a rule, this matter is left to the discretion of the organisations themselves²; if necessary, their acceptance of an anti-discrimination policy, here as elsewhere, must nevertheless be sought by methods appropriate to national conditions and practice.

SECTION 4. ENACTMENT OF LEGISLATION CALCULATED TO SECURE THE ACCEPTANCE AND OBSERVANCE OF NATIONAL POLICY

General

76. In providing generally for the enactment of "such legislation . . . as may be calculated to secure the acceptance and observance" of the policy of equality of opportunity and treatment, taking account of "methods appropriate to national conditions and practice", Article 3 (*b*) of the Convention leaves each country free to decide the legislative measures which would be appropriate for this purpose.³ As indicated, the purpose of this clause is not to require a State to create legal obligations in fields which according to national conditions and practice are not considered appropriate for legislative action by national authorities.⁴ It may be that legislative measures are appropriate in certain fields and not in others, depending on the law

¹ e.g., in the various anti-discrimination laws adopted in Canada and the United States on grounds of race, colour, religion, national origin (see paragraph 79); in Japan (Act No. 174 of 1949 on Trade Unions, section 5) on grounds of race, religion, sex, social status or family origin.

² The report of the U.S.S.R. indicates that the rules applying to trade unions in the U.S.S.R. prohibit any discrimination as regards admission to and retention of membership and as regards participation in union affairs. In the United States the Federation to which most workers' unions belong has, among others, taken steps, in accordance with its constitution, to eliminate discriminatory practices in member unions (section II, subsection 4, of the A.F.L.-C.I.O. Constitution); this organisation has created special machinery for applying its anti-discrimination policy within the unions (National Civic Rights Board and various special regional or local boards).

³ As regards the obligation to repeal legislative provisions which are inconsistent with the policy of the prevention of discrimination (Article 3 (*c*) of the Convention) see Section 5 below.

⁴ See above, Section 1 of this chapter.

and practice of different countries; the nature of the legislative measures contemplated by Article 3 (*b*) of the Convention may also vary considerably as regards, for example, their degree of compulsion or flexibility, or again, according to whether they are intended to lay down prohibitions against acts of discrimination or to organise positive programmes for developing equality of opportunity and treatment, etc. The advisability and necessity of introducing legislative measures in order to give effect to the Convention must be assessed within the framework of the national policy as a whole, having regard in particular to the other types of measures which may be taken and of the effectiveness of the over-all action pursued.

Provisions to Prohibit Discrimination

77. It appears from the information available that in many countries legislative provisions (including constitutional provisions) exist which cover the matters dealt with in the Convention and Recommendation in varying ways. Often the legislative provisions concern, *inter alia*, certain aspects of the action taken by the public authorities themselves, particularly as regards public employment or public contracts, the activities of public employment exchanges, vocational training, etc.; these questions are considered in the other Sections of this Chapter which deal with the provisions of the Convention and Recommendation relating specifically to them (and to which effect may also be given otherwise than through legislation). As regards the other aspects of employment and occupation, and particularly the labour conditions in the private sector, legal provisions providing for equality of opportunity and treatment have been enacted in various countries.

78. Legislative standards against discrimination may result from general provisions concerning the constitutional rights of citizens and labour legislation. In the case of general constitutional provisions, it has been found¹ that additional information is required in order to assess accurately their practical bearing in the fields covered by the Convention. Several countries state in more precise terms that the constitutional and other provisions in force secure the prohibition and punishment of acts of discrimination; for example, certain provisions prescribe penal sanctions for all acts of discrimination based on various grounds²; in addition, certain countries have pointed out that the right to work of every citizen is guaranteed by the provisions of labour legislation which prohibit refusal to engage a worker without giving a reason (or for reasons other than the requirements of the job), which prohibit dismissal for reasons not permitted by law, which guarantee the assignment of workers to employment corresponding to their qualifications and to their possible acquisition of additional skills, etc.³

79. In other countries, special laws have been enacted to prohibit various forms of discrimination in employment and occupation; in two countries⁴ these laws deal

¹ See above, paragraph 65.

² e.g. as regards acts based on grounds such as race, ethnic origin, religion: Albania (Constitution, article 15); Byelorussia (Constitution, section 98); Hungary (Constitution, section 49 (2)); Niger (Constitution, section 6); Poland (Constitution, section 69; Decree of 13 June 1946 and Decree of 5 August 1949); Rumania (Constitution, section 81); Ukraine (Constitution, section 122); U.S.S.R. (Constitution, section 123).

³ In particular, Byelorussia, Ukraine, U.S.S.R. Moreover, the reports of these countries indicate that any discrimination in employment and occupation would constitute a violation of the Labour Law punishable as such by the Penal Code (article 138 of the Penal Code of the Russian Socialist Federal Soviet Republic, article 133 of the Penal Code of the Ukrainian Soviet Socialist Republic).

⁴ Canada (Federal Legislation: Fair Employment Practices Act, 1953; Provincial Legislation on Fair Employment Practices: British Columbia, Nova Scotia, New Brunswick, Ontario, Manitoba,

(footnote continued overleaf)

specifically with discrimination by employers on grounds of race, colour, creed, and national origin, in respect of access to employment, employment security and conditions of employment, discriminatory practices by employment exchanges, the use of discriminatory conditions in offers of employment, and discrimination by trade unions as to admission, membership or employment possibilities. In another country ¹, an Act has been adopted prohibiting, in terms similar to those of the Convention, "any distinction, exclusion or preference . . . which limit the equality of opportunity or treatment in employment or occupation" generally, and in particular on the various grounds specifically laid down in the Convention. In one country a special Act prohibits refusal of employment on the grounds of race and colour in the private as well as the public sector.² Another country mentions the adoption recently of an Act prohibiting especially any discrimination based on sex in the different fields of employment and occupation.³ Finally it must be borne in mind that there are numerous cases in which particular legislative provisions expressly provide for the equality of workers, e.g. in regard to conditions of work generally ⁴, wages ⁵, equal remuneration for men and women workers ⁶, etc.

Enforcement Machinery

80. The machinery set up to secure the respect of the principles of non-discrimination may vary according to national conditions and practice. Such machinery can be the result of existing general procedures for the enforcement of legislation, and in particular of labour legislation, the right of complaint to the courts or other bodies, penal sanctions ⁷, etc. The Convention does not contain any provisions on this sub-

Saskatchewan); United States (Fair Employment Practices Acts in the following states: Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin and Puerto Rico; in addition, Acts with the same object but containing no complaint procedures exist in Indiana, Nevada and West Virginia).

¹ Costa Rica (Act No. 2694 of 22 November 1960).

² Brazil (Act No. 1390, dated 3 July 1951, section 7).

³ Spain (Act No. 56 of 22 July 1961, respecting the political rights and employment of women, sections 2-5).

⁴ e.g.: Federal Republic of Germany (Works Constitution Act of 11 October 1952, section 51); Indonesia (Act No. 21 of 1954); Japan (Labor Standards Act No. 49 of 1947, section 3; Mariners Act No. 100 of 1947, section 6); Portugal (Rural Labour Code for Overseas Provinces, section 69).

⁵ e.g.: Brazil (Constitution, section 156); Central African Republic (Labour Code, section 96); Ecuador (Constitution, section 185); Gabon (Labour Code, section 89); Guatemala (Constitution, section 116; Labour Code, section 89); Honduras (Labour Code, section 367); Ivory Coast (Labour Code, section 91); Senegal (Labour Code, section 104); Togo (Labour Code, section 91).

⁶ e.g.: Brazil (Consolidation of Labour Laws, section 5); Canada (Federal Legislation: Employees Equal Pay Act, 1956; Provincial Legislation on Equal Pay: Alberta, British Columbia, New Brunswick, Nova Scotia, Prince Edward Island, Ontario, Manitoba, Saskatchewan); Haiti (Labour Code, section 377); Honduras (Constitution, section 112); Hungary (Constitution, section 50; Labour Code, section 59); Philippines (Act No. 679, Article 7 (b)); Thailand (Labour Code, section 30); United States (Equal Pay Acts in the following states: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, Wyoming); Venezuela (Labour Code, section 67); U.S.S.R., etc.

⁷ e.g., according to information supplied, penal sanctions have been provided for in the following countries: Albania (Constitution, section 15); Byelorussia (Constitution, section 98; Penal Code, sections 71, 139, 140); Brazil (Act No. 1390 of 3 July 1951); Costa Rica (Act No. 2694 of 22 November 1960); Hungary (Constitution, section 49 (2)); Ivory Coast (Constitution, section 6); Japan (Labour Standards Act, No. 49); Niger (Constitution, article 6); Ukraine (Constitution 103, Penal Code sections 66, 133, 138, 139); U.S.S.R. (Constitution, section 123; Penal Code, sections 74, 138, 142, 143); United States: see the following footnote.

ject; however, among the measures which may be taken to promote the application of the principle of non-discrimination, the Recommendation suggests that "appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies" should have the following purposes (aside from the promotion of the educational programmes examined in another section of this chapter): "to receive, examine and investigate any complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy" as well as "to consider further any complaints which cannot be effectively settled by conciliation and to render opinions and to issue decisions concerning the manner in which discriminatory practices revealed should be corrected" (Paragraph 4 (b) and (c)). These provisions of the Recommendation stress the value of introducing special procedures, designed in the first instance as a means of conciliation, which the interested parties might use more easily and more readily than direct judicial procedures. Machinery of this particular type has been set up in certain countries.¹

Other Measures

81. Legislation to prohibit and punish discrimination may be very useful in combating arbitrary acts and open expressions of prejudice and intolerance. However, the Convention, apart from a reference to "methods appropriate to national conditions and practice" in determining the nature, advisability and appropriateness of statutory measures which might be taken, does not consider legislative prohibitions as necessarily sufficient; it contemplates also educational measures (see the following Section) which might have a preventive and positive influence on the minds of the persons concerned; above all, the promotion of equality of opportunity and treatment provided for in Article 2 of the Convention implies not only the elimination of arbitrary acts and the respect of equality before the law, but also, as an essential element, positive measures likely to promote the effective enjoyment of economic and social rights by members of under-privileged groups, defined in terms of race, colour, sex, national or social origin, etc. Programmes for social development, for furthering the economic and living conditions of certain types of populations (such as contemplated by the Indigenous and Tribal Populations Convention, 1957 (No. 107)), for the advancement of the status of women, etc., within a specific national context, through a whole series of measures applied at different levels and going beyond the simple rules of legal equality—all these measures play an essential role in implementing the 1958 instruments concerning discrimination in employment and occupation. The Committee, therefore, requests governments to give attention in their examination of the measures to give effect to the 1958 instruments and in the information supplied in reports, to programmes of this type which, among other methods adapted to national conditions and practice, may be appropriate for legislative action. Positive measures, particularly relevant to the various fields of action referred to in Article 3 of the Convention, such as public employment, vocational training, etc., are dealt with in other sections of this Chapter.²

¹ This is the case in the United States for the application of most of the Fair Employment Practices Acts adopted in various states (see pp. 209-210, footnote 4). The examination of complaints is generally entrusted to special agencies, which are often independent commissions; after investigation, a solution is sought through conciliation; if conciliation fails a compulsory decision may be made which the courts can enforce; penalties can be imposed; in addition, guarantees are provided to protect persons who have filed a complaint or assisted in hearings from acts of reprisal.

² See in particular Sections 7, 8 of this chapter.

SECTION 5. EDUCATIONAL PROGRAMMES

General

82. In providing for the promotion of "such educational programmes as may be calculated to secure an acceptance and observance" of the national policy, Article 3 (b) of the Convention recognises the importance which attaches to this policy benefiting from the greatest possible measure of voluntary acceptance.¹ Educational action, pursued "by methods appropriate to national conditions and practice", is in effect essential in order to develop an awareness of problems of discrimination, of which the public is not always fully conscious, to modify attitudes of mind and behaviour—conscious or unconscious, and in order to develop in a positive manner the feeling of respect for the equality of opportunity and treatment due to all persons without discrimination as to race, sex, origin, opinion, religion, etc. Such educational action may be deemed particularly necessary in cases where it is not thought appropriate or possible in given national circumstances to impose obligations by means of legislation; but even if such legislative measures are taken, educational action holds considerable importance in order to facilitate their application and to supplement corrective measures by preventive action; the report of one country² stresses, for example, that in addition to legislative measures prohibiting discrimination in employment, an educational programme has been considered necessary in order to create a favourable atmosphere which is liable to facilitate the application of legislation and to reduce the cases where it would become necessary to implement the procedures provided for. Furthermore, there are cases where in any case legal restraints have a limited effect only and where individual psychology is often the determining factor: for example, when a choice has to be made in the course of the recruitment, promotion or dismissal, unfair preferences or distinctions are often difficult to prove and difficult to penalise. More particularly, a programme of information and persuasion of the interested parties has a definite role to play in the positive development of employment and opportunities open to certain under-privileged groups.

Examples

83. Educational action can develop in several ways, as the examples supplied by certain countries show. In the first place it can be organised to great advantage at the primary education level, by appropriate programmes within the framework of courses of instruction in civics or otherwise, which are liable to influence the future behaviour of the students, particularly in their employment relations and their professional activities, even if these programmes are of a general nature. One country points out in this respect that one of the tasks which the Constitution has assigned to education is to develop a sense of the dignity of the human person and the ideals of fraternity and equality of rights of all persons without distinction as to race, group, sex, and the respect for creeds.³ Another country indicates in its report that the subject of the equality of peoples, nationalities and sexes, etc., is included in various programmes of general or specialised education.⁴

¹ See the preparatory report: *Discrimination in the Field of Employment and Occupation*, Report VII (1), International Labour Conference, 40th Session, 1957 (Geneva, 1956), Questionnaire, question 15.

² Canada.

³ Mexico (Constitution, article 3; the Committee has requested further information on the practical measures organised in this connection).

⁴ U.S.S.R.

84. Educational action can also make itself felt in a particularly appropriate manner, through measures for the information and education of the public and of the persons concerned regarding the problems of equality in employment and occupation. The available information with regard to certain countries shows a wide range of measures which it has been possible to take in this direction¹: by using various methods such as the publication and dissemination of studies and reports, the insertion of articles in the general or specialised press, the dissemination of brochures, posters, films, radio and television broadcasts, the organisation of lectures, etc.; by directing programmes of information and education towards the general public or towards particular categories of interested persons: public officials, employers, workers and any particular groups whose stated policy is the promotion of equality of opportunity and treatment, in order to inform them of their rights and the possibilities which are open to them. An appropriate educational programme can also be carried out through the existing public services, in their day-to-day operation, such as, for example, in the employment service by directing it to pursue efforts of persuasion with employers in connection with the hiring of workers, as well as the labour inspection services which can play a very important informational and persuasive role in the acceptance and application of the national policy, as well as other labour and social services, etc.² The diversity of services and methods at the disposal of the public authorities also offers to each country the possibility of having recourse to this or that form of educational action appropriate to the circumstances and to national practice and to the problems which arise.

Role of Special Bodies

85. While the Convention leaves each country free to organise the educational programmes contained in Article 3 (b) through methods adapted to the circumstances and to national practice, the Recommendation of 1958 suggests that one of

¹ e.g.: Canada (programmes pursued through the Federal Ministry of Labour and through certain provinces, in particular Ontario; see the summary of the report in Report III (Part II), 1963); United States (on the Federal level: see, *inter alia*: Commission on Civil Rights Report, 1961, Book 3, op. cit., and in particular pp. 24 ff., 63 ff. on the action by the Presidential Committee on Equality of Opportunity and Employment, mentioned above; on the state level, educational programmes are provided for through the law, against discrimination in the following states: California, Colorado, Connecticut, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, West Virginia, Washington, Wisconsin). The reports by Byelorussia, Ukraine and the U.S.S.R. indicate that the provisions against discrimination are made the subject of publicity by employing the normal information media (press, radio, television), by organising conferences, and by providing legal advice, etc. Other reports refer to measures taken in connection with specific aims: the report of Australia indicates that the Government is conducting an active educational campaign to promote the assimilation of immigrants and has established a Planning Council and an Advisory Council drawn from various sections of the community and has encouraged the action of other voluntary organisations set up for this purpose. The report of Japan states that efforts to inform the public and employers are pursued in particular against tendencies to discriminate based on social origin (Action by the Minister of Labour and by the Council for Measures of Integration instituted by Law No. 147 of 1960); the report from Tunisia states that a campaign with regard to the advancement of women has been developed through conferences, speeches, publications and the action of regional and local committees.

² e.g., with regard to the role assigned to the employment service: United States (Regulation of the Employment Service, Code of Federal Regulations, Part VI, Title 20, article 604.8); Japan (Ordinance of Application of the Law on Security of Employment, article 3); United Kingdom (according to the report); further, the report of the Federation of Malaya indicates in general terms that the Minister of Labour pursues efforts of persuasion with regard to employers. The report of Fiji states that the Government attempts to persuade private employers to take a positive approach towards the employment of indigenous Fijians, thus following its example. See also the preceding footnote.

the functions assigned to the "appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies", the establishment of which is recommended, must be the task "to take all practicable measures to foster public understanding and acceptance of the principle of non-discrimination". The information furnished by one country, in particular, indicates that the pursuit of educational programmes has been assigned to special agencies of this type according to the laws in force in various parts of this country.¹ Certain other countries indicate also the participation of special agencies in the pursuit, amongst other things, of educational programmes.² Sometimes the advice and assistance in this field of representatives of employers' and workers' organisations, and all other interested agencies (representing, for example, particular categories according to race, sex, religion, etc.) is sought within the framework of existing institutions with a more general competence in the social, cultural, governmental fields, etc.³

SECTION 6. REPEAL OF STATUTORY PROVISIONS AND MODIFICATION OF ADMINISTRATIVE INSTRUCTIONS OR PRACTICES WHICH ARE INCONSISTENT WITH NATIONAL POLICY

General

86. Article 3 (c) of the Convention provides that each Member for which the Convention is in force must "repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy" for eliminating discrimination in employment and occupation. Paragraph 5 of the Recommendation contains a similar clause. This is naturally one of the basic obligations in implementing the policy laid down in the Convention.⁴

87. It seems, from the information now available and the legislation examined, that these discriminatory provisions constitute a more and more exceptional feature of employment and occupational legislation; as regards administrative practice, the situation is of course more difficult to assess. In any event, governments' reports suggest, generally speaking, that the rejection of discrimination represents official practice. But, if the elimination of all discrimination in law or administrative practice is an essential requirement of the application of the 1958 instruments, it must be borne in mind that this is only a limited aspect of their implementation, which also presupposes positive measures in favour of equality of opportunity and treatment in all fields of employment, whether or not they are covered by legislation or administrative practice.

¹ The implementation of measures provided for by the laws against discrimination in employment in the United States is assigned to independent agencies in the following states: Colorado, Connecticut, Illinois, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Mexico, New York, Ohio, Rhode Island, Washington. In several of these states and in others where the application of the law is assured by administrative services, advisory committees of the type envisaged by the Recommendation participate in the educational programme in this connection.

² e.g., in Canada the Minister of Labour calls together from time to time *ad hoc* committees including in particular representatives of employers' and workers', ethnic and religious organisations, to examine the educational programmes; liaison is also guaranteed in this field with the national committee and the provincial committees of the Rights of Man instituted by the Canadian Labour Congress. In Japan a "Council for Measures of Integration" (instituted by Law No. 147 of 1960) participates in the educational programme against discrimination based on social origin. The report by Tunisia indicates that the governmental campaign for the advancement of women is implemented in particular by regional and local committees with the assistance of trade union organisations.

³ See above, Section 3 of this Chapter.

⁴ See above, Chapter I, Section 3.

Examples

88. As regards distinctions based on race or colour, it appears from the information supplied by governments of countries where such distinctions have existed, that measures have been taken, or are being taken, to eliminate the statutory provisions or administrative practices inconsistent with equality of opportunity and treatment, subject to one special case which is considered below. These measures concern, for example, vocational training¹, the civil service², general legislation concerning employment and conditions of work³; provisions regarding penal sanctions for breach of contract of employment⁴, compensation for industrial accidents and occupational diseases⁵; consideration might also be given to the amendment or repeal of other provisions which are likely to affect equality of opportunity and treatment for certain groups in the population as regards conditions of residence or housing⁶, as well as provisions which establish differences according to race in the fixing of wages.⁷ It appears, however, from the information supplied by another country, that amendment of the existing legislation, which the report states is based on a general policy of "separate development" of the different racial or ethnic groups which make up the country's population, is not contemplated⁸; in these circumstances, the legislation and practice of the country establish extensive discrimination in employment and occupation on grounds of race.⁹ It should also be

¹ Northern Rhodesia (Apprenticeship Amendment Ordinance, 1958, extending the benefits of this legislation to Africans); Southern Rhodesia (Apprenticeship Act, 1959, which excludes distinctions of race); in addition, the Governments of these two countries have stated that they decided in 1961 that courses of technical and commercial education should be open to students of all races.

² Northern Rhodesia (Civil Service Local Conditions, General Notification No. 2141 of 1 November 1961); Southern Rhodesia (Public Services Amendment (No. 2) Act, 1960).

³ Southern Rhodesia: Industrial Conciliation Act, 1959 (No. 29), which replaces previous legislation involving racial distinctions; in addition, the Government states that Parliament will be asked to repeal the Native Labour Regulations Act (Cap. 86) and the Native Juveniles Act (Cap. 89) in the near future.

⁴ Northern Rhodesia (Employment of Natives (Amendment) 1960 and the 1961 Bill amending the Employment of Natives Ordinance).

⁵ Northern Rhodesia (a Bill of 1962 to amend the Pneumoconiosis Ordinance; the amendment of the Workmen's Compensation Ordinance, to provide a uniform scale of compensation without racial distinction is also under consideration); Southern Rhodesia (Industrial Accidents Act, 1959, repealing and replacing the previous Act which permitted racial distinction).

⁶ e.g. Southern Rhodesia (Land Apportionment Act, 1941, as amended in 1961).

⁷ Northern Rhodesia (Minimum Wages, Wage Councils and Conditions of Employment Ordinance (Cap. 190)).

⁸ Republic of South Africa; the Government's report states: "The problem of ensuring the economic advancement and peaceful co-existence of this heterogeneous society in different stages of social and industrial evolution, in a manner which will ensure justice and the furtherance of the welfare of all, has necessitated the pursuance in this country of a policy of separate development with a view to securing for all groups the realisation of their highest ideals within their own communities. Socio-economic conditions in the sphere of employment and occupation have necessitated the enactment of legislative measures peculiar to the needs of the different population groups so that they may progress in the direction of self-determination. The introduction of an integrated labour system would inevitably lead to economic and social injustices, bearing in mind that there are distinct communities, which differ culturally, ethnically and socially. These differences can be minimised only by affording such legislative protection as circumstances warrant in order to ensure that no group is deprived of the benefits to which its energies, labours and initiatives entitle it."

⁹ e.g.: as regards job reservation on the basis of race, see the Industrial Conciliation Act of 1956, as amended in 1959 (section 77); the Mines and Works Act, 1956 (section 12 (2)); the Motor Transportation Amendment Act, 1959. As regards restrictions on areas in which people can work, on the basis of race, see Native Building Workers' Act, 1951 (section 14); Native (Urban Areas) Con-

(footnote continued overleaf)

recalled here that the questions raised by the provisions in certain countries designed to give preference, in public employment, to members of certain groups of the population, which have been stated to be intended to correct previous inequalities, have already been examined above.¹

89. Distinctions based on sex still appear in various forms in legislation and administrative practice. It has been observed that, in the admission to vocational training, for example, administrative practice has often resulted in organising training for different employments or occupations according to sex and in providing certain kinds of training in institutions open only to boys²; further information is required on existing practice in this matter. With regard to admission to employment and occupation themselves, restrictions or exceptions, which are not necessarily justified by the needs of the protection of women or by the inherent requirements of the job, sometimes result from legislation or from administrative practices, particularly in respect of public employment: for example, certain laws or regulations continue to exclude women from certain posts which in other countries are now legally open to them without distinction as to sex³; while taking account of the particular conditions of each country, the evolution of ideas seems bound to develop rapidly in this field. In certain cases, while providing for equality of the sexes in the admission to public employment, the relevant legislative and administrative provisions permit, in general, for possible exceptions, and further information is necessary to determine the nature of any exceptions which may thus have been authorised.⁴ Legislation and administrative practice in respect of public employment also continue in certain cases to permit exclusions or restrictions relating generally to the employment of married women.⁵ Legislation which restricts the legal capacity of married women may also impart

solidation Act, 1945; Native (Abolition of Passes and Co-ordination of Documents) Act, 1952; Group Areas (Consolidation) Act, 1957. As regards conditions of employment and obligations to work of certain groups of the population see: Native Labour Regulations, 1959 (sections 5-13, 16). As regards freedom of association and collective bargaining, see Industrial Conciliation Act, 1956, as amended in 1959 (sections 1, 7, 8); Native Labour (Settlement of Disputes) Act, 1953. (See also I.L.O.: *African Labour Survey* (Geneva), 1958, Studies and Documents, No. 48, pp. 136, 196, 229, 239, 251, 270, 301, 321, etc.)

¹ See above, paragraph 39.

² That such a situation existed in various countries is apparent from a study prepared by the I.L.O. and U.N.E.S.C.O. in 1956: "Opportunities for Girls in Vocational and Technical Education" (United Nations, Economic and Social Council, Commission on the Status of Women, Tenth Session, document E/CN.6/280).

³ e.g.: Finland (Decree of 25 August 1961 respecting the qualification of women for government posts, as regards posts in provincial and local government; the Government also mentions the question of the admission of women to the office of minister in certain religions; however, it appears that questions of ecclesiastical status do not come within the scope of the Convention); Portugal (Decree of 13 October 1939, section 72: posts in the diplomatic and consular service; Legislative Decree of 14 April 1962: judicial office; Administrative Code, section 488: certain posts in local government); Spain (Act of 22 July 1961 respecting the political rights and employment of women, sections 2, 3: an exception to the rule of equality of women is permitted as regards judicial office, except in juvenile and labour courts).

⁴ For example, in virtue of Acts concerning the Civil Service, Cameroon (section 1); Central African Republic (section 7); Gabon (article 7); Ivory Coast (section 7); Madagascar (section 8); Mauritania (section 8); Morocco (section 1); Niger (section 7); Senegal (section 8); Togo (section 2); Tunisia (section 17).

⁵ This appears to be the case, for example, according to information concerning the following countries: Australia (Commonwealth Public Service Act, section 49), Ireland, Hong Kong, New Zealand; in Switzerland, the Federal Law of 30 June 1927 (section 55) lays down that the marriage of a female civil servant may be considered a valid reason for modifying or terminating her employment; see more generally: "Discrimination in Employment or Occupation on the basis of Marital Status", in *International Labour Review*, Vol. LXXXV, No. 3, 1962, pp. 262 ff.; No. 4, 1962, pp. 368 ff.

equality without distinction as to sex in employment and occupation¹; this is a problem of civil law in which various considerations have to be taken into account and which seems bound to develop according to the particular conditions of the various countries. With regard to conditions of employment, distinctions based on sex continue to exist, by virtue of legislation or administrative practice, in various cases for example as regards remuneration in the public sector² or by virtue of minimum wage legislation in various sectors of the economy.³ Distinctions of this kind are also found as regards social security benefits, often as a result of differences of remuneration, or due to the establishment, for women, of conditions of payment which are not applicable to men.⁴ While taking into account that the over-all problem of distinctions in respect of employment and occupation on the basis of sex may arise in different ways according to the economic, family and social (in its broadest sense) context of the various countries, it should be emphasised that the implementation of the 1958 instruments requires the elimination, *inter alia*, of any legislative provisions or administrative practices which provide for such discrimination on the basis of sex.

90. As regards religion, the fact that official policy favours a given religion or, on the contrary, is opposed to religion, may be accompanied by administrative practices which are contrary to equality in respect of employment and occupation for reasons of this kind; this may particularly concern the admission to public employment or the teaching profession but may also affect the employment possibilities of certain groups of the population in general; further information is necessary on such practices, which should be eliminated in order to give effect to the 1958 instruments. Moreover, one country composed of distinct religious communities indicates that the equitable representation of the different communities is provided for in public employment⁵; as indicated⁶, provisions of this kind may be in keeping with the Convention, when the factual situation warrants them, and subject to further information on their practical application.

91. As regards political opinion, measures inconsistent with the principles of equality of employment and occupation may result from legislation or administrative practices in numerous ways, directly or indirectly. As indicated above, in connection with the measures which may be taken to protect the security of the State⁷, numerous provisions or practices are liable to lead in fact to discrimination based on political opinions, when the definitions used are too vague or too general and the guarantees inadequate. In addition, inequalities in respect of employment and occupation are

¹ This is mentioned for example by the following countries: Congo (Leopoldville) (Legislative Decree of 1 February 1961 respecting contracts for the hire of service, section 6); Luxembourg: see more generally the article cited in the previous footnote.

² This is mentioned, for example, in the following countries: Australia, Gibraltar, Hong Kong, Luxembourg, Malta, New Zealand, Republic of South Africa, Southern Rhodesia.

³ Morocco (Order of the Minister of Labour and Social Questions of 10 April 1958 in respect of conditions in employment and remuneration of agricultural wage earners, section 4); New Zealand (certain minimum wage orders made under the Minimum Wage Act of 1945); Santa Lucia (Order No. 34 of 1956 fixing wages in agriculture; Order No. 42 of 1956 fixing office workers' wages; Order No. 5 of 1957 fixing wages in the sugar industry); St. Vincent (Order No. 34 of 1960 fixing wages in industry; Order No. 39 of 1960 fixing wages in agriculture; Order No. 32 of 1957 fixing wages of commercial employees); Tunisia (Order of 30 April 1957 in respect of remuneration of agricultural workers, section 3).

⁴ This is the case, for example, as regards unemployment benefit, which is subject, as regards women but not men, to conditions concerning their spouse's income, according to the report of Luxembourg, and in New Zealand (Social Security Act of 1938 as amended, section 51 (2)).

⁵ Lebanon (Constitution, section 95).

⁶ See above, paragraph 39.

⁷ See above, paragraphs 45-49.

often merely one of the consequences of general legal or administrative measures intended to repress or prohibit certain political opinions. In regulating specific questions of employment and occupation, various measures may also be inconsistent with the principles of non-discrimination for political opinions. As regards vocational training, for example, certain measures can lead to restrictions on use of certain training facilities, on the basis of the position of the persons concerned with regard to the political, social or other principles of the regime in power, and further information is necessary on the actual situation in various countries in this respect.¹ This is also the case, for example, as regards provisions which seem to authorise employers in general to terminate the employment of workers for political reasons. It is in the specific field of public, or state-controlled, employment that legislative provisions or administrative practice seem most often liable to run counter to equality of employment and occupation for purely political reasons; if it may be admissible, in the case of certain higher posts which are directly concerned with implementing government policy, for the responsible authorities generally to bear in mind the political opinions of those concerned, the same is not true when conditions of a political nature are laid down for all kinds of public employment in general or for certain other professions: for example, when there is a provision that those concerned must make a formal declaration of loyalty and remain loyal to the political principles of the regime in power. As regards conditions of employment themselves, the Committee has found cases, when examining the application of certain international labour Conventions on social security, where legislation has permitted inequality of treatment with regard to pensions, on the basis of the past political activities of the persons concerned. Any provisions or practices which might thus have the effect of impairing equality of opportunity or treatment in employment or occupation, purely on the basis of political opinion, should be eliminated in accordance with the 1958 instruments.

92. As regards national extraction—it being understood, as indicated, that the provisions of the Convention do not cover distinctions affecting foreigners²—reference has already been made to the temporary restrictions for which the legislation or administrative practice of various countries provide as regards persons who have recently acquired the nationality of the country through naturalisation, in connection with the access of such persons to state employment and to certain professions during a few years after their naturalisation.³ The Committee has requested additional information on the bearing of these measures and on the reasons which motivate them (having regard in particular to the question of the inherent requirements of certain jobs, which is dealt with in Article 1, paragraph 2, of the Convention).

SECTION 7. EMPLOYMENT POLICY OF PUBLIC AUTHORITIES

Employment under the Direct Control of a National Authority

93. Article 3 (d) of the Convention requires each Member, in the implementation of its national policy against discrimination, “to pursue the policy in respect of employment under the direct control of a national authority”. A corresponding provision of the Recommendation also requires each Member to ensure the application of the principles of non-discrimination with regard to the same employment

¹ See the information contained in a report prepared in 1956 for the United Nations Sub-commission on Prevention of Discrimination and Protection of Minorities: Charles D. AMMOUN: *Study of Discrimination in Education* (United Nations, New York, August 1957) (E/CN.4/Sub 2/181 Rev. 1), Part 1, Ch. V.

² See above, paragraph 27.

³ See above, paragraph 42.

(Paragraph 3 (a) (i)). What is understood by "employment under the direct control of a national authority" may be clarified *a contrario* by the terms of Paragraph 3 (b) (i) of the Recommendation, which requires, in addition, the encouragement of the application of these principles in respect of other employment, in particular, by "encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles". But, of course, it is possible that employment which depends on the services and agencies in question might nonetheless be subject to the "direct control of a national authority" in certain countries or in certain cases, and in general the definitions in this regard may vary according to the constitutional and administrative structure of each country.

94. The responsibility of the State in pursuing a policy against discrimination with regard to employment under its control is evidently of particular importance. The State possesses in this field direct means for applying this policy and their utilisation constitutes one of the most elementary obligations under the Convention. Non-discrimination in public employment is of considerable importance as an instrument for promotion and integration, and may open the way to all other measures. It has an outstanding role to play in setting an example; moreover, through the contacts that it is possible to develop both in the services and in the relations with the public, it may provide a powerful impetus towards eliminating prejudice. At the same time, public employment constitutes an area in which the problems of discrimination arise in a particularly sensitive manner; inequality is felt here much more, since the attitude of the State itself, through its representatives, is in question; this can be one of the principal sources of feelings of frustration and exclusion from national life of the members of particular racial, ethnic, religious groups, etc. It is also, undoubtedly, the sector which is the most exposed to preferences or exclusions based on opinions or beliefs.

95. The reports of numerous countries refer to constitutional or legal standards which express the principle of the equality of citizens in public employment. This principle often follows from general constitutional provisions which proclaim the equality of citizens and condemn all discrimination, as examined above, and which bind in particular the public authorities acting as employers.¹ This principle finds expression also in various constitutional provisions concerning especially public employment and in laws concerning the civil service.² The conditions of practical application may vary from country to country, according to national practice. If the affirmation of the principle of equality can normally impose, by itself, respect for these principles in matters such as remuneration and other conditions of employment, the same is not true with regard to questions such as appointment, promotion or dismissal, where the conditions of practical application of the principle are of fundamental importance. Among the possible guarantees are, for example, recruitment through competition, the right to complain to tribunals or other appropriate agencies,

¹ See above, Section 2 of this Chapter.

² For example: Argentina (Constitution, article 16); Australia (article 116 of the Constitution, Public Service Act, 1922-1960); Bolivia (Constitution, article 42); Chad (Constitution, article 5); Chile (Constitution, article 10, 8°); Colombia (Constitutional Amendment of 1957, article 7, Decree No. 1732 of 1960 on the Civil Service, article 35); Federal Republic of Germany (Law of 1 October 1961 on the Civil Service, section 8); Haiti (Constitution, article 16); India (Constitution, article 16); Ivory Coast (General Statute on the Civil Service, articles 7 and 8); Japan (National Public Service Law, 1947, section 27; Local Public Service Law, 1950, section 13); Morocco (Constitution, article 12; Statute on the Civil Service, article 20); Netherlands (Constitution, article 5); Pakistan (Constitution, Part II, Ch. 2, principle 14); Sweden (Constitution, article 28); Togo (General Statute on Officials, articles 2, 3, 13, 20); Turkey (Constitution, article 58); United States (United States Code, Title 5, section 1074; Code of Federal Regulations, Title V, 401).

or the prohibition of mentioning, in the personal file of the parties concerned, all characteristics on the basis of which discrimination could be effected, such as political, philosophical, or religious opinions, etc. Further information would, as a rule, be required on the methods by which the practical application of the principles of equality in public employment is assured: for example, the guarantees of impartiality offered by the agencies charged with the supervision of the application of this policy; the possibilities of complaint or protest open to the parties concerned; the existence of guarantees for access to employment as well as during employment, etc.

96. The principle of equality of rights is not always sufficient to ensure the promotion of the equality of opportunity and of treatment in this field as in others, and the adoption of positive measures may be indispensable, in order to develop the possibilities for the effective participation of members of certain groups in public employment. Thus, one country states that special programmes have been initiated in order to promote and to ensure equality in employment under the national authorities without distinction as to race, colour, creed or national origin; agencies have been established not only to examine complaints, but also to develop a positive programme in favour of recruitment and of the effective promotion of members of minority groups thanks in particular to research and inquiries, to educational measures, etc.¹ The report of this country supplies statistical data on the evolution that has occurred in the application of governmental policy, which tends in particular to increase the participation of members of minority groups in the higher levels of administration.² In another country, measures have been taken to reserve a specific number of posts in public employment especially for members of certain categories of the population who had been kept in a position of inferiority³ as well as to ensure adequate representation, in the administrative services, of the members of the less developed local populations in certain parts of the country.⁴ In another country constituted on a multinational basis it has been reported that an "indigenisation" policy (has been) systematically applied to the state apparatus, in order to encourage participation by representatives of the local populations in government and administration".⁵ The reports for other countries, in particular in Africa, indicate also the implementation of positive programmes in the same direction, especially through the development of training for officials for appointment and promotion in the civil service.⁶

Employment on Public Contracts

97. Another area where the public authorities may have available to them methods for exerting a direct influence on employment practices is through work on

¹ United States: in particular, Presidential Commission on the Equality of Opportunity and Employment (Executive Order No. 10925), mentioned above, replacing various previous agencies. See also: United States Commission on Civil Rights Report, 1961, Book 3, pp. 19 ff.

² See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, Geneva, 1963 (Geneva, 1963).

³ India: measures taken by virtue of articles 16 (4) and 335 of the Constitution in favour of "specified castes and tribes"; see also above paragraphs 39, 50.

⁴ Public Employment (Requirement as to Residence) Act, 1957.

⁵ U.S.S.R. (cited from: "Equality of Rights between Races and Nationalities in the U.S.S.R.", by I. P. Tsamerian and S. L. Ronin, published by U.N.E.S.C.O., 1962, p. 52); see Resolutions of the Tenth Congress of the Communist Party (*Resolutions and Decisions of the Congresses, Conferences and Plenary Assemblies of the Central Committee of the Communist Party of the Soviet Union*, Seventh Edition, First Part, p. 559) and of the Twelfth Congress (*ibid.*, pp. 716, 717).

⁶ For example: Northern Rhodesia (programme of training instituted in 1961; uniform conditions of employment without distinction as to race had also been introduced in 1961: Civil Service Local Conditions Notification, No. 2141 of 1 November 1961); see also the information furnished by the following countries: Fiji, Kenya, Southern Rhodesia, Swaziland.

the execution of contracts awarded by the public authorities to outside independent undertakings. The Convention does not fix any specific obligations in this regard, but the Recommendation provides that the application of the principles of non-discrimination should be encouraged, as much as possible, in particular by "making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles" (Paragraph 3 (b) (ii)). It is desirable, in effect, whenever it appears practicable and necessary, that the public authorities use the considerable means of action open to them in the granting of public contracts, to promote the acceptance and observance of the national policy of equality of opportunity and treatment in employment; recourse to this method is particularly effective since, in the majority of present-day economies, whether they are developed or in the process of development, works carried out in the execution of public contracts provide employment for a very important part of the labour force of a country.

98. Information furnished on this point by certain countries illustrates the type of measures which can be taken in this field. In two countries in particular¹, the government requires that, in contracts concluded on its behalf, there should be inserted a clause providing that the contracting party will not discriminate as to hiring and use of labour on the basis of race, colour, religion or national origin; procedures for complaints and inquiries are provided for, as well as sanctions for the infringement of this clause; in one of these countries² the contract imposes upon the undertaking the duty to take affirmative action to ensure equality of opportunity and treatment for workers without distinction as to race, creed, colour or national origin, to publicise this fact with the persons concerned, to inform the workers' organisations of its obligations, to submit reports on the application of the clause, in particular, on its programmes and its statistics of employment, etc.; the administrative supervisory agency is also required to take measures with a view to obtaining the co-operation of workers' organisations, as well as educational and information measures.³ The report of another country⁴, while recognising fully the desirability of making eligibility for contracts involving public expenditure conditional upon the observance of the principle of non-discrimination, points out that, taking into account national circumstances, it is only possible for the moment to follow this practice with regard to public works contracts. This sector, by itself, can be very important and it is for each country to utilise action through public contracts, as the Recommendation suggests, in as far as this is possible and necessary.

SECTION 8. POLICIES OF PUBLIC AUTHORITIES IN VOCATIONAL GUIDANCE, VOCATIONAL TRAINING AND PLACEMENT SERVICES

General

99. The Convention, in Article 3 (e), provides for the obligation "to ensure observance" of the national policy with regard to the promotion of the equality of opportunity and of treatment in employment and occupation through methods adapted to national conditions, "in the activities of vocational guidance, vocational training and placement services under the direction of a national authority". Here

¹ Canada ("Fair Wages Policy of the Government of Canada", 1954); United States (Executive Order No. 10925, article 301 ff.).

² United States (see the preceding note and: Report of the Committee on Civil Rights, 1961, Book 3, op. cit., pp. 55 ff.).

³ See above, Sections 3 and 5 of this Chapter.

⁴ India.

again, the national authorities should of course utilise directly the means they have of ensuring the application of this policy in the activities of the services of this type under their control. The same principle is laid down in the Recommendation in Paragraph 3 (a) (ii), but the Recommendation suggests further that in other services the application of the principles of non-discrimination should be promoted "where practicable and necessary" in particular by "making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles" (Paragraph 3 (b) (iii)). Thus, in addition to the direct obligations of the national authorities with regard to the services under their control, as laid down in the Convention, the Recommendation also draws attention to the advisability for the national authorities to use any means at their disposal of influencing other services, through the granting of subsidies and licences.

Vocational Training and Guidance

100. The question of vocational training and guidance is of basic importance to the realisation of equality of opportunity and treatment in employment and occupation; the development of the methods of training without discrimination constitutes, to a very large extent, the key to equality in all labour fields. The elimination of discrimination with regard to access to employment and to occupations, promotion, etc., is liable to remain more or less a dead letter if groups of persons of a particular race, sex, origin, etc., continue not to receive the training and guidance necessary in order to benefit from the possibilities of employment or promotion which are in principle open to them. Apart from the Convention and Recommendation concerning discrimination in employment and occupation, it should be noted that the International Labour Conference has taken care to give specific expression to these principles in certain instruments concerning in particular vocational training: firstly in the Vocational Training Recommendation, 1939 (No. 57), with regard to the equality of persons of both sexes in this matter (Paragraphs 10 (1), 16 (3)), then in the Vocational Training Recommendation, 1962 (No. 117), which replaced the previous Recommendation and which recalls that "training should be free from any form of discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin" (Paragraph 2 (4)); it is also interesting to note that this latter Recommendation emphasises in the following manner the positive character of vocational training: "training is not an end in itself, but a means of developing a person's occupational capacities, due account being taken of the employment opportunities, and of enabling him to use his abilities to the greatest advantage of himself and the community: it should be designed to develop personality, particularly where young persons are concerned" (Paragraph 2 (1)).

101. Respect for the principle of equality in the activities of the vocational training and guidance services may be implemented by virtue of general constitutional provisions or by other declarations with respect to equality, and which govern in particular the action of the public authorities.¹ With regard to specific legislative or administrative provisions in this matter, the available information includes examples of express anti-discrimination clauses.² Respect for the principle of equality in this field can also be ensured through administrative practice, irrespective of legislation,

¹ See above, Section 2 of this Chapter.

² For example: Canada (Agreements between the Dominion and the provinces under the Technical and Vocational Training Act); United States (Code of Federal Regulations, Part I, Title 45, section 102.18, Circular of the Department of Labor No. 62.5 of 31 July 1961); British Honduras (Education Ordinance, section 3); Japan (Law No. 141 of 1947, article 3).

and, even where express provisions exist, administrative practice has a predominant role to play in the effective and complete implementation of the principle.¹ Additional information on the practical developments of national policy in these fields should therefore be examined.

102. Vocational training is an area in which positive action for the development of equality of opportunity and treatment should play a leading role. It is not always sufficient for the various means of training to be legally accessible to all: it is also necessary that positive measures be taken to permit the various groups of people concerned to benefit from appropriate training according to their choice. The increase in the number of training facilities, their balanced distribution in the country, constitute in themselves conditions for the development of effective equality.² It may be essential that, as in certain countries, particular programmes of training or of other special measures should be developed in relation to the needs of population groups characterised by race, colour or social status, etc., with a view to their access to higher categories of employment.³ Vocational training should be used as a means of breaking the vicious circle of inequality, which exists when the training traditionally offered to certain groups of persons prepares them exclusively for employment that they have traditionally held, thus perpetuating the inequality of opportunity and treatment even though all other employment is legally open to these groups; on the contrary, as has been recommended in one country⁴ in particular, it may be appropriate that measures should be taken to ensure that vocational guidance and training are effectively provided in relation to the general employment needs and prospects, rather than in relation to the traditional local needs and possibilities, which tend to emphasise and to perpetuate existing inequalities.

Placement Services

103. Placement services also constitute a valuable instrument in the application of a policy of equality of opportunity and treatment in employment and occupation. They intervene at a vital meeting-point of employment practices and employment relations; thus, to the extent to which use is made of them, the action of placement services can have a decisive importance, not only because it is concerned with access to employment, but also from the point of view of the relations that it develops with employers, workers, their organisations, etc. Nor must it be forgotten that unemployment particularly hits those groups of workers in regard to which distinctions of race, colour, origin, etc., are made. The existence of a well-organised public employment service can be considered as one of the essential parts of a fair employment policy. The importance attached to this question by the International Labour Conference is reflected particularly in the Employment Service Convention, 1948 (No. 88),

¹ See, for example, the observations of the Commission on Civil Rights of the United States in its report for 1961, Book 3: Employment, op. cit., Ch. 5.

² As emphasised, for example, in the report by Niger. The report of the U.S.S.R. indicates the measures taken to develop a system of free and universal education and, in order to take account of the needs of the different sections of the population, the use of the different vernacular languages in teaching, the setting up of cadres and of an intellectual elite in the Union republics and in the regions which were previously backward, the provision of facilities to manual workers enabling them to further their intellectual and technical training, etc.

³ As is indicated, for example, in the reports of the following countries: New Zealand (with regard to the Maoris); Northern Rhodesia (with regard to the African population); see also the measures taken in India (in favour in particular of the members of "specific castes and tribes mentioned above").

⁴ See: United States, Commission on Civil Rights, Report for 1961, Book 3: Employment, op. cit., pp. 101-102, 159-160, 163.

and the Employment Service Recommendation, 1948 (No. 83); this Recommendation already stressed that the employment service should not "discriminate against applicants on grounds of race, colour, sex or belief" (Paragraph 12 (c)); the Employment Service Convention also contains certain provisions on the composition of the service necessary to ensure, amongst other things, its fair and objective functioning: in particular, the staff of the employment service should benefit "from a status and conditions of service that are such as to render them independent of changes of government and of improper external influences"; they should be "recruited with sole regard to their qualifications for the performance of their duties"; they should "be adequately trained for the performance of their duties" (Article 9). It should also be recalled that the attachment to the employment service "of advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy" (Article 4 of the Employment Service Convention, 1948) can constitute a useful framework for the collaboration of employers' and workers' organisations in the national policy designed to promote equality of opportunity and treatment in employment, as provided for in the 1958 Discrimination Convention (Article 3 (a)).¹

104. As for other services under the control of the national authorities, the principle of equality in the functioning of placement services under its control can be based on the general principles of equality formulated as a national policy on a constitutional or other basis, which should be enforced in particular in the activities of public services.² In several countries, laws or regulations dealing specifically with the functioning of public placement services contain express clauses against discrimination.³ The effect of the principles of non-discrimination on the functioning of the service may, however, take various forms: apart from the elementary rule of equality of treatment of workers by the service itself, the question arises whether these principles extend to prohibiting the receipt or filling of offers of employment containing discriminatory conditions⁴, and oblige employers not to refuse, for a reason that may be defined as discriminatory, to engage workers sent to them by the service.⁵ Further information would be necessary in general to assess more accurately the solutions which have been adopted under diverse national conditions.

105. According to the information furnished by several countries, the employment service is in any case given the task of developing efforts to ensure that employers base their offers solely on the qualifications required for the job and to convince them to accept suitable candidates without discrimination.⁶ The behaviour in practice of the staff of employment services and their persuasiveness with employers can have a determining role in the positive development of equality of opportunity in employ-

¹ See above, Section 3 of this Chapter.

² See above, Section 2 of this Chapter.

³ For example: Canada (Unemployment Insurance Act, section 22); United States (Code of Federal Regulations, Title 20, sections 604.1, 604.8); Israel (Employment Service Law, 1959, sections 42, 43); Japan (Law No. 141 of 1947, section 3, and Ordinance of Application No. 124, 1947, section 3); an anti-discrimination clause is also provided for in a draft law concerning the employment service mentioned in the report for Surinam.

⁴ This is, it seems, the case in Canada and in Israel (on the basis of the laws mentioned in the preceding note).

⁵ This is provided, for example, in Israel in the Employment Service Law of 1959 (article 42). See also above paragraph 79.

⁶ This is the case, for example, in the United States (Code of Federal Regulations, Title 20, article 604.8); in Japan (Ordinance No. 124 of 1947, article 3); in the United Kingdom (according to the practice mentioned in the report).

ment; thus in certain countries, the prescribed policy of the employment service is, *inter alia*, to help members of minority groups to benefit from equal opportunities, and a special training programme for employment service staff charged with the application of this policy has been provided for.¹ It is important that, in its practical day-to-day action and in its relations with its users, the employment service should not confine itself to respecting merely the negative aspect of the principle of non-discrimination—that is, to abstain from practising discrimination—but should also act in the positive sense of developing effective equality in employment matters.

CONCLUSION

106. Scarcely more than two years after the entry into force of the Convention and on the basis of the information presently available, it is still too early to evaluate fully the measures taken on the national level to carry out the aims provided for by the international standards, and their adequacy under varying national situations. The Committee hopes, nonetheless, that the first examination that it has been able to carry out this year of the measures taken as regards the matters dealt with in the 1958 Convention and Recommendation concerning discrimination in employment and occupation has, despite its preliminary character, made it possible to raise questions in a way which will prove useful to governments when they consider the effect to be given to these instruments. It may be possible, in conclusion, to bring out certain general points which seem to emerge in this connection.

107. The principle set forth in the Declaration of Philadelphia and embodied in the Constitution of the I.L.O. is now being increasingly implemented as a firm obligation under a ratified Convention which provides that all human beings should be able to pursue their development through their work, without distinction as to race, colour, sex, religion, political opinion, national extraction, social origin, etc. It is particularly encouraging to note that, hardly more than four years after its adoption by the International Labour Conference, the promotion of equality of opportunity and treatment in employment and occupation has already been accepted as a solemn international obligation by 39 countries which have ratified the Convention, to which it would seem possible to add in the near future a sizeable number of further countries.² The Discrimination (Employment and Occupation) Convention, 1958, would, therefore, appear to be in the process of becoming one of the international labour Conventions which have been the most rapidly ratified by a large number of countries in the years following their adoption and, in due course, one of the most widely ratified.

108. This was, in fact, one of the basic aims of the Conference in adopting the Convention, which is drafted in such a manner as to ensure that the degree of unanimity reached during the final vote would re-emerge subsequently in the ratification of this instrument. For this purpose the Conference placed, as has been observed³, primary emphasis on the definition of the objectives to be attained, on which there

¹ This appears from, for example, information supplied by the following countries: Canada (see Unemployment Insurance Act, section 22, and the information in the report (summarised in Report III (Part II), 1963) with regard to the special training programmes for the staff of the employment services in regard to anti-discriminatory policy); United States (see Code of Federal Regulations, Title 20, article 604.8 (a); United States Employment Service Manual on "Service to Minority Groups" (United States Department of Labor, 1958)); the report for Swaziland indicates that the labour services are encouraging employers to employ and promote indigenous workers.

² See Introduction, paragraph 11.

³ See above, Section 1 of Chapter II.

was general agreement, rather than trying to impose recourse to this or that technical method of action, which may vary according to circumstances and national practice. It did not attempt to impose, as a condition of compliance with the Convention, the prior elimination of every form of discrimination in employment and occupation, but considered, on the contrary, that this elimination should result from the application of the Convention, thanks to a policy "designed to promote equality of opportunity and of treatment" in this field. For the implementation of this policy, it outlined the various elements of a programme of action, but in flexible terms and always on the understanding that action should be according to "methods appropriate to national conditions and practice", thereby allowing each country the necessary degree of latitude in deciding which technical methods to use and in combining the various forms of action, in the light of the particular problems confronting each country.

109. The flexibility of the Convention has already been reflected in its past or impending ratification by a large number of countries with greatly varying problems and legal, economic and social systems. Such encouraging results raise hopes for further rapid progress in extending the network of international obligations concerning discrimination in employment and occupation on a more and more universal scale. The Committee hopes that the indications given in the course of the present study will have dispelled the doubts and hesitations existing in certain countries which, while subscribing fully to the objectives set by the Convention, have hitherto refrained from ratifying it. In particular it is apparent that the ratification of the Convention, by reason of the nature of this instrument, would not raise certain technical difficulties of a general character which may sometimes be encountered with regard to other international labour Conventions. Thus, ratification of the Convention has, on the one hand, been possible in countries where, according to national practice, an important part of the questions of relevance to the application of the Convention are dealt with through negotiation between the parties to industrial relations, as indicated by several governments; in certain of these countries, measures to give effect to the Convention have been taken through collective bargaining, for example, with regard to the elimination of distinctions based on sex in the field of wages; these principles and the obligations arising from the Convention are in no way incompatible, since the action to be taken by governments, under this instrument, must be pursued by methods appropriate to prevailing national practice.¹ On the other hand, in federal States where, according to internal constitutional provisions and practice, the measures adopted in the various constituent units and on the federal level may not be uniform, it is, nevertheless, possible for the federal authorities to give effect to this Convention², by declaring a national policy and by pursuing it through methods appropriate to existing constitutional practice, for example, as indicated in the reports of certain countries, by taking direct legislative or other action in areas which are within the competence of the federal authorities and by exercising their influence in other areas through educational measures, co-operation between employers' and workers' organisations and other appropriate agencies, as envisaged by the Convention.

* * *

110. The degree of acceptance achieved by the 1958 instruments demonstrates in particular the fact that in the overwhelming majority of countries, with rare exceptions, the principle of equality is today a fundamental element of public law and

¹ See above, paragraph 60.

² See above, paragraphs 61-63.

that discrimination is repudiated in these countries as official doctrine. The Convention and the Recommendation contain the primary obligation to eliminate from legislation and from administrative practice any discriminatory element in respect of employment and occupation, but this is only one limited aspect of the action envisaged by these instruments; for the reasons which have just been stated, the essential forms of inequality in this field do not seem to result generally from legislation but from factual situations and from the practical relationships existing between people. For this reason, the essential purpose of international standards is to promote equality of opportunity and treatment in respect of employment and occupation, not only before the law, but particularly in day-to-day social relationships. It can be said that this need exists all the world over, although the size of the problem and the nature of the distinctions in question may vary (a fact which the Convention is designed to take into account by providing for action through methods appropriate to national conditions). Moreover, the bearing of the action contemplated is not confined to the elimination of arbitrary acts by individuals, resulting from prejudice or intolerance; it is not enough to break arbitrary barriers in order to bring about such equality in actual fact; it is essential that positive action be taken for the promotion of equality of opportunity and treatment on an effective everyday basis so as to translate it into a living reality.

111. Among the different methods envisaged by the Convention for this purpose, according to national conditions and practice, legislative action can play a very important role against arbitrary acts; but it is especially practical measures which bring about the positive promotion of equality of opportunity and treatment, through educational measures designed not only to correct certain attitudes of mind, but also to encourage the necessary evolution, through the co-operation of employers', workers' and other organisations, through practical action by the national authorities in their own employment policies and in the functioning of manpower services, in particular as concerns vocational training, which is the starting-point for all progress in this matter.

112. A correct evaluation of the needs of a given situation and an appraisal of the effectiveness of the policies followed can only be made on the basis of detailed information of a factual and practical character, obtained through methods which provide the necessary safeguards for an objective examination. The Committee wishes, therefore, in conclusion, to stress the essential point that it is important for all parties concerned to have at their disposal complete and objective information in this matter. A first method whereby such information can be obtained is through impartial research and inquiries into existing facts, which are indispensable to any accurate evaluation of the nature and extent of the problems to be resolved and, in consequence, to the definition of a policy adapted to national conditions and to their evolution. This also implies the possibility for individuals, their trade unions or associations to bring their problems in this field freely before the authorities and before public opinion; this constitutes an indispensable condition to any system of protection of individual liberties and of effective promotion of social rights. The Committee hopes that these factors will be kept constantly in mind as national policies are developed.

113. In view of the various reasons set forth above, the Committee addresses a special appeal to governments not to fail to supply in future reports all the information required on the very varied questions covered by this Convention. It wishes, also, to stress the great importance for governments, when dealing with such a vital subject, to give constant attention to any additional measures that may be called for in order to pursue a programme of action, which would be continuous and always

open to further progress, in the manifold spheres where equality of opportunity and treatment in employment or occupation is capable of further development.

114. The Committee has noted with interest that the Governing Body of the International Labour Office has decided on the establishment by the I.L.O. of a research, educational and promotional programme in this field and expresses the hope that all member States will take a useful share in the help thus available to them through the development of the International Labour Organisation's future action for the realisation of one of the most fundamental objectives they have jointly set themselves: equality of opportunity and treatment in respect of employment and occupation.

APPENDIX I

TEXT OF THE SUBSTANTIVE PROVISIONS OF THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (No. 111)

Article 1

1. For the purpose of this Convention the term "discrimination" includes—
 - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;

- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual report on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

TEXT OF THE SUBSTANTIVE PROVISIONS OF THE DISCRIMINATION (EMPLOYMENT AND OCCUPATION) RECOMMENDATION, 1958 (No. 111)

I. DEFINITIONS

1. (1) For the purpose of this Recommendation the term "discrimination" includes—
- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
- (2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination.
- (3) For the purpose of this Recommendation the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

II. FORMULATION AND APPLICATION OF POLICY

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organi-

sations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;
- (b) all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of—
 - (i) access to vocational guidance and placement services;
 - (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
 - (iii) advancement in accordance with their individual character, experience, ability and diligence;
 - (iv) security of tenure of employment;
 - (v) remuneration for work of equal value;
 - (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;
- (c) government agencies should apply non-discriminatory employment policies in all their activities;
- (d) employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;
- (e) in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;
- (f) employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should—

- (a) ensure application of the principles of non-discrimination—
 - (i) in respect of employment under the direct control of a national authority;
 - (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (b) promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as—
 - (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
 - (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
 - (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular—

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and
- (c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. CO-ORDINATION OF MEASURES FOR THE PREVENTION OF DISCRIMINATION IN ALL FIELDS

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.

APPENDIX II

LEGISLATION CONSULTED ¹

AFGHANISTAN

Constitution.

Regulations to govern the employment of persons in industrial establishments in Afghanistan, dated 16 January 1946.² (*L.S.*, 1946—Afghan. 1).

ALBANIA

Constitution of 4 July 1950, articles 15 and 17.

Employment Service Regulation, 1947 (*L.S.*, 1947—Alb. 3).

¹ This list refers to all the legislation which was deemed useful and was available for consultation, and not only that containing specific provisions concerning discrimination and non-discrimination in employment and occupation.

² *L.S.* = *Legislative Series* published by the I.L.O.

Legislative Decree on Labour Inspection, 1948 (*L.S.*, 1948—Alb. 1).
 Apprenticeship Ordinance, 1948 (*L.S.*, 1948—Alb. 2).
 Labour Code, 1956 (*L.S.*, 1956—Alb. 2).
 Vocational Training Order, 1960 (*L.S.*, 1 1960—Alb. 2).
 Penal Code, Article 210.

ARGENTINA

Constitution of 1853, revised in 1860, 1866, 1898 and 1957.
 Resolution of 24 October 1957 of the Drafting Committee of the National Convention respecting the amendment of the Constitution in the matter of social rights (section 14*bis*). (*L.S.*, 1957—Arg. 2).
 Penal Code.
 Employment of Women and Children Act No. 11317 of 15 October 1934.
 Maternity Protection Act, No. 11933 of 15 October 1934.
 Regulations made under Act No. 11933: Decree No. 80229/36 of 15 April 1936.
 Decrees Nos. 14538/44 of 3 June 1944 and 6648/45 of 27 March 1945 on the employment and apprenticeship of minors.
 Decree No. 32412/45 of 17 December 1945 on the minimum wages, savings and holidays of minors.
 Regulations made under Decree No. 32415: Decree No. 30428/48 of 2 October 1948.
 Decree No. 7897/55 of 30 December 1955 to set up the National Directorate of Women and the National Committee of Women.
 Decree No. 3247/57 of 26 March 1957 to abolish the National Directorate of Women.
 Legislative Decree No. 7913/57 of 15 July 1957 respecting family allowances for personnel of commercial undertakings.
 Legislative Decree No. 7914/57 of 15 July 1957 respecting family allowances for the personnel of private industrial undertakings.

AUSTRALIA

Commonwealth :

Commonwealth Constitution, 1900 (63 and 64 Vict., Ch. 12).
 Public Service Act, 1922-1960.
 Navigation Act, 1912-1961, and Order made thereunder (*Official Gazette*, 28 June 1928).
 Commonwealth Banks Act, 1959.
 Broadcasting and Television Act, 1942-1960.
 Communist Party Dissolution Act, 1950 (sections 10 to 14).
 Constitution and General Rules of the Australian Workers' Unions.

States :

New South Wales.

Public Service Act, 1902-1961.
 Factories and Shops Act, 1912-1960.
 Factories, Shops and Industries Act, 1962.
 Rural Workers' Accommodation Act, 1926-1951.
 Industrial Arbitration Act, 1940-1961.
 Aborigines Protection Act, 1909-1943.

Victoria.

Public Service Act, 1958.
 Labour and Industry Act, 1958-1961.

Queensland.

Public Service Acts, 1922-1960.
 Workers' Accommodation Act, 1952.
 Mining Acts, 1898-1955.
 Industrial Conciliation and Arbitration Act, 1961.
 Hospitals Acts, 1936-1955.
 Aborigines Preservation and Protection Acts, 1939-1946.
 Torres Strait Islanders Acts, 1939-1946.

South Australia.

Public Service Act, 1936-1959.
 Industrial Code, 1920-1958.
 Shearers' Accommodation Act, 1922-1958.
 Aborigines Act, 1934-1939.

Western Australia.

Public Service Act, 1904-1936.
Factories and Shops Act, 1920-1959.
Mining Act, 1904-1961.
Native Welfare Act, 1905-1960.

Tasmania.

Public Service Act, 1923-1961.

Northern Territory.

Public Service Ordinance, 1928-1955.
Factories Act, 1907-1910.
Shearers' Accommodation Act, 1905.
Mining Ordinance, 1939-1960.
Welfare Ordinance, 1953-1961.
Wards' Employment Ordinance, 1953-1959.

Non-Metropolitan Territories :

Nauru.

Chinese and Native Labour Ordinance, 1922-1953.
Public Service Ordinance, 1961.

New Guinea and Papua.

Public Service Ordinance, 1949-1961.
Native Employment Ordinance, 1958-1961.
Native Apprenticeship Ordinance, 1951-1961.

Norfolk Island.

Public Service Ordinance, 1941.

AUSTRIA

Federal Constitution of 1920, as amended in 1925 and 1929.

Treaty of Peace between the Allied and Associated Powers and Austria, Protocols and Declarations signed at Saint-Germain-en-Laye on 10 September 1919.

Federal Act of 13 February 1952 to amend the Federal Act respecting the employment of children and young persons (*Bundesgesetzblatt für die Republik Österreich (BGBl.)*, 31 May 1952, No. 11, Text 45; *L.S.*, 1952—Aus. 1).

Federal Act of 16 July 1952 to lay down the principles governing the vocational training of workers in agriculture and forestry (Occupational Training in Agriculture and Forestry Act) (*BGBl.*, 2 September 1952, No. 36, Text 177; *L.S.*, 1952—Aus. 2).

Federal Act of 19 May 1954 respecting chambers of wage earners and salary earners and the Congress of Austrian Chambers of Labour (Chambers of Labour Act) (*BGBl.*, 15 June 1954, No. 24, Text 105; *L.S.*, 1954—Aus. 2).

Ordinance of 25 October 1954 of the Federal Ministry for Social Administration and the Federal Ministry for Commerce and Reconstruction further to amend and supplement the list of undertakings and employments prohibited for young persons (*BGBl.*, 13 December 1954, No. 56, Text 258; *L.S.*, 1954—Aus. 3).

Federal Act of 9 September 1955 respecting general social insurance (General Social Insurance Act) (*BGBl.*, 30 September 1955, No. 50, Text 189; *L.S.*, 1955—Aus. 3).

Federal Act of 13 March 1957 respecting the protection of mothers (*BGBl.*, 28 March 1957, No. 22, Text 76; *L.S.*, 1957—Aus. 1).

Federal Act of 5 December 1960 to amend and supplement the General Social Insurance Act (General Social Insurance (Amendment) (No. 8)) (*BGBl.*, 29 December 1960, No. 76, Text 294; *L.S.*, 1960—Aus. 5).

BOLIVIA

Constitution of 28 October 1938.

General Labour Act of 8 December 1942.

Supreme Administrative Decree No. 244 of 23 August 1943.

Decree No. 3359 of 9 April 1953 to establish a system of family allowances, nursing allowances and rent allowances for workers in the manufacturing, mining, petroleum and building industries (*El Diario*, 17 April 1953; *L.S.*, 1953—Bol. 1).

BRAZIL

- Constitution of 18 September 1946 (*Diario Oficial (D.O.)*, Vol. LXXXV, 15 October 1946, No. 236, p. 14119; *L.S.*, 1946—Braz. 3).
 Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*D.O.*, 9 August 1943, Vol. LXXXII, No. 184, p. 11937; *L.S.*, 1943—Braz. 1).
 Act No. 1390 of 3 July 1951 to make all actions motivated by racial or colour prejudice an offence (United Nations: *Year Book of Human Rights*, 1951, p. 62).
 Decree No. 31546 of 6 October 1952 respecting the concept of "apprentice employee" (*D.O.*, 11 October 1952, No. 237, p. 15917; *L.S.*, 1952—Braz. 3).
 Decree No. 31359 of 29 August 1952 to approve the rules of the Industrial Association Membership Board (*D.O.*, 3 September 1952, No. 204, p. 13835; *L.S.*, 1952—Braz. 2).
 Act No. 1667 of 1 September 1952 repealing paragraph (a) of article 530 of the Code of Labour Legislation and enacting other provisions (*D.O.*, 5 September 1952, No. 206, p. 13963).
 Act No. 3807 of 26 August 1960 to promulgate the Social Insurance Act (*D.O.*, 5 September 1960, No. 204, p. 12157; *L.S.*, 1960—Braz. 1).

BULGARIA

- Constitution of 4 December 1947.
 Penal Code.
 Labour Code (*Izvestiya*, No. 91, 13 November 1951, and No. 92, 15 October 1957).
 Act relating to public instruction of 3 September 1948.
 Act respecting the Attorney-General's department of 1 November 1952.
 Act concerning the judiciary of 1 November 1952.
 Statutes of the trade unions of the People's Republic of Bulgaria.
 Regulations on the admission of pupils to institutions of higher learning (*Darjaven Vestnik*, 30 April 1950).

BURMA

- Constitution of 24 September 1947.¹
 Employment and Training Act of 1 June 1951, No. XXXVII (*L.S.*, 1951—Bur. 4).
 Social Security Act of 22 October 1954, No. LXVII (*L.S.*, 1954—Bur. 1).
 Social Security (Amendment) Act of 12 October 1955, No. L (*L.S.*, 1955—Bur. 1).
 Policy Declaration of the Revolutionary Council of 30 April 1962.

BYELORUSSIA

- Constitution of 1937, as amended.
 Labour Code.
 Penal Code.
 Code of Criminal Procedure.
 Trade Unions Statutes.
 Act on Criminal Responsibility in State Offences of 25 September 1958.
 Regulations concerning the right of local committees and trade union committees in factories (Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R. of 15 July 1958).

CAMEROON

- Constitution of the Republic of Cameroon (*Journal officiel (J.O.)*, *Suppl. No.*, 4 March 1960).
 Constitution of the Federal Republic of Cameroon (*J.O.*, *Suppl. No.*, 1 September 1961).
 Labour Code (*L.S.*, 1952—Fr. 5).
 Act No. 59-47 of 17 June 1959 relative to the organisation of property and real estate (*J.O.*, 8 July 1959).
 Order No. 2548 of 4 August 1959 to lay down the conditions of appointment of Treasury officials and Cameroonian students who are called upon to follow courses of training at the National School of Treasury Administration in Paris and to determine the arrangement of and syllabus for competitions held for that purpose (*J.O.*, 5 August 1959).
 Ordinance No. 59-170 of 27 November 1959 to determine the conditions of service of officials of the State of Cameroon (*J.O.*, 12 December 1959).
 Decree No. 61-20 of 28 February 1961 to determine wage-scales and to guarantee minimum wages in agriculture and the professions (*J.O.*, 10 March 1961).

CANADA

Dominion :

Canadian Bill of Rights, 1960, assented to 10 August 1960 (Cap. 44, *Statutes of Canada* (R.S.C.), 1960).
 Criminal Code (Cap. 51, R.S.C., 1953-54).
 Canada Fair Employment Practices Act, 1953 (1-2 Eliz. II, Cap. 19), assented to 14 May 1953 (L.S., 1953—Can. 2).
 Fair Wages Policy of the Government of Canada, 1954 (P.C. 1954-2029).
 Female Employees Equal Pay Act, 1956 (4-5 Eliz. II, Cap. 38), assented to 14 August 1956 (L.S., 1956—Can. 1).
 Unemployment Insurance Act, 1955 (4-5 Eliz. II, Cap. 50), assented to 30 September 1956 (L.S., 1956—Can. 2).
 Technical and Vocational Training Assistance Act, 1960-61, assented to 20 December 1960 (Cap. 6, R.S.C., 1960-61).
 Vocational Rehabilitation of Disabled Persons Act, 1960-61, assented to 1 June 1961 (Cap. 26, R.S.C., 1960-61).
 Civil Service Act, 1961.

Provincial :

Alberta.

Alberta Labour Act, assented to 11 April 1957 (Part VI, 1957, Cap. 38, s. 41: Equal Pay Legislation).

British Columbia.

Equal Pay Act, 1953, assented to 17 October 1953 (Cap. 6).
 Fair Employment Practices Act, 1956, assented to 2 March 1956 (Cap. 16).

Manitoba.

Equal Pay Act, 1956, assented to 23 April 1956 (Cap. 18).
 Fair Employment Practices Act (*Revised Statutes* (R.S.), 1954, Cap. 81, and 1956, Cap. 20).

New Brunswick.

Female Employees Fair Remuneration Act, assented to 25 March 1961 (9-10 Eliz. II, 1960-61, Cap. 7).
 Fair Employment Practices Act, 1956, assented to 16 March 1956 (Cap. 9).

Nova Scotia.

Equal Pay Act, 1956, assented to 11 April 1956 (Cap. 5).
 Fair Employment Practices Act, assented to 7 April 1955 (Cap. 5 and 1959, Cap. 47).

Ontario.

Ontario Human Rights Code (10-11 Eliz. II, 1961-62) (this is a codification of all previous Ontario enactments on discrimination, including the Fair Employment Practices Act and the Female Employees Fair Remuneration Act).

Prince Edward Island.

Equal Pay Act, 1959, assented to 25 March 1959 (Cap. 11).

Saskatchewan.

Equal Pay Act, 1953 (Cap. 265; 1954, Cap. 69).
 Fair Employment Practices Act, 1956 (1956, Cap. 69; 1959, Cap. 28).
 Saskatchewan Bill of Rights Act (R.S., 1953, Cap. 345).

CENTRAL AFRICAN REPUBLIC

Constitution of 16 February 1959, amended by the Constitutional Act No. 60163 of 12 December 1960 (*Journal officiel* (J.O.), 15 December 1960) (*Documentation française*, 19 December 1960, No. 2733).
 Decree No. 59/171 of 16 November 1959 to lay down in the Central African Republic wage groups and minimum guaranteed wages in professional employment as well as the maximum monetary value which may be put on the daily food ration and on accommodation (J.O., 1 January 1960).
 Decree No. 60/185 to lay down the categories and basic wages of workers in the Central African Republic in the absence of collective agreements (J.O., 15 October 1960).
 Act No. 61/232 of 2 June 1961 to lay down fundamental guarantees to be granted to public officials of the Central African Republic (J.O., 1 July 1960).
 Act No. 61/221 of 2 June 1961 to institute the Labour Code (J.O., August 1961, Special Number).

Act No. 61/224 to fix the conditions for the grant of scholarships to students and to pupils of secondary, superior and technical schools of the Central African Republic (*J.O.*, 1 July 1961).
 Act No. 62/291 to lay down the general conditions of service of the personnel of the municipalities of the Central African Republic (*J.O.*, 15 May 1962).
 Act No. 61/212 of 27 May 1961 to lay down the Nationality Code (*J.O.*, 1 June 1961).

CEYLON

Constitution of 1946.
 Citizenship Act.
 Indian and Pakistani Residents (Citizenship) Act.
 Official Language Act, No. 33 of 1956.
 Fee-Charging Employment Agencies Act, No. 37 of 1956.
 Tamil Language (Special Provisions) Act, No. 28 of 1958.
 Language of the Courts Act, 1961.

CHAD

Constitution (*Notes et études documentaires* (Paris), No. 2694, July 1960).
 Act No. 521322 of 15 December 1952 to establish a Labour Code (*L.S.*, 1952—Fr. 5).
 Collective Agreement of Building and Public Works Undertakings.
 Collective Agreement of Road and River Transports.
 Order No. 258 of 28 April 1955 restricting the employment of foreign workers.
 Act No. 31-60 of 27 February 1961 laying down the Chad Nationality Code (*Journal Officiel* (*J.O.*), 1 March 1961).
 Act No. 14 of 13 November 1959 authorising the Government to take administrative measures of removal against persons whose activities endanger public order and security (*J.O.*, 1 January 1960).

CHILE

Political Constitution dated 18 September 1925.
 Penal Code.
 Law No. 12927 on the Internal Security of the State, August 1958 (*Diario Oficial* (*D.O.*), 6 August 1958).
 Legislative Decree No. 338 of 5 April 1960 concerning the conditions of service of public servants (*D.O.*, No. 24613 of 6 April 1960).

CHINA

Constitution of 25 December 1947.
 Collective Agreements Act, promulgated on 28 October 1930 and enforced from 1 November 1932.
 Factory Act of 30 December 1932 (*L.S.*, 1932—Chin. 2).
 Regulations governing the enforcement of the Factory Act, 1932, amended in December 1936.
 Mines Act, promulgated on 25 June 1936 and enforced from 1 September 1950.
 Trade Unions Act of 13 June 1947 (*L.S.*, 1947—Chin. 1).
 Trade Unions Act of 7 January 1949.
 Agricultural Unions Act of 28 December 1948.
 Province of Taiwan Labour Insurance Ordinance of 13 April 1950 (*L.S.*, 1950—Chin.N.R. 1).
 Regulations governing the implementation of workers' education, of 16 December 1958.
 Regulations governing the establishment of workers' education centres, of 20 March 1959.
 Regulations governing the employment and dismissal of industrial workers and miners, of 31 December 1960 (*L.S.*, 1960—China (Taiwan) 1).

COLOMBIA

National Constitution.
 Labour Code.
 Criminal Code.
 Criminal Procedure Code.
 Political and Municipal Code.
 Legislative Decree No. 118 of 1957 to organise SENA (National Apprenticeship Service).
 Legislative Decree No. 1521 of 1957 concerning family allowances.
 Act No. 90 of 1946 relating to social insurance.
 Decree No. 1732 of 1960 relating to the Public Service.

CONGO (BRAZZAVILLE)

- Constitution of 2 March 1961 (*Journal officiel (J.O.)*, Special Number, 4 March 1961).
 Act No. 4-61 of 11 January 1961 reserving admission to the public service to persons only who are of Congolese nationality (*J.O.*, Special Number, 15 January 1961).
 Act No. 35-61 of 20 June 1961 to establish the Congolese Nationality Code (*J.O.*, 1 July 1961).
 Act No. 15-62 of 3 February 1962 to lay down the general conditions of employment of officials (*J.O.*, 1 March 1962).
 Ordinance No. 2 of 7 March 1959 regarding the restricted residence of persons whose activities are such as to endanger public order (*J.O.*, 1 April 1959).
 Act No. 43-59 of 2 October 1959 (*J.O.*, 14 October 1959) providing for the establishment of a special criminal court (set up by Decree No. 59-206 of 7 October 1959 (*J.O.*, 14 October 1959)).
 Act No. 20-60 of 11 May 1960 to suppress certain offences committed by means of publication or other public means of expression (*J.O.*, 12 May 1960).
 Act No. 21-60 of 11 May 1960 to permit the Government to take measures of removal, confinement or expulsion against persons dangerous to public order and security (*J.O.*, 12 May 1960).

CONGO (LEOPOLDVILLE)

- Penal Code: Decree of 30 January 1940.
 Decree of 14 March 1957 to prohibit the maximum hours of work and to provide for rest on Sundays and public holidays (*L.S.*, 1957—Bel.C. 3).
 Decree of 20 October 1959 on the State of Emergency.
 Decree of 26 May 1960 regarding manifestations against public order and tranquillity (*Moniteur congolais*, No. 22 of 30 May 1960).
 Legislative Decree of 14 January 1961 intended to suppress subversive propaganda (*Moniteur congolais*, No. 4 of 31 January 1961).
 Legislative Decree of 1 February 1961 respecting contracts for the hire of services (*L.S.*, 1961—Congo (Leo.) 1).
 Legislative Decree No. 1-61 of 25 February 1961 concerning measures for the security of the State (*Moniteur congolais*, No. 8 of 9 March 1961).
 Legislative Decree relating to social security, of 29 June 1961 (*Moniteur congolais*, No. 17 of 4 August 1961).

COSTA RICA

- Political Constitution of 7 November 1947 (*L.S.*, 1949—C.R. 3).
 Penal Code.
 Labour Code of 26 August 1943.
 Act No. 2694 of 22 November 1960 (prohibition of discrimination in respect of employment and occupation).
 Decree No. 11 of 31 August 1960 to promulgate regulations for the National Employment Service (*L.S.*, 1960—C.R. 1).
 Civil Service Statute.

CZECHOSLOVAKIA

- Constitution.
 Act No. 70/1958 concerning the obligations of enterprises and National Committees as regards protection of labour.
 Social Security Act, No. 55/1956.
 Penal Code.
 Act of 20 December 1951 governing the exercise of the profession of advocate (*Sbírka Zákonů*, No. 52, 28 December 1951, p. 287).
 Act No. 41 of 3 July 1958 to provide for certain modifications relating to social security.

DENMARK

- Constitution of Denmark Act, 1953.
 Penal Code.
 Act No. 343 of 6 May 1921 concerning the legal relations between master and servant (*L.S.*, 1921—Den. 4).
 Act No. 131 of 20 April 1933 to supplement Act No. 343 of 6 May 1921 concerning the legal relations between master and servant (*L.S.*, 1933—Den. 3).
 Act No. 205 of 20 May 1933 relating to employment exchanges and unemployment insurance, etc. (*L.S.*, 1933—Den. 7).
 Act No. 152 of 25 March 1947 to amend the Employment Exchanges and Unemployment Insurance Act (*L.S.*, 1947—Den. 1).

Act No. 261 of 9 June 1948 respecting the legal relationship between employers and salaried employees (*L.S.*, 1948—Den. 3).
 Act No. 227 of 27 May 1950 to amend the Employment Exchanges and Unemployment Insurance Act (*L.S.*, 1950—Den. 3).
 Act No. 226 of 11 June 1954 respecting workers' protection generally (*L.S.*, 1954—Den. 1).
 Act No. 227 of 11 June 1954 respecting workers' protection in employment in commercial establishments and offices (*L.S.*, 1954—Den. 2).
 Act No. 228 of 11 June 1954 respecting workers' protection in agriculture, forestry and horticulture (*L.S.*, 1954—Den. 3).
 Apprenticeship Act, No. 261 of 2 October 1956 (*L.S.*, 1956—Den. 2).

DOMINICAN REPUBLIC

Constitution of 2 December 1960.
 Penal Code.
 Labour Code (*Gaceta Oficial*, No. 7.309bis of 23 July 1951).

ECUADOR

Political Constitution of 1946.
 Penal Code.
 Labour Code.

FINLAND

Constitution of 17 July 1919.
 Act of 10 June 1921 concerning the right of a Finnish citizen to be employed by the State irrespective of his religious beliefs.
 Act of 1 June 1922 respecting contracts of work (*L.S.*, 1922—Fin. 1).
 Act of 28 April 1923 respecting articles of apprenticeship (*L.S.*, 1923—Fin. 1).
 Act of 4 March 1927 respecting industrial inspection (*L.S.*, 1927—Fin. 1).
 Act of 31 July 1929 respecting the employment of children and young persons in industrial work (*L.S.*, 1929—Fin. 2).
 Order of 27 May 1933 respecting the entry of aliens into Finland and their sojourn therein (*L.S.*, 1933—Fin. 2).
 Act of 6 April 1934 to amend the Act respecting articles of apprenticeship (*L.S.*, 1934—Fin. 2).
 Act of 17 January 1936 respecting the welfare of children (*L.S.*, 1936—Fin. 1).
 Act of 23 July 1936 respecting employment exchanges (*L.S.*, 1936—Fin. 2).
 Act of 2 August 1946 respecting hours of work (*L.S.*, 1946—Fin. 4A).
 Domestic Servants Act of 7 January 1949 (*L.S.*, 1949—Fin. 1).
 Placement Act of 2 June 1959 (*L.S.*, 1959—Fin. 1).
 Act (No. 43) respecting vocational guidance (*L.S.*, 1960—Fin. 1).
 Decree of 25 August 1961 regarding the qualification of women for government posts.

GABON

Constitutional Act No. 1/61 of 21 February 1961 (*Journal officiel (J.O.)*, 25 February 1961, Special Number).
 Labour Code: Act No. 88/61 of 4 January 1962 (*J.O.*, 1 March 1962, Special Number).
 Nationality Code: Act No. 89/61 of 2 March 1962 (*J.O.*, 15 March 1962).
 Act No. 84/59 of 5 January 1960 on the freedom of the press and freedom of opinion (*J.O.*, 1 February 1960).
 Act No. 49/60 of 8 June 1960 to suppress subversive elements and attacks on the security of the State (*J.O.*, 15 July 1960).
 Act No. 24/61 of 12 May 1961 to lay down the penalty for outrage towards the nation (*J.O.*, 1 July 1961).
 Notices of competitions published in the *Journal officiel* of 15 February 1961, 1 June 1961, 1 July 1961 and 1 October 1961.

FEDERAL REPUBLIC OF GERMANY

Basic Law of 23 May 1949 (*L.S.*, 1949—Ger.F.R. 1).
 Act of 19 March 1956 to supplement the Basic Law (*L.S.*, 1956—Ger.F.R. 1).
 Act of 10 August 1951 to provide protection against unwarranted dismissal (*L.S.*, 1951—Ger.F.R. 4).
 Works Councils Act of 11 October 1952 (*L.S.*, 1952—Ger.F.R. 6).

DISCRIMINATION (EMPLOYMENT AND OCCUPATION)

- Act of 10 March 1952 respecting the establishment of a federal institution for placement and unemployment insurance (*L.S.*, 1952—Ger.F.R. 3).
Act of 24 January 1952 for the protection of working mothers (Maternity Protection Act) (*L.S.*, 1952—Ger.F.R. 2).
Act of 11 January 1952 respecting the prescribing of minimum conditions of employment (*L.S.*, 1952—Ger.F.R. 1).
Act of 16 June 1953 respecting the employment of disabled persons (Disabled Persons Act) (*L.S.*, 1953—Ger.F.R. 1).
Staff Representation Act of 5 August 1955 (*L.S.*, 1955—Ger.F.R. 1).
Notification of 3 April 1957 of the amended text of the Placement and Unemployment Insurance Act (*L.S.*, 1957—Ger.F.R. 3).
Act of 7 December 1959 respecting measures to ensure that workers are employed throughout the year in the building industry and to make further amendments and additions to the Placement and Unemployment Insurance Act (Placement and Unemployment Insurance Amendment Act No. 2) (*L.S.*, 1959—Ger.F.R. 1).
Act of 9 August 1960 to protect young persons in employment (Young Persons Protection of Employment Act) (*L.S.*, 1960—Ger.F.R. 2).
Act of 28 October 1960 to amend and supplement the Placement and Unemployment Insurance Act (Placement and Unemployment Insurance Amendment Act No. 3) (*L.S.*, 1960—Ger.F.R. 4).
Penal Code as published on 25 August 1953 (*BGBI.*, Part I, p. 1083).
Federal Officials Act of 1 October 1961 (*BGBI.*, Part I, p. 1801).
Act of 1 October 1961 concerning unification of the law relating to officials (*BGBI.*, Part I, p. 1834).
Federal Constitutional Court Act of 12 March 1951.
Decision of the Federal Tribunal of Labour of 15 January 1955 (1AZR305/54).
Decision of the Federal Tribunal of Labour of 23 March 1957 (1AZR326/56).

GHANA

Constitution.

- Criminal Code, 1960 (Republic of Ghana Act No. 29).
Criminal Code (Amendment) Act, No. 82 of 1961.
Avoidance of Discrimination Act, 1957, No. 3 of 1957, assented to 30 December 1957 (United Nations: *Yearbook of Human Rights*, 1957, p. 112).
Preventive Detention Act, 1958, No. 17 of 1958, assented to 18 July 1958 (*Yearbook of Human Rights*, 1958, p. 82).
Act to make further provision as to trade unions, collective bargaining, conciliation and other matters relating to the relations between employers and employees, No. 56 of 1958, assented to 31 December 1958 (*L.S.*, 1958—Ghana 1).
Industrial Relations (Amendments) Act, No. 43 of 1959, assented to 14 August 1959 (*L.S.*, 1959—Ghana 1).
Labour Registration Act, 1960, No. 9, assented to 8 September 1960 (*L.S.*, 1960—Ghana 1).
Apprentices Act, 1961, No. 45, assented to 22 March 1961 (*L.S.*, 1961—Ghana 1).
Labour (Catering Trade Workers) (Minimum Remuneration) (No. 2) Order, 1961.
Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1962.

GREECE

- Constitution of 1 January 1952 (*Notes et études documentaires* (Paris), No. 1894 of 12 July 1954).
Decree of 3 June 1952 respecting the training of apprentices (*L.S.*, 1952—Gr. 3).
Legislative Decree No. 2656 of 17 October 1953 respecting the organisation and supervision of the employment market (*L.S.*, 1953—Gr. 4).
Legislative Decree No. 2961 of 10 August 1954 to create an employment and unemployment insurance organisation (*L.S.*, 1954—Gr. 2).
Act No. 3192 of 21 April 1955 concerning public offices exercised by women and their appointment to government posts (*Ephemeris tes Kyberneseos (E.t.K.)*, No. 95, 21 April 1955) (United Nations: *Year Book of Human Rights*, 1955).
Legislative Decree No. 4104 of 14 September 1960 to amend and supplement the law respecting social insurance and certain other provisions concerning its organisation and administration (*L.S.*, 1960—Gr. 1).
Royal Decree No. 868 of 30 December 1960 to provide for the organisation of the Ministry of Labour (*L.S.*, 1960—Gr. 2).
Emergency Law No. 516 of 8 January 1948 (*E.t.K.*, 8 January 1948, p. 6) amended by resolution No. M/1948 (*E.t.K.*, No. 98, 19 April 1948).
Legislative Decree No. 4234 of 30 July 1962 regulating certain questions concerning the security of the State (*E.t.K.*, No. 116, 30 July 1962).

GUATEMALA

- Constitution of 6 February 1956.
 Labour Code (Decree No. 330 of Congress) as amended by Decree No. 570 of the President of the Republic, 1956.
 Penal Code (*Códigos penales iberoamericanos, Estudio de Legislación Comparada*, by Luis Jiménez de Asúa, Editorial Andrés Bello, Caracas).
 Decree No. 22 of the National Constitutive Assembly of 24 February 1956: Public Order Act (*El Guatemalteco*, No. 72, 25 February 1956).
 Decree No. 59 of 24 August 1954 of the Government Cabinet: "Preventive Law to Combat Communism" (*El Guatemalteco*, 26 August 1954).
 Decree No. 553 of 22 February 1956 respecting the organisation of the General Direction of National Security (*El Guatemalteco*, No. 72, 25 February 1956).

GUINEA

- Constitution of 12 November 1958 (*Journal officiel (J.O.)*, 12 November 1958, No. 3, p. 88).
 Ordinance No. 48PG of 8 October 1959 laying down conditions of employment in the public service (*J.O.*, 10 October 1959, No. 21, p. 615).
 Decree No. 233PG of 9 October 1959 setting up a consultative committee on public service (*J.O.*, 1 November 1959, No. 23, p. 642).
 Decree No. 146PG of 3 June 1960 on the organisation and functioning of inspection services for investigating labour conditions and social laws (*J.O.*, 1 July 1960, p. 223).
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HAITI

- Constitution of 19 December 1957 (*Le Moniteur*, 22 December 1957).
 Labour Code of 1961.

HONDURAS

- Constitution (*La Gaceta*, 20 December 1957, No. 16363).
 Labour Code (*L.S.*, 1959—Hond. 1).
 Penal Code.

HUNGARY

- Constitution of 1949 (*L.S.*, 1949—Hun. 4).
 Penal Code of 1950.
 Labour Code, 1951 (*L.S.*, 1951—Hun. 1).
 Labour Code, 1953 (Amendments) (*L.S.*, 1953—Hun. 1).
 Family Allowances Ordinance No. 38 of 1959 (*L.S.*, 1959—Hun. 2).
 Works Councils Order No. 1086 of 1957 (*L.S.*, 1957—Hun. 2).
 Unemployment Assistance Ordinance No. 3 of 1957 (*L.S.*, 1957—Hun. 1).
 Work Councils Legislative Ordinance No. 25 of 24 November 1956 (*L.S.*, 1956—Hun. 1).
 Sickness Insurance Legislative Ordinance No. 39 of 1955 (*L.S.*, 1955—Hun. 1).
 Hours of Work (Agriculture) Ordinance No. 18032 of 1951 (*L.S.*, 1951—Hun. 2).
 Apprenticeship Act of 14 January 1949 (*L.S.*, 1949—Hun. 1).
 Collective Agreements and Wage Fixing Order No. 4194 of 1949 (*L.S.*, 1949—Hun. 3).
 Order No. 6660 of 1948 (*Magyar Közlöny*, 16 June 1948, p. 1359).

ICELAND

- Constitution.
 Domestic Servants' Act, 1928 (*L.S.*, 1928—Ice. 1).
 Act respecting the payment of wages, 1930 (*L.S.*, 1930—Ice. 1).
 Apprenticeship Act, 1949 (*L.S.*, 1949—Ice. 1).

INDIA

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- Constitution of India, 1949.
 Employees' Provident Fund Act, 1952 (*L.S.*, 1952—Ind. 2).
 Mines Act, 1952 (*L.S.*, 1952—Ind. 3).

Untouchability (Offences) Act, 1955.
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 Public Employment (Requirement as to Residence) Act, 1957.
 Apprentices Act, 1961 (*L.S.*, 1961—Ind. 1).
 Ministry of Home Affairs Office Memorandum No. 1/2/61—SCT(1) dated 27 April 1962, regarding reservation in services for members of scheduled castes and scheduled tribes.
 Judgment of the Supreme Court of India (civil appellate jurisdiction), 28 April 1961, *The General Manager, Southern Railway versus Rangachari* (Civil Appeal No. 341 of 1960).
 Central Civil Services (Safeguarding of National Security) Rules, 1953.
 Penal Code.
 Preventive Detention Act, 1950.

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Andhra Pradesh Public Employment (Requirement as to Residence) Rules, 1959.
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 Government of the former Bombay State, Resolution No. 490/46 of 1 November 1950 and 24 January 1953.
 Government of the former Hyderabad State, General Recruitment Rules of 9 November 1955.
 Government of Madhya Pradesh, Resolution of 8 May 1955 concerning the reservation of posts in government service to scheduled castes and scheduled tribes.
 Government of Andhra Pradesh, G.O. Ms. No. 1629 of 13 May 1960, No. 1630 edition of 13 May 1960, No. 2350 edition of 10 July 1961 (all concerning admission to educational institutions) and G.O. Ms. No. 1889 of 19 December 1960 and No. 559 of 4 May 1961 (concerning reservations for recruitment to public services).
 Government of Assam, Office Memorandum No. ABM/18/56/14 of 4 August 1956 concerning grant of preferential treatment in the matter of settlement of contracts, permits, fisheries, ferries, toll bridges, forest mahals, excise shops, etc.

INDONESIA

Labour Law No. 12 of 20 April 1948 (reproduced in Law No. 1 of 1951) (*L.S.*, 1951—Indo. 1).
 Accidents Law No. 33 of 18 October 1947 (reproduced in Law No. 2 of 1951) (*L.S.*, 1951—Indo. 2).
 Collective Bargaining Law No. 21 of 12 June 1954 (*L.S.*, 1954—Indo. 1).
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 Act No. 3 of 1958 respecting the employment of aliens (*Lembaran Negara Republik Indonesia*, No. 8, 1958).
 Presidential Decree of 16 November 1959 confirming regulations of 2 September 1959 by the Minister of Distribution, closing down alien small businesses in rural areas (*Lembaran Negara Republik Indonesia*, No. 128, 1959).

IRAN

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 Supplement to the Constitutional Act, 1907.
 Civil Code.
 Regulations concerning employment of foreign nationals.
 Decree of 9 November 1955 of the Council of Ministers to promulgate the Regulations respecting the establishment of occupational associations and occupational federations (*L.S.*, 1955—Iran 2).
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 Regulations concerning private employment services, 1960.

IRAQ

Provisional Constitution dated 27 July 1958 (*Official Gazette (O.G.)*, No. 2, 28 July 1958).
 Labour Law, No. 1, 1958 (*O.G.*, No. 99, 24 December 1958).
 Law for the reform of the government administration, No. 2 of 1958 (*O.G.*, No. 4, 4 August 1958).
 Law regarding punishment of those who plot against the security of the country and open in the ruling system of the State the way for corruption, No. 7 of 1958.
 Regulation No. 10 of 1958 for the preparation and training of personnel for the functions of the Directorate-General of Labour and Social Security and the liability of employers and establishments to employ them.

Regulation No. 14 of 1958 for the performance by non-Iraqis of works and trade in Iraq.
Regulation No. 23 of 1958 concerning employment agencies.
Law No. 8 of 1959 amending the Baghdad Penal Code.

IRELAND

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Apprenticeship Act, 1959 (*L.S.*, 1959—Ire. 1).
Holidays (Employees) Act, 1961 (*L.S.*, 1961—Ire. 1).
Offences against the State Act, 1939, as amended.

ISRAEL

Proclamation of Independence of 14 May 1958.
Hours of Work and Rest Law of 15 May 1951 (*L.S.*, 1951—Isr. 2).
Apprenticeship Law of 13 July 1953 (*L.S.*, 1953—Isr. 1).
Youth Labour Law of 15 July 1953 (*L.S.*, 1953—Isr. 2).
Settlement of Labour Disputes Law of 18 February 1957 (*L.S.*, 1957—Isr. 1).
Collective Agreements Law of 18 February 1957 (*L.S.*, 1957—Isr. 2).
Employment Service Law of 13 January 1959 (*L.S.*, 1959—Isr. 1).
Section 31 of Employment Service Rules (Priorities).
Employment Service Regulations (Lodging of Objections Procedure), 1959.
State Service (Appointments) Law, 1959.

ITALY

Constitution of 27 December 1947.
Royal Decree No. 773 of 18 June 1931 approving the codified text of the Public Security Acts (*Gazzetta Ufficiale (G.U.)*, 1931, No. 146, Supplement, p. 2).
Penal Code (sections 241-313, 414-421).
Act No. 653 of 26 April 1934 to safeguard the employment of women and children (*L.S.*, 1934—It. 6A).
Legislative Decree No. 1922 of the Provisional Head of the State of 3 October 1947: Compulsory employment by private undertakings of persons disabled in industry (*L.S.*, 1947—It. 3).
Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (*L.S.*, 1949—It. 2).
Act No. 860 of 26 August 1950 respecting the physical and economic protection of working mothers (*L.S.*, 1950—It. 2).
Act No. 394 of 23 May 1951 respecting the safeguarding of their employment for working mothers (*L.S.*, 1951—It. 2).
Act No. 1441 of 27 December 1956 securing the participation of women in the administration of justice in the courts of assizes and tribunals for minors (*G.U.*, 3 January 1957, No. 2).
Judgment of the Constitutional Tribunal of 13 May 1960 declaring unconstitutional the provisions of section 7 of Act No. 11076 of 17 July 1919, whereby women were excluded from public employment involving the exercise of political rights and powers (*G.U.*, 101st year, No. 125, 21 May 1960, p. 1881).
Act No. 1196 of 23 October 1960 respecting new regulations applicable to the employees of chancelleries and the staff of record-offices (*G.U.*, 101st year, No. 266, Supplement No. 1).
Act No. 1325 of 29 November 1961 amending Act No. 653 of 26 April 1934 to safeguard the employment of women and children (*G.U.*, 28 December 1961, No. 312, p. 5094).

IVORY COAST

Constitution (Act No. 60-356) of 3 November 1960 (*Journal officiel (J.O.)* of 4 November 1960).
Act No. 52-1322 of 15 December 1952 introducing a Labour Code (*L.S.*, 1952—Fr. 5).
Act No. 59-135 of 3 September 1959 regulating the employment of public servants (*J.O.* of 12 September 1959, pp. 838 ff.).
Act No. 59-231 of 7 November 1959 on the state of emergency (*J.O.* of 14 November 1959, p. 1072).
Act No. 60-366 of 14 November 1960 introducing a Code of Criminal Procedure (*J.O.* of 24 February 1961).
Act No. 61-201 of 2 June 1961 on the composition, organisation, privileges and functions of the Supreme Court, section 73 (*J.O.* of 13 June 1961).
Act No. 61-415 of 14 December 1961 laying down the Nationality Code (*J.O.* of 20 December 1961).

JAMAICA

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Masters and Servants Law (Cap. 240 of *The Laws of Jamaica*).
Minimum Wage Law (Cap. 252).
Recruiting of Workers Law (Cap. 336).
Sex Disqualification (Removal) Law (Cap. 356).
Apprenticeship Law, 1954.
Employment Agencies Regulation Law, 1956.
Public Service Regulations, 1961.

JAPAN

Constitution of 3 November 1946.
Law No. 174: Trade Union Law of 1 June 1949 (*L.S.*, 1949—Jap. 3).
Law No. 49: Labor Standards Law of 5 April 1947 (*L.S.*, 1947—Jap. 3).
Law No. 141: Employment Security Law of 30 November 1947 (*L.S.*, 1947—Jap. 4).
Enforcement Ordinance of Employment Security Law (Ministry of Labour Ordinance No. 12 of 1947).
Law No. 100: Mariners Law of 1 September 1947 (*L.S.*, 1947—Jap. 5).
Seamen's Employment Security Law (No. 130 of 1948).
National Public Service Law (No. 120 of 1947).
Rule 8-12 of the National Personnel Authority (1952) (Appointment and Dismissal of Personnel).
Rule 11-14 of the National Personnel Authority (1952) (Guarantee of Status of Personnel).
Local Public Service Law (No. 261 of 1950).
Law No. 123: Physically Handicapped Persons (Promotion of Employment) Law of 25 July 1960 (*L.S.*, 1960—Jap. 2).
Law concerning provisional measures for displaced garrison forces, employees and similar workers (No. 158 of 1958).
Law concerning provisional measures for displaced coal miners (No. 199 of 1959).
Law for the establishment of the council on integration measures (No. 147 of 1960).
Law for civil liberties commissioners (No. 139 of 1949).
Law for the establishment of the Ministry of Justice (No. 139 of 1949).
Law for the establishment of the Ministry of Labour (No. 162 of 1949).
Penal Code.

KUWAIT

Labour (Public Sector) Act.
Labour (Private Sector) Act.

LEBANON

Constitution (*Notes et études documentaires* (Paris), No. 2018, 12 May 1955, p. 3).
Act of 23 September 1946: Labour Code (*L.S.*, 1946—Leb. 1).
Legislative Decree No. 155 of 12 June 1959 to establish a Social Development Service (*Al-jarida al-rasmiya*, 31 July 1959, No. 44, p. 1473) (*L.S.*, 1959—Leb. 1).
Decree No. 2865 of 16 December 1959 respecting the organisation of the Ministry of Labour and Social Affairs (*Al-jarida al-rasmiya*, 31 December 1959, No. 71, p. 2270) (*L.S.*, 1959—Leb. 2).

LIBERIA

Constitution of 26 July 1847, as amended (article 1, sections 1, 7 and 8).
Education Law (Title 11, sections 1 and 32-35).
Labour Law (Title 19, sections 20, 30-35, 50-52 and 72).
Maritime Law (Title 22, section 138).
Penal Law (sections 50-57, 262 and 263).
Act to provide for administration and enforcement of the law governing labour practices.
Act to establish the Bureau of Labour and Social Statistics.
Act requiring payment of retirement pensions to employees.

LIBYA

Constitution, adopted by the National Assembly on 7 October 1951.
Labour Act, No. 100 of 1957 (*L.S.*, 1957—Libya 2), and Regulations thereunder.

LUXEMBOURG

- Constitution of 17 October 1868 as amended by revising laws of 15 May 1919 and 28 April, 6 May, 15 May and 21 May 1948, published in *L'Etat luxembourgeois*, by Pierre Majerus (Imprimerie de la Cour Joseph Beffort, Luxembourg, 1948), p. 267.
- Civil Code and Code of Procedure in force in the Grand-Duchy of Luxembourg, annotated according to Luxembourg, French and Belgian jurisprudence, brought up to date as at 15 June 1945, published by the Government under the direction of Fred Gillissen (Luxembourg, 1949).
- Law dated 30 July 1960 to set up a National Solidarity Fund (*Mémorial* of 6 August 1960, No. 49, p. 1199) (*L.S.*, 1960—Lux. 2).

MALAGASY REPUBLIC

- Constitution as amended on 6 June 1962.
- Act No. 60-003 relating to the general conditions of employment of state officials (*Journal officiel* (*J.O.*), 20 February 1960).
- Ordinance No. 60-049 to lay down the general principles of teaching and technical education and to set up various types of teaching establishments, services and bodies under the Ministry of National Education (*J.O.*, 2 July 1960).
- Ordinance No. 60-119 of 1 October 1960 to lay down the Labour Code (*J.O.*, 8 October 1960) (*L.S.*, 1960—Mad. 1).
- Ordinance No. 60-149 relating to the conditions for exercising the right of association and to defend the professional interests of officials and agents of the public services (*J.O.*, 23 October 1960).
- Decree No. 61-479 to set up a council of agricultural training and technical education (*J.O.*, 2 September 1961).
- Ordinance No. 64-064 of 22 July 1960 instituting the Malagasy Nationality Code (*J.O.*, 30 July 1960).

MALAYA

- Constitution of 1957, as amended.
- Industrial Courts Ordinance, 1948 (*L.S.*, 1948—Mal. 1).
- Weekly Holidays Ordinance, 1950 (*L.S.*, 1950—Mal. 1).
- Workmen's Compensation Ordinance, 1952 (*L.S.*, 1952—Mal. 1).
- Workmen's Compensation (Amendment) Act, 1960 (*L.S.*, 1960—Mal. 1).
- Employment Ordinance, 1955 (*L.S.*, 1955—Mal. 2).
- Employment (Amendment) Ordinance, 1956 (*L.S.*, 1956—Mal. 1).
- Trade Unions Ordinance, 1959 (*L.S.*, 1959—Mal. 1).
- Internal Security Act, No. 18 of 1960 (*Government Gazette* (*G.G.*), Vol. IV, No. 17, 30 July 1960, Act Supplement No. 3).
- Internal Security (Detained Persons Advisory Board) Rules, 1960 (*G.G.*, Vol. IV, No. 17, 30 July 1960, Legislative Supplement No. 33).
- Internal Security (Registration of Labour) Regulations, 1960 (*G.G.*, Vol. IV, No. 17, 30 July 1960, Legislative Supplement No. 33).
- Education Act, 1961 (*G.G.*, Vol. V, No. 23, 16 November 1961, Act Supplement No. 6).
- Internal Security (Amendment) Act, 1962 (*G.G.*, Vol. VI, No. 4, 24 February 1962, Act Supplement No. 2).

MALI

- Constitution (*Notes et études documentaires*, No. 2739 of 13 January 1961, p. 59).
- Act No. 61-18 A.N.—R.M. amending section 1 of Ordinance No. 32 P.C.G. of 29 March 1959 relating to crimes and offences of a racial, regional or religious character (Promulgation Order No. P.G.—R.M. of 17 February 1961) (*Journal officiel* (*J.O.*), 1 March 1961, No. 79, p. 199).
- Act No. 61-59 A.N.—R.M. concerning the creation of a National Institute of Social Welfare of Mali (*J.O.*, 30 May 1961, No. 91).

MAURITANIA

- Constitution of 22 March 1959 (*Notes et études documentaires*, No. 2687, p. 46).
- Labour Code of 15 December 1952 (*L.S.*, 1952—Fr. 5).

MEXICO

- Political Constitution of 1917.
- Penal Code (*Códigos penales iberoamericanos, Estudio de Legislación Comparada*, by Luis Jiménez de Asúa, Editorial Andrés Bello, Caracas).

Printing Act of 6 April 1917 (*Régimen Constitucional Mexicano*, Editorial Porrúa, 1955).
 Protection Act of 10 January 1936 (*Régimen Constitucional Mexicano*, Editorial Porrúa, 1955).
 Act concerning the responsibilities of officials and employees of the Federation, of the district and territories of the Federation and high officials of the states (*Régimen Constitucional Mexicano*, Editorial Porrúa, 1955).

MOROCCO

Fundamental Act of 2 June 1961.
 Constitution (Moroccan Embassy in France, *Daily Information Bulletin*, Special Bulletin, No. 373, 21 November 1962).
 Moroccan Labour Legislation, texts codified to 1 January 1959 (Paul Lancre, Rabat).
 Dahir No. 1-57-182 of 9 April 1958 (19 Ramadan 1377) to determine the conditions of employment and remuneration of agricultural employees (*L.S.*, 1958—Mor. 1).
 Order of Application of 10 April 1958 (20 Ramadan 1377) (*Bulletin officiel (B.O.)*, No. 2379, 30 May 1958).
 Dahir No. 1-59-102 of 18 May 1959 (10 Rhaâda 1378) concerning the organisation of the Bar and the profession of advocates.
 Dahir of 12 January 1945 (27 Moharrem 1364) to regulate the profession of business agents.
 Vizierial Order of 1 July 1941 (6 Jumada II 1360) to regulate the title and profession of architects.
 Order of 6 September 1958 to establish the Moroccan Nationality Code (*B.O.*, 12 September 1958).
 Dahir No. 1-58-008 of 24 February 1958 (4 Chaabane 1377) to lay down the general conditions of employment of public officials (*B.O.*, 11 December 1958).
 Dahir No. 1-60-007 of 24 December 1960 (5 Rejeb 1380) to lay down the conditions of employment in mining undertakings (*B.O.*, 30 December 1960).

NETHERLANDS

Constitution.
 Civil Code.
 Decree of 12 June 1931, establishing a General Civil Service Regulation (*Staatsblad*, 1931, No. 248), amended (*inter alia*) by Decree of 30 November 1957 (repealing provisions concerning the discharge of female employees on marriage and the engagement of married women) (*Staatsblad*, 1957, No. 527), and last amended by Decree of 8 November 1962 (*Staatsblad*, 1962, No. 484).
 Act of 9 September 1949 concerning unemployment, published in amended form by Decree of 26 June 1953 (*L.S.*, 1953—Neth. 1) and last amended by the Act of 1960 (*Staatsblad*, No. 265).
 Act of 1 November 1919 on labour (*Staatsblad*, 1919, No. 624), last amended by the Act of 21 January 1960 (*Staatsblad*, 1960, No. 37), which also amends the Act of 1931 (*Staatsblad*, 1931, No. 416) on the loading and unloading of vessels (*L.S.*, 1960—Neth. 1).
 Decree of 10 August 1920 made in application of the Labour Act of 1919 (*Staatsblad*, 1920, No. 684), last amended by the Decree of 30 August 1957 (*L.S.*, 1957—Neth. 1).
 Decree of 31 August 1959 introducing a new regulation concerning the grant of interim pay to discharged members of the Civil Service (*Staatsblad*, 1959, No. 319).
 Act of 24 February 1960 to replace the provisions relating to placement enacted during the Occupation (*L.S.*, 1960—Neth. 2), and to amend the Act of 1930 on employment agencies (*Staatsblad*, 1930, No. 433).

Non-Metropolitan Territory:

Surinam.

Decree No. 1631 of 24 May 1946 to insert in the *Gouvernementsblad* the text of the Labour Order at present in force (*L.S.*, 1946—Sur. 1).
 Government Order of 8 September 1947 to amend and supplement the provisions of the Surinam Civil Code regarding the hiring of domestic servants and related articles of the said Code and of the Surinam Code of Civil Procedure and the Surinam Bankruptcy Decree, 1935 (*L.S.*, 1947—Sur. 1).

NEW ZEALAND

Constitution.
 Treaty of Waitangi, 1840.
 Public Service Act, 1912.
 Coal Mines Act, 1925 (Extracts: *L.S.*, 1925—N.Z. 2).
 Mining Act, 1926 (*L.S.*, 1926—N.Z. 1).
 Hospital Employment Regulations, 1937.
 Quarries Act, 1944.

Minimum Wage Act, 1945 (*L.S.*, 1945—*N.Z.* 7).
 Factory Act, 1946 (*L.S.*, 1946—*N.Z.* 4).
 Government Services Tribunal Act, 1948.
 British Nationality and New Zealand Citizenship Act, 1948.
 Government Railways Act, 1949.
 Medical Practitioners Act, 1950.
 Post Office Staff Regulations, 1951 (Amendment No. 15).
 Public Service Amendment Act, 1951.
 Standard Wage Pronouncement, 1952.
 Plumbers Registration Act, 1953.
 Industrial Conciliation and Arbitration Act, 1954 (*L.S.*, 1954—*N.Z.* 1).
 Labour Department Act, 1954.
 Law Practitioners Act, 1955.
 General Order of 18 September 1959 of the Court of Arbitration.
 Government Service Equal Pay Act, 1960.
 Agricultural Workers (Tobacco Growers) Extension Order, 1962.
 Minimum Wage Order, 1962.
 General Order of the Court of Arbitration, amending awards and industrial agreements.

Non-Metropolitan Territories :

Cook Islands and Niue.

Cook Islands Act, 1915 (as amended).

Tokelau Islands.

Tokelau Islands Act, 1948 (as amended).

NIGER

Law containing the Constitution (*Journal officiel (J.O.)*, special edition, 8 November 1960).
 Law No. 61-27 of 15 July 1961 introducing a Penal Code (*J.O.*, 15 November 1961).
 Law No. 62-12 of 13 July 1962 introducing a Labour Code (*J.O.*, 25 August 1962).
 Law No. 59-6 regarding the employment of public servants (*J.O.*, 1 January 1960).
 Decree No. 60-54 M.F.P./P. amending the Public Service Law (*J.O.*, 1 April 1960).
 Law No. 60-069 of 31 December 1960 relating to the placement of workers (*J.O.*, 15 July 1961).
 Law No. 61-26 of 12 July 1961 introducing a Code of Nationality (*J.O.*, 31 August 1961).

NIGERIA

Constitution of the Federation of Nigeria, 1960.

NORWAY

Constitution of 1814, as amended.
 Act No. 9 of 27 June 1947 respecting measures to promote employment (*L.S.*, 1947—*Nor.* 2).
 Act No. 2 of 7 December 1956 respecting the protection of workers (*L.S.*, 1956—*Nor.* 2).
 Act No. 1 of 28 November 1958 to amend the Act of 7 December 1956 respecting the protection of workers (*L.S.*, 1958—*Nor.* 2).
 Act No. 4 of 28 May 1959 respecting unemployment insurance (*L.S.*, 1959—*Nor.* 1).
 Rehabilitation Assistance Act No. 2 of 22 January 1960 (*L.S.*, 1960—*Nor.* 2).
 Penal Code (articles 29-32; Chapter VIII-IX).

PAKISTAN

Constitution, 1956 and 1962.
 Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.
 Road Transport Workers Ordinance, 1961.
 Pakistan Merchant Shipping (Seamen's Employment) Rules, 1961.
 Minimum Wages Ordinance, 1961.
 Central Trade Unions Regulations, 1961.
 Employment of Children Rules of 14 January 1955 (*L.S.*, 1955—*Pak.* 1).
 Industrial Disputes Ordinance, 1959 (*L.S.*, 1959—*Pak.* 1).
 Trade Unions (Amendment) Ordinance, 1960 (*L.S.*, 1960—*Pak.* 3).
 Road Transport Workers Ordinance, 1961 (*L.S.*, 1961—*Pak.* 1).

PERU

Constitution of 9 April 1933, as amended.

Penal Code.

Civil Code.

Act No. 7505 of 8 April 1932 to determine a minimum percentage of nationals to be employed.

Supreme Resolution of 21 July 1950 to reserve to Peruvian nationals the representation of workers in pursuing claims relating to work and in trade union organisations.

PHILIPPINES

Constitution of 8 February 1935 as amended (A. J. PEASLEE: *Constitutions of Nations* (Concord, New Hampshire, Rumford Press, 1956) Vol. III, p. 165).

Act to ordain and institute the Civil Code of the Philippines, Republic Act No. 386, 18 June 1949 (*Laws and Resolutions*, Vol. IV, p. 53).

Act to establish a Minimum Wage Law, and for other purposes, No. 602, approved 6 April 1951 (*Official Gazette*, April 1951, Vol. 47, No. 4, p. 1666; *L.S.*, 1951—Phi. 1).

Revised Administrative Code of the Philippines (Manila, Bureau of Printing, 1951).

Act to regulate the employment of women and children, to provide penalties for violation thereof, and for other purposes, No. 679, approved 8 April 1952 (*L.S.*, 1952—Phi. 1), as amended (*L.S.*, 1954—Phi. 2).

Act to provide for the organisation of a national employment service, No. 761, approved 20 June 1952 (*L.S.* 1952—Phi. 2).

Act for the purpose of converting the present Philippine School of Commerce into the Philippine College of Commerce, No. 778, 21 June 1952 (*Laws and Resolutions*, Vol. VII, p. 346).

Act to promote industrial peace and for other purposes, No. 875, approved 17 June 1953 (*L.S.*, 1953—Phi. 1).

Anti-Subversion Act. Republic Act, No. 1700, approved on 20 June 1957 (United Nations: *Yearbook of Human Rights*, 1959, p. 231).

POLAND

Constitution.

Act of 2 July 1924 relating to the employment of minors and women (*Zbiór przepisów prawa pracy*, Warsaw, 1948, Vol. I, pp. 123-129).

Decree of 28 April 1948 to amend section 16 of the Act of 2 July 1924 (*Zbiór przepisów prawa pracy*, Warsaw, 1948, Vol. I, pp. 130-132).

Decree of 13 June 1946 concerning grave offences committed during the rehabilitation of the country (*Kodeks karny*, Vol. I, Warsaw, 1958, pp. 133-134).

Decree of 5 August 1949 on the protection of freedom of conscience and religion (*Kodeks karny*, Vol. I, Warsaw, 1958, pp. 184-187).

Decree No. 48 of the Council of Ministers of 24 January 1951 respecting wage supplements for workers in certain categories due by reason of their special qualifications and conditions of work (*Przepisy prawa pracy*, Vol. II, Warsaw, 1952, pp. 20-24).

Decree of 14 August 1954 respecting assistance to war invalids, members of the army and their families (*Dziennik Ustaw Polskiej Rzeczypospolitej Ludowej*, 1958, No. 23, para. 98).

Circular No. 47 of the President of the Council of Ministers of 19 April 1960 respecting persons solely charged with the support of a family (*Monitor Polski*, 1960, No. 36, para. 180).

Circular No. 85/9 of the Minister of Labour and Social Assistance and of the Minister of Justice of 11 December 1958 respecting the extension and improvement of the protection to be granted to persons released from correctional establishments and to the families of prisoners (Official Journal of the Minister of Labour and Social Assistance, 1958, No. 9, para. 60).

Statutes of the Federation of Trade Unions of Poland.

Labour Agreement concerning intellectual employees (Włodzimierz Szczepanski: *Kodeks pracy*, Lodz, 1948, pp. 42-109).

Labour Agreement concerning workmen (Włodzimierz Szczepanski: *Kodeks pracy*, Lodz, 1948, pp. 116-142).

Penal Code.

PORTUGAL

Political Constitution of 18 March 1933, as amended.

Administrative Code.

Legislative Decree No. 23048 of 23 September 1933 promulgating the National Labour Statute (*Diário do Governo (D.G.)*, 23 September 1933, No. 217, p. 1655) (*L.S.*, 1933—Port. 5).

Legislative Decree No. 25317 of 13 May 1935.

- Legislative Decree No. 27003 of 14 September 1936.
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Education Ordinance, 1955.
Workmen's Compensation Act, 1937.

Zanzibar.

Apprentices Decree, 1926 (Cap. 57), as amended June 1962.
Employment of Women (Restriction) Decree (Cap. 62).
Immigration Control Decree (Cap. 43).
Sessional Paper No. 15 of 1961.

UNITED STATES

Federal :

The Declaration of Independence.
Amendments 5 and 14 of the Constitution.
Civil Rights Acts (42 *United States Code (U.S.C.)* 1981 ff.). *Revised Statutes* 1977, 1978, 1979, in particular.
Civil Rights Act of 1957, as amended (71 *Stat.* 634; 42 *U.S.C.* 1975).
Regulations Part VI, Title 20, *Code of Federal Regulations (F.R.)*, sections 604.1 (b) and 604.8 (Public Employment Service).
Act of 16 January 1883 (22 *Stat.* 403, 5 *U.S.C.* 633, 638) (Civil Service Act).
Section 1104, Classification Act of 1949 (5 *U.S.C.* 1074).
Executive Order 10925, 6 March 1961 (26 *F.R.* 1977) (Committee on Equal Employment Opportunity).
Regulations Part 60-1, Title 41, *F.R.*—Obligations of Government Contractors and Sub-contractors.
Regulations Part 401, Title 5, *F.R.*—Nondiscrimination in Government Employment.
Regulations Part 1, Title 45, *F.R.*, section 102.18 (Vocational Education).
United States Department of Labor Circular No. 62-5, 31 July 1961 (Bureau of Apprenticeship and Training).
Act of 26 August 1950, as amended by Act of 29 July 1958 (5 *U.S.C.* 22-1—22-3).
Executive Order 10865 (25 *F.R.* 1583), as amended by Executive Order 10909 (26 *F.R.* 508).
Executive Order 10450 of 1953 (Federal Employees Security Program).
Executive Order 10980 (26 *F.R.* 12059), 14 December 1961.

State and Territorial :

Fair Employment Practice Acts: Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, West Virginia, Wisconsin—(*Summary of State Laws against Discrimination*, United States Department of Labor, Bureau of Labor Standards, January 1962).
Equal Pay Laws: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, Wisconsin, Wyoming (*Digest of State Equal Pay Laws*, United States Department of Labor, 1960, and addendum, 1962).

Puerto Rico.

Fair Employment Practice Act, 1959.

Virgin Islands.

Code, Title 10, section 3 (a) (1) (Rights of persons; prohibition of discrimination).

UPPER VOLTA

Constitution of 28 February 1959 (*Notes et études documentaires* (Paris), No. 2693, 19 August 1960, p. 55).
Decree No. 72/PRES/AST of 20 February 1960 respecting persons not governed by collective agreements (*Journal officiel (J.O.)*, 12 March 1960, No. 11, p. 195).
Act No. 50/60/AN of 25 July 1960 to establish the conditions of service of temporary employees of the public administrative departments and establishments of the Republic of Upper Volta (*J.O.*, 6 August 1960, No. 32, p. 707).
Decree No. 435/PRES. F.P.-P. to establish the conditions of service peculiar to persons employed on the staff of the Labour Inspectorate (*J.O.*, 19 November 1960, No. 45, p. 915).
Decree No. 436/PRES. F.P.-P. of 18 November 1960 to establish the conditions of service peculiar to persons employed on the staff of the Meteorological Office (*J.O.*, 19 November 1960, No. 45, p. 922).

Decree No. 545 of 31 December 1960 to establish the conditions of service peculiar to persons employed in primary teaching (*J.O.*, 7 January 1961, No. 1, p. 5).

Decree No. 323/PRES.T-FP-SE to establish the conditions of service peculiar to persons employed in the secretariats of ministries (*J.O.*, 5 August 1961, No. 31, p. 758).

Decree No. 489/PRES.T-FP respecting the organisation of the Accelerated Training Centre of Ouagadougou (*J.O.*, 2 December 1961, No. 48, p. 1077).

URUGUAY

Constitution of 1951.

Legislación Social del Uruguay (Vol. IV).

Resolution of 14 December 1945 recommending to the wages boards certain standards relating to the wages of women (*Legislación Social del Uruguay*, Vol. II, Title G-IV, p. 24).

VENEZUELA

National Constitution of 23 January 1961.

Labour Code of 3 November 1947.

Labour Code Regulation of 30 November 1938.

VIET-NAM

Constitution (translation by the Office of the Constituent Assembly), 1956.

Labour Code, Ordinance No. 15 of 8 July 1952, as amended by Ordinance No. 27 of 30 April 1956 (*Journal officiel (J.O.)*, 12 May 1956, No. 21, p. 1182; *L.S.*, 1956—V.-N. 1) and by Ordinance No. 57 of 24 October 1956 (*J.O.*, 17 November 1956, No. 53, p. 2961; *L.S.*, 1956—V.-N. 1).

Ordinance No. 6 of 11 January 1956 concerning the carrying out of security measures taken against persons considered dangerous to the national defence and the collective security.

YUGOSLAVIA

Constitution of 31 January 1946.

Act respecting the settlement of labour disputes (*L.S.*, 1946—Yug. 3).

Fundamental Law of 18 July 1946 respecting co-operative societies (*L.S.*, 1946—Yug. 7).

Basic Law of 2 July 1950 on the administration of public undertakings and associations of undertakings by the staffs employed therein (*L.S.*, 1950—Yug. 2).

Penal Code of 2 March 1951.

Decree of 22 July 1952 respecting apprentices (*L.S.*, 1952—Yug. 5A).

Decree of 22 July 1952 respecting vocational schools (*L.S.*, 1952—Yug. 5B).

Decree of 29 March 1952 respecting the organisation of the employment service (*L.S.*, 1952—Yug. 4).

Constitutional Act of 13 January 1953.

Decree of 26 January 1954 respecting handicraft establishments and handicraft undertakings (*L.S.*, 1954—Yug. 1).

Act of 12 December 1957 respecting employment relationships (*L.S.*, 1957—Yug. 2).

Act respecting public servants, 1957.

Ukase to promulgate a Labour Inspection Act, 1959 (*L.S.*, 1959—Yug. 1).

APPENDIX III

REPORTS REQUESTED AND REPORTS RECEIVED BY 5 APRIL 1963

A. States Members of the I.L.O.

(Article 19 of the Constitution)

States ¹	Reports requested †			Reports received		
	No. of Conven- tion	No. of Recom- mend.	Reports request- ed	No. of Conven- tion	No. of Recom- mend.	Reports received
Afghanistan	111	111	2	111 *	111 *	2
Albania	111	111	2	111	111	2
Argentina	111	111	2	111 *	111 *	2
Australia	111	111	2	111 *	111 *	2
Austria	111	111	2	111	111	2
Belgium	111	111	2	—	—	—
Bolivia	111	111	2	111	111	2
Brazil	111	111	2	111	111	2
Bulgaria	—	111	1	—	111	1
Burma	111	111	2	111	111	2
Byelorussia	—	111	1	—	111	1
Cameroon	111	111	2	111	111	2
Canada	111	111	2	111	111	2
Central African Republic	111	111	2	—	111	1
Ceylon	111	111	2	111	111	2
Chad	111	111	2	111	111	2
Chile	111	111	2	111	111	2
China	—	111	1	—	111	1
Colombia	111	111	2	111	111	2
Congo (Brazzaville)	111	111	2	111	111	2
Congo (Leopoldville)	111	111	2	111	111	2
Costa Rica	—	111	1	—	111	1
Cuba	111	111	2	—	—	—
Cyprus	111	111	2	—	—	—
Czechoslovakia	111	111	2	111 *	111 *	2
Dahomey	—	111	1	—	—	—
Denmark	—	111	1	—	111 *	1
Dominican Republic	111	111	2	111	111	2
Ecuador	111	111	2	111	—	1
Ethiopia	111	111	2	—	—	—
Finland	111	111	2	111	111	2
France	111	111	2	—	—	—
Gabon Republic	—	111	1	—	111	1
Federal Republic of Germany	—	111	1	—	111	1
Ghana	—	111	1	—	111	1
Greece	111	111	2	111	111	2
Guatemala	—	111	1	—	111	1
Republic of Guinea	—	111	1	—	—	—
Haiti	111	111	2	111	111	2
Honduras	—	111	1	—	111	1
Hungary	—	111	1	—	111	1
Iceland	111	111	2	111	111	2
India	—	111	1	—	111	1
Indonesia	111	111	2	111	111	2
Iran	111	111	2	111 *	111 *	2
Iraq	—	111	1	—	—	—
Ireland	111	111	2	111	111	2
Israel	—	111	1	—	111	1
Italy	111	111	2	111	111	2

† For footnotes see end of table, p. 262.

REPORT OF THE COMMITTEE OF EXPERTS

States	Reports requested			Reports received		
	No. of Convention	No. of Recommendation	Reports requested	No. of Convention	No. of Recommendation	Reports received
Ivory Coast	—	111	1	—	111	1
Jamaica ²	111	111	2	111	111	2
Japan	111	111	2	111	111	2
Jordan	111	111	2	—	—	—
Kuwait	111	111	2	111	111	2
Lebanon	111	111	2	111 *	—	1
Liberia	—	111	1	—	—	—
Libya	—	111	1	—	111	1
Luxembourg	111	111	2	111	111	2
Malagasy Republic	—	111	1	—	—	—
Federation of Malaya	111	111	2	111	111	2
Republic of Mali	111	111	2	111 *	—	1
Islamic Republic of Mauritania	111	111	2	111 *	111 *	2
Mexico	—	111	1	—	111	1
Morocco	111	111	2	111	111	2
Netherlands	111	111	2	111	111	2
New Zealand	111	111	2	111	111	2
Nicaragua	111	111	2	—	—	—
Niger	111	111	2	111	111	2
Nigeria	111	111	2	111 *	—	1
Norway	—	111	1	—	111	1
Pakistan	—	111	1	—	111	1
Panama	111	111	2	—	—	—
Paraguay	111	111	2	—	—	—
Peru	111	111	2	111	111	2
Philippines	—	111	1	—	111 *	1
Poland	—	111	1	—	111	1
Portugal	—	111	1	—	111	1
Rumania	111	111	2	111	111	2
El Salvador	111	111	2	—	—	—
Senegal	111	111	2	111	111	2
Sierra Leone	111	111	2	111	111	2
Somali Republic (former Trust Territory of Somaliland, former British Somaliland)	111	111	2	—	—	—
Republic of South Africa	111	111	2	111	111	2
Spain	111	111	2	111	111	2
Sudan	111	111	2	111 *	111 *	2
Sweden	111	111	2	111	111	2
Switzerland	111	111	2	111	111	2
Syrian Arab Republic	—	111	1	—	—	—
Tanganyika	111	111	2	111	111	2
Thailand	111	111	2	111	111 *	2
Togo	111	111	2	111	111	2
Tunisia	—	111	1	—	111	1
Turkey	111	111	2	111	111	2
Ukraine	—	111	1	—	111	1
U.S.S.R.	—	111	1	—	111	1
United Arab Republic	—	111	1	—	111 *	1
United Kingdom	111	111	2	111	111	2
United States	111	111	2	111	111	2
Upper Volta	—	111	1	—	111 *	1
Uruguay	111	111	2	111 *	111 *	2
Venezuela	111	111	2	111	—	1
Viet-Nam	111	111	2	111	111	2
Yugoslavia	—	111	1	—	—	—
Total	70	103	173	58	80	138

B. Non-Metropolitan Territories

Countries and territories	Reports requested			Reports received		
	No. of Convention	No. of Recommendation	Reports requested	No. of Convention	No. of Recommendation	Reports received
Australia:						
Nauru	111	111	2	111 *	111 *	2
New Guinea	111	111	2	111 *	111 *	2
Norfolk Island	111	111	2	111 *	111 *	2
Papua	111	111	2	111 *	111 *	2
Denmark:						
Faroe Islands	—	111	1	—	—	—
Greenland	—	111	1	—	—	—
France:						
Comoro Islands	111	111	2	—	—	—
French Guiana	111	111	2	—	—	—
French Polynesia	111	111	2	—	—	—
French Somaliland	111	111	2	—	—	—
Guadeloupe	111	111	2	—	—	—
Martinique	111	111	2	—	—	—
New Caledonia	111	111	2	—	—	—
Reunion	111	111	2	—	—	—
St. Pierre and Miquelon	111	111	2	—	—	—
Netherlands:						
Netherlands Antilles	111	111	2	—	—	—
Netherlands New Guinea ^a	111	111	2	111	111	2
Surinam	111	111	2	111	111	2
New Zealand:						
Cook Islands and Niue	111	111	2	111	111	2
Tokelau Islands	111	111	2	111	111	2
Republic of South Africa:						
South West Africa	111	111	2	—	—	—
United Kingdom:						
Aden	111	111	2	111	111	2
Antigua	111	111	2	111	111	2
Bahamas	111	111	2	111	111	2
Barbados	111	111	2	111	111	2
Basutoland	111	111	2	111 *	111 *	2
Bechuanaland	111	111	2	111	111	2
Bermuda	111	111	2	111	111	2
British Guiana	111	111	2	111	111	2
British Honduras	111	111	2	111	111	2
British Virgin Islands	111	111	2	111 *	111 *	2
Brunei	111	111	2	—	—	—
Dominica	111	111	2	111 *	111 *	2
Falkland Islands	111	111	2	111	111	2
Fiji	111	111	2	111	111	2
Gambia	111	111	2	111	111	2

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports requested			Reports received		
	No. of Convention	No. of Recommendation	Reports requested	No. of Convention	No. of Recommendation	Reports received
United Kingdom (<i>contd.</i>)						
Gibraltar	111	111	2	111	111	2
Gilbert and Ellice Islands . . .	111	111	2	111	—	1
Grenada	111	111	2	111	111	2
Guernsey	111	111	2	111	111	2
Hong Kong	111	111	2	111	111	2
Jersey	111	111	2	111*	111*	2
Kenya	111	111	2	111	—	1
Malta	111	111	2	111	111	2
Isle of Man	111	111	2	111	111	2
Mauritius	111	111	2	111	111	2
Montserrat	111	111	2	111	111	2
North Borneo	111	111	2	111	111	2
Northern Rhodesia	111	111	2	111	111	2
Nyasaland	111	111	2	—	—	—
St. Christopher-Nevis-Anquilla .	111	111	2	—	—	—
St. Helena	111	111	2	—	111	1
St. Lucia	111	111	2	111	111	2
St. Vincent	111	111	2	111	111	2
Sarawak	111	111	2	111	111	2
Seychelles	111	111	2	111	111	2
Singapore	111	111	2	—	—	—
Solomon Islands	111	111	2	111	111	2
Southern Rhodesia	111	111	2	111	111	2
Swaziland	111	111	2	111	111	2
Zanzibar	111	111	2	111	111	2
United States:						
American Samoa	111	111	2	—	—	—
Guam	111	111	2	—	—	—
Trust Territory of Pacific Islands	111	111	2	—	—	—
Puerto Rico	111	111	2	111	111	2
Virgin Islands	111	111	2	111	111	2
Total . . .	64	66	130	45	44	89

* Reports received too late to be summarised in Report III (Part I).

¹ This list, relating to reports due for the period ending 30 June 1962, does not include Algeria, Burundi, Rwanda, Trinidad or Western Samoa, which attained independence in the course of 1962.

² The reports communicated by the Government of Jamaica, which became a Member of the I.L.O. in 1962, cover a period preceding its admission to the I.L.O.

³ The present report relates to the period preceding the change of administration of this territory.