

International Labour Conference

FORTY-EIGHTH SESSION

GENEVA, 1964

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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1964**

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The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion

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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 1961 to 30 June 1963, 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 ratifications¹ 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 (March 1957) laid down new criteria for the inclusion of information in the Summary of Reports on Ratified Conventions, 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

¹ Ratifications registered include those of Conventions which States have undertaken to implement in virtue either of a previous ratification by a State of which they formed a part, or of a declaration by a State which was responsible for their international relations.

of workers covered, results of inspection, etc.) and on changes of secondary importance is no longer summarised, but separate mention is made, under each Convention, of countries which have supplied such data and of countries which refer to or repeat information previously reported.

As decided by the Governing Body at its 142nd Session and endorsed by the Conference at its 43rd Session (both held in Geneva in June 1959) and confirmed by these bodies in 1961, governments need supply detailed reports only every two years. For this purpose Conventions in force have been divided into two groups, and detailed reports are requested in alternate years on one of these groups. The present summary covers primarily the reports on the Conventions in the first of these groups as well as other reports which are also due under the above-mentioned decision: (a) first reports; (b) cases of serious divergences 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 1963.

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 1964. 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 1964.

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, 46th Session, Geneva, 1962; *Record of Proceedings* (Geneva, I.L.O., 1963); or *idem*, 47th Session, Geneva, 1963; *Record of Proceedings* (Geneva, I.L.O., 1964).

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	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

Countries	Ratification registered on
Italy ¹	6. 10. 1924
Kuwait	21. 9. 1961
Luxembourg	16. 4. 1928
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Pakistan	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.

BELGIUM

Royal Order of 10 August 1962 concerning hours of work in the construction industry (*Moniteur belge*, 16-17 Aug. 1962).

Royal Order of 30 October 1962 fixing the hours of work of operatives in undertakings manufacturing ready-made clothing (*ibid.*, 9 Nov. 1962).

Royal Order of 18 December 1962 concerning the hours of attendance of the navigating personnel of undertakings falling within the competence of the Joint National Commission for the petroleum industry and trade, whose work is essentially intermittent (*ibid.*, 26-28 Dec. 1962).

The above legislation is supplemented by several decisions relating to a reduction in the hours of work in certain industries taken by various joint commissions and made compulsory under the Legislative Order of 9 June 1945.

Other reductions in hours of work have been introduced by collective agreements.

CZECHOSLOVAKIA

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee* (1963), p. 524.

The Government states, moreover, in regard to the ministerial directives requested by the Committee of Experts, that these require those responsible for the country's economy to check up on the extent of overtime, to take appropriate measures to reduce it, to authorise, within the limits of the law, the overtime approved by works committees, to record the actual hours of work and to administer penalties in case of violation of the established principles.

DOMINICAN REPUBLIC

Act No. 5360 of 20 May 1960 to limit hours of work to 44 per week and eight per day.
Resolution No. 4/58 of the Secretary of State for Labour.

A Bill for a complete revision of the labour legislation is at present being drafted. This task has been entrusted to a committee of national lawyers advised by an I.L.O. expert.

The above resolution specifies the workers who perform intermittent work and who may therefore work for more than eight hours a day; the working day may not, however, exceed ten hours.

In reply to an observation by the Committee the Government supplies a list of the undertakings whose operation is regarded as necessarily continuous in accordance with section 60 of the Labour Code.

GREECE

Royal Decree No. 315/1963 (*Ephemeris tes Kyberneseos*, No. 77, V.A., 30 May 1963).

The above decree has made the eight-hour day applicable to railway staff employed on the track. The Government is continuing its efforts to extend the eight-hour standard to the railway employees to whom it does not yet apply.

INDIA

Since the proclamation of a state of national emergency in October 1962 state governments have been granting exemptions from sections 51 to 54, 56 and 79 of the Factories Act, 1948—which regulate hours of work—under section 5 of the Act. These exemptions cover factories concerned with production relating to defence requirements. Similarly, in the case of mines, section 83 (1) of the Mines Act, 1962, has been invoked to grant general and individual exemptions from sections 28, 29, 30 (1), 31 (1) and 33.

SPAIN

Ordinance of 24 May 1962 to make labour regulations for the equatorial region (*Boletín Oficial del Estado*, 5 June 1962).

In reply to a direct request made by the Committee of Experts in 1963, the Government states that in the African provinces of Fernando Poo and Río Muni in the equatorial region hours of work are governed by the Ordinance of 24 May 1962, which fixes the maximum hours for work of all kinds at eight per day or 48 per week. The provisions of these regulations are the only legislative provisions valid in this matter in those provinces.

The whole of the labour problems of the African provinces will soon be considerably influenced by a law on the economic and administrative autonomy of those provinces which is to be adopted shortly.

SYRIAN ARAB REPUBLIC (First Report)

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

Decree No. 445 of 8 September 1959, as amended.

Decree No. 796 of 27 September 1960.

Article 1 of the Convention. A classification of industrial establishments has been drawn up under the Decree of 1960. No line of demarcation has been drawn between industry on the one hand and commerce and agriculture on the other. Hours of work provisions apply to both industry and commerce.

Article 2. Section 114 of the Labour Code prohibits the employment of workers for more than eight hours a day or 48 hours a week. The exceptions provided for under paragraphs (b) and (c) of this Article are not allowed. All hours worked in excess of eight a day are regarded as overtime and give the right to overtime rates of pay. Family undertakings are not exempted from the legal provisions relating to hours of work.

Article 3. Section 120 of the Labour Code provides that the normal hours of work prescribed in section 114 may be exceeded in the following circumstances: (a) when work is required to prevent a serious accident, to repair the damage caused by such an accident or to avoid the certain loss of perishable goods; (b) when there is abnormal pressure of work; (c) during such religious and seasonal festivals and other occasions and in respect of such cases of seasonal work as may be prescribed by order of the Minister of Social Affairs and Labour. However, in no case may actual hours of work exceed ten a day.

Article 4. The legal limit of working hours may not be exceeded even in continuous processes. Holidays and weekly rest days are not affected by work on continuous processes.

Article 5. There are no cases to which the legislative provisions limiting hours of work are not applicable.

Article 6. The Decree of 1959 determines the occupations in which permanent exceptions to normal hours of work may be made, while section 120 of the Labour Code determines the temporary exceptions which may be allowed. A Higher Consultative Council, comprising representatives of employers' and workers' organisations, was consulted on the various provisions of the Labour Code before it was promulgated. Not more than two additional hours may be worked in occupations or on work for which exceptions to the normal hours may be allowed. Overtime rates are fixed at a minimum of time-and-a-quarter.

Article 8. Section 122 of the Code requires employers to post up a schedule showing the hours of work and breaks for rest on the main entrance gates of the establishment and in a prominent place within the establishment. No modification to the established timetable may be made without the approval of the competent authority. Contraventions of the hours of work provisions of the Code give rise to a fine under section 222 of the Code.

The Ministry of Social Affairs and Labour ensures the application of the hours of work provisions of the Labour Code. The inspection service ensures supervision of the application of the hours of work provisions.

* * *

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

Dominican Republic, Greece, Haiti, Portugal, Syrian Arab Republic.

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	Morocco	14. 10. 1960
Austria	12. 6. 1924	Netherlands	6. 2. 1932
Belgium	25. 8. 1930	New Zealand	29. 3. 1938
Bulgaria ¹	14. 2. 1922	Nicaragua	12. 4. 1934
Burma	14. 7. 1921	Norway	23. 11. 1921
Chile	31. 5. 1933	Poland	21. 6. 1924
Colombia	20. 6. 1933	Rumania	13. 6. 1921
Denmark	13. 10. 1921	Republic of South Africa	20. 2. 1924
Ecuador	5. 2. 1962	Spain	4. 7. 1923
Finland	19. 10. 1921	Sudan	18. 6. 1957
France	25. 8. 1925	Sweden	27. 9. 1921
Federal Republic of Germany	6. 6. 1925	Switzerland	9. 10. 1922
Greece	19. 11. 1920	Syrian Arab Republic	26. 7. 1960
Hungary	1. 3. 1928	Turkey	14. 7. 1950
Iceland	17. 2. 1958	United Arab Republic	3. 7. 1954
India ¹	14. 7. 1921	United Kingdom	14. 7. 1921
Ireland	4. 9. 1925	Uruguay	6. 6. 1933
Italy	10. 4. 1923	Venezuela	20. 11. 1944
Japan	23. 11. 1922	Yugoslavia	1. 4. 1927
Kenya	13. 1. 1964		
Luxembourg	16. 4. 1928		

¹ Has denounced this Convention.

AUSTRIA

Decree Zl. III/132-055-12/2/61 of 30 November 1961.

The above decree established a central information office to facilitate inter-provincial placement.

A constitutional court judgment of 2 December 1961 gives effect as an Austrian statute to the German Ordinance of 28 June 1935 which, together with the Direction of 8 January 1936, requires the approval of the competent provincial labour office for the placement and recruitment of workers for employment abroad by means of published offers.

A workers' organisation has made the observation that new placement regulations are needed, since the inherited German provisions are no longer in keeping with the economic and social situation.

With respect to the observation made by the Committee of Experts in 1962, a new Placement Bill is now under discussion, which corresponds to the international labour Conventions and Recommendations as regards vocational guidance and the functions of employment offices and agencies, and provides in particular for the co-ordination of public and private employment agencies required by Article 2, paragraph 2, of the Convention.

FINLAND

A reply to a direct request made by the Committee of Experts in 1962 indicated that foreign workers admitted to unemployment insurance under the existing rules receive the same benefits as nationals.

ICELAND

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

Article 2, paragraph 1, of the Convention. The Ministry of Social Affairs supervises the work of employment agencies in the country, assisted by supervisors named by the Icelandic Federation of Labour and the Employers' Federation, one by each of these two organisations.

Paragraph 2. No private employment agencies are operated in Iceland.

ITALY

Regulation No. 73/63/C.E.E. of the Council dated 11 July 1963, to modify and complete certain provisions of Regulations Nos. 3 and 4 (seasonal and other workers who do not reside in the country to the laws and regulations of which they are subject) (*Journal officiel des Communautés européennes*, 24 July 1963).

RUMANIA

In reply to previous direct requests made by the Committee of Experts concerning the representation of employers on the committees which have been appointed to improve the distribution of skilled workers and technical and administrative personnel, the Government states that the interests of employers' organisations are satisfied by the presence on these committees of a People's Council delegate.

SUDAN

Four employment offices have now been opened in areas away from Khartoum.

SYRIAN ARAB REPUBLIC (First Report)

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

Article 1 of the Convention. It has not yet been possible to implement the provisions of this Article owing to lack of statistics. The Government is working out an economic plan which should make it possible to absorb unemployment.

Article 2, paragraph 1. In each of the 11 districts into which the country is divided there is a free employment agency under the supervision of the Ministry of Social Affairs and Labour. The functions and duties of these agencies are laid down in sections 11, 12, 14 and 16 to 19 of the Labour Code. Section 15 of the Code provides for the setting up of advisory committees composed, in particular, of an equal number of employers' and workers' representatives. For technical and financial reasons, it has not been possible to set up these committees.

Paragraph 2. So far, no private employment agencies exist.

Article 3. There is as yet no provision for any system of unemployment insurance.

The Ministry of Social Affairs and Labour is responsible for the application of the laws and administrative regulations concerning employment, while supervision is exercised by the labour inspectors.

UNITED KINGDOM

Northern Ireland.

Family Allowances and National Insurance (Australia) Order, 1962 (*S.I.*, 1962, No. 1869).

Family Allowances and National Insurance (Reciprocal Agreement with Australia) Order (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 218).

See also under Convention No. 88.

URUGUAY

In reply to previous observations made by the Committee of Experts the Government states that, by decision of the Ministry of Industry and Labour, a special committee has been set up to study the legislation concerning the National Employment Service.

* * *

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, Chile, Denmark, Finland, Federal Republic of Germany, Greece, Iceland, Ireland, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Poland, Republic of South Africa, Sudan, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Arab Republic, United Kingdom.

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

Colombia, France, Hungary, Spain, Yugoslavia.

3. Maternity Protection Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	22. 10. 1952
Argentina	30. 11. 1933	Ivory Coast	5. 5. 1961
Brazil ¹	26. 4. 1934	Luxembourg	16. 4. 1928
Bulgaria	14. 2. 1922	Mauritania	8. 11. 1963
Chile	15. 9. 1925	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Panama	3. 6. 1958
Cuba	6. 8. 1928	Rumania	13. 6. 1921
France	16. 12. 1950	Spain	4. 7. 1923
Gabon	13. 6. 1961	Uruguay ¹	6. 6. 1933
Federal Republic of Germany . .	31. 10. 1927	Venezuela	20. 11. 1944
Greece	19. 11. 1920	Yugoslavia	1. 4. 1927
Hungary	19. 4. 1928		

¹ Has denounced this Convention.

ARGENTINA

In reply to the observations made by the Committee of Experts concerning Article 3, paragraph (c) (mistake of the medical adviser or midwife in estimating the date of confinement—payment of a maternity benefit to women who do not fulfil the qualifying conditions imposed by the insurance scheme), and Article 4 (prohibition of dismissal) of the Convention—the Government communicates the following information.

Under the terms of section 30 of Decree No. 80229, maternity benefit is granted only if the woman actually stops work for the period of compulsory maternity leave. However, this condition is not considered to have been infringed if, through no fault or negligence of her own, the person concerned has continued working, in the case of premature confinement, for 30 days prior to this date. Courts have always decided in favour of the woman when the maternity leave has been prolonged owing to a mistake of the medical adviser.

Law No. 11933 does not provide for any qualifying conditions. Maternity benefits are granted on the sole condition that the woman was engaged in active employment on the date of conception.

Section 3 of Law No. 11933 requires the employer to maintain women in employment during their absence on maternity leave.

See also *Report of the Committee* (1963), p. 525.

COLOMBIA

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

Article 3 of the Convention. As regards the granting of 12 weeks' maternity leave, maternity benefit independently of the error of the doctor or midwife in estimating the date of confinement, and two daily half-hour nursing breaks, the Government confirms that sections 94 and 97 of the draft revised Labour Code which has been submitted to the House of Representatives for examination will bring this Article into force.

Article 4. Article 241 of the present Labour Code does not run contrary to the Convention (see also *Report of the Committee* (1963), p. 525).

The Government adds that maternity benefits (medical care and grants in kind) are the responsibility of the Colombian Social Insurance Institute, and that Decree No. 3398 of 21 December 1962 approved the decision of the Governing Body of the Institute in question by virtue of which social insurance arrangements were extended to certain other municipalities in the Medellín Valley. Further, Decision No. 143 of 1963, which has been submitted to the Government for approval, will extend these arrangements to the industrial zone in the Boyacá department.

Finally, according to the terms of the proposed Labour Code, Law No. 90 of 1946, establishing a system of obligatory social security, will remain in force.

GABON (First Report)

Labour Code: Act No. 88/61 of 4 January 1962 (*Journal officiel*, special issue, 4th year, No. 5, 1 Mar. 1962) (*L.S.* 1962—Gab. 1).

Decree No. 276/PR of 5 December 1962 respecting the work of women and expectant mothers (*ibid.*, No. 5, 15 Feb. 1963, p. 186).

Decree No. 0006/PR of 7 January 1963 to create a family benefits scheme in the Gabon Republic.

Order No. 2080/IT/GA of 22 August 1956 to make the internal regulations of the Equalisation Fund for the Gabon Family Benefits Scheme.

Article 1 of the Convention. The Decree of 1962 defines industrial establishments in a manner similar to the Convention. Moreover, the line of demarcation between the industrial, commercial and agricultural sectors was established by the Decree of 4 January 1964.

Article 3. Under the Decree of 1963 and the Order of 1956 the daily allowance provided in section 115, amended, of the Labour Code is paid to women wage earners during their absence from work for a period of eight weeks before and six weeks after confinement. This allowance is granted provided the woman wage earner—(1) can provide evidence of her status as a wage earner as defined in section 7 of the order; the minimum four-month period is nevertheless reduced to three months; (2) has her condition certified by a physician and has the certificate of examination forwarded to the Fund; (3) effectively suspends work in her occupation, proof of such suspension being provided in the form of a certificate from her employer or a person appointed by him; (4) provides evidence of the wage she was actually receiving at the time she stopped working, through transmission to the Fund of her latest pay-slip or other certificate issued by her employer.

Proof of her status as a wage earner and medical confirmation of her condition are not required if the woman wage earner has fulfilled the conditions necessary to be entitled to prenatal and maternity allowances.

In the case of additional rest necessitated by illness resulting from pregnancy or confinement the interruption of work may be prolonged, the total permitted interruption being three weeks.

The daily allowance is received concurrently with all other benefits. It is calculated at the rate of half the salary actually received, i.e. the basic wage plus any allowance contingent on the nature of the work. The daily allowance in respect of the rest period following confinement is due even if the infant born was not viable.

If the employer continues to pay the woman wage earner all or part of her wage for the statutory rest period during confinement he is fully entitled to be substituted for her in the matter of rights to the allowances due to her from the Equalisation Fund.

The rest taken by women wage earners during confinement is subject to inspection by officials from the Fund's social service department, who verify that she has not been gainfully employed and has actually taken such rest as is compatible with the demands of her domestic life during the prenatal and postnatal rest periods.

Again, under section 115 of the Labour Code mothers are entitled to nursing breaks for a period of 15 months calculated from the date of the child's birth. The total duration of these rest periods may not exceed one hour for each working day.

During this period a mother may permanently give up her employment without giving previous notice and without being required for that reason to pay compensation for breach of contract.

Finally, under the same section, mothers are entitled to free medical care paid by the Family Benefits Fund during a period of six weeks preceding and eight to 11 weeks following confinement.

With regard to the request of the Committee of Experts concerning paragraphs (a) (compulsory postnatal leave) and (c) (mistake of the medical adviser or midwife in estimating the date of confinement), the Government states that the possibility of resuming work during this period subject to the express reserve that the authorisation of the medical adviser should be obtained is merely a customary provision which has virtually never been applied. However, the Government duly notes the observations of the Committee and intends to take all necessary steps during 1964 to amend section 115 of the Labour Code in the sense indicated by the experts.

With regard to possible mistakes in estimating the date of confinement, having regard to the methods employed by the Family Benefits Fund, this point has never given rise to difficulties. However, the competent authorities have duly noted the observations of the Committee of Experts and intend to modify the current legislation on this matter accordingly.

Article 4. Section 115 of the Labour Code provides that the right to suspend work during the confinement period may be prolonged by three weeks after completion of eight weeks' postnatal leave, in the event of duly certified illness resulting from the pregnancy or the confinement, without prejudice to the application of sections 45 and 46.

Section 45 (c) provides that during a period of absence due to illness duly certified by a physician the contract of employment may be suspended for six months. It follows that a woman who, eight weeks after her confinement, has obtained three additional weeks' leave because of illness resulting from pregnancy, cannot be dismissed by her employer if, for health reasons, she is unable to resume work on the expected date. Her contract is suspended for a period of six months calculated from the date of expiry of the statutory 11 weeks, which period may be prolonged until she has been replaced.

Again, under section 46, the woman worker, after the statutory 11 weeks during which she receives half the amount of her wages from the Family Benefits Fund, will be entitled to an allowance corresponding to the normal period of notice (generally from one to three months' wages) paid by her employer.

Infringements of the above-mentioned legislative measures are punishable by fines and imprisonment.

Under sections 144, 148, 152 and 153 of the Labour Code labour inspectors and supervisors are responsible for enforcement of the laws and regulations relating to maternity protection and for making official reports of all infringements noted. They are empowered to refer cases directly to the competent judicial authority, which must institute against the offenders all penal proceedings prescribed by the law.

FEDERAL REPUBLIC OF GERMANY

In reply to the observations of the Committee of Experts concerning Article 3 (c)—payment of maternity benefits to women employees not covered by compulsory insurance; Article 3 (d)—at least two nursing periods to be granted daily; and

Article 4—prohibition of dismissal during maternity leave—the Government supplies the following information.

The Bill submitted to Parliament by the Socialist Party to amend and supplement the Maternity Protection Act is still under consideration. The points raised by the Committee of Experts and the question of changing the relevant provisions of the Maternity Protection Act will be discussed thoroughly during the coming debate on the Bill.

* * *

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

Argentina, Cuba, Gabon, Federal Republic of Germany.

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	Laos	23. 1. 1964
Albania	17. 3. 1932	Luxembourg	16. 4. 1928
Argentina	30. 11. 1933	Malagasy Republic	1. 11. 1960
Austria	12. 6. 1924	Mali	22. 9. 1960
Belgium ¹	12. 7. 1924	Mauritania	20. 6. 1961
Brazil ¹	26. 4. 1934	Morocco	13. 6. 1956
Bulgaria ¹	14. 2. 1922	Netherlands ¹	4. 9. 1922
Burma ¹	14. 7. 1921	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Niger	27. 2. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Pakistan	14. 7. 1921
Central African Republic	27. 10. 1960	Peru	8. 11. 1945
Ceylon ¹	8. 10. 1951	Portugal	10. 5. 1932
Chad	10. 11. 1960	Rumania ¹	13. 6. 1921
Chile	8. 10. 1931	Rwanda	18. 9. 1962
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Republic of South Africa ¹	1. 11. 1921
Congo (Leopoldville)	20. 9. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland ¹	9. 10. 1922
Czechoslovakia ¹	24. 8. 1921	Togo	7. 6. 1960
Dahomey	12. 12. 1960	Tunisia	15. 5. 1957
France ¹	14. 5. 1925	United Kingdom ¹	14. 7. 1921
Gabon	14. 10. 1960	Upper Volta	21. 11. 1960
Greece ¹	19. 11. 1920	Uruguay ¹	6. 6. 1933
Guinea	21. 1. 1959	Venezuela ¹	7. 3. 1933
Hungary ¹	19. 4. 1928	Viet-Nam	6. 6. 1953
India	14. 7. 1921	Yugoslavia ¹	1. 4. 1927
Ireland ¹	4. 9. 1925		
Italy	10. 4. 1923		
Ivory Coast	21. 11. 1960		

¹ Has denounced this Convention (see under Conventions Nos. 41 and 89 the States which have ratified the revised Conventions).

CENTRAL AFRICAN REPUBLIC

In reply to the direct request by the Committee of Experts the Government states that a new labour code is being prepared and that the legislation will be modified so as to bring it into harmony with the Convention.

GABON

Decree No. 276/PR of 5 December 1962 respecting the work of women and expectant mothers (*Journal officiel*, 15 Feb. 1963, No. 5, p. 186).

Decree No. 0006/PR of 4 January 1964 to extend collective agreements concerning commercial, building and public works undertakings, industrial and transport undertakings, timber and similar undertakings.

In reply to a direct request by the Committee of Experts the Government states that the Decree of 1962 prohibits night work of women in industry without any exception. The prohibition is waived only in cases of *force majeure* such as war, calamity, threatened catastrophe, natural disaster, epidemic or any other circumstances likely to endanger or actually endangering the life of others or threatening the normal conditions of existence of the entire population or any part thereof (section 2 of the Labour Code).

In general there is no night work in Gabon.

MAURITANIA

Labour Code: Act No. 63-023 of 23 January 1963 (*Journal officiel*, 20 Feb. 1963).

The provisions of the Convention were taken into account when the Labour Code was drafted.

The undertakings in which night work of women is prohibited are specified in section 9 of Book II of the Code.

NIGER

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel*, 25 Aug. 1962, special issue, No. 4, p. 60).

TUNISIA

In reply to a direct request by the Committee of Experts the Government points out that, juridically speaking, the provisions of Convention No. 89 take precedence over those of Convention No. 4, since the former was ratified at a later date.

However, if it is necessary expressly to denounce Convention No. 4, the Government may consider this possibility.

VIET-NAM

Order No. 56-XL/ND of 8 August 1953, made under section 171 of the Labour Code to permit women to work in the processing of food and of fish preserves for 25 nights and 75 nights every year, which had temporary validity and required previous notification to the labour inspectorate, has been repealed by Order No. 6-BLD/LD/ND of 4 January 1962.

* * *

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, Italy.

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

Afghanistan, Austria, Cameroon, Colombia, Czechoslovakia, Dahomey, India, Ivory Coast, Luxembourg, Malagasy Republic, Morocco, Pakistan, Portugal, Rwanda, Senegal, Spain, Togo.

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	Kenya	13. 1. 1964
Austria	26. 2. 1936	Luxembourg	16. 4. 1928
Belgium	12. 7. 1924	Malagasy Republic	1. 11. 1960
Bolivia	19. 7. 1954	Malaysia (Singapore)	3. 3. 1964
Brazil	26. 4. 1934	Mali	22. 9. 1960
Bulgaria ¹	14. 2. 1922	Mauritania	20. 6. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Netherlands	21. 7. 1928
Central African Republic	27. 10. 1960	Nicaragua	12. 4. 1934
Ceylon	27. 9. 1951	Niger	27. 2. 1961
Chad	10. 11. 1960	Norway	7. 7. 1937
Chile	15. 9. 1925	Poland	21. 6. 1924
Colombia	20. 6. 1933	Rumania	13. 6. 1921
Congo (Brazzaville)	10. 11. 1960	Senegal	4. 11. 1960
Cuba	6. 8. 1928	Sierra Leone	15. 6. 1961
Czechoslovakia	24. 8. 1921	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Switzerland	9. 10. 1922
Denmark	4. 1. 1923	Togo	7. 6. 1960
Dominican Republic	4. 2. 1933	Uganda	4. 6. 1963
France	29. 4. 1939	United Kingdom	14. 7. 1921
Gabon	14. 10. 1960	Upper Volta	21. 11. 1960
Greece	19. 11. 1920	Uruguay ¹	6. 6. 1933
Guinea	21. 1. 1959	Venezuela	20. 11. 1944
Haiti	12. 4. 1957	Viet-Nam	6. 6. 1953
India	9. 9. 1955	Yugoslavia	1. 4. 1927
Ireland	4. 9. 1925		
Israel	23. 12. 1953		
Ivory Coast	21. 11. 1960		

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

CENTRAL AFRICAN REPUBLIC

Section 7 of Decree No. 63/142 of 10 May 1963 to draw up the programme of action of the Ministry of Labour and Social Affairs provides as follows: "Having regard to difficulties encountered in practice . . . and to the I.L.O. Conventions, the Ministry shall submit to the Government a Bill amending . . . the present Labour Code." A Bill is now being prepared to amend and supplement the Labour Code. This Bill takes into account the provisions of the ratified Conventions. The National Assembly will very shortly be required to take a decision on the Bill.

SIERRA LEONE (First Report)

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

Article 1 of the Convention. The definition of "industrial undertaking" is contained in section 2 (1) of the above ordinance. The line of division separating industry from commerce and agriculture has not been defined.

Article 2. Section 52 of the ordinance prohibits the employment of children under 15 years of age in any undertaking other than that in which only members of the same family are employed.

Article 3. The proviso to section 52 of the ordinance covers this Article.

Article 4. It is still not possible to implement this Article because the high incidence of illiteracy among the persons concerned makes it impossible for them to tell their correct ages.

The administration of the ordinance is entrusted to the provincial administration, the courts and the Labour Department.

* * *

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

Brazil, Central African Republic, Congo (Brazzaville), Poland, Sierra Leone.

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

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

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Luxembourg	16. 4. 1928
Algeria	19. 10. 1962	Malagasy Republic	1. 11. 1960
Argentina	30. 11. 1933	Mali	22. 9. 1960
Austria	12. 6. 1924	Mauritania	20. 6. 1961
Belgium	12. 7. 1924	Mexico ¹	20. 5. 1937
Brazil	26. 4. 1934	Netherlands ¹	17. 3. 1924
Bulgaria	14. 2. 1922	Nicaragua	12. 4. 1934
Burma	14. 7. 1921	Niger	27. 2. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Pakistan	14. 7. 1921
Central African Republic	27. 10. 1960	Poland	21. 6. 1924
Ceylon ¹	26. 10. 1950	Portugal	10. 5. 1932
Chad	10. 11. 1960	Rumania	13. 6. 1921
Chile	15. 9. 1925	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland	9. 10. 1922
Dahomey	12. 12. 1960	Togo	7. 6. 1960
Denmark	4. 1. 1923	Tunisia	12. 1. 1959
France	25. 8. 1925	United Kingdom ²	14. 7. 1921
Gabon	14. 10. 1960	Upper Volta	21. 11. 1960
Greece	19. 11. 1920	Uruguay ¹	6. 6. 1933
Guinea	21. 1. 1959	Venezuela	7. 3. 1933
Hungary	19. 4. 1928	Viet-Nam	6. 6. 1953
India	14. 7. 1921	Yugoslavia ¹	1. 4. 1927
Ireland	4. 9. 1925		
Italy	10. 4. 1923		
Ivory Coast	21. 11. 1960		
Laos	23. 1. 1964		

¹ Has denounced this Convention and has ratified Convention No. 90.

² Has denounced this Convention and has not ratified Convention No. 90.

ALGERIA (First Report)

In reply to a direct request by the Committee of Experts the Government indicates that certain provisions of the legislation are not in complete harmony with the Convention. The revision of the legislation will enable such provisions to be modified when the new labour code is drafted.

CAMEROON

Eastern Cameroon.

Decree No. 63-60 of 7 June 1963, amending the provisions of section 10 of Order No. 981 of 27 February 1954 concerning the employment of women and children (*Journal officiel*, 15 June 1963).

The above decree brings the national legislation into line with the provisions of Article 2, paragraph 2, of the Convention, which authorises exceptions to the prohibition of night work in respect of young persons over the age of 16 employed in the five types of industry listed in the said Article, on work which is required to be carried out continuously day and night.

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

GABON

Decree No. 275/PR of 5 December 1962 to make exceptions to the law relating to the employment of young workers (*Journal officiel*, 15 Feb. 1963, No. 5, p. 185).

Section 3 of the above decree prohibits the employment at night of young workers under 18 years of age. The term "night" signifies a period of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m. The decree repeals all former provisions relating to the conditions of work for children (section 9).

MAURITANIA

For legislation see under Convention No. 4.

In reply to the request made by the Committee of Experts the Government states that section 9 of Book II of the Labour Code, 1963, prohibits the employment of children below the age of 18 in the undertakings referred to in Article 1 of the Convention, and that there is no provision for exceptions in respect of a particular age or undertaking.

NIGER

See under Convention No. 4.

TOGO

In reply to a direct request by the Committee of Experts the Government states that it has noted the observation concerning the scope of Article 2, paragraph 2, and will endeavour to amend the regulations in due course.

In the meantime, permits issued by the labour inspector will be strictly limited to the five types of industry listed in the Article.

TUNISIA

In reply to a direct request by the Committee of Experts the Government points out that any act of ratification published in the official gazette automatically repeals any earlier conflicting laws or provisions. However, if it is necessary expressly to denounce the Convention, the Government may consider this possibility.

The new Labour Code, which is tabled for discussion at the National Assembly, will exclude all possibility of the word "children" being interpreted in a restrictive sense.

VIET-NAM

Order No. 6-BLD/LD/ND of 4 January 1962 repealing Order No. 56-XL/ND of 8 August 1953 specifying industries for which temporary exceptions to the prohibition of night work of women and young persons are authorised, and establishing methods of determining such exceptions.

* * *

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, Denmark, France, Italy, Poland, Spain, Switzerland.

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

Brazil, Chile, Dahomey, Greece, Hungary, India, Ireland, Ivory Coast, Luxembourg, Malagasy Republic, Pakistan, Portugal, Senegal.

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	Japan	7. 6. 1924
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	2. 2. 1925	Malaysia (Sarawak, Singapore)	3. 3. 1964
Brazil	8. 6. 1936	Mexico ¹	17. 8. 1948
Bulgaria	16. 3. 1923	Netherlands ¹	26. 3. 1925
Canada	31. 3. 1926	Nicaragua	12. 4. 1934
Ceylon	2. 9. 1950	Norway	7. 10. 1927
Chile	18. 10. 1935	Poland	21. 6. 1924
China	2. 12. 1936	Portugal	24. 10. 1960
Colombia	20. 6. 1933	Rumania	8. 5. 1922
Cuba	6. 8. 1928	Sierra Leone	15. 6. 1961
Denmark	12. 5. 1924	Spain	20. 6. 1924
Dominican Republic	4. 2. 1933	Sweden	27. 9. 1921
Finland	10. 10. 1925	United Kingdom	14. 7. 1921
Federal Republic of Germany	11. 6. 1929	Uruguay ¹	6. 6. 1933
Greece	16. 12. 1925	Venezuela	20. 11. 1944
Hungary	1. 3. 1928	Yugoslavia	1. 4. 1927
Ireland	4. 9. 1925		
Italy	14. 7. 1932		
Jamaica	8. 7. 1963		

¹ Has denounced this Convention and has ratified Convention No. 58.

SIERRA LEONE (First Report)

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

Merchant Shipping (Colonies) (Amendment) Order, 1941 (Public Notice No. 40 of 1941).

Article 1 of the Convention. The definition of the term "vessel", contained in section 2 of the above ordinance, is similar to the definition in the Convention.

Article 2. Section 53 of the ordinance applies this Article. The age limit is 15 years.

Article 3. The proviso to section 53 applies this Article.

Article 4. This Article is implemented by the above order, which applies to Sierra Leone the provisions of the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925. The forms of articles of agreement used in Sierra Leone are the same as those in use in the United Kingdom and include a list of young persons under 18 years of age.

The application of the above-mentioned legislation is entrusted to the Labour Department and to the Harbour and Shipping Master.

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

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Singapore)	3. 3. 1964
Belgium	2. 2. 1925	Mexico	20. 5. 1937
Bulgaria	16. 3. 1923	Netherlands	15. 12. 1937
Canada	31. 3. 1926	Nicaragua	12. 4. 1934
Ceylon	25. 4. 1951	Nigeria	16. 6. 1961
Chile	18. 10. 1935	Norway	21. 7. 1936
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	6. 8. 1928	Poland	21. 6. 1924
Denmark	15. 2. 1938	Rumania	10. 11. 1930
Finland	20. 1. 1950	Sierra Leone	15. 6. 1961
France	21. 3. 1929	Spain	20. 6. 1924
Federal Republic of Germany	4. 3. 1930	Sweden	1. 1. 1935
Greece	16. 12. 1925	Switzerland	21. 4. 1960
Ireland	5. 7. 1930	United Kingdom	12. 3. 1926
Italy	8. 9. 1924	Uruguay	6. 6. 1933
Jamaica	8. 7. 1963	Yugoslavia	30. 9. 1929
Japan	22. 8. 1955		

ARGENTINA

For the reply of the Government to the observation by the Committee of Experts see *Report of the Committee* (1963), p. 527.

COLOMBIA

In reply to the observation made by the Committee of Experts in 1963 regarding the urgency of adopting legislation to ensure the application of the Convention, the Government supplies the following information.

When the draft Labour Code was being examined, the Senate deleted the provisions designed to give effect to Convention No. 8, while accepting those which applied several other international labour Conventions. The Government accordingly feels that, to avoid any delay in adopting the text of the draft Labour Code now being submitted to Congress, the addition of provisions applying the standards of Convention No. 8 (which would mean re-examination by both houses) should be postponed until after the Code—as at present drafted—has been adopted.

MEXICO

In reply to the observation made by the Committee of Experts in 1963 the Government reiterates its statement to the effect that the wording of section 126, paragraph XII, of the Federal Labour Act gives better protection to seafarers than the Convention, since it includes not only shipwreck but also other circumstances in which the seafarer remains unemployed.

RUMANIA

For the Government's reply to an observation made by the Committee of Experts in 1963 see *Report of the Committee* (1963), p. 527.

SIERRA LEONE (First Report)

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, as applied by the Merchant Shipping (Colonies) (Amendment) Order, 1941 (Public Notice No. 40 of 1941). Employers and Employed Ordinance (*The Laws of Sierra Leone*, 1960, Cap. 212).

Article 1 of the Convention. Definitions of the terms “seamen” and “vessel” are contained in the above legislation.

Article 2. Section 1 (1) of the above Act applies this Article. Wages paid as a consequence of loss or foundering of a ship include an allowance for food.

Article 3. If a seaman is on articles of agreement, the question of recovering unemployment indemnities would not arise, but in other cases a seaman would be free to institute civil proceedings for the recovery of wages due to him.

The Harbour and Shipping Master supervises the application of the above legislation.

* * *

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

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	3. 8. 1925	Mexico	1. 9. 1939
Belgium	4. 2. 1925	Netherlands	9. 1. 1948
Bulgaria	16. 3. 1923	New Zealand	29. 3. 1938
Chile	18. 10. 1935	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	23. 11. 1921
Cuba	6. 8. 1928	Peru	4. 4. 1962
Denmark	23. 8. 1938	Poland	21. 6. 1924
Finland	7. 10. 1922	Rumania	10. 11. 1930
France	25. 1. 1928	Spain	23. 2. 1931
Federal Republic of Germany	6. 6. 1925	Sweden	27. 9. 1921
Greece	16. 12. 1925	Uruguay	6. 6. 1933
Italy	8. 9. 1924	Yugoslavia	30. 9. 1929
Japan	23. 11. 1922		

COLOMBIA

For the Government's reply to the observation made by the Committee of Experts in 1963 see *Report of the Committee* (1963), p. 527.

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

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	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	United Kingdom	11. 7. 1963
Hungary	2. 2. 1927	U.S.S.R.	10. 8. 1956
Ireland	26. 5. 1925	Uruguay	6. 6. 1933
Israel	23. 12. 1953		

GABON (First Report)

Labour Code: Act No. 88/61 of 4 January 1962 (*Journal officiel*, special issue, 4th year, No. 5, 1 Mar. 1962) (*L.S.* 1962—Gab. 1).

Articles 1 and 2 of the Convention. Under section 117 of the Labour Code children may not be employed in any undertaking, even as apprentices, before the age of 16, save where exceptions are authorised by decree made on a recommendation from the Minister of Health, taking into account the circumstances and the jobs which the children may be required to do.

Up to the present no such measure has been adopted on the subject by the competent authorities.

Article 3. The provisions of section 117 are not applicable to vocational forestry schools or to stock-breeding or pilot farm centres.

No difficulty or infringement in the application of the Convention has been noted during the past year.

SENEGAL (First Report)

Labour Code: Act No. 61-34 of 15 June 1961 (*Journal officiel*, No. 3462, 3 July 1961).

Order No. 3723/IT of 17 September 1954 to provide exceptions to the age of admission to employment (*ibid.*, 1 July 1954).

Decree No. 62-017 of 22 January 1962 establishing ordinary police court penalties applicable to persons committing infringements of the Labour Code (*ibid.*, 10 Feb. 1962).

Section 140 of the Labour Code prohibits the employment of children under 14 years of age, save where exceptions have been authorised by an order of the Minister of Labour and Social Security issued on the advice of the National Labour and Social Security Advisory Council. Section 2 of the above order states that no

exceptions can be granted that would be such as to prejudice the application of the compulsory school attendance regulations in force. This section also provides that in centres where school education is normally provided the age of admission shall remain fixed at 14 years, save where an authorisation (which is individual and revocable) is granted by the labour inspector.

The minimum age, exceptions to which are provided, is statutorily fixed for all branches of economic activity and not merely for agriculture.

The appropriate departments of the Ministry of Labour and Social Security are responsible for supervising the application of the laws 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:

Australia, France, Federal Republic of Germany, Ireland, Israel, Netherlands, Senegal, Sweden.

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

Argentina, Austria, Belgium, Byelorussia, Chile, Czechoslovakia, Dominican Republic, Hungary, Italy, Japan, Luxembourg, New Zealand, Norway, Poland, Rumania, Spain, U.S.S.R., Uruguay.

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	Kenya	13. 1. 1964
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	26. 5. 1936	Malagasy Republic	1. 11. 1960
Australia	24. 12. 1957	Malaysia:	
Austria	12. 6. 1924	States of Malaya	11. 1. 1960
Belgium	19. 7. 1926	Sarawak, Singapore	3. 3. 1964
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	6. 3. 1925	Mauritania	20. 6. 1961
Burma	11. 5. 1923	Mexico	20. 5. 1937
Burundi	11. 3. 1963	Morocco	20. 5. 1957
Byelorussia	6. 11. 1956	Netherlands	20. 8. 1926
Cameroon:		New Zealand	29. 3. 1938
Eastern Cameroon	7. 6. 1960	Nicaragua	12. 4. 1934
Western Cameroon	29. 1. 1963	Niger	27. 2. 1961
Central African Republic	27. 10. 1960	Nigeria	16. 6. 1961
Ceylon	25. 8. 1952	Norway	11. 6. 1929
Chad	10. 11. 1960	Pakistan	11. 5. 1923
Chile	15. 9. 1925	Peru	8. 11. 1945
China	27. 4. 1934	Poland	21. 6. 1924
Colombia	20. 6. 1933	Rumania	10. 11. 1930
Congo (Brazzaville)	10. 11. 1960	Rwanda	18. 9. 1962
Congo (Leopoldville)	20. 9. 1960	Senegal	4. 11. 1960
Costa Rica	16. 9. 1963	Spain	29. 8. 1932
Cuba	22. 8. 1935	Sweden	27. 11. 1923
Czechoslovakia	31. 8. 1923	Switzerland	23. 5. 1940
Dahomey	12. 12. 1960	Syrian Arab Republic	26. 7. 1960
Denmark	20. 6. 1930	Tanganyika	19. 11. 1962
Ethiopia	4. 6. 1963	Togo	7. 6. 1960
Finland	19. 6. 1923	Tunisia	15. 5. 1957
France	23. 3. 1929	Turkey	29. 3. 1961
Gabon	14. 10. 1960	Uganda	4. 6. 1963
Federal Republic of Germany	6. 6. 1925	Ukraine	14. 9. 1956
Greece	13. 6. 1952	U.S.S.R.	10. 8. 1956
Guinea	21. 1. 1959	United Arab Republic	3. 7. 1954
Iceland	21. 8. 1956	United Kingdom	6. 8. 1923
India	11. 5. 1923	Upper Volta	21. 11. 1960
Ireland	17. 6. 1924	Uruguay	6. 6. 1933
Italy	8. 9. 1924	Venezuela	20. 11. 1944
Ivory Coast	21. 11. 1960	Yugoslavia	30. 9. 1929
Jamaica	8. 7. 1963		

CENTRAL AFRICAN REPUBLIC

See under Convention No. 4.

CHILE

The Bill to amend the provisions of the Labour Code concerning the right of association in agriculture, to which reference was made in previous years, has not yet been passed by the National Congress since it is going through a third reading before the Chamber of Deputies.

RWANDA

Constitution (*Journal officiel*, 1 Dec. 1962).

Article 42 of the Constitution provides for the right of association of all categories of workers, including agricultural workers. At present, there are no organised agricultural associations.

TANGANYIKA (First Report)

Trade Unions Ordinance No. 48 of 27 December 1956 (*L.S.* 1956—Tan. 1).

Trade Unions (Amendment) Ordinance, 1959 (*Tanganyika Gazette*, 26 June 1959, No. 35, Supplement No. 1, p. 108) (*L.S.* 1959—Tan. 1).

Trade Unions Ordinance (Amendment) Act, No. 51, 1962.

Article 1 of the Convention. Trade union legislation makes no distinction between agricultural and industrial workers; the same rights of association and combination are therefore conferred on both categories.

The Tanganyika Plantation Workers' Union represents all workers in the agricultural industry. The total estimated membership is approximately 1,800, comprising the majority of workers employed in the major sisal, tea, coffee, sugar and mixed-farming industries.

* * *

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

Dahomey, Iceland.

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	Malaysia:	
Australia	7. 6. 1960	States of Malaya	5. 6. 1961
Austria	14. 6. 1954	Sarawak, Singapore	3. 3. 1964
Belgium	26. 10. 1932	Mexico	1. 11. 1937
Brazil	25. 4. 1957	Morocco	20. 9. 1956
Bulgaria	6. 3. 1925	Netherlands	20. 8. 1926
Burundi	11. 3. 1963	New Zealand	29. 3. 1938
Chile	15. 9. 1925	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	22. 1. 1963
Congo (Leopoldville)	20. 9. 1960	Panama	3. 6. 1958
Cuba	22. 8. 1935	Peru	4. 4. 1962
Czechoslovakia	12. 6. 1950	Poland	21. 6. 1924
Denmark	26. 2. 1923	Portugal	16. 5. 1960
Finland	20. 1. 1950	Rwanda	18. 9. 1962
France	4. 4. 1928	El Salvador	11. 10. 1955
Gabon	13. 6. 1961	Senegal	22. 10. 1962
Federal Republic of Germany	6. 6. 1925	Spain	1. 10. 1931
Haiti	19. 4. 1955	Sweden	27. 11. 1923
Hungary	8. 6. 1956	Tanganyika	19. 11. 1962
Ireland	17. 6. 1924	Tunisia	15. 5. 1957
Italy	1. 9. 1930	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom	6. 8. 1923
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malagasy Republic	10. 8. 1962	Yugoslavia	27. 1. 1958

BELGIUM

See under Convention No. 17.

COLOMBIA

In reply to the request by the Committee of Experts in 1962 the Government states that Decree No. 1698 of 1960 has not yet been put into effect, and that the Labour Code at present in force makes no distinction between industrial, commercial and agricultural workers with regard to employment accident compensation.

CZECHOSLOVAKIA

See under Convention No. 17.

GABON (First Report)

Decree No. 57-245 of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases (*Journal officiel de la République française*, 28 Feb. 1957, No. 50, p. 2305) (*L.S.* 1957—Fr. 1) as amended by Decree No. 57-829 of 23 July 1957.

Act No. 3/59 of 19 February 1959 fixing conditions for compensation for and prevention of employment accidents and occupational disease.

Article 1 of the Convention. Section 54 of the Constitution provides that duly ratified treaties or agreements annul legislation.

Agricultural workers enjoy the benefits of the general scheme in the same manner as workers in other sectors of activity.

The Ministry of Labour and the Inspectorate of Labour and Social Legislation are responsible for enforcement of legislation.

FEDERAL REPUBLIC OF GERMANY

Family Allowance Fund Act of 18 July 1961 (*Bundesgesetzblatt (BGBl.)*, Part I, 22 July 1961, No. 53, p. 1001) (*L.S.* 1961—Ger. F.R. 4).

Act of 12 July 1961 to amend and supplement the Act to improve the economic protection of wage earners in the event of sickness (*BGBl.*, Part I, 18 July 1961, No. 50, p. 913) (*L.S.* 1961—Ger. F.R. 3).

ITALY

Law No. 15 of 19 January 1963, amending and supplementing Royal Decree No. 1765 of 17 August 1935 concerning compulsory insurance against industrial accidents and occupational diseases, with subsequent amendments.

Legislative Decree No. 1450 of 23 August 1917 concerning compulsory insurance against accidents in agriculture, with subsequent amendments.

LUXEMBOURG

Grand-Ducal Regulations of 28 December 1961 concerning non-application of compulsory accident insurance to certain agricultural and forestry undertakings.

Ministerial Regulations of 8 November 1961 fixing average annual remuneration as the basis for calculation of employment injury pensions in respect of agriculture and forestry.

MALAGASY REPUBLIC (First Report)

Ordinance No. 62-078 of 29 September 1962 creating the National Family Allowances and Industrial Accidents Fund (C.N.A.F.A.T.).

Decree No. 63-124 of 2 February 1963 creating a Family Allowance and Employment Injury Code.

Order No. 15/TR/F of 3 November 1963 fixing the rate applicable for the C.N.A.F.A.T.

The national fund benefits workers in accordance with section 1 of the Labour Code and the texts for its application. This legislation covers all employed persons except for officials of the State, the territorial collectivities and the railway administration, and military and naval personnel, whose terms of employment comprise special benefits.

Agricultural workers are thus included among those covered by employment accident legislation.

POLAND

Act of 28 June 1962 concerning social insurance of members of agricultural production co-operatives, their families and members of their household (*Dziennik Ustaw*, No. 37, 1962, text 165).

The above Act extends insurance against industrial accidents and occupational diseases to members of agricultural production co-operatives.

PORTUGAL

See under Convention No. 17.

RWANDA

Social Security Act of 15 November 1962.

The provisions of the above Act make no distinction between industrial and agricultural workers, so that the latter are covered by the general scheme.

See also under Convention No. 17.

SENEGAL (First Report)

Labour Code: Act No. 61-34 of 15 June 1961 (*Journal officiel (J.O.)*, No. 3462, 3 July 1961) (s. 162).
Decrees of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 17 Aug. 1957, p. 1540).

Decrees of 31 May 1961 concerning young persons in youth camps (*J.O.*, 17 June 1961).

Decree of 6 June 1962 fixing the method of calculation of pensions (*J.O.*, 23 June 1962).

Orders Nos. 9926 and 9927 of 2 November 1960 concerning investigation of employment accidents.

Decisions Nos. 58070 to 58077 of 20 November 1958 applying the Decrees of 24 February 1957 (*J.O.A.O.F.*, 18 Dec. 1958).

Legislation concerning prevention of and compensation for employment accidents and occupational diseases makes no distinction with regard to agricultural workers, who are covered by the general scheme of compensation for employment accidents and occupational disease.

Labour and social security inspectors and supervisors enforce laws and regulations and are required to visit every establishment under their authority not less than once each year.

UNITED KINGDOM

See under Convention No. 17.

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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, Australia, Austria, Belgium, Chile, Czechoslovakia, France, Federal Republic of Germany, Haiti, Ireland, Luxembourg, Morocco, Netherlands, New Zealand, Poland, Portugal, Rwanda, Senegal, Sweden, Tanganyika, Tunisia.

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

Brazil, Denmark, Finland, Hungary, Malaysia (States of Malaya), Mexico, Spain, Uruguay.

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	Laos	23. 1. 1964
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	26. 5. 1936	Malagasy Republic	1. 11. 1960
Austria	12. 6. 1924	Mali	22. 9. 1960
Belgium	19. 7. 1926	Mauritania	20. 6. 1961
Bulgaria	6. 3. 1925	Mexico	7. 1. 1938
Cameroon (Eastern Cameroon)	7. 6. 1960	Morocco	13. 6. 1956
Central African Republic	27. 10. 1960	Netherlands	15. 12. 1939
Chad	10. 11. 1960	Nicaragua	12. 4. 1934
Chile	15. 9. 1925	Niger	27. 2. 1961
Colombia	20. 6. 1933	Norway	11. 6. 1929
Congo (Brazzaville)	10. 11. 1960	Poland	21. 6. 1924
Cuba	7. 7. 1928	Rumania	4. 12. 1925
Czechoslovakia	31. 8. 1923	Senegal	4. 11. 1960
Dahomey	12. 12. 1960	Spain	20. 6. 1924
Finland	5. 4. 1929	Sweden	27. 11. 1923
France	19. 2. 1926	Togo	7. 6. 1960
Gabon	14. 10. 1960	Tunisia	12. 6. 1956
Greece	22. 12. 1926	Upper Volta	21. 11. 1960
Guinea	21. 1. 1959	Uruguay	6. 6. 1933
Hungary	8. 6. 1956	Venezuela	28. 4. 1933
Italy	22. 10. 1952	Viet-Nam	6. 6. 1953
Ivory Coast	21. 11. 1960	Yugoslavia	30. 9. 1929

ALGERIA (First Report)

Labour Code.

Decree of 10 July 1913 concerning general measures with regard to protection and hygiene applicable to establishments covered.

Order of 13 February 1950 laying down special measures concerning protection of workers engaged in the use of spray paints and varnishes.

Order of 13 February 1950 fixing conditions for provision of showers for workers performing unhealthy or dirty work.

Order of 24 March 1950 prohibiting the use of white lead, sulphate of lead and lead-bearing linseed oil in painting operations in the building industry.

Order of 24 March 1950 laying down particular health measures applicable in establishments where workers are exposed to lead poisoning.

Order of 24 March 1950 listing industrial operations subject to regulations laying down particular health measures.

Article 1 of the Convention. The Order of 24 March 1950 prohibiting the use of white lead, etc., in painting operations in the building industry applies this provision.

Article 2. The Labour Code provides for no exceptions.

Article 3. Previous legislation provisionally applied in Algeria does not prohibit the employment of young persons aged under 18 or of women in industrial painting operations where white lead is used. New legislation will be passed to comply with this Article.

Article 5, paragraph I (a). The Order of 24 March 1950 (health measures for persons exposed to lead poisoning) applies this paragraph.

Paragraph I (b). Special measures are provided under the Order of 13 February 1950 (measures concerning protection of workers, etc.).

Paragraph II (a) to (c). These provisions are applied.

Paragraph III (a). The Order of 24 March 1950 mentioned under the present Article provides that the head of the undertaking shall arrange for examination of any worker suffering from illness caused by his work. Legislation will be adopted to bring this provision into line with the Convention, which requires the competent authority to designate the physician.

Paragraph III (b). Although existing legislation does not give the competent authority general power to require medical examination of workers when it considers this to be necessary, section 11 of the order states that no worker may be admitted for employment or allowed to remain in employment in places where work is performed that involves regular exposure to lead poisoning, unless he has undergone a medical examination which must be repeated one month after engagement, then three months later and subsequently every six months. Legislation will be amended in this respect as required by the Convention.

Paragraph IV. Section 13 of the above-mentioned order provides that instructions with regard to precautions to be taken against lead poisoning shall be displayed. Measures will be adopted to provide for distribution of such instructions to painting workers as required by the Convention.

Article 6. The employers' and workers' organisations concerned will be very widely consulted when the new Labour Code is drawn up.

Article 7. It is not possible at present to obtain such statistics.

The Labour Inspectorate is required to enforce laws and regulations; no violation was noted during the period under consideration. Employers' and workers' organisations have submitted no observations with regard to application of the Convention.

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

COLOMBIA

In reply to an observation made by the Committee of Experts the Government states that a draft Labour Code has been approved by the Senate and is at present under examination by the House of Representatives.

GABON

Decree No. 274/PR of 5 December 1962 regulating the use of white lead in cases when such use is authorised (*Journal officiel*, 15 Feb. 1963, No. 57, p. 184).

In reply to a request by the Committee concerning the application of Article 5 (I) (a) of the Convention the Government indicates that the provisions of the new decree mentioned above give effect to this Article.

HUNGARY

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

Articles 1 and 5, paragraph I (a), of the Convention. The Government intends to adopt regulations ensuring the application of these provisions of the Convention.

Article 5, paragraph I (b). Points 112 to 119 of the General Measures for Protection against Employment Accidents and for Protection of the Health of Workers contain measures to be taken in order to eliminate any danger from paint spraying.

ITALY

In reply to the request by the Committee of Experts the Government states that the provision contained in Article 5, paragraph IV, of the Convention concerning the distribution to working painters of instructions with regard to the special hygienic precautions to be taken in the painting trade has not been included in Act No. 706 of 1961 concerning the use of white lead because it already appears with general application in the Decree of 19 March 1956. Article 4 of this decree lays down, *inter alia*, that the employer must inform workers of the special dangers to which they are exposed and indicate methods of preventing them.

The report also contains statistical data concerning cases of lead poisoning which occurred in the different trades and industries during the period under consideration.

IVORY COAST

In reply to a direct request made by the Committee of Experts the Government states that by promulgation of Orders Nos. 62-152 and 62-153 of 9 May 1962, amending the relevant sections of Orders Nos. 8822 IGTL/AOF and 8827 IGTL/AOF of 14 November 1955, national legislation is now in conformity with Article 5, paragraphs II (b) and III (a), of the Convention.

MAURITANIA

For legislation see under Convention No. 4.

The Government's report states that the new Labour Code was drafted in the light of the provisions of the Convention.

In reply to the request by the Committee of Experts the report states that the provisions of section 5 of General Order No. 8822 of 14 November 1955 apply the provisions of Article 5, paragraphs II (b) and III (a), of the Convention.

MEXICO

Decree amending the Federal Labour Act (*Diario Oficial*, 31 Dec. 1962).

The above decree prohibits the employment of persons aged under 16 years and of women in industrial painting operations where white lead, sulphate of lead and any products containing those pigments are used.

Adult workers performing such operations are subject to protection organised by regulations governing unhealthy or dangerous work.

NIGER

In reply to a direct request made by the Committee of Experts in 1962 the Government states that table A of Decree No. 5254 IGTL/AOF of 19 July 1954 prohibits the employment of women in painting work involving the use of white lead or sulphate of lead in conformity with the provisions of the Convention.

POLAND

In reply to the request by the Committee of Experts the report points out that a Bill now being drawn up will include stipulations concerning registration in cases of lead poisoning and will be sent to the Committee when it comes into force.

* * *

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

Belgium, Central African Republic, Colombia, Gabon, Hungary, Italy, Ivory Coast, Mauritania, Mexico, Niger, Poland, Spain.

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

Afghanistan, Argentina, Austria, Cameroon, Chile, Czechoslovakia, Dahomey, Finland, France, Greece, Luxembourg, Malagasy Republic, Mali, Morocco, Netherlands, Norway, Sweden, Togo, Tunisia, Uruguay, Viet-Nam, Yugoslavia.

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Ivory Coast	21. 11. 1960
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	26. 5. 1936	Lebanon	26. 7. 1962
Belgium	19. 7. 1926	Luxembourg	16. 4. 1928
Bolivia	19. 7. 1954	Malagasy Republic	1. 11. 1960
Brazil	25. 4. 1957	Malaysia (Sarawak)	3. 3. 1964
Bulgaria	6. 3. 1925	Mali	22. 9. 1960
Burma	11. 5. 1923	Mauritania	20. 6. 1961
Burundi	11. 3. 1963	Mexico	7. 1. 1938
Cameroon (Eastern Cameroon)	7. 6. 1960	Morocco	20. 9. 1956
Canada	21. 3. 1935	New Zealand	29. 3. 1938
Central African Republic	27. 10. 1960	Nicaragua	12. 4. 1934
Chad	10. 11. 1960	Niger	27. 2. 1961
Chile	15. 9. 1925	Norway	7. 7. 1937
China	17. 5. 1934	Pakistan	11. 5. 1923
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (Brazzaville)	10. 11. 1960	Poland	21. 6. 1924
Congo (Leopoldville)	20. 9. 1960	Portugal	3. 7. 1928
Cuba	20. 7. 1953	Rumania	18. 8. 1923
Czechoslovakia	31. 8. 1923	Rwanda	18. 9. 1962
Dahomey	12. 12. 1960	Senegal	4. 11. 1960
Denmark	30. 8. 1935	Spain	20. 6. 1924
Finland	19. 6. 1923	Sweden	22. 12. 1931
France	3. 9. 1926	Switzerland	16. 1. 1935
Gabon	14. 10. 1960	Syrian Arab Republic	10. 5. 1960
Greece	11. 5. 1929	Togo	7. 6. 1960
Guinea	21. 1. 1959	Tunisia	15. 5. 1957
Haiti	14. 5. 1952	Turkey	27. 12. 1946
Hungary	8. 6. 1956	United Arab Republic	10. 5. 1960
India	11. 5. 1923	Upper Volta	21. 11. 1960
Iraq	12. 5. 1960	Uruguay	6. 6. 1933
Ireland	22. 7. 1930	Venezuela	20. 11. 1944
Israel	26. 6. 1951	Viet-Nam	14. 6. 1955
Italy	8. 9. 1924	Yugoslavia	1. 4. 1927

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

GABON

Decree No. 273/PR of 5 December 1962 regulating weekly rest periods.

The above decree reproduces the provisions of Order No. 2537 of 31 December 1953 fixing the rules applying weekly rest periods.

NICARAGUA

Decree No. 765 of 12 October 1962 amending, *inter alia*, section 57 of the Labour Code governing weekly rest periods (*La Gaceta*, 13 Oct. 1962, No. 233, p. 2309) (*L.S.* 1962—Nic. 1).

SYRIAN ARAB REPUBLIC (First Report)

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

Order No. 459 of 16 June 1959 concerning the exemption of certain occupations from the provisions relating to weekly closing.

Order No. 796 of 27 September 1960 establishing a list of industrial undertakings.

Article 1 of the Convention. A list of industrial undertakings was drawn up in the Order of 1960. There is no line of division separating industry from commerce and agriculture.

Article 2. Under sections 118 and 119 of the Code the whole of the personnel of every industrial undertaking, whether public or private, are entitled to a weekly rest day. The usual weekly rest day is either Friday or Sunday, in conformity with religious tradition, but another day may be substituted for either of these days if the demands of work in a particular undertaking call for such a change.

Article 3. The Code does not provide for the exemption of family undertakings from the weekly rest provisions.

Article 4. Section 120 of the Code provides for exemptions from the weekly rest provisions in certain circumstances. In such cases the employer must notify the Ministry of Social Affairs and Labour of the exceptional circumstances which have arisen and the extended time required to complete the work and obtain the written approval of the competent authority. There is thus no need to consult responsible associations of employers and workers each time that special circumstances make necessary certain exceptions to the weekly rest provisions.

Article 5. There is no legal provision for compensatory periods of rest for suspensions or diminutions of the normal weekly rest period. Nevertheless, under section 121 of the Code, workers called on to work on their weekly rest day in the special circumstances enumerated in section 120 have the right to double overtime rates.

Article 6. The law does not permit any exceptions, either partial or total, to the weekly rest provisions. Nevertheless, certain temporary exceptions are provided for as specified above under Article 4.

Article 7. Under section 122 of the Code the employer is required to conspicuously post up a schedule showing the weekly rest day, the hours of work and the breaks for rest, and to send a copy thereof to the competent authority.

Application of the legislation concerning weekly rest is entrusted to the Ministry of Social Affairs and Labour. Supervision is effected by the inspection service of the Ministry.

UNITED ARAB REPUBLIC (First Report)

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

Article 1 of the Convention. All workers employed in industrial, commercial and agricultural undertakings are assured of a weekly rest in virtue of sections 1 and 119 of the Labour Code.

Article 2. Section 119 provides for a weekly rest period of 24 consecutive hours for the whole of the personnel employed in any industrial, commercial or agricultural undertaking. Wherever possible, the weekly rest day must coincide with the rest day already established by the traditions or customs of the country or district. In establishments where work is carried on continuously, an alternative weekly rest day is given to the workers.

Article 3. Family industrial undertakings are not exempted from the provisions of the Labour Code.

Articles 4, 5 and 6. Under section 123 of the Labour Code the provisions concerning weekly rest do not apply to the following categories: (a) workers engaged in preparatory and complementary work which has to be carried out before or after working hours; (b) guards and caretakers.

Under section 120 of the Code, temporary exceptions to the weekly rest period may be made in respect of persons engaged in stock-taking and the preparation of balance sheets, liquidation, the closing of accounts, the preparation of clearance sales at reduced prices and preparation for the inauguration of new seasons; work required to prevent serious accident, to repair the damage caused by such accident or to avoid the certain loss of perishable goods; work required to enable establishments to deal with cases of abnormal pressure of work due to special circumstances. A ministerial order lays down conditions to be observed in connection with work under the last-mentioned category. In all cases the worker is entitled to cash compensation for the additional hours worked, plus a premium of 25 per cent.

Article 7. Section 122 of the Code requires every employer to post in suitable parts of the establishment notices showing the weekly rest day, the daily working hours and rest periods.

Application of the provisions of the Labour Code is entrusted to the Ministry of Labour. Supervision and enforcement is ensured by the labour inspection offices which have been set up in different parts of the country.

VIET-NAM

Legislative Decree No. 6/63 of 22 March 1963 repealing sections 182, 183 and 190 of the Labour Code and replacing them by new texts.

The above legislative decree lays down periods of rest as compensation for exceptions provided for under sections 182, 183 and 190 of the Labour Code. See also *Report of the Committee* (1963), p. 529.

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

Cuba, Dahomey, Nicaragua, Rwanda, Uruguay.

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	Kenya	13. 1. 1964
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	19. 7. 1926	Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964
Bulgaria	6. 3. 1925	Mauritania	8. 11. 1963
Burma	20. 11. 1922	Morocco	14. 3. 1958
Byelorussia	6. 11. 1956	Netherlands	17. 6. 1931
Cameroon (Western Cameroon)	3. 9. 1962	New Zealand	26. 11. 1959
Canada	31. 3. 1926	Nicaragua	12. 4. 1934
Ceylon	25. 4. 1951	Nigeria	17. 10. 1960
Chile	18. 10. 1935	Norway	7. 10. 1927
China	2. 12. 1936	Pakistan	20. 11. 1922
Colombia	20. 6. 1933	Poland	21. 6. 1924
Cuba	7. 7. 1928	Rumania	18. 8. 1923
Cyprus	23. 9. 1960	Sierra Leone	13. 6. 1961
Denmark	12. 5. 1924	Spain	20. 6. 1924
Finland	10. 10. 1925	Sweden	14. 7. 1925
France	16. 1. 1928	Switzerland	21. 4. 1960
Federal Republic of Germany	11. 6. 1929	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Trinidad and Tobago	24. 5. 1963
Greece	14. 6. 1930	Turkey	29. 9. 1959
Hungary	1. 3. 1928	Ukraine	14. 9. 1956
Iceland	21. 8. 1956	U.S.S.R.	10. 8. 1956
India	20. 11. 1922	United Kingdom	8. 3. 1926
Ireland	5. 7. 1930	Uruguay	6. 6. 1933
Italy	8. 9. 1924	Yugoslavia	1. 4. 1927
Jamaica	26. 12. 1962		
Japan	4. 12. 1930		

BURMA

Articles of agreement containing a list of young persons under the age of 18 years employed on board are examined at regular intervals under the control of the Principal Officer and Shipping Master, Mercantile Marine Department. In case of changes in the composition of the crew, inspections are made on board ship to ensure that no young person under the age of 18 years is employed in contravention of the Convention.

GHANA

No effect is given to the Convention in the new Merchant Shipping Act, 1963, as there are no coal-burning ships in use in Ghana. A summary of the terms of the Convention, however, as well as a list of young persons under 18 years of age, is inserted in the articles of agreement.

SIERRA LEONE (First Report)

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

Employers and Employed (Amendment) Act, No. 23, 1962.

Merchant Shipping (Colonies) (Amendment) Order, 1941 (Public Notice No. 40, 1941).

Article 1 of the Convention. The definition of the term "vessel" is contained in section 2 (1) of the above ordinance.

Article 2. Section 55 (1) of the same ordinance forbids the employment of young persons under the age of 18 years as trimmers or stokers.

Article 3. Sections 53 and 55 of the ordinance apply this Article.

Article 4. Effect is given to this Article by section 55 (2) of the ordinance.

Article 5. This Article is applied by section 14 of the Employers and Employed (Amendment) Act.

Article 6. The United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, which applies to Sierra Leone by the above order, gives effect to this Article.

The Commissioner of Labour and the Harbour and Shipping Master are entrusted with the application of the above-mentioned legislation.

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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:

Burma, Ghana, Nigeria, Sierra Leone.

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

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Jamaica	26. 12. 1962
Argentina	26. 5. 1936	Japan	7. 6. 1924
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	19. 7. 1926	Malaysia (Sabah, Sarawak, Singa- pore)	3. 3. 1964
Brazil	8. 6. 1936	Mexico	9. 3. 1938
Bulgaria	6. 3. 1925	Netherlands	9. 3. 1928
Burma	20. 11. 1922	New Zealand	5. 12. 1961
Byelorussia	6. 11. 1956	Nicaragua	12. 4. 1934
Cameroon (Western Cameroon)	3. 9. 1962	Nigeria	17. 10. 1960
Canada	31. 3. 1926	Pakistan	20. 11. 1922
Ceylon	25. 4. 1951	Poland	21. 6. 1924
Chile	18. 10. 1935	Rumania	18. 8. 1923
China	2. 12. 1936	Sierra Leone	13. 6. 1961
Colombia	20. 6. 1933	Somalia (ex-Trust Territory)	18. 11. 1960
Cuba	7. 7. 1928	Spain	20. 6. 1924
Cyprus	23. 9. 1960	Sweden	14. 7. 1925
Denmark	23. 4. 1938	Switzerland	21. 4. 1960
Finland	10. 10. 1925	Tanganyika	30. 1. 1962
France	22. 3. 1928	Trinidad and Tobago	24. 5. 1963
Federal Republic of Germany	11. 6. 1929	Ukraine	14. 9. 1956
Ghana	20. 5. 1957	U.S.S.R.	10. 8. 1956
Greece	28. 6. 1930	United Kingdom	8. 3. 1926
Hungary	1. 3. 1928	Uruguay	6. 6. 1933
India	20. 11. 1922	Yugoslavia	1. 4. 1927
Ireland	5. 7. 1930		
Italy	8. 9. 1924		

AUSTRALIA

Navigation (Health) Regulations, 1962, No. 7.

Articles 2 and 3 of the Convention are now covered by regulation 6 of the above-mentioned regulations, which replace section 40 B of the Navigation Act.

GHANA

Merchant Shipping Act, 1963, No. 183.

Article 1 of the Convention. Section 319 of the above Act is applicable.

Articles 2 to 4. Section 143 of the Act covers these provisions.

Examinations are conducted by a government medical officer, and the certificates are checked by the Shipping Master before signing on an agreement with the crew. Special entries are made in respect of young persons under 18 years of age, including apprentices.

JAMAICA (First Report)

United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, which was extended to Jamaica by Order in Council dated 25 July 1927.

The Convention is applied in Jamaica as in the United Kingdom.

The application of the legislation is entrusted to the Shipping Master.

NEW ZEALAND

Article 1 of the Convention. In reply to a direct request by the Committee of Experts the Government states in its report that the two government-owned vessels engaged in maritime navigation are manned according to the requirements of non-government ships.

SIERRA LEONE

Employers and Employed (Amendment) Act, No. 23, 1962.

Section 15 of the above Act, which amends section 56 of the original Act, lays down that medical certificates should be produced at intervals of not more than one year.

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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:

Australia, France, Italy, Japan, Netherlands.

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

Argentina, Belgium, Brazil, Byelorussia, Canada, Ceylon, Chile, China, Colombia, Cyprus, Denmark, Finland, Federal Republic of Germany, Greece, Hungary, India, Ireland, Luxembourg, Mexico, Nigeria, Pakistan, Poland, Rumania, Somalia, Spain, Sweden, Switzerland, Tanganyika, Trinidad and Tobago, U.S.S.R., United Kingdom, Uruguay, Yugoslavia.

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

This Convention came into force on 1 April 1927

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	12. 5. 1934
Argentina	14. 3. 1950	Morocco	20. 9. 1956
Austria	21. 8. 1936	Netherlands	13. 9. 1927
Belgium	3. 10. 1927	New Zealand	29. 3. 1938
Bulgaria	5. 9. 1929	Nicaragua	12. 4. 1934
Burma	16. 2. 1956	Panama	3. 6. 1958
Burundi	11. 3. 1963	Philippines	17. 11. 1960
Chile	8. 10. 1931	Poland	3. 11. 1937
Colombia	20. 6. 1933	Portugal	27. 3. 1929
Congo (Leopoldville)	20. 9. 1960	Rwanda	18. 9. 1962
Cuba	6. 8. 1928	Sierra Leone	13. 6. 1961
Czechoslovakia	12. 6. 1950	Somalia (ex-Trust Territory)	18. 11. 1960
Finland	20. 1. 1950	Spain	22. 2. 1929
France	17. 5. 1948	Sweden	8. 9. 1926
Federal Republic of Germany	14. 6. 1955	Syrian Arab Republic	10. 5. 1960
Greece	13. 6. 1952	Tanganyika	30. 1. 1962
Haiti	19. 4. 1955	Tunisia	15. 5. 1957
Hungary	19. 4. 1928	Uganda	4. 6. 1963
Iraq	5. 7. 1960	United Arab Republic	10. 5. 1960
Kenya	13. 1. 1964	United Kingdom	28. 6. 1949
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malaysia (States of Malaya)	11. 11. 1957	Yugoslavia	1. 4. 1927
Mauritania	8. 11. 1963		

AUSTRIA

Federal Act of 15 December 1961 to amend and supplement the General Social Insurance Act (Amendment Act No. 9) (*Bundesgesetzblatt*, No. 13/62) (*L.S.* 1961—Aus. 2).

The above-mentioned Act covers the following provisions of the Convention.

Article 5 of the Convention. When the accident insurance institution replaces pension by a lump-sum payment there is no longer any need for beneficiaries belonging to a given Provincial Chamber of Industry to refer to that Chamber (section 184, paragraph 2, of the Act).

Article 6. For injured persons still entitled to sickness compensation from the twenty-seventh week following injury, accident pension entitlement is suspended so long as sickness compensation is drawn up to the level of such benefit.

Article 8. Appeal on the grounds of procedural error has been added to the other grounds of appeal already provided for. At the same time certain restrictions to the right of appeal have been abolished (section 400 of the Act).

BELGIUM

Law of 11 January 1963.

Royal Order of 16 November 1962.

The above-mentioned law has modified the Law concerning workmen's compensation for accidents by increasing the maximum amount of earnings to be taken into account in fixing the indemnity. The Order of 1962 has increased the amount of the security to be maintained by undertakings in order to ensure payment of compensation.

COLOMBIA

In reply to the observation made by the Committee of Experts in 1962 the Government states that Decree No. 1698 of 1960 is not yet in force and that the regulations referred to in section 48 thereof have not yet been adopted either. The Government notes the observations made in connection both with the Code and the wording of the regulations. With regard to the exception of these regulations governing workers employed for less than 90 days in a year, it must be pointed out that such workers are entitled to the benefits laid down in the Labour Code in pursuance of section 193, paragraph 2.

The provisions with regard to employment accidents governing official employees are sections 4 and 11 of Act No. 64 of 1946 amending Act No. 6 of 1945. This lays down compensation rates in proportion to the injury suffered and in accordance with the corresponding table of calculations, subject to a ceiling equivalent to two years' wages, together with medical, pharmaceutical, surgical and hospital assistance as necessary, and complete wages for up to six months. In the case of decease beneficiaries are paid compensation equivalent to the value of twice the sum of life insurance benefit, which is payable on the basis established in section 1 of Act No. 166 of 1941, subject to a ceiling equivalent to 36 months' wages. Official employees are entitled to a disability pension throughout the duration of incapacity for work.

CZECHOSLOVAKIA

Act of 21 December 1961 respecting the compensation payable in the event of accidents and occupational diseases (*Sbírka Zákonů* (S. Z.), 29 Dec. 1961, No. 71, Text No. 150) (L.S. 1961—Czech. 4).

Order of the Ministry of Health, Office of State for Social Security and the Central Council of Trade Unions, dated 9 January 1962, concerning the application of the provisions of the Act of 21 December 1961 respecting compensation payable in the event of accidents and occupational diseases.

The above legislation renders the undertaking responsible in the event of industrial accidents or occupational diseases occurring during the normal running of the undertaking. It defines the various forms of compensation payable, which were formerly covered by general provisions on loss or injury: compensation for loss of earnings, for social hardship and additional suffering inflicted as a result of the injury. Act No. 54 of 1956 respecting sickness insurance and Act No. 55 of 1956 respecting social insurance continue in force without any change in their application.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 12.

GREECE

In reply to the request made by the Committee of Experts in 1962 the Government supplies a list of areas and undertakings to which the general system of social security was extended between 1 July 1961 and 30 June 1963.

IRAQ

In reply to a request made by the Committee of Experts in 1963 the Government states that the Committee's comments concerning Articles 2, 5, 7, 8 and 11 of the Convention will be taken into account by the Committee which is drafting amendments to labour legislation. With regard to Articles 9 and 10 the competent authority is the official medical board. The extension of social security coverage to other undertakings remaining unprotected at present is under consideration.

MALAYSIA

States of Malaya.

In answer to the direct request by the Committee of Experts concerning Article 5 of the Convention the Government's report states once more that existing national practice is in conformity with the provisions of the Convention. This Article, while referring to "periodical payments", does not specify the number of such payments or the period during which they should continue. Further, the Article must be interpreted in the context of the Employers' Liability Scheme laid down under the Workmen's Compensation Ordinance, where the liability is determined in terms of a fixed sum of money.

On the other hand, conditions in the country favour the payment of indemnity in a lump sum for the purpose of an approved investment. To pay out this sum in what would be small sums over a period of time would be unrealistic.

MEXICO

In reply to the request by the Committee of Experts in 1962 the Government states that the Act governing the Social Security and Services Institute for State Employees provides in section 32, paragraph IV, for 100 per cent. compensation in wages in cases of total permanent incapacity. State employees are also entitled to hospital treatment, including assistance by third parties and rehabilitation facilities, for which purpose the services of various public or private authorities may be used. Nevertheless, it is considered desirable to include in the above-mentioned Act a provision to establish additional compensation as laid down in Article 7 of the Convention.

NEW ZEALAND

Workers' Compensation Amendment Act, 1962.

Article 5 of the Convention. The Government has noted the Committee's views.

Article 10. In reply to the request by the Committee of Experts the Government states that conformity with the provisions of this Article was effected by the inclusion of a section (section 12) in the above-mentioned Act, which repealed section 23 of the principal Act and substituted the following: "Where, as a result of the injury, the provision of any artificial limb or aid for the worker becomes necessary or desirable, the employer shall be liable to pay, in addition to the compensation otherwise payable under this Act, the reasonable cost of the artificial limb or aid and of its normal repair or renewal."

PHILIPPINES

Article 5 of the Convention. It is feared that industry may not be able to bear the additional financial burden of providing an unlimited period of benefit payment in case of death or of permanent incapacity. It is, however, provided in the last paragraph of section 18 of the Workmen's Compensation Act that "after the payment has been made for the period specified by the Act in each case, the Workmen's Compensation Commissioner may from time to time cause the examination of the condition of the disabled labourer, with a view to extending, if necessary, the period of compensation which shall not, however, exceed the amount of 4,000 pesos".

Article 7. The provision of such an additional compensation would mean an increase in the employer's liability and consequently in the cost of production, which would be prejudicial to the present economic situation of the country.

Article 8. The purpose of the short period allowed for review or appeal is to expedite the settlement of workmen's compensation claims.

Once it is proved that the claim is filed after the statutory period, the burden of proof shifts to the employee, who may establish any of the following conditions: (1) no prejudice on the part of the employer, i.e. either when the employee had adequate medical treatment, or when the employer had every opportunity to defend himself; (2) reasonable cause, i.e. when the delay is caused by the employee's unawareness that his injury was caused by his work; (3) knowledge on the part of the employer; or (4) mistake regarding the nature of the injury, i.e. when the immediate result of the injury is apparently slight and later serious results occur or when the degree of incapacity is greater than was originally estimated (as indicated in a decision of the Supreme Court).

Section 27 of the Act also provides that "failure to or delay in giving notice shall not be a bar to the proceedings herein provided for, if it is shown that the employer, his agent or representative, had knowledge of the accident or that the employer did not suffer by such delay or failure". Thus, where any of the four aforementioned factors exist, non-compliance with the requirement is excused and the ten-year prescriptive period may be invoked.

Article 9. A proposal has been made that the Act be amended so that the injured worker may be provided "with such services, appliances and supplies as the nature of his disability and the process of his recovery may require, and that which will promote his early restoration to the maximum level of his physical capacity".

Article 10. The proposed amendments to the Act include the following provisions in section 13 which are intended to meet the requirements of this Article: "...appliances shall include crutches, artificial members and other devices of the same kind, and the replacements or repairs of such artificial members or such devices unless the replacement or repair is made necessary by the lack of proper care by the employee...".

Article 11. In order to meet the requirements of this Article it is proposed to amend section 30 of the Act. The proposed amendment would guarantee the payment by employers of compensation and other benefits to employees or labourers and their dependants either by means of an insurance contracted with an authorised company or by requiring employers to furnish proof of their financial ability to bear such liabilities.

POLAND

Ordinance of the President of the Labour and Wages Committee of 24 November 1961, concerning industrial accidents (*Dziennik Ustaw*, No. 55, text 312).

Ordinance of the Council of Ministers of 11 April 1962, concerning the suspension of pension entitlement (*ibid.*, No. 24, text 110).

Ordinance of the Council of Ministers of 13 July 1962, concerning the conditions under which parents and spouse are considered as being dependants of the worker (*ibid.*, No. 41, text 187).

Ordinance of the Council of Ministers of 2 February 1963, concerning benefits payable to victims of accidents occurring during flood rescue operations (*ibid.*, No. 4, text 22).

By virtue of the Ordinances of 1961 and 1963 the provisions concerning the general insurance of workers against industrial accidents and occupational diseases have been extended respectively to persons performing the duties of mayor and to victims of accidents occurring during flood rescue operations.

The provisions concerning suspension of pension entitlement when the amounts received by the victim or his dependants exceed a given sum have been mitigated by raising the amount of the sum in question.

PORTUGAL

Act No. 1942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases (*L.S.* 1936—Port. 2).

Decree No. 27649 of 12 April 1937.

Legislative Decrees No. 38539 of 24 November 1951, No. 43183 of 23 September 1960, and No. 43189 of 23 September 1960.

Rural Labour Code promulgated by Decree No. 44309 of 27 April 1962 (*L.S.* 1962—Port. 1).

In reply to a request for information by the Committee of Experts in 1962 the Government states that in all the overseas provinces (except for Macao, where the Act of 1936 applies) employment injury compensation is guaranteed by the Rural Labour Code, which also applies to non-agricultural labour. This Code repeals the former Indigenous Labour Code of 1928. Legislative Decree No. 43893 of 6 September 1961 repealed the provisions governing the indigenous population in all the overseas provinces.

Thus, in the field of employment injury compensation, workers in overseas territories enjoy the same protection as those in Portugal.

The Government regrets that, as the result of an oversight, the Rural Labour Code does not contain any provision corresponding to the requirements of Article 7 of the Convention. An amendment to the Code to introduce such a provision is being studied at present.

The Rural Labour Code places the onus for compensation in respect of employment injury and occupational disease on the undertaking concerned. The contingencies covered are a morbid condition, temporary or permanent incapacity for work, or the loss of means of subsistence by survivors owing to the death of the breadwinner.

The provisions of the Code apply to employees of any undertaking in the private or public sector, with the exception of workers not regularly employed by the undertaking, homeworkers, members of the employer's family working exclusively on his account and living under the same roof, and persons providing their services to an undertaking without being subject to the authority, direction or supervision of that undertaking.

In the case of decease, benefit payable under the Rural Labour Code takes the form of periodical payment. A magistrate may authorise complete or partial lump-sum payment at the request of those concerned subject to evidence that they will make judicious use of such payment. Pension rights may be surrendered when the sum does not exceed a specified limit.

Pension review following a change in the physical state of a beneficiary can be requested by the beneficiary, provided that a period of not less than six months and not more than five years has elapsed since the date when the pension was last fixed or reviewed.

Transfer of employer's liability to an insurance company is provided for under the Rural Labour Code. This is compulsory for undertakings normally employing not less than 50 workers unless it can guarantee in some other way that it can discharge this obligation.

The insurance coverage must in all cases extend to all the contingencies stated in the Code.

RWANDA

Social Security Act of 15 November 1962.

The above Act repeals all earlier decrees and regulations relating to workmen's compensation. Some of its main provisions are as follows.

The Act covers "persons bound by a contract for the hire of services, employees of the State and of subsidiary authorities, and persons bound by a contract of training or apprenticeship".

In the event of permanent total incapacity, a pension equal to 80 per cent. of the average monthly remuneration is payable.

In the case of permanent partial incapacity, the sufferer is entitled to a pension if the degree of incapacity amounts to at least 15 per cent. If it is less than this a lump-sum incapacity grant is payable.

In the event of death, a pension is payable to the survivors.

In the event of temporary incapacity for work a daily allowance equal to two-thirds of the average daily remuneration is payable.

There is no provision for the award of additional compensation to disabled accident victims who need the constant help of another person.

The cost of medical, surgical and pharmaceutical aid, and of the supply and renewal of artificial limbs and surgical appliances, is borne by the insurance institution (Social Fund), the contributions to the employment injuries branch being payable entirely by the employer.

Since the State acts as guarantor for the Social Fund, the payment of compensation to accident victims and their dependants is guaranteed against the insolvency of the insurer.

SIERRA LEONE

Act No. 32 of 1962 amending the Workmen's Compensation Act.

In reply to the request by the Committee of Experts in 1962 the Government states that the compensation rates laid down by the Act with regard to permanent incapacity resulting from employment injury make it impracticable for such compensation to be paid as a life pension. In most cases, if the benefits were paid in the form of a pension, the total would be too small to be of any benefit to the recipient.

Article 9 of the Convention. Since the introduction of workmen's compensation provisions no cases have arisen in which the cost of medical assistance has been in excess of £100. Medical assistance is largely provided by hospitals administered by the Government, missions or companies. The existing provisions are, therefore, regarded as sufficient and not requiring amendment until circumstances call for it.

Article 10. The above Act amended section 32 (1) (b) of the Workmen's Compensation Act by raising the limit for supply and replacement of prosthetic and orthopaedic appliances from the earlier level of £50 to £75. This provision is regarded as adequate to comply with the requirements of this Article, and no need is felt for its amendment until circumstances call for it.

SWEDEN

In reply to an observation made by the Committee of Experts in 1962 the Government states that the Committee referred to in the report for 1959-61 has not yet concluded its task of reviewing the system of insurance against industrial accidents, and that, pending such conclusion—probably at the beginning of 1964—it must reserve its position on this matter.

UNITED KINGDOM

National Insurance Act, 1963, and regulations made thereunder.

Articles 9 and 10 of the Convention. The observations of the Committee of Experts are under urgent consideration and it is hoped that a decision will shortly be made.

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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, Austria, Belgium, Chile, Czechoslovakia, Finland, France, Federal Republic of Germany, Haiti, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Philippines, Poland, Rwanda, Sierra Leone, Somalia, Sweden, Tanganyika, Tunisia, United Arab Republic, United Kingdom, Uruguay.

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

Hungary, Spain.

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

This Convention came into force on 1 April 1927

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	24. 9. 1956	Mali	22. 9. 1960
Australia	22. 4. 1959	Mauritania	20. 6. 1961
Austria	29. 9. 1928	Morocco	20. 9. 1956
Belgium	3. 10. 1927	Netherlands ¹	1. 11. 1928
Bulgaria	5. 9. 1929	Nicaragua	12. 4. 1934
Burma	30. 9. 1927	Niger	27. 2. 1961
Burundi	11. 3. 1963	Norway	11. 6. 1929
Ceylon	17. 5. 1952	Pakistan	30. 9. 1927
Chile	31. 5. 1933	Poland	3. 11. 1937
Colombia	20. 6. 1933	Portugal	27. 3. 1929
Congo (Leopoldville)	20. 9. 1960	Rwanda	18. 9. 1962
Cuba	6. 8. 1928	Senegal	4. 11. 1960
Czechoslovakia	19. 9. 1932	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Sweden ¹	15. 10. 1929
Denmark	18. 6. 1934	Switzerland	16. 11. 1927
Finland	17. 9. 1927	Syrian Arab Republic	10. 5. 1960
France	13. 8. 1931	Tunisia	12. 1. 1959
Federal Republic of Germany	18. 9. 1928	United Arab Republic	10. 5. 1960
Guinea	21. 1. 1959	United Kingdom ¹	6. 10. 1926
Hungary	19. 4. 1928	Upper Volta	21. 11. 1960
India	30. 9. 1927	Uruguay ¹	6. 6. 1933
Iraq	26. 11. 1938	Yugoslavia	1. 4. 1927
Ireland ¹	25. 11. 1927		
Italy	22. 1. 1934		
Ivory Coast	21. 11. 1960		
Japan	8. 10. 1928		

¹ Has denounced this Convention and has ratified Convention No. 42.

ARGENTINA

See under Convention No. 42.

AUSTRIA

See under Convention No. 42.

BELGIUM

See under Convention No. 42.

COLOMBIA

In reply to the observations made by the Committee of Experts in previous years concerning processes which are liable to cause anthrax infection, the Government once again refers to section 201 of the Labour Code and states that it is considering the possibility of adding to the list contained therein the processes enumerated in the Convention.

See also *Report of the Committee* (1962), p. 697.

CZECHOSLOVAKIA

See under Convention No. 42.

DAHOMY

In reply to the request by the Committee of Experts concerning the list of occupational diseases, which diverges in some respects from the schedule contained in the Convention, the Government states that it will take account, when the new Labour Code is promulgated, of the points raised by the Committee, and that the texts concerning its application will be revised.

The Government also states that, under the terms of article 56 of the Constitution, agreements and treaties, when duly ratified, carry greater authority on publication than laws, provided that each agreement or treaty is implemented by the other party.

DENMARK

See under Convention No. 42.

FRANCE

See under Convention No. 42.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 42.

INDIA

Law No. 64 of 1962 on compensation for industrial injury and occupational disease (amendment).

In reply to the direct inquiry by the Committee of Experts the Government points out that the Law of 1923 on compensation for industrial injury and occupational disease is applicable to workers engaged in agricultural work with tractors or other machinery driven by steam, any other mechanical energy or electricity.

During the period under consideration, national insurance arrangements for wage earners have been extended to certain other regions in 12 states; in consequence, they now cover 2.2 million workers out of the 3 million who could benefit from insurance.

ITALY

See under Convention No. 42.

IVORY COAST

Decree No. 62-154 of 9 May 1962, amending paragraphs 1, 2 and 18 of the List of Main Processes Liable to Cause Occupational Diseases, annexed to Resolution No. 187-58 AT CP of 10 September 1958, laying down rules for the application of Decree No. 57-245 of 24 February 1957, as amended, respecting compensation for and the prevention of industrial accidents and occupational diseases (*Journal officiel*, 24 May 1962, No. 25, p. 585).

Decree No. 62-153 of 9 May 1962, amending in particular section 16 of Order No. 8827 IGTLS/AOF of 14 November 1955, laying down special hygienic measures for undertakings in which the personnel is exposed to lead poisoning (*ibid.*, 24 May 1962, No. 25, p. 584).

In reply to the requests made by the Committee of Experts in previous years concerning the list of occupational diseases and the industries and processes to which they correspond, the Government states that Decree No. 62-154 has introduced certain changes into the national legislation in order to take account of the Committee's suggestions.

These changes relate in particular to processes which are liable to cause lead poisoning, mercury poisoning and anthrax infection. Accordingly, the corresponding provisions in the national legislation have been drafted so as to include the processes shown in the second column of the schedule to the Convention.

As for the pathological manifestations due to the above-mentioned diseases, the Government assures the Committee that, when the national laws and regulations are revised following upon the adoption in the near future of a new Labour Code, measures will be taken to ensure that all the pathological manifestations due to the diseases mentioned in Article 2 of the Convention are also covered by the national legislation. Accordingly, the Government proposes to preface each item in the list of pathological manifestations contained in the present legislation by the corresponding mention in the first column of the table in the Convention, followed by the words "in particular". In this way the list of pathological manifestations contained in the present legislation will no longer be restrictive, but merely indicative. The Government would like to know the views of the Committee on this proposed change.

In addition, the Government states that, pending such changes, it has made a point of specifying in a general manner, in connection with the special hygienic measures for undertakings in which the personnel is exposed to lead poisoning, that diseases attested by medical certificate as being ascribable to lead poisoning are occupational diseases.

JAPAN

In reply to the direct request by the Committee of Experts concerning the application of the Convention to agricultural workers, the Government supplies the following information.

The Labour Standards Law is applied to undertakings engaged in the cultivation of land or reclamation of waste land, planting, cultivating and harvesting of crops or timbering and other agricultural and forestry enterprises (section 8, paragraph 6, of the law) and occupational diseases contracted by workers employed in these enterprises are, under sections 75 to 80 of the law, to be compensated by the employer. Moreover, among these enterprises, forestry enterprises are required to join the workmen's accident compensation insurance scheme, while others may join voluntarily.

LUXEMBOURG

In reply to the direct request by the Committee of Experts regarding work involving the risk of anthrax infection the Government states that the Central Committee for Occupational Diseases is continuing its work of bringing the national schedule of occupational diseases into line with that laid down in the Convention and that specific proposals will shortly be submitted to the Government.

It is further stated that international Conventions, when duly ratified, are, in principle, enforceable throughout the territory three days after publication in the *Mémorial*, unless any special provisions change this period. In this manner it is ensured that Conventions are known to the public, since it is legally assumed that all persons are aware of publications in this official journal.

MAURITANIA

In reply to the request by the Committee of Experts in 1963 concerning the list of occupational diseases, the Government states that, when the existing legislation is revised in the very near future with a view to its closer adaptation to actual conditions in the country, account will be taken of the remarks of the Committee concerning poisoning by lead alloys, poisoning by mercury, its amalgams and compounds, anthrax infection and processes liable to cause these diseases.

MOROCCO

See under Convention No. 42.

NIGER

Act No. 62-29 of 9 August 1962 respecting compensation for and prevention of industrial accidents and occupational diseases (*Journal officiel*, 1 Sep. 1962), No. 17.

The above Act codifies and embodies in a single text the provisions of previous legislation, without making any changes in the substance.

NORWAY

See under Convention No. 42.

PAKISTAN

In reply to the direct request by the Committee of Experts the Government states that the legislation on workmen's compensation covers persons employed otherwise than in a clerical capacity on any estate for the growing of cinchona, coffee, rubber or tea where during the 12 months preceding notification of the illness or accident a minimum of 25 persons have been so employed. The legislation also covers persons employed in connection with the operation or maintenance of vehicles propelled by steam or other mechanical power or by electricity.

POLAND

See under Convention No. 42.

PORTUGAL

In reply to the direct request made by the Committee of Experts the Government states that Decree No. 43893 of 6 September 1961 abolished the Native Statute. The Rural Labour Code of 27 April 1962 has replaced the Indigenous Labour Code of 1928 in the overseas provinces. The list of occupational diseases given in section 242 of the Rural Labour Code is therefore applicable to the entire population, including the inhabitants of the overseas provinces.

The legislation in force for the province of Macao is Act No. 1942 of 27 July 1936.

RWANDA

Social Security Act of 15 November 1962 (*Journal officiel*, No. 23, 15 Dec. 1962).

The Government states that the new Social Security Act gives effect to the provisions of the Convention by stipulating, in particular in section 30, that occupational diseases shall be placed on the same footing as industrial accidents.

In reply to the requests by the Committee of Experts concerning the inclusion of loading, unloading and transport of merchandise in general among the processes liable to cause anthrax infection, the Government states that nothing has been done yet, but that this point will be taken into consideration in the presidential order to be published in application of section 31 of the above-mentioned Act.

Finally, the Government adds that fresh legislation is now being drafted which will take into account the provisions of the Conventions which it has ratified.

SPAIN

See under Convention No. 42.

SWITZERLAND

Federal Act of 20 December 1962 amending the Act respecting sickness and accident insurance (*Feuille fédérale*, 1963, I, p. 16).

By virtue of the amendment of the Federal Act of 13 June 1911 by the above-mentioned Act, chronic diseases of occupational origin, but which are not caused by toxic substances, may be considered as occupational diseases covered by compulsory insurance.

In reply to the request by the Committee of Experts the Government states that the Federal Act respecting agriculture has not yet been revised but that, in practice, agricultural workers have been for some years past paid the same benefits for occupational diseases and industrial accidents.

TUNISIA

In reply to the requests by the Committee of Experts concerning the list of occupational diseases, the Government states that the pathological manifestations listed for lead poisoning and mercury poisoning are the ones usually observed in Tunisia, and that no case of anthrax infection has been detected in Tunisia since the publication of the Act of 11 December 1957 concerning industrial accidents and occupational diseases.

The Government recognises that the legislation introduces restrictions which are not provided for in the Convention, but points out that under the terms of section 48 of the Constitution of 1 June 1959 diplomatic treaties which have been duly ratified carry greater authority than laws, even if they conflict with them.

* * *

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, Chile, Czechoslovakia, Dahomey, Denmark, France, Federal Republic of Germany, Hungary, India, Italy, Ivory Coast, Japan, Morocco, Norway, Switzerland, United Arab Republic.

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

Ceylon, Finland, Iraq, Mali.

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	19. 10. 1962	Jamaica	26. 12. 1962
Argentina	14. 3. 1950	Japan	8. 10. 1928
Australia	12. 6. 1959	Kenya	13. 1. 1964
Austria	29. 9. 1928	Luxembourg	16. 4. 1928
Belgium	3. 10. 1927	Malagasy Republic	10. 8. 1962
Bolivia	19. 7. 1954	Malaysia:	
Brazil	25. 4. 1957	States of Malaya	11. 11. 1957
Bulgaria	5. 9. 1929	Sarawak, Singapore	3. 3. 1964
Burma	30. 9. 1927	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Mexico	12. 5. 1934
Cameroon:		Morocco	13. 6. 1956
Eastern Cameroon	29. 1. 1963	Netherlands	13. 9. 1927
Western Cameroon	3. 9. 1962	Nicaragua	12. 4. 1934
Chile	8. 10. 1931	Nigeria	17. 10. 1960
China	27. 4. 1934	Norway	11. 6. 1929
Colombia	20. 6. 1933	Pakistan	30. 9. 1927
Congo (Leopoldville)	20. 9. 1960	Peru	8. 11. 1945
Cuba	6. 8. 1928	Poland	28. 2. 1928
Cyprus	23. 9. 1960	Portugal	27. 3. 1929
Czechoslovakia	8. 2. 1927	Rwanda	18. 9. 1962
Denmark	31. 3. 1928	Senegal	22. 10. 1962
Dominican Republic	5. 12. 1956	Sierra Leone	13. 6. 1961
Finland	17. 9. 1927	Somalia (ex-Trust Territory)	18. 11. 1960
France	4. 4. 1928	Republic of South Africa	30. 3. 1926
Gabon	13. 6. 1961	Spain	22. 2. 1929
Federal Republic of Germany	18. 9. 1928	Sudan	18. 6. 1957
Ghana	20. 5. 1957	Sweden	8. 9. 1926
Greece	30. 5. 1936	Switzerland	1. 2. 1929
Guatemala	2. 8. 1961	Syrian Arab Republic	26. 7. 1960
Haiti	19. 4. 1955	Tanganyika	30. 1. 1962
Hungary	19. 4. 1928	Trinidad and Tobago	24. 5. 1963
India	30. 9. 1927	Tunisia	12. 6. 1956
Indonesia	13. 9. 1927	Uganda	4. 6. 1963
Iraq	30. 4. 1940	United Arab Republic	29. 11. 1948
Ireland	5. 7. 1930	United Kingdom	6. 10. 1926
Israel	5. 5. 1958	Uruguay	6. 6. 1933
Italy	15. 3. 1928	Venezuela	20. 11. 1944
Ivory Coast	5. 5. 1961	Yugoslavia	1. 4. 1927

CHINA

In reply to the request by the Committee of Experts in 1962 the Government states that the draft Labour Code sent to the I.L.O. for its comments includes an amendment to section 9 of the Social Insurance Act, bringing this into line with the Convention.

COLOMBIA

In reply to a request by the Committee of Experts in 1962 the Government states that benefit is granted to foreigners without condition of residence, since neither the Labour Code nor the regulations approved by Decree No. 1698 of 1960 establish any such condition.

CZECHOSLOVAKIA

In reply to a request made by the Committee of Experts in 1963 the Government states that practice corresponds entirely to the provisions of the Convention, including those concerning compensation when the beneficiary lives abroad. Provision of retirement benefits outside the territory of Czechoslovakia is optional, except in the case of benefits guaranteed by an international agreement, in accordance with the practice based on the provisions of section 45, paragraph 2, of the Social Insurance Act and approved by the competent authorities with regard to both nationals and non-nationals. The basic consideration in the provision of benefits abroad is the applicant's needs. In the case of non-nationals it is required that the country concerned should respect the principle of reciprocity with regard to provision of benefits. Pension eligibility is unaffected if a pension is not drawn abroad, and the benefits remain at the disposal of the protected person in the country.

FRANCE

Decree No. 62-1378 of 19 November 1962 (*Journal officiel*, 24 Nov. 1962).

In accordance with the requests made by the Committee of Experts in 1960 and 1962 the above decree amends section L 416-5 of the Social Security Code in order to abolish any distinction based on the nationality of convicts who suffer injury during penal labour.

The surviving spouse of a person killed in an employment accident is entitled to a pension equivalent to 30 per cent. of the deceased person's annual wage. This rate may be increased to 50 per cent. if the spouse satisfies certain conditions. A decision regarding these conditions in the light of the social legislation in the surviving spouse's country calls for special agreements with the countries concerned when the surviving spouse does not live in France. Agreements have been signed with Belgium, Poland, the Federal Republic of Germany and Italy.

Administrative and medical supervision of persons protected by the French social security scheme who have moved to a place of residence in a country with which no agreement with regard to social security has been signed is conducted through French diplomatic or consular representatives in those countries (circular No. 25 SS of 8 February 1963).

The rules applying to direct payment of social security benefits to protected persons living abroad are laid down in circular No. 34 SS of 11 March 1963.

GABON (First Report)

Order No. 2811 DFCL-4 of 27 August 1957 giving effect in Gabon to Decrees Nos. 57-245 of 24 February 1957 and 57-829 of 23 July 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases.

Act No. 3/59 of 19 February 1959 fixing the methods for compensation for and prevention of industrial accidents and occupational diseases (*Journal officiel*, No. 2, 1 July 1959).

Article 1 of the Convention. Foreign workers employed in Gabon who suffer employment accidents are covered by the same compensation rights as nationals. However, their pension is replaced by lump-sum payment when they cease to reside in Gabon. This rule also applies to their dependants.

In pursuance of the establishment agreement of 17 August 1960 signed between Gabon and France and the protocol of agreement of the African and Malagasy States (Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mauritania, Niger, Senegal and Upper Volta) dated 7 September 1961, the nationals or subjects of each of the signatory

States in the territory of other countries are subject to the same conditions with regard to labour and social security legislation as nationals in those countries.

Article 2. Under section 28 of the Labour Code a foreign worker working in Gabon for a period of not more than three months remains subject to the legislation of the country where his contract was signed. If his residence, whether consecutive or not, exceeds three months Gabonese law applies.

The application of the legislation is the responsibility of the Ministry of Labour and the Inspectorate of Labour and Social Legislation.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 12.

GHANA

Workmen's Compensation Act, No. 174, 1963.

The above-mentioned Act, which came into force on 1 October 1963, redrafts the provisions of previous legislation as amended in various respects.

ISRAEL

In reply to a direct request by the Committee of Experts the Government gives the following interpretation of section 62 (*b*) of the National Insurance Law, 1963.

If in an agreement concluded between Israel and another State more favourable conditions are provided to the nationals of that State, the Minister of Labour is empowered to make regulations giving effect to the provisions of the agreement so concluded even if it involves an extension or improvement of the conditions provided for by the law.

ITALY

The Government's report lists the multilateral agreements signed by Italy in 1963 in pursuance of Regulations Nos. 3 and 4 of the European Economic Community.

JAMAICA (First Report)

Workmen's Compensation Law (Cap. 418).

Workmen's Compensation (Amendment) Laws, No. 57, 1954, and No. 24, 1960.

The Workmen's Compensation Law provides for equality of treatment for non-national workers. It further provides that a worker receiving half-monthly payment in compensation who ceases to reside in the country thereby ceases to be entitled to such compensation, unless it is medically certified that incapacity caused by the accident is likely to become permanent, in which case, and in so far as a loss of earning capacity is likely to arise, the half-monthly payment is replaced by a lump-sum payment.

When it is medically certified that incapacity for work is likely to last for a specified period and the worker ceases to reside in the country during such period, any half-monthly payments for the above period will be replaced by a lump sum.

The Minister of Labour supervises the application of the above legislation. Any disputes in connection with application are dealt with by the resident magistrate's court.

LUXEMBOURG

- Act of 18 August 1962 approving the agreement between the Grand Duchy of Luxembourg and the Federal Republic of Germany concerning social security for frontier workers and the Final Protocol signed at Bonn on 14 July 1960 (*Mémorial A*, No. 51, 10 Sep. 1962, p. 929).
- Act of 15 December 1962 approving the agreement between the Grand Duchy of Luxembourg and the Kingdom of Belgium concerning the application of section 51 of Regulations No. 3 of the European Economic Community concerning social security for migrant workers signed at Luxembourg on 28 January 1961 (*ibid.*, No. 72, 29 Dec. 1962, p. 1203).
- Act of 2 March 1963 approving Agreement No. 2 between the Grand Duchy of Luxembourg and France signed in pursuance of section 51 of Regulations No. 3 of the European Economic Community concerning social security for migrant workers at Luxembourg on 24 February 1962 (*ibid.*, No. 13, 16 Mar. 1963, p. 175).
- Act of 17 May 1963 approving the Agreement concerning social security for Rhine boatmen (revised) and the Final Act done at Geneva on 13 February 1961 (*ibid.*, No. 34, 20 June 1963, p. 462).
- Agreement No. 2 between the Grand Duchy of Luxembourg and France signed in pursuance of section 51 of Regulations No. 3 of the European Economic Community concerning social security for migrant workers signed at Luxembourg on 24 February 1962 (*ibid.*, No. 33, 13 June 1963, p. 460).
- Administrative arrangements amending the administrative arrangements of 28 March 1958 concerning the methods of application of Supplementary Agreement No. 2 to the General Social Security Agreement of 12 November 1949 between France and the Grand Duchy of Luxembourg governing the social security scheme applicable to frontier workers (*ibid.*, No. 39, 20 July 1962, p. 609).

MALAGASY REPUBLIC (First Report)

Ordinance No. 62-078 of 29 September 1962 establishing the National Family Allowance and Employment Accident Fund, and subsequent texts.

The above ordinance is applied without any distinction to all workers, irrespective of origin.

NIGERIA

Workmen's Compensation Act (*Laws of the Federation of Nigeria and Lagos*, Cap. 222), as amended by Act No. 25 of 1957, which came into force on 1 July 1957.

The Workmen's Compensation Act provides for equality of treatment for all workers, irrespective of nationality. When either national or foreign workers and their dependants reside outside the country from which compensation is due, they may be assisted at their request by the Federal Ministry of Labour with a view to having their claims settled.

The Ministry of Labour is responsible for the administration of the Workmen's Compensation Act. The Ministries of Justice of the governments in the Federation provide the information required concerning benefit due under the Act. Labour officers enforce the provisions and advise workers and, in the case of their decease, their dependants regarding their rights and obligations under the Act.

RWANDA

For legislation see under Convention No. 18.

Section 55 of the Act repeals the decrees and regulations concerning occupational risks adopted prior to its entry into force. It does not apply the provisions of the Convention, but the equality of treatment laid down by the Convention seems to be achieved in practice.

SIERRA LEONE

See under Convention No. 17.

SWEDEN

Royal Order No. 529 of 5 October 1962 respecting exemption of nationals of the Syrian Arab Republic and Tanganyika from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

Royal Order No. 15 of 1 February 1963 respecting exemption of nationals of Algeria, Cameroon, Malagasy Republic, Rwanda and Senegal from certain provisions of Act No. 243 of 14 May 1954, respecting insurance against occupational injuries.

Royal Order No. 496 of 27 September 1963 respecting exemption of nationals of Jamaica and the Kingdom of Burundi from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

The above orders extend equality of treatment respecting employment injury compensation to nationals of the Syrian Arab Republic, Tanganyika, Algeria, Cameroon, Malagasy Republic, Rwanda, Senegal, Jamaica and Burundi.

UNITED KINGDOM

National Insurance Act, 1963.

National Insurance and Industrial Injuries (Jersey) Order, 1962 (*S.I.*, 1962, No. 1656).

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

National Insurance Act (Northern Ireland), 1963.

Workmen's Compensation (Supplementation) Act (Northern Ireland), 1963.

National Insurance and Industrial Injuries (Reciprocal Agreement with Jersey) Order (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 151).

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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, Australia, Austria, Belgium, China, Czechoslovakia, France, Federal Republic of Germany, Ghana, Greece, Iraq, Luxembourg, Malaysia (States of Malaya), Morocco, Nigeria, Poland, Portugal, Somalia, Sudan, Switzerland, Tanganyika, Trinidad and Tobago, United Kingdom.

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

Brazil, Chile, Cyprus, Denmark, Dominican Republic, Finland, Haiti, Hungary, India, Ireland, Ivory Coast, Japan, Mexico, Netherlands, Norway, Pakistan, Republic of South Africa, Spain, Tunisia, United Arab Republic, Uruguay.

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.

ARGENTINA

In reply to an observation by the Committee of Experts the Government states that exemptions which may be established in the provinces are of little importance. The texts of collective agreements Nos. 150 and 216 of 1954 and of arbitral decision No. 30 of 1956 are supplied, together with statistical information.

COLOMBIA

In reply to an observation made by the Committee of Experts the Government states that, although the Bill to amend the Labour Code which was laid before the National Congress in 1960 included a section which gave effect to the Convention, that section was not included in the Bill which was approved by the Senate and submitted to the House of Representatives.

SPAIN

In reply to a direct request by the Committee of Experts the Government states that the Labour Regulations of 24 May 1962 apply to bakeries in Fernando Poo and Río Muni. Provisions are similar to those of legislation in the peninsula. Conditions of work will also be affected by the Act concerning the economic and administrative autonomy of the African provinces, a draft of which is before the Cortes.

For the Government's reply to the observation by the Committee of Experts see *Report of the Committee* (1963), p. 530.

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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, Cuba.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

Countries	Ratification registered on
Albania	17. 3. 1932
Argentina	14. 3. 1950
Australia	18. 4. 1931
Austria	29. 12. 1927
Belgium	15. 2. 1928
Bulgaria	29. 11. 1929
Burma	14. 1. 1928
Colombia	20. 6. 1933
Cuba	7. 9. 1954
Czechoslovakia	25. 5. 1928
Denmark	18. 5. 1955
Finland	5. 4. 1929
France ¹	13. 1. 1932
Hungary	3. 2. 1931
India	14. 1. 1928

Countries	Ratification registered on
Ireland	5. 7. 1930
Japan	8. 10. 1928
Luxembourg	16. 4. 1928
Mexico	9. 3. 1938
Netherlands	13. 9. 1927
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	28. 1. 1957
Pakistan	14. 1. 1928
Sweden	28. 1. 1957
United Kingdom ¹	16. 9. 1927
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944

¹ Conditional ratification.

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

Cuba, Nicaragua, Uruguay.

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	Malaysia (Singapore)	3. 3. 1964
Australia	1. 4. 1935	Mauritania	8. 11. 1963
Belgium	3. 10. 1927	Mexico	12. 5. 1934
Bulgaria	29. 11. 1929	Morocco	14. 3. 1958
Burma	31. 10. 1932	Netherlands	15. 12. 1937
Canada	30. 6. 1938	New Zealand	29. 3. 1938
Chile	18. 10. 1935	Nicaragua	12. 4. 1934
China	2. 12. 1936	Norway	29. 3. 1940
Colombia	20. 6. 1933	Pakistan	31. 10. 1932
Cuba	7. 7. 1928	Peru	4. 4. 1962
Finland	8. 4. 1947	Poland	8. 8. 1931
France	4. 4. 1928	Sierra Leone	15. 6. 1961
Federal Republic of Germany	20. 9. 1930	Somalia (ex-Trust Territory)	18. 11. 1960
India	31. 10. 1932	Spain	23. 2. 1931
Ireland	5. 7. 1930	United Kingdom	14. 6. 1929
Italy	10. 10. 1929	Uruguay	6. 6. 1933
Japan	22. 8. 1955	Venezuela	20. 11. 1944
Luxembourg	16. 4. 1928	Yugoslavia	30. 9. 1929

ARGENTINA

In reply to an observation made by the Committee of Experts in 1963 the Government states in its report that the Convention is in practice fully applied. However, a Committee has been established with the purpose of suggesting amendments to the Commercial Code which would bring it strictly into conformity with the Convention. These amendments have not yet been adopted owing to the administrative situation in the country during the period under review. Furthermore, certain collective agreements have been concluded and company regulations adopted which fully apply the Convention.

CHINA

Merchant Shipping Act, as amended up to 25 July 1962.

Article 3 of the Convention. According to section 54 of the above Act the articles of agreement signed by the shipowner and the seaman must be endorsed by the maritime or consular authority. The same applies if the agreement is amended or terminated.

Article 6, paragraph 3. Section 55 of the Act indicates the particulars which must be included in the agreement.

Article 9. According to section 59 of the Act, the shipowner and the seaman can terminate their agreement by giving notice seven days in advance.

Article 11. Section 57 of the Act gives a list of the circumstances under which a shipowner may terminate an agreement.

Article 12. Section 58 of the Act determines the circumstances in which a seaman may terminate his agreement.

MOROCCO

Dahir No. 1-61-1923 of 24 October 1961 (*Bulletin officiel*, No. 2158, 3 Nov. 1961).

In reply to a direct request made by the Committee of Experts in 1962 the Government states that the provisions of the legislation have been brought into line with those of Article 17 of the Convention by means of the above dahir. As concerns the application of paragraphs 1 and 3 of Article 9 of the Convention the Government stands by its opinion that the termination of an agreement concluded for an indefinite period in a foreign port would seem to fall within the scope of the "exceptional circumstances" provided for in Article 9, paragraph 3.

NEW ZEALAND

In reply to a request by the Committee of Experts the Government indicates that the question of bringing the legislation into conformity with Article 5, paragraph 2, of the Convention is at present being re-examined.

SIERRA LEONE

In reply to a direct request made by the Committee of Experts in 1962 the Government states in its report that the Merchant Shipping Acts of the United Kingdom were in force in Sierra Leone at the time of independence, and they remain in force unless and until they are modified or abrogated by the Sierra Leone Parliament.

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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:

Australia, Finland, France, Italy, Japan.

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

Belgium, Canada, Chile, Colombia, Federal Republic of Germany, India, Ireland, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Poland, Somalia, Spain, United Kingdom, Uruguay, Yugoslavia.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Belgium	3. 10. 1927	Netherlands	5. 5. 1948
Bulgaria	29. 11. 1929	Nicaragua	12. 4. 1934
China	2. 12. 1936	Peru	4. 4. 1962
Colombia	20. 6. 1933	Philippines	17. 11. 1960
Cuba	7. 7. 1928	Poland	8. 8. 1931
France	4. 3. 1929	Somalia (ex-Trust Territory)	18. 11. 1960
Federal Republic of Germany	14. 3. 1930	Spain	23. 2. 1931
Ireland	5. 7. 1930	Switzerland	21. 4. 1960
Italy	10. 10. 1929	Uruguay	6. 6. 1933
Luxembourg	16. 4. 1928	Yugoslavia	30. 9. 1929
Mauritania	8. 11. 1963		

CHINA

For legislation see under Convention No. 22.

Article 5 of the Convention. Article 61 (ii) and (iii) of the above Act provides that the obligation of repatriating a seaman to the port of origin shall include free transportation, board and lodging and other necessary expenses. If the repatriated seaman undertakes work during the voyage he shall be remunerated.

NETHERLANDS

Act of 31 July 1961 to amend section 415 of the Commercial Code (*Staatsblad*, 1961, No. 238).

The new text of section 415 of the Commercial Code gives the seafarer who becomes sick and is signed off outside his own country the right to be transported free of charge, after recovery, to a port of his country or to the place where the articles of agreement were signed.

PHILIPPINES

Masters of vessels may not abandon any members of their crew on land or at sea. According to the jurisprudence, in case of inability of the vessel to navigate, the crew is only entitled to recover the wages earned. The law does not compel the owner or the charterer to provide the expenses necessary to return to the port of sailing.

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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, Italy.

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

Argentina, Colombia, France, Federal Republic of Germany, Ireland, Luxembourg, Mexico, Netherlands, Poland, Somalia, Spain, Switzerland, Uruguay, Yugoslavia.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on
Algeria	19. 10. 1962
Austria	18. 2. 1929
Bulgaria	1. 11. 1930
Chile	8. 10. 1931
Colombia	20. 6. 1933
Czechoslovakia	17. 1. 1929
Ecuador	5. 2. 1962
France	17. 5. 1948
Federal Republic of Germany	23. 1. 1928
Haiti	19. 4. 1955
Hungary	19. 4. 1928

Countries	Ratification registered on
Luxembourg.	16. 4. 1928
Nicaragua	12. 4. 1934
Norway	29. 5. 1961
Peru	8. 11. 1945
Poland	29. 9. 1948
Rumania	28. 6. 1929
Spain	29. 9. 1932
United Kingdom	20. 2. 1931
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

AUSTRIA

Federal Act of 15 December 1961 to amend and supplement the General Social Insurance Act (Amendment Act No. 9) (*Bundesgesetzblatt (BGBl.)*, No. 13/62) (*L.S.* 1961—Aus. 2).

Federal Act of 16 April 1963 to amend and supplement the General Social Insurance Act (Amendment Act No. 10) (*BGBl.*, No. 85/63).

Article 2, paragraph 2 (a), of the Convention. The Act of 1961 defines the term “insignificant employment” used in section 5, paragraph 2, of the General Social Insurance Act when referring to exclusion from compulsory insurance.

Article 3, paragraph 1. Section 139, paragraphs 3 and 4, of the Act of 1961 make provision for the totalisation of periods of sickness in order to determine the maximum period in respect of which benefit is payable, and establishes the time limit which must elapse before benefit again becomes payable once the initial period has expired.

Paragraph 3 (*b*). As now worded, the Act provides for the suspension of sickness benefit when the beneficiary continues to draw more than 50 per cent. of his remuneration under statute law or contract, and for a reduction of the benefit by 50 per cent. when the beneficiary continues to draw 50 per cent. of his remuneration. It also provides for suspension of the sickness benefit in the event of hospitalisation at the expense of an insurance carrier. However, under section 152 of the General Act, as amended, an insured person with dependants may receive a family allowance during his stay in hospital, as long as the dependants in question are not deriving an income of more than 680 schillings a month from employment or an independent occupation, apprenticeship or training, or a pension.

COLOMBIA

In reply to the request made by the Committee of Experts in 1962 the Government states that section 26 of the regulations approved by Decree No. 2690 of 1960 provides that the employer shall be responsible under the Labour Code for paying the contributions in advance to the sickness (other than occupational disease) and maternity insurance scheme throughout the entire contribution period, and goes on to cite a number of sections of the Code which establish the entitlement of workers to medical care at the expense of the employer: section 311 (building workers), sections 317 ff. (workers in the petroleum industry); sections 326 and 327 (agricultural workers in

the banana-growing zone of Magdalena and workers in mining and industrial undertakings in the department of Chocó); section 311 (workers in gold, silver and platinum mines); section 335 (workers in agricultural, stockbreeding and forestry undertakings, with respect to tropical diseases); section 229 (*d*) (domestic service) and section 277 (employees of undertakings with a capital of more than 800,000 pesos).

FRANCE

In reply to the observation made by the Committee of Experts in 1962 the Government states that it cannot contemplate amending section L-249 of the Social Security Code for the reasons it has already given on earlier occasions, and particularly in view of the fact that an amendment of the kind suggested would open the door to the granting of benefit to persons who, subsequent to joining the scheme, had ceased to be employed, or who had engaged in a minor occupation over a long period of time in order to claim benefit.

The Government does not find the aforementioned provision of the Social Security Code incompatible with Article 4 of the Convention, to the spirit, if not the letter, of which it conforms in that it allows benefit to be granted to insured persons in the fairest possible conditions. Finally, the Government points out that the most recent international instrument dealing with social security (Convention No. 102), which is now under consideration with a view to possible ratification, allows in Part II respecting medical care (Article 11) for the completion of such qualifying period as may be considered necessary to preclude abuse. This was what the French legislators had in mind when drafting section L-249 of the Social Security Code.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 12.

HAITI

In reply to an observation made by the Committee of Experts in 1962 the Government states that when an opportunity presents itself section 602 of the Labour Code will be amended so as to delete the words " which fall within the conditions laid down in section 604, paragraph 2, of the present Act ". The failure so far to bring into operation the sickness and maternity insurance scheme has been due to certain difficulties which have arisen; a great effort is at present being made to overcome these difficulties, and an actuary is carrying out the technical studies necessary to get the scheme under way.

In answer to a direct request likewise made in 1962 the Government further states that both medical and cash benefit may be granted to a person resident abroad where for technical or medical reasons the Social Insurance Institute deems this to be necessary, in which cases it assumes liability for all the expenditure involved. The Institute does not, however, accept responsibility in respect of any accident or illness incurred outside the national territory.

NORWAY

In reply to a direct request for information by the Committee of Experts the Government has furnished copies of the regulations issued in application of section 31 (3) of the Spitzbergen Mining Code, which provide for medical care, repatriation in case of sickness and compensation for loss of earnings in respect of Spitzbergen workers.

POLAND

Ordinances of the Minister of Health and Social Welfare, dated 22 March 1961 (*Dziennik Ustaw*, No. 20, text 103), and 17 October 1962 (*ibid.*, No. 55, text 278), concerning medical benefits for pensioners, invalids and members of their families.

Ordinance of the Minister of Health and Social Welfare, dated 18 August 1962, concerning the gratuitous nature of certain benefits granted by departments of the Social Health Service (*ibid.*, No. 55, text 277).

Ordinance of the Minister of Health and Social Welfare, dated 15 November 1962, concerning the supply of orthopaedic equipment (*ibid.*, No. 60, text 292).

SPAIN

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

Article 2 of the Convention. Practically all workers in Spain are covered by the sickness insurance scheme, and benefit is extended to citizens of countries with which a social security agreement has been signed. It should be noted that some of these agreements offer greater protection than is provided for under the Convention.

Article 3. The Government stresses that legislation requires the undertaking to pay the appropriate benefit in cash during the first four days of an illness, and occasionally for a longer period.

Finally, attention is drawn, in relation to the two Articles mentioned, to the advanced stage reached with the Basic Social Security Act, which is to take account, in its new form, of the comments made.

UNITED KINGDOM

National Insurance Act, 1963.

National Health Service Contributions Act, 1961.

National Insurance (Consequential Provisions) Regulations, 1962 (*S.I.*, 1962, No. 12).

National Insurance (Contributions) Amendment Regulations, 1963 (*S.I.*, 1963, No. 501).

National Insurance Act (Northern Ireland), 1963.

Health Service Contribution Act (Northern Ireland, 1961).

National Insurance (Contributions) Regulations (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 65).

National Insurance (Contributions) Amendment Regulations (Northern Ireland), 1963 (*S.R. & O.*, 1963, No. 96).

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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, Chile, Czechoslovakia, France, Federal Republic of Germany, Hungary, Luxembourg, Norway, Poland, United Kingdom.

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

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

AUSTRIA

See under Convention No. 24.

COLOMBIA

See under Convention No. 24.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 12.

HAITI

See under Convention No. 24.

POLAND

See under Convention No. 24.

SPAIN

See under Convention No. 24.

UNITED KINGDOM

See under Convention No. 24.

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

Austria, Chile, Czechoslovakia, Federal Republic of Germany, Luxembourg, Norway.

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

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Jamaica	8. 7. 1963
Australia	9. 3. 1931	Kenya	13. 1. 1964
Belgium	11. 8. 1937	Lebanon	26. 7. 1962
Bolivia	19. 7. 1954	Luxembourg	3. 3. 1958
Brazil	25. 4. 1957	Malagasy Republic	1. 11. 1960
Bulgaria	4. 6. 1935	Mali	22. 9. 1960
Burma	21. 5. 1954	Mauritania	20. 6. 1961
Burundi	11. 3. 1963	Mexico	12. 5. 1934
Cameroon:		Morocco	14. 3. 1958
Eastern Cameroon	7. 6. 1960	Netherlands	10. 11. 1936
Western Cameroon	29. 1. 1963	New Zealand	29. 3. 1938
Canada	25. 4. 1935	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Nigeria	16. 6. 1961
Chile	31. 5. 1933	Norway	7. 7. 1933
China	5. 5. 1930	Peru	4. 4. 1962
Colombia	20. 6. 1933	Portugal	10. 11. 1959
Congo (Brazzaville)	10. 11. 1960	Rwanda	18. 9. 1962
Congo (Leopoldville)	20. 9. 1960	Senegal	4. 11. 1960
Cuba	24. 2. 1936	Sierra Leone	15. 6. 1961
Czechoslovakia	12. 6. 1950	Republic of South Africa	28. 12. 1932
Dahomey	12. 12. 1960	Spain	8. 4. 1930
Dominican Republic	5. 12. 1956	Sudan	18. 6. 1957
Ecuador	6. 7. 1954	Switzerland	7. 5. 1947
France	18. 9. 1930	Syrian Arab Republic	10. 5. 1960
Gabon	14. 10. 1960	Tanganyika	19. 11. 1962
Federal Republic of Germany	30. 5. 1929	Togo	7. 6. 1960
Ghana	2. 7. 1959	Tunisia	15. 5. 1957
Guatemala	4. 5. 1961	Uganda	4. 6. 1963
Guinea	21. 1. 1959	United Arab Republic	10. 5. 1960
Hungary	30. 7. 1932	United Kingdom	14. 6. 1929
India	10. 1. 1955	Upper Volta	21. 11. 1960
Iraq	26. 11. 1962	Uruguay	6. 6. 1933
Ireland	3. 6. 1930	Venezuela	20. 11. 1944
Italy	9. 9. 1930	Viet-Nam	14. 6. 1955
Ivory Coast	21. 11. 1960		

BURMA

The Government states that in the rice milling industry minimum wages orders have been made applicable to 30 districts, and that in the cigar and cheroot industry minimum wages orders have been made applicable to eight districts.

SYRIAN ARAB REPUBLIC (First Report)

For legislation see under Convention No. 2.

It has not been necessary to make any changes in the national legislation since the Convention came into force, as it was already in conformity with the provisions of the Convention before the latter was ratified.

Article 1 of the Convention. The provisions of the Labour Code concerning minimum wage fixing are applicable to all industrial workers.

Article 2. Representatives of employers and workers were consulted at the time the law was drafted and before its promulgation.

Article 3. There exists in each *moudirieh* or governorship a joint committee composed of delegates of the Government, employers and workers. Minimum wages are fixed annually for each occupation by an order of the Minister of Social Affairs and Labour, on the proposal of the committees.

Article 4. The employers and workers are informed of the minimum wage rates by the wage-fixing committees. The application of the minimum rates is supervised by the Ministry of Social Affairs and Labour, to which are attached inspectors who carry out periodical visits of inspection to industrial and commercial undertakings and defer offenders to the competent courts. Any worker who has received from his employer wages below the minimum legal rates is entitled to recover the amount still due, on condition that he brings his claim to bear within a period of five years from the date of commencement of entitlement.

Article 5. The Government hopes shortly to be in a position to produce certain court decisions and to communicate statistics concerning the application 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:

Burma, Sierra Leone, Syrian Arab Republic, Uganda, Uruguay.

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

Central African Republic, Dahomey, Nigeria, Rwanda, Sudan.

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	Italy	18. 7. 1933
Australia	9. 3. 1931	Japan	16. 3. 1931
Austria	16. 8. 1935	Luxembourg	1. 4. 1931
Belgium	6. 6. 1934	Mexico	12. 5. 1934
Bulgaria	4. 6. 1935	Morocco	20. 9. 1956
Burma	7. 9. 1931	Netherlands	4. 1. 1933
Burundi	11. 3. 1963	Nicaragua	12. 4. 1934
Canada	30. 6. 1938	Norway	1. 7. 1932
Chile	31. 5. 1933	Pakistan	7. 9. 1931
China	24. 6. 1931	Peru	4. 4. 1962
Congo (Leopoldville)	20. 9. 1960	Poland	18. 6. 1932
Cuba	7. 9. 1954	Portugal	1. 3. 1932
Czechoslovakia	26. 3. 1934	Rumania	7. 12. 1932
Denmark ¹	18. 1. 1933	Republic of South Africa ¹	21. 2. 1933
Finland	8. 8. 1932	Spain	29. 8. 1932
France	29. 7. 1935	Sweden	11. 4. 1932
Federal Republic of Germany	5. 7. 1933	Switzerland	8. 11. 1934
Greece	30. 5. 1936	Uruguay	6. 6. 1933
Hungary	6. 12. 1937	Venezuela	17. 12. 1932
India	7. 9. 1931	Viet-Nam	6. 6. 1953
Indonesia	4. 1. 1933	Yugoslavia	22. 4. 1933
Ireland	5. 7. 1930		

¹ Conditional ratification.

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

Cuba, Uruguay.

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	Ivory Coast	21. 11. 1960
Algeria	19. 10. 1962	Jamaica	26. 12. 1962
Argentina	14. 3. 1950	Japan	21. 11. 1932
Australia	2. 1. 1932	Kenya	13. 1. 1964
Austria	7. 6. 1960	Laos	23. 1. 1964
Belgium	20. 1. 1944	Liberia	1. 5. 1931
Brazil	25. 4. 1957	Libya	13. 6. 1961
Bulgaria	22. 9. 1932	Malagasy Republic	1. 11. 1960
Burma	4. 3. 1955	Malaysia	11. 11. 1957
Burundi	11. 3. 1963	Mali	22. 9. 1960
Byelorussia	21. 8. 1956	Mauritania	20. 6. 1961
Cameroon:		Mexico	12. 5. 1934
Eastern Cameroon	7. 6. 1960	Morocco	20. 5. 1957
Western Cameroon	3. 9. 1962	Netherlands	31. 3. 1933
Central African Republic	27. 10. 1960	New Zealand	29. 3. 1938
Ceylon	5. 4. 1950	Nicaragua	12. 4. 1934
Chad	10. 11. 1960	Niger	27. 2. 1961
Chile	31. 5. 1933	Nigeria	17. 10. 1960
Congo (Brazzaville)	10. 11. 1960	Norway	1. 7. 1932
Congo (Leopoldville)	20. 9. 1960	Pakistan	23. 12. 1957
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	20. 7. 1953	Poland	30. 7. 1958
Cyprus	23. 9. 1960	Portugal	26. 6. 1956
Czechoslovakia	30. 10. 1957	Rumania	28. 5. 1957
Dahomey	12. 12. 1960	Senegal	4. 11. 1960
Denmark	11. 2. 1932	Sierra Leone	13. 6. 1961
Dominican Republic	5. 12. 1956	Somalia	18. 11. 1960
Ecuador	6. 7. 1954	Spain	29. 8. 1932
Finland	13. 1. 1936	Sudan	18. 6. 1957
France	24. 6. 1937	Sweden	22. 12. 1931
Gabon	14. 10. 1960	Switzerland	23. 5. 1940
Federal Republic of Germany	13. 6. 1956	Syrian Arab Republic	26. 7. 1960
Ghana	20. 5. 1957	Tanganyika	30. 1. 1962
Greece	13. 6. 1952	Togo	7. 6. 1960
Guinea	21. 1. 1959	Trinidad and Tobago	24. 5. 1963
Haiti	4. 3. 1958	Tunisia	17. 12. 1962
Honduras	21. 2. 1957	Uganda	4. 6. 1963
Hungary	8. 6. 1956	Ukraine	10. 8. 1956
Iceland	17. 2. 1958	U.S.S.R.	23. 6. 1956
India	30. 11. 1954	United Arab Republic	29. 11. 1955
Indonesia	31. 3. 1933	United Kingdom	3. 6. 1931
Iran	10. 6. 1957	Upper Volta	21. 11. 1960
Iraq	27. 11. 1962	Venezuela	20. 11. 1944
Ireland	2. 3. 1931	Viet-Nam	6. 6. 1953
Israel	7. 6. 1955	Yugoslavia	4. 3. 1933
Italy	18. 6. 1934		

AUSTRIA

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

It is intended to propose the repeal of penal sanctions contained in section 4 of the Vagrancy Act, 1885, under which vagrants may be directed to perform appropriate work for the community in which they live.

Persons sentenced for an administrative offence to detention by an administrative authority may not be put to work without their own consent, according to section 12 (2) of the Administrative Penal Code, 1950. The attention of prison directors was drawn to this provision by Decision No. 42068 of 21 March 1963.

Under almost all local authority regulations, certain services may be exacted in the interest of the community (e.g. the construction of local roads); in certain areas services may also be called for in cases of emergency.

BURMA

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

The Prisons Act, No. 9, 1894, does not allow the hiring of convicts by or placing them at the disposal of private individuals, companies or associations. Convict labour is regarded as part of a rehabilitation programme and not as forced labour. No laws or measures are therefore necessary to suppress recourse to forced labour by the State for public purposes.

CAMEROON

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

Article 2, paragraph 2 (a), of the Convention. No measures have yet been taken to establish the national defence service provided for by Ordinance No. 59/57, or to determine its constitution and functioning. The Committee's remarks will be taken into consideration when the defence service is established.

Paragraph 2 (c). Section 38 of the Order of 8 July 1933 has been amended by Order No. 5145 of 27 July 1956, whereby prisoners can be hired out only to public services. The provisions of section 37 of the Order of 1933, providing for labour by administrative detainees, are still in force, but have never been applied in practice. A committee at present studying prison reform has prepared a draft order which will provide for exemption from compulsory labour of all persons who have not been convicted in a court of law.

CENTRAL AFRICAN REPUBLIC

Labour Code: Act No. 61-221 of 2 June 1961 (*Journal officiel*, special issue, Aug. 1961).

Section 4 of the Labour Code prohibits forced or compulsory labour in the same terms as Article 2 of the Convention and subject to the same exceptions.

See also under Convention No. 105.

CEYLON

In reply to a direct request by the Committee of Experts the Government states that recourse has not been had to regulations 12 and 14 of the Regulations of 12 October 1961 made under the Public Security Ordinance, 1947.

COSTA RICA

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

National legislation does not provide for compulsory military service.

Forced labour may not be imposed on persons who have not been convicted by judicial sentence.

The competent authorities to judge offences under the Police Code are, according to Act No. 2322 of 12 March 1959, the judicial officers and chief or principal officers of the police.

Certain works may be exacted in case of emergency under the Police Code, but this provision has never been applied in practice, since in such cases enough volunteers have always been available.

DAHOMY

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

There has been no recruitment of "non-volunteers" in connection with the return of young people to the land, since the number of applicants for this new type of labour project has exceeded the number of places available.

Persons detained by the Administration in a special establishment in virtue of section 1 of the Public Security Act, No. 61-7, are not required to perform any work.

DENMARK

In reply to a direct request by the Committee of Experts the Government states that the prison sentence for juvenile delinquents under sections 41 to 43 of the Penal Code, as amended in 1961, is for an indefinite period, but can in no case exceed four years. Offenders must be released on parole after three years at the latest.

DOMINICAN REPUBLIC

In reply to a direct request by the Committee of Experts the Government states that the new Prison Regulations now being prepared will specifically take into account the Committee's comments concerning the prohibition of the hiring out of prisoners to private persons.

At present, no private individual imposes any form of forced or compulsory labour. Public officials may not put pressure on workers to work for private undertakings, or exact unpaid labour.

FINLAND

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

Decisions to commit vagrants and certain other anti-social elements (alcoholics, persons who neglect their duty of maintaining their spouse or children, etc.) to work-houses are taken as a consequence of an administrative jurisdictional procedure, mainly before the provincial courts. A person who needs institutional care may be placed in a workhouse on the order of the local social board, but an appeal against this order lies to the provincial court. Decisions by the provincial courts are subject to appeal to the Supreme Administrative Court. Two of the members of the former court must have a law degree (the third member being the Governor, who presides over the court), whereas at least one-half of the members of the latter court must be qualified for the Bench. The procedure before the provincial court is written, but a hearing of the parties may take place when deemed necessary. The person concerned is entitled to be assisted by a lawyer.

A committee set up in 1960 to examine the status of persons ordered to perform labour under the various social welfare acts has recommended that the questions of hearings at the provincial courts and free legal advice in cases of deprivation of liberty should be examined. These proposals have not yet been discussed.

GABON

Act No. 30/62 of 10 December 1962 amending Legislative Decree No. 4/PM of 6 December 1960 concerning the organisation and recruitment of the armed forces (*Journal officiel*, 1 Jan. 1963).

Section 7 of the Legislative Decree of 1960, under which the second group of conscripts could be required to perform work of public value, met with criticism from the Committee of Experts. This section has consequently been amended by Act No. 30/62 and no longer provides that possibility.

In accordance with section 2 of the Labour Code prohibition of forced labour does not apply to obligations resulting from civic service or to work or service required in case of *force majeure*. The Government has not yet had an opportunity to apply these provisions and intends to reserve them for exceptional cases.

GHANA

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

The administrative instructions governing the treatment of detainees under the Preventive Detention Act are classified documents, and it is regretted that copies cannot be supplied. The gist of the instructions can be found in the Government's reply of 1961 to the request for further information on the application of Convention No. 105. The work detainees do is by way of exercise; it is completely voluntary and is not exacted from them as a consequence of their detention. There is no compulsion of any kind, and if a detainee is unwilling to work he is not forced to do so.

GREECE

As regards the observation made by the Committee of Experts concerning work of a non-military character carried out by the armed forces, a committee was established by decisions of September and November 1961 with a view to preparing draft legislation which would also deal with this question.

HAITI

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

Article 2, paragraph 2 (a), of the Convention. There is no compulsory military service.

Paragraph 2 (b), (d) and (e). Services to the community are performed free of charge by persons who have freely given their consent.

Paragraph 2 (c). The remarks of the Committee of Experts in respect of certain provisions of the Penal Code which provide for certain convicted persons to be sent into forced residence by government order upon completion of their sentence to be employed on government work will be taken into consideration in the revision of the codes which is at present in progress.

Article 10. No provision is made in the legislation, in regulations or elsewhere for the exaction of forced labour as a tax.

Article 25. Sections 2, 4 and 8 of the Labour Code guarantee freedom in respect of work. Section 1 of the schedule to the Penal Code lays down that "the Secretariat of State for Labour and Social Welfare shall have the following powers and duties: (1) to ensure that freedom of labour and the obligations arising out of this principle are respected...", which implies that it is empowered to apply to the labour courts in order that penalties may be imposed in cases of contravention of the principles of freedom of labour embodied in the provisions mentioned above.

HUNGARY

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

There exists no stipulation limiting or regulating the placing of workers specified in sections 36 and 136 of the Labour Code.

Decree No. 37 of 1952, which envisages penal sanctions in the event of the breaking of labour contracts in agriculture, being no longer applicable, will be abrogated when general regulations on the question come into force.

Moreover, there exists no stipulation compelling individual landowners to produce particular agricultural products.

The regulations on work books were annexed to the Government's report.

ICELAND

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

Normal civic obligations are the duty to accept election to a child welfare committee or a municipal council, and to accept appointment to the labour court. A duty to provide assistance also exists in case of fire and shipwreck.

Under section 47 of the Maintenance Act, a judicial authority may decide that a vagrant shall be obliged to accept the employment which the authorities find for him. This provision is never applied in practice. Under the same section, a citizen who does not maintain his family may be assigned to a labour institution. This provision is applied mostly to fathers who have neglected to pay for maintenance of their children as prescribed by law. Under section 180 of the Penal Code, disorderly persons and vagrants who neglect their duty to support their dependants may be sentenced to imprisonment. This provision has never been enforced in practice.

INDIA

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

The examination of the State Panchayat Irrigation Acts, etc., in the light of the Convention is not yet completed.

The obligation to carry out certain irrigation maintenance works under section 6 of the Madras Compulsory Act, 1858, relates either to cases of emergency or of minor communal services and are to be provided by persons benefiting from the irrigation system. The Act cannot be applied in the case of major repairs or improvements, which are a government responsibility.

No regulations have been issued to define the nature of work which may be carried out under section 45 of the Orissa Gram Panchayat Act, 1948, relating to call-up of able-bodied persons to perform labour.

Provisions of the Augul Laws Regulations and the Khoudmals Laws Regulations, which permitted call-up of labour for the use of troops and officers, were repealed in 1950 and 1951.

It has already been decided to repeal provisions of the Tripura Act under which hill tenants may be compelled to render service to public servants.

The system of *nadappu* service tenancy is no longer in force in the Laccadive, Minicoy and Amindivi Islands; a settlement recently effected by the Administration provides for independent ownership of proportionate parts of the land by the former landlords and tenants.

IRAN

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

The public security committees established under an Act of 1953 consist not only of public servants but also of two judicial authorities, the local chief of the tribunal and the local public prosecutor. Under an Act adopted in 1958 these committees cannot impose prison sentences, but only compulsory residence for a period not exceeding six months.

The Regulations concerning penalties for breaches of the administrative regulations of the railways cover only members of the railway police force.

The Legislative Decree concerning local reconstruction work has recently been replaced by new legislation, which entrusts such work to the village councils without any reference to labour, so that the inhabitants have no obligations in this respect.

ISRAEL

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

Sections 1, 3 to 5, and 7 to 10 of the Emergency Regulations (Mobilisation of Manpower), relating to call-up for labour service and restrictions on the right to terminate contracts of workers in certain undertakings, were repealed by an order published on 15 March 1962.

Regulation 11 of the Defence Service Regulations deals with deferment of military service of existing members of agricultural settlements, pursuant to section 17 of the consolidated text of the Defence Service Law, 1959.

The application of section 16 (a) of the Defence Service Law has been deferred until September 1964; in consequence, all persons are now called up under the law to do normal military service, except members of agricultural settlements.

During the period of service assigned for agricultural training in accordance with section 16 (d) of the law, the persons concerned are at liberty to leave the settlement and, unless they are still liable to any further period of military service, to return to normal civilian life. The agricultural training in question is an integral part of conscripts' normal military service. Agricultural training and work done by conscripts in settlements is supervised by the Ministry of Defence. A person performing his period of military service in agricultural training remains, in principle, subject to military law, but since membership in a settlement and the consequential agricultural training in lieu of military service is of a voluntary character, serious infringements of accepted standards rarely occur. If they do, the usual sanction is exclusion from the settlement.

The Government regrets that it is unable to supply statistical information on the practical application of the above-mentioned provisions, requested by the Committee of Experts, since it relates to matters of national security.

LIBERIA

The recommendations of the Commission appointed under article 26 of the I.L.O. Constitution were submitted to the Secretary of Agriculture and Commerce for appropriate action. Negotiations are under way to delete those sections of the Firestone and Liberia Mining Company Agreements which contravene the Convention by obligating the Government to assist these companies to secure an adequate

supply of labour. In addition, the Secretary of Agriculture and Commerce was due to submit to the current session of the National Legislature, assembled 9 December 1963, proposals for the enactment of appropriate legislation in keeping with the recommendations of the I.L.O. Commission. This measure could not be taken earlier, since the National Legislature was not in session during the early part of the year when the recommendations were received.

MALAGASY REPUBLIC

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

The Government considers that the present legislation on civic service, *fokonolona* works, the campaign against idleness, or works of public interest performed in lieu of and instead of payment of taxes, is perfectly justifiable within the context of the social and economic conditions of a developing country, even if it constitutes, in part, a formal violation of the Convention. Such measures appear to be necessary in order to carry out the tasks arising in connection with the economic development of the country, since national capital is scarce and it would be inconsistent with the country's independence to have undue recourse to foreign capital.

In an article published in the *International Labour Review* of July 1963 Mr. Gabriel Ardant makes the following statement.

There is something particularly absurd about the present state of affairs in the developing countries. Just where the need is so great, where investment of such gigantic proportions is required, there is underemployment on a generally unimagined scale. . . . The essence, the key to the whole operation is to give the unemployed an opportunity to work on investment projects from which they will derive direct benefit. . . . People working for themselves need no compulsion and the State will not have to pay wages as an incentive; mere encouragement should suffice.

The instructions issued by the President on 27 December 1962 clearly define the character of "basic works". They state that "there can be no question of reintroducing a more or less veiled form of forced labour; the appeal to the people is for a voluntary contribution. That is why they must be the first to benefit from the work done and why the initiative in project planning is being left to the rural councils".

With regard to civic service, without dwelling unduly on the immense usefulness of work which comes under this heading, compared with that of work "of a purely military character", to quote the words of the Convention, it may be recalled that in every country of the world it is recognised that in certain circumstances—flood, fire, evacuation of refugees—conscripts may render considerable service of a purely civilian character which nevertheless, as such, constitutes a violation of the terms of the Convention.

The Government concludes that it is not desirable to amend the legislation on the above matters; the tendency is rather to reinforce the existing measures with a view to obtaining the maximum advantages which they offer. In addition, it considers that the Convention should be revised to meet the needs of developing countries.

MAURITANIA

For legislation see under Convention No. 4.

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

Military service has not yet been made compulsory, although Act No. 62-132 of 29 June 1962, as amended by Act No. 62-215 of 18 December 1962, provides for the possibility.

The civic duties of citizens do not include any obligation to perform any sort of labour or services.

Prison labour may only be imposed on a prisoner who has already been convicted in a court of law. Such labour may be performed only in the general interest of the community and under the supervision of the public authorities.

Under the terms of the Act of 10 July 1959 the President may, upon declaration of a state of emergency, issue a decree authorising the call-up of persons.

The Act makes no provision for the imposition of minor communal services.

MOROCCO

In reply to a direct request by the Committee of Experts the Government states that the formal repeal of the Dahir of 26 June 1930 authorising employment of convicts for private undertakings in certain cases, and the provisions of the Dahirs of 2 January 1940, 24 June 1942 and the Order of 24 June 1942 relating to the obligation to work imposed on certain persons under the system of "compulsory labour", is still under study.

NIGER

Penal Code: Act No. 61-27 of 15 July 1961 (*Journal officiel*, special issue, 15 Nov. 1961).

Act No. 62-10 of 16 March 1962 concerning the organisation of the recruitment of the national armed forces (*ibid.*, 1 Apr. 1962).

Decree No. 63-103 of 15 June 1963 concerning the organisation of prisons.

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

The above-mentioned Act of 1962 lays down in section 3 that "military service of two years' duration shall be devoted to military and civic training, work of national interest or the running of undertakings of national interest". However, only that part of the provision concerning military training has been applied.

There is as yet no specifically national legislation governing the call-up of persons in the case of *force majeure*. The old French texts are still applicable.

NIGERIA

Constitution of 1963.

Under section 20 of the Constitution no person is to be required to perform forced labour, subject to exceptions corresponding to those contained in Article 2 of the Convention. Chapter VI of the Labour Code Act and the regulations made thereunder (e.g. the Labour (Eradication of Noxious Weeds) Regulations, No. 77, 1955) are also in conformity with the Convention, except for section 1177 of the Act, under which regulations may be made to permit the exaction of forced labour by chiefs. No such regulations have been made, and this section is abrogated in the draft revised text of the Labour Code Act now under consideration.

NORWAY

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

As far as is known, the provision of the Vagrancy Act, 1900, under which persons convicted under the Act may be required to work for the authorities or for private individuals, has never been applied.

Section 9, subsection (2) (b), of the Military Service Act, 1953, under which conscripts may be required to do civilian work when necessary in "the national interest", with Parliament's consent, would be invoked only when a state of emergency justifying such an extraordinary measure existed. This provision has never been applied in practice.

Section 7, subsection 3 (1), of this Act, under which conscripts may be called up to perform civilian duties instead of military service, was applied in 1947 to require conscripts to do forestry work. Every year since 1956 Parliament has authorised the use of conscripts for 14 days' agricultural work. Owing to the shortage of agricultural labour this has been necessary to save the harvests. The soldiers are paid for the work, and for this reason are generally very interested in obtaining it.

POLAND

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

Article 2, paragraph 2 (a), of the Convention. The legislation is in conformity with the provisions of this subparagraph.

Paragraph 2 (b). There are no statutory provisions whereby a person may be compelled to perform work or service deemed to be part of the normal civic obligations of citizens, except in cases of *force majeure*.

Paragraph 2 (c). Section 28 of the Ordinance of the President of the Republic of 14 October 1922 respecting the campaign against begging and vagrancy, which provides for the detention of vagrants and beggars in a workhouse as a preventive and corrective measure, has never been applied. The compulsory workhouses called for in the ordinance in question have never come into existence.

Under the Prison Regulations now in force, only a prisoner sentenced by a court to a term of deprivation of liberty is required to perform work assigned to him by the administrators of the prison. A prisoner under temporary arrest during an inquiry may be given employment only with his consent; he is required, however, to perform such maintenance work within the prison as is prescribed by the regulations (section 40 of the Prison Regulations, Order No. 205/55 of the Minister of Home Affairs, dated 21 October 1955).

Paragraph 2 (d). Work may be exacted in cases of *force majeure* in virtue of the Decree of 23 April 1953 respecting services to combat disasters and the Ordinance of the Council of Ministers dated 13 February 1963 concerning participation in direct action to deal with floods.

There have been no convictions during the past ten years under section 21 of the Decree of 13 June 1946 respecting offences of particular danger during the period of reconstruction of the country.

Article 19. Compulsory deliveries, with penal sanctions in the event of non-delivery, are not indicative of compulsion to grow certain crops or raise certain types of livestock. The measures in force do not contain any directive or prohibition as concerns the extent and type of agricultural production or stockbreeding to be carried on on individual farms or in agricultural co-operatives. Every farmer is free to farm as he wishes. Compulsory deliveries are only of relative importance, and cover only a small proportion of cultivated produce and a few head of livestock raised in the traditional manner. Compulsory deliveries of wheat represent barely 8 per cent. of the country's total production, while compulsory deliveries of potatoes account for slightly less than 5 per cent. of total production. Meat animals purchased under the compulsory delivery system represent not quite 16 per cent. of total stock raised. In addition to the compulsory delivery system there are extensive possibilities of acquiring produce and livestock by means of contracts and purchases made at the markets. The proportion represented by such forms of acquisition among total sales of the produce and livestock mentioned above is considerable: for example, 75 per cent. in the case of meat animals. In these circumstances compulsory deliveries do not entail any obligation to cultivate specific crops or raise specific types of livestock or be liable to a penalty if failing to do so.

It should be noted that profits made on produce bought under the compulsory delivery system due to the difference between the market price and the compulsory delivery price must be handed over *in toto* to the Agricultural Development Fund, to which villages may apply through their agricultural circles or through producers' co-operatives if they wish to purchase agricultural machinery or engage in other forms of agricultural investment.

Article 20. No provision exists for the imposition of collective punishments.

Article 25. The compelling of any individual to perform work would invariably involve the use of force, violence or threats, and as such would be punishable by the penalties prescribed in section 251, or, in the case of civil servants, by those prescribed in section 286, of the Penal Code.

RUMANIA

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

Under the new draft Penal Code the illegal exaction of forced or compulsory labour is punishable.

The obligation on the part of pupils of vocational training schools to spend three years working in specific undertakings (Decision of the Council of Ministers No. 1434 of 1956) is contractual and not accompanied by any penalty or loss of privilege in case of refusal. Any pupil who refuses to work for this prescribed period at the prescribed workplace must reimburse the expenditure incurred by the State for his maintenance (but not for his studies) during his years of study. Provision is made for numerous exemptions even from this limited obligation.

Under the terms of Decree No. 107 of 1958 minor communal services are purely voluntary, and may be offered in lieu of a cash payment set aside, by decision of the inhabitants, for carrying out certain works of local interest.

By virtue of Decree No. 468 of 1957 concerning military service, persons performing their military service may not be assigned to work other than that of a strictly military character.

Farmers are under no compulsion to cultivate a particular kind and quantity of agricultural produce (Decree No. 728 of 1957). Since 1957 the sale of produce has been effected on a contractual basis.

There is no compulsory work book in existence, and no intention of introducing one.

Members of collective farms are entitled to take up wage-earning employment without any special formality.

Article 339 of the Penal Code lays down penalties against vagrants, who are defined as "persons without a steady trade or profession, of no fixed abode, and without means of subsistence. There is no provision against idlers and shirkers".

SWEDEN

In reply to direct requests by the Committee of Experts the Government has supplied the following information.

The report of the committee appointed in 1953 to revise the functioning of bodies empowered to deprive an individual of his freedom by administrative decision is at present under study by another government committee, appointed in March 1962 to make an over-all examination of administrative law in an effort to ascertain whether more effective guarantees for the legal security of the individual are called for. Pending submission of its report, the Government is considering the possibility of establishing social tribunals to deal with the deprivation of liberty of certain socially maladjusted individuals.

Under section 6 of Act No. 213 of 1958, concerning the treatment of persons in preventive detention, such detainees are not obliged to work.

SYRIAN ARAB REPUBLIC (First Report)

Presidential Decree No. 133 of 29 October 1952 respecting compulsory labour (*Al-jarida al-rasmiya*, 13 Nov. 1952, No. 66) (*L.S.* 1952—Syr. 2).

Article 1 of the Convention. Forced labour is authorised for public purposes and as an exceptional measure in specific circumstances in virtue of special enactments. The provisions of the above decree have not up to now been applied, the need for them not having arisen.

Article 2. The decree defines forced or compulsory labour in the same manner as the Convention. The term does not include—(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; (b) any service exacted in the event of a public calamity or for the execution of works connected with education, health or construction; (c) any work exacted as a consequence of a conviction in a court of law and carried out under the supervision of a public authority; (d) any work exacted in the event of a calamity, war or emergency. In the event of abuse by the authorities it is open to citizens to lodge an objection in virtue of section 12 of the decree.

Article 4. There exists no forced labour of the type defined in this Article.

Article 5. In no case do concessions granted to private individuals, companies or associations involve the exaction of forced labour.

Article 6. Officials of the administration may not use any form of constraint to exact forced labour for the benefit of private individuals, companies or associations.

Article 7. Cases of forced labour such as those envisaged by this Article do not exist.

Article 9. The types of work listed in Article 2 are in the general public interest and respond to urgent needs which it would be impossible to satisfy by other means. Sections 2 and 3 of the decree ensure observance of the safeguards mentioned in this Article.

Article 10. Forced or compulsory labour may never be exacted as a tax.

Article 11. The decree does not specify the age at which persons may be called upon for forced labour. It lays down the following conditions: (a) sick persons may be excused from forced labour on presentation of a medical certificate signed by an officially recognised medical practitioner (section 6); (b) public employees and persons charged with official duties may be exempted from forced labour if their duties are incompatible with the exacted labour, except in the case of a public calamity, when no employment or business may be deemed to be a lawful reason for release (section 14); (c) the proportion of the inhabitants of an area called upon to perform forced labour may not exceed 25 per cent. (section 4). Family circumstances may be taken into consideration when the decree of application referred to in section 6 of the decree is promulgated.

Article 12. The maximum duration of compulsory labour may not exceed two months in any year (section 13 of the decree).

Article 13. The provisions of the Labour Code are applicable to persons required to do compulsory labour (section 11). Partial remuneration is payable to persons who were without employment at the time they were summoned to do forced labour and who have other sources of income sufficient to meet their needs; full remuneration is payable to other categories of workers. In the case of work done in the event of a public calamity compensation is payable to persons in need (section 21).

Article 14. The labour legislation stipulates that wages are payable in cash to each worker individually; furthermore, the responsible authority must provide transport, lodging and food for persons required to do forced labour where necessary (section 10).

Article 15. Persons required to do forced labour are entitled to compensation for industrial accidents and for occupational or non-occupational diseases (section 11).

Article 17. The provisions of the Convention will be applied if the case arises.

Article 18. There exists no forced labour for the transport of persons or goods.

Article 19. There exists no compulsory cultivation.

Article 20. The legislation in force does not authorise the exaction of forced labour as a collective punishment.

Article 21. Forced labour is not used for work underground in mines.

Article 23. Any person of whom compulsory labour is required is entitled to lodge an objection regarding the correctness of the order with a justice of the peace, whose decision is final in the case of work connected with education, health or construction. In the event of a public calamity the final decision on applications for release rests with the chief administrative officer.

Article 24. The labour inspectors are responsible for the inspection of labour of all kinds, including forced labour.

Article 25. Section 29 of the decree prescribes penalties for those contravening its provisions.

TANGANYIKA

Employment Ordinance (Amendment) Act, No. 82, 1962.

Local Government Ordinance (Amendment) (No. 3) Act, No. 64, 1962.

Native Authority Ordinance (Repeal) Act, No. 14, 1963.

African Chiefs Ordinance (Repeal) Act, No. 13, 1963.

In reply to a direct request by the Committee of Experts in 1962 the Government states that consideration will be given to amending Part X of the Employment Ordinance to give statutory force to the administrative instructions for the abolition of forced labour, issued in December 1960, when further amendments to this ordinance are under examination. The Native Authority and the African Chiefs Ordinances have been repealed.

Under section 52 of the Local Government Ordinance the authorities may be empowered to perform various functions, including the engagement of paid labour for essential public works (paragraph 151) and of unpaid commercial labour not barred by the Convention (paragraph 152). Under section 52 (45), as amended in 1962, the authorities may require compulsory cultivation of land. Part X of the Employment Ordinance has also been amended to except any work performed to comply with an order by the authorities to cultivate land from the definition of forced labour contained in that ordinance.

These measures are considered important at the present stage of development to achieve co-ordinated economic and social advancement. While the Committee of Experts may regard such measures as retrogressive from a strictly legal viewpoint, the Government subscribes to the principles on which the Convention is based, and would welcome any advice or assistance the I.L.O. might be able to give in attaining the required standards within the context of shortage of finance, resources and skills, the over-all need for planned economic development, and the need to maintain unity among all sections of the population.

TOGO

In reply to a request by the Committee of Experts the Government states that the executive decree which, under the terms of section 2 of Act No. 61-3 of 11 January 1961 concerning the call-up of civilians, will specify the nature of undertakings and the circumstances under which such requisitioning may be made, has not yet been issued. This Act has had no effect, therefore, on freedom of work.

UKRAINE

Ukase of the Presidium of the Supreme Soviet of 15 December 1961 on the further limitation of fines imposed by administrative procedure (*Vedomosti*, 1961, No. 53).

Order No. 10 of the Council of Ministers of 3 January 1962 (*Sbornik Polozhenii*, 1962, No. 1).

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

By virtue of the Ukase of 1961, since 1 January 1962 corrective labour cannot be imposed otherwise than by decision of a court of law. Among the legislation repealed by this ukase are the provisions of the Administrative Code concerning the imposition of corrective labour by administrative procedure. By section 5 of the Order of 1962, ministries and public bodies were directed to amend all previous orders, decisions and instructions to bring them into conformity with the ukase.

Compulsory labour can be exacted only in cases of emergency (calamities or war), in accordance with Part V (sections 192 to 208) of the Administrative Code. The provision in section 11 of the Labour Code permitting compulsory labour in cases of shortage of manpower for important state work is not applied in practice; no such case has occurred in the last ten years. These provisions will be revised in the new Labour Code to bring them into conformity with existing practice.

Service under the compulsory military service laws is of a purely military character, except that the army may be used to deal with cases of emergency (section 193 of the Administrative Code) and for scientific exploration and other peaceful purposes in the Antarctic (Article 1 of the Antarctic Treaty).

The former system of compulsory deliveries of agricultural produce was abolished by Order No. 794 of 4 July 1957 of the Central Committee of the Communist Party of the U.S.S.R. and the Council of Ministers of the U.S.S.R. and by Order No. 972 of 31 July 1958 of the Council of Ministers of the Ukraine. On 26 February 1961 an order to amend and improve the system of purchases of agricultural produce by the State was published. The state plan indicates the quantity and kind of produce needed. The State, through its purchasing agencies and undertakings processing agricultural products, concludes contracts for from two to five years with the collective farms and state farms for the purchase of their produce at prices which it fixes. The contracts concluded by collective farms are approved by a general meeting of members. The areas to be cultivated are not determined by these contracts, but decided freely by the collective farms themselves. Produce in excess of the amounts stated in the contracts can be sold to consumers' co-operatives or directly at prices agreed between the parties. This is also the case as regards produce grown on the individual holdings of the members of collective farms.

In accordance with section 46 of the Labour Code any worker may freely terminate his contract on giving 15 days' notice. The Standard Rules governing conditions of work in state, co-operative and public undertakings and institutions provide that, on expiration of the notice, the settlement of accounts or the date of the worker's departure may not be delayed by the management (section 7) and that the work book must be returned to the worker on the day he leaves (section 8). Any delay in this respect entitles the worker to compensation equivalent to his wages

for the period concerned, in accordance with an order of 23 January 1929 of the Central Committee of the Communist Party and Council of People's Commissars of the U.S.S.R.

A member of a collective farm who wishes to work in industry, construction or another sector may seek a reference from the executive committee of the farm. In case of refusal he can appeal to the general meeting.

U.S.S.R.

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 21 June 1961 on the further limitation of fines imposed by administrative procedure (Vedomosti, 1961, No. 35).

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

Section 11 of the Labour Code of the R.S.F.S.R. requires special orders to be issued for its application. As indicated in previous reports, orders of 1927 relate to the exaction of labour under this section only in cases of natural calamities (floods, unusually heavy snowfalls, fires, earthquake, etc.). The principles of labour legislation of the U.S.S.R. do not provide for compulsory labour.

According to the general principles of penal legislation of the U.S.S.R., corrective labour may be imposed only as a consequence of a decision by a court of law. Section 20 of the above ukase provides that fines imposed by administrative procedure cannot, in case of non-payment, be replaced by corrective labour.

Under section 1 of the Ukase of the Presidium of the Supreme Soviet of the R.S.F.S.R. of 4 May 1961 a decision of a community of workers may contain a reference to enforced residence of persons who evade doing socially useful work and who lead an anti-social and parasitical existence, such persons being sent to specially designated localities with an obligation to work there. The ukase does not provide for any definite kind of work to be imposed on such persons, but merely means that at the place of temporary residence the person concerned is obliged to work like all other citizens. If, however, the person concerned continues to evade work, corrective labour can be imposed, but only by a sentence of the district or municipal people's court.

There is no need to adopt measures to bring into conformity with the Convention the Ukase of 26 November 1958 respecting the participation of collective and state farms, industrial, transport, construction and other undertakings in the construction and maintenance of motor roads, since the ukase deals with participation in such work by organisations, not persons. The ukase superseded the Order of 3 March 1936 concerning participation of the rural population in work connected with building and maintenance of roads; appropriate changes have also been made in the legislation of the Union republics.

Persons called up for military service may be employed only in work of a purely military character, except that section 371 of the Statute of Garrison and Watch Duties of the Armed Forces of the U.S.S.R. (Ukase of 22 August 1963) permits troops to be used to deal with natural calamities, that is, cases of emergency within the meaning of Article 2, paragraph 2 (*d*), of the Convention.

Article 19 of the Convention has no bearing on collective farm production. Under an Order of 9 March 1955 respecting changes in practice in agricultural planning, collective farms themselves determine the areas to be cultivated with crops, and the public authorities have no rights in this regard. The local agricultural authorities only work out a plan for purchasing agricultural produce which they communicate to the collective farms. The produce demanded by this plan is sold by the collective farm to the Government on the basis of a contract, at prices fixed by the

Government. There are no provisions by virtue of which members of a collective farm or individual peasant holdings may be compelled to produce particular crops.

In accordance with section 9 of the Order of 20 December 1938 regarding work books, these books are kept by the management of the undertaking or institution and are handed to the worker on termination of employment. Rule 8 of the Standard Rules governing conditions of work in state, co-operative and public undertakings and institutions, approved on 12 January 1957, specifically provides for the work book to be handed to the worker on termination. Under rule 3 a worker must hand over his work book when entering employment; if he is doing so for the first time, he must produce a certificate from the administration of the house where he lives or the rural council concerning his last occupation.

VIET-NAM

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

The Regulations concerning prison labour and the revision of section 8 of the Labour Code are still under consideration.

Ordinance No. 6 of 11 January 1956 relating to the detention of persons considered dangerous to national security is applicable only in cases of emergency and until the security and public order of the country have been completely re-established (see section 1).

YUGOSLAVIA

Constitution of 9 April 1963 (*Službeni List*, No. 14, 10 Apr. 1963).

The Constitution guarantees the right and freedom to work, and expressly prohibits forced labour (section 36).

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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, Dahomey, Federal Republic of Germany, Iceland, Western Samoa.

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

Argentina, Belgium, Brazil, Byelorussia, Chile, Cyprus, Czechoslovakia, France, Ireland, Italy, Jamaica, Japan, Malaysia (States of Malaya), Mexico, Netherlands, New Zealand, Portugal, Sierra Leone, Somalia, Spain, Switzerland, Trinidad and Tobago, United Arab Republic, United Kingdom.

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	Luxembourg	3. 3. 1958
Austria ¹	16. 2. 1933	Mexico	12. 5. 1934
Bulgaria	22. 6. 1932	New Zealand	29. 3. 1938
Chile	18. 10. 1935	Nicaragua	12. 4. 1934
Cuba	24. 2. 1936	Norway	29. 6. 1953
Finland	13. 1. 1936	Panama	16. 2. 1959
Guatemala	4. 8. 1961	Spain	29. 8. 1932
Haiti	31. 3. 1952	Syrian Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	United Arab Republic	10. 5. 1960
Israel	26. 6. 1951	Uruguay	6. 6. 1933
Kuwait	21. 9. 1961		

¹ Conditional ratification.

KUWAIT (First Report)

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

Article 1 of the Convention. The line which separates the establishments enumerated in paragraph 1 of this Article from other establishments has not been defined. Labour legislation gives a general definition of "workers".

Article 2. The Act of 1960 defines "hours of work" as excluding the rest period and to mean the time during which the worker is at the employer's disposal. Section 34 of the Act of 1959 provides that the rest period shall be excluded from hours of work.

Article 3. Section 13 of the Act of 1960 and section 34 of the Act of 1959 provide that no worker may work more than eight hours a day or 48 a week, except as provided.

Article 4. Section 14 of the Act of 1960 and section 35 of the Act of 1959 permit overtime not exceeding two hours per day.

Article 7, paragraphs 1 to 3. Section 35 of the Act of 1959 applies these provisions.
Paragraph 4. Section 35 of the Act of 1959 and section 14 of the Act of 1960 apply.

Article 8. A tripartite committee was formed to discuss the labour legislation before its adoption.

Article 10. The provisions of this Article are observed, though not contained in labour legislation.

Article 11, paragraph 1. The appropriate section of the Ministry of Social Affairs and Labour is responsible for inspection.

Paragraph 2. Section 49 of the Act of 1959 provides that employers shall keep an attendance card for each worker, and section 50 provides that they shall post a timetable in a conspicuous place.

Paragraph 3. Section 80 of the Act of 1959 applies.

Article 12. Section 80 of the Act of 1959 applies.

NORWAY

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

Article 4 of the Convention. Working hours shall normally be distributed over six weekdays. Section 23 (1) and (2) of the Workers' Protection Act does not permit agreements to increase the normal work day beyond nine hours. All the main organisations of employers and workers agree on this interpretation.

Article 6. Formal instructions will be issued to the competent department of the Ministry of Local Government and Labour that, in granting dispensation from the Workers' Protection Act to commercial and office undertakings, it should observe the requirements of this Article.

Article 7. The Norwegian Employers' Association states that, on the rare occasions when recourse is had to overtime, it is necessary to get the extra work done as quickly as possible and that a general limitation of overtime to two or three hours a day is against the interests of both employees and undertakings. The General Confederation of Trade Unions in Norway, confirming that overtime is resorted to only rarely, states that employees often wish to do overtime in as few days as possible and therefore considers that further regulation of daily overtime is unnecessary. The Government therefore hopes that the Committee of Experts will accept the current practice as satisfactory.

While aware that the cases in which overtime may be worked under section 25 (1) of the Workers' Protection Act do not exactly coincide with paragraph 2, the Government does not consider that any significant difference would arise in practice and hopes that the Committee of Experts will withdraw its observation on this point.

Formal instructions will be issued that authorisations are to be granted under section 24 (b) of the Act only if the maximum number of additional hours permitted in the day is specified in each case.

The need to maintain special regulations for state-owned transport undertakings in the Workers' Protection Act, section 25 (1) (e), will be examined.

With regard to the application of section 26 (3) of the Act, the Directorate of Labour Inspection is authorised to allow overtime up to 20 hours a week and 45 hours in four consecutive weeks, but not for longer than three months. Applications for the working of overtime beyond these limits are decided by the Ministry. Very few exceptions have been authorised by the Directorate to commercial undertakings and offices. The Ministry has granted broad dispensations to cover shorter periods of abnormal pressure of work, mainly to banks, the postal service and the telecommunication service. No dispensation under section 26 (3) can be put into effect until the employees' representatives have had the opportunity to express their opinions. The usual practice in granting dispensations is to leave the parties to apportion the overtime allowed per week over the separate weekdays.

SPAIN

Section 42 of the Labour Ordinance of 24 May 1962, which applies to the Spanish equatorial region (Fernando Poo and Río Muni), provides for an eight-hour day and 48-hour week for all employees in commerce.

See also under Convention No. 1.

SYRIAN ARAB REPUBLIC (First Report)

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

Order No. 448 of 18 March 1960 respecting ratification of the Convention.

Article 1 of the Convention. There is no line of demarcation separating commercial establishments from industrial and agricultural establishments. The Labour Code applies to all establishments without distinction, and does not provide for exemption in the case of members of the employer's family or of persons occupying positions of management or employed in a confidential capacity, unless their contract of employment stipulates otherwise.

Employees of the State and of public authorities are not covered by the Labour Code, nor are travellers and representatives who carry on their work outside the establishment.

Article 2. "Hours of work" are deemed to be hours actually worked. Rest periods are excluded in virtue of section 114 of the Code.

Article 3. The hours of work are eight per day and 48 per week (section 114 of the Code).

Article 4. Any hours worked in excess of the limits indicated above are deemed to be overtime and remunerated as such.

Article 5. Hours worked in excess of the normal hours of work are deemed to be overtime and remunerated as such in all cases, including those referred to in this Article. In no case may the hours of work exceed ten per day (section 120 of the Code). Overtime must be authorised by the District Directorate for Social Affairs and Labour. The Code makes no provision for making up hours lost from one day to the next.

Article 6. There have been no cases of distribution of the weekly working hours in the manner indicated in Article 4; the provisions of the present Article are therefore inapplicable.

Article 7. Ministerial Order No. 445 of 8 September 1959, together with the two ministerial orders supplementing it, Nos. 529 and 535 of 28 and 29 September 1960 respectively, specify the permanent exceptions which may be made to the limitation on the maximum number of hours of work. These orders allow for hours to be reduced to seven in some cases and increased to nine in others.

Section 120 of the Code specifies the cases where temporary exceptions may be made, which correspond to the cases set forth in this Article of the Convention. The competent administrative authority must be notified of such exceptions, of the emergency that has arisen and of the period required to complete the work. The approval of the said authority is required.

Article 8. The provisions of Article 6 of the Convention are not applicable. The workers' and employers' organisations have raised no objection to any of the orders issued in respect of permanent exceptions.

Article 9. No measures have been taken to date to implement this Article of the Convention.

Article 10. The statutory provisions respecting the limitation of hours of work do not affect in any way any agreement providing for shorter hours or a higher rate of remuneration than those provided for by the Convention.

Article 11. Book VI of the Code contains the provisions relating to labour inspection.

Under section 122 of the Code the employer is required to post up in conspicuous positions schedules showing the weekly rest day, the hours of work and the rest periods.

If overtime has to be worked the employer must issue an instruction to the shop foreman. The latter enters the overtime worked on the wage sheet, which records all hours worked. Wages are paid on the basis of this sheet.

Book VII of the Code prescribes penalties in the event of infringement of its provisions.

No decisions have been given by courts of law involving questions of principle; there have been decisions, however, with respect to cases of contravention of the provisions of the law.

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The report from the *Syrian Arab Republic* supplies information on the practical effect given to the Convention.

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

This Convention came into force on 30 October 1934

Countries	Ratification registered on
Algeria	19. 10. 1962
Argentina	14. 3. 1950
Belgium	2. 7. 1952
Bulgaria	29. 12. 1949
Canada	6. 4. 1946
Chile	18. 10. 1935
China	30. 11. 1935
Cuba	7. 9. 1954
Finland	23. 8. 1949
France	27. 5. 1955
India	10. 2. 1947
Italy	30. 10. 1933
Kenya	13. 1. 1964

Countries	Ratification registered on
Malaysia (Singapore)	3. 3. 1964
Mexico	12. 5. 1934
New Zealand	29. 3. 1938
Nigeria	16. 6. 1961
Norway	23. 6. 1956
Pakistan	10. 2. 1947
Peru	4. 4. 1962
Sierra Leone	15. 6. 1961
Spain	28. 7. 1934
Sweden	3. 8. 1938
Tanganyika	19. 11. 1962
United Kingdom	10. 1. 1935
Uruguay	6. 6. 1933

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

Argentina, Nigeria, Uruguay.

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	Malagasy Republic	1. 11. 1960
Austria	26. 2. 1936	Mali	22. 9. 1960
Belgium	6. 6. 1934	Mauritania	20. 6. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Netherlands	12. 7. 1935
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Spain	22. 6. 1934
Cuba ¹	24. 2. 1936	Togo	7. 6. 1960
Dahomey	12. 12. 1960	Upper Volta	21. 11. 1960
France	29. 4. 1939	Uruguay ¹	6. 6. 1933
Gabon	14. 10. 1960		
Guinea	21. 1. 1959		
Ivory Coast	21. 11. 1960		

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

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

CONGO (BRAZZAVILLE)

Decree No. 63-239 of 31 July 1963 to amend Order No. 2224 of 24 October 1953 specifying the exceptional cases where young persons may be employed.

In reply to a direct request made by the Committee of Experts in 1963 the Government furnishes the text of the above-mentioned decree, which gives effect to Article 3, paragraph 1 (c), of the Convention (regulation of the duration of light work performed by children over 12 years of age outside the hours fixed for school attendance).

* * *

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, Dahomey.

34. Fee-Charging Employment Agencies Convention, 1933

This Convention came into force on 18 October 1936

Countries	Ratification registered on
Argentina	14. 3. 1950
Bulgaria	29. 12. 1949
Chile	18. 10. 1935
Czechoslovakia	12. 6. 1950
Finland ¹	13. 1. 1936
Mexico	21. 2. 1938

Countries	Ratification registered on
Norway ¹	4. 7. 1949
Spain	27. 4. 1935
Sweden ¹	1. 1. 1936
Turkey ¹	27. 12. 1946

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

CHILE

In reply to a direct request made by the Committee of Experts in 1962 the Government states that under section 11 (*d*) of Decree No. 308 of 6 April 1960 the control and supervision of employment agencies has passed into the hands of the Department of Employment and Manpower, attached to the Labour Services.

MEXICO

In reply to a direct request made by the Committee of Experts in 1962 the Government states that under section 5 of the Regulations for employment exchanges the operation of private employment agencies is allowed by way of exception, subject to the express authorisation of the competent authority.

In this connection section 53 of the regulations stipulates that private employment agencies may not operate without the authorisation of the Directorate of Social Welfare of the Labour Department, which must lay down the conditions for their operation.

The governments of the territories and the Directorate of Social Welfare are responsible for supervising employment exchanges and agencies through the competent labour inspectors, and their staff must give information to the inspectors concerning the manner in which their operations are carried on, furnish any particulars required and produce their books, card indexes and any other documents which may be requested (sections 64 and 65 of the regulations).

To sum up, the competent authorities authorise and supervise the operation of non-profit-making employment agencies, which are required, moreover, to make a statement beforehand that their services are to be offered free of charge.

The case never arises of an employment agency, either private or state-run, recruiting workers abroad.

* * *

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

Argentina, Czechoslovakia, Spain.

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		

POLAND

The Government furnishes detailed information concerning the manner in which old-age, invalidity and survivors' insurance is applied to members of agricultural producers' co-operatives and to former landowners whose estates have become the property of the State.

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

POLAND

See under Convention No. 36.

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. 36.

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	22. 11. 1935
Central African Republic	27. 10. 1960
Ceylon	2. 9. 1950
Chad	10. 11. 1960
Congo (Brazzaville)	10. 11. 1960
Dahomey	12. 12. 1960
France ¹	25. 1. 1938
Gabon	14. 10. 1960
Greece ¹	30. 5. 1936
Guinea	21. 1. 1959
Hungary	18. 12. 1936
India ¹	22. 11. 1935
Iraq	28. 3. 1938
Ireland ¹	15. 3. 1937
Ivory Coast	21. 11. 1960

Countries	Ratification registered on
Malagasy Republic	1. 11. 1960
Mali	22. 9. 1960
Mauritania ¹	20. 6. 1961
Morocco	13. 6. 1956
Netherlands ¹	9. 12. 1935
New Zealand ¹	29. 3. 1938
Niger	27. 2. 1961
Pakistan ¹	22. 11. 1935
Peru	8. 11. 1945
Senegal	4. 11. 1960
Republic of South Africa ¹	28. 5. 1935
Switzerland ¹	4. 6. 1936
Togo	7. 6. 1960
United Arab Republic ¹	11. 7. 1947
United Kingdom ²	25. 1. 1937
Upper Volta	21. 11. 1960
Venezuela	20. 11. 1944

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

² Has denounced this Convention.

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

* * *

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

Ceylon, Hungary.

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

Afghanistan, Argentina, Dahomey, Gabon, Greece, Iraq, Ivory Coast, Malagasy Republic, Mauritania, Morocco, Niger, Togo.

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	19. 10. 1962	India	13. 1. 1964
Argentina	14. 3. 1950	Iraq	25. 7. 1941
Australia	29. 4. 1959	Ireland	15. 3. 1937
Austria	26. 2. 1936	Italy	22. 10. 1952
Belgium	3. 8. 1949	Japan	6. 6. 1936
Bolivia	19. 7. 1954	Luxembourg	3. 3. 1958
Brazil	8. 6. 1936	Mexico	20. 5. 1937
Bulgaria	29. 12. 1949	Morocco	20. 5. 1957
Burma	17. 5. 1957	Netherlands	1. 9. 1939
Burundi	11. 3. 1963	New Zealand	29. 3. 1938
Congo (Leopoldville)	20. 9. 1960	Norway	21. 5. 1935
Cuba	22. 10. 1936	Panama	16. 2. 1959
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Denmark	22. 6. 1939	Rwanda	18. 9. 1962
Finland	20. 1. 1950	Republic of South Africa	26. 2. 1952
France	17. 5. 1948	Spain	24. 6. 1958
Federal Republic of Germany	17. 6. 1955	Sweden	24. 2. 1937
Greece	13. 6. 1952	Turkey	27. 12. 1946
Haiti	19. 4. 1955	United Kingdom	29. 4. 1936
Hungary	17. 6. 1935	Uruguay	18. 3. 1954

ARGENTINA

In reply to the requests of the Committee of Experts concerning the list of occupational diseases and the corresponding processes, the Government states that compensation is granted to workers whose illness has been caused, aggravated or manifested by their employment. Under the established law no account is taken of the attendant cause, and a worker suffering from incapacity is compensated even if he carried the disease before, but to a degree which did not result in incapacity. If the health of the worker in question is affected by his employment, such injury must be compensated. On this basis it has been possible to consider such complaints as rheumatism, allergies, cancer, sunstroke, etc., as occupational diseases.

AUSTRIA

For legislation see under Convention No. 17.

In reply to the requests and the observation by the Committee of Experts concerning the inclusion, in the list of occupational diseases contained in the national legislation, of lead alloys, mercury amalgams and certain substances liable to cause epitheliomatous cancer of the skin, the Government states that the Act was adopted with a view to giving effect to these observations and that it modifies, on the basis of Article 2 of the Convention, section 177 of Appendix I to the General Social Insurance Act of 1955.

BELGIUM

In reply to the requests made by the Committee of Experts in 1959, 1960 and 1962 the Government indicates that preparatory work on the risk of anthrax infection in loading, unloading and transport operations has not yet been completed.

BRAZIL

In reply to the request by the Committee of Experts the Government points out that the legislation on compensation for occupational diseases applies also to agricultural workers by virtue of sections 1, 2, 8 and 9 of Legislative Decree No. 7036 of 10 November 1944.

CZECHOSLOVAKIA

Order No. 105 of the National Social Security Office, dated 21 September 1961, amending and supplementing the list of occupational diseases (*Sbirka Zákonů*, 30 Sep. 1961, No. 49).

The above-mentioned order makes certain additions and amendments to the list of occupational diseases and includes diseases of the lungs caused by work in a dust-laden atmosphere.

In reply to the observation made by the Committee of Experts concerning the enumeration of substances liable to cause primary epitheliomatous cancer of the skin and the designation of certain processes giving rise to anthrax infection, the Government supplies the following information.

As regards epitheliomatous cancer of the skin, a committee of specialists in industrial medicine which examined the question raised by the Committee of Experts has concluded that the term "carcinogenous substances" used by national legislation is wider than the term used in the Convention, as it comprises not only all known carcinogenous substances such as tar, pitch, bitumen, mineral oils, etc., but also all other substances which may in future be considered carcinogenous, without any need to list them in detail as is done in the Convention. The Government adds that the method adopted in national legislation provides protection for all workers, regardless of their working environment and the substances which they handle. For this reason the Government does not consider it necessary to make any addition to this definition as suggested by the Committee of Experts.

As for anthrax infection, the Government states that national legislation contains a very wide definition of occupations which are liable to cause this disease and that, as it refers to the hazards inherent in any type of work, it covers every possible disease which can be communicated by animals to man—whether by living animals, carcasses or animal remains—including diseases communicated by parasites. Any enumeration of the different processes involved would tend to restrict the occupations covered by existing legislation; the Government therefore considers such enumeration to be unnecessary.

In addition, in reply to a request by the Committee of Experts, the Government has communicated the text of the Social Security Act, 1956, with the list of occupational diseases.

DENMARK

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

In regard to the application of the principle of presumption of occupational origin embodied in the Convention the Government refers to the arguments put forward in its previous report, but declares itself ready to take the Committee's suggestions into consideration on the occasion of any future revision of the legislation in question.

As regards silicosis, in the event of a case of silicosis so severe as to be likely to be a substantial cause of disability or death, the Directorate of Industrial Injuries Insurance will accept also tuberculosis, whether that disease is considered as a resulting condition or as associated with silicosis. Only very slight cases of silicosis may give rise to a justified doubt as to the relationship between the two diseases, but according to the Government such cases do not seem to be covered by the Convention.

As concerns poisoning by benzene or its homologues, the Directorate of Industrial Injuries Insurance has always accepted any poisoning caused by a solvent, whether or not the solvent was used as such in that particular case. If a substance has a property allowing it to be used as a solvent or a refrigerant, it is deemed to be covered by the legislation however it is used in practice, and this seems to be in conformity with the Convention.

With regard to halogen derivatives of hydrocarbons of the aliphatic series, the examples cited by the Committee—methyl chloride and vinyl chloride—are covered by the legislation as being refrigerants. Polyvinyl chloride is hardly likely to cause poisoning, since it is used as a plastic packing material. On this point, too, the Government considers that the legislation is in conformity with the provisions of the Convention.

FRANCE

Decree No. 61-798 of 24 July 1961 to amend Decree No. 57-1176 of 17 October 1957 establishing special procedures for the application to occupational silicosis and asbestosis of Book IV of the Social Security Code (*Journal officiel*, 28 July 1961).

Decree No. 63-405 of 10 April 1963 revising and supplementing the tables of occupational diseases annexed to Decree No. 46-2959 of 31 December 1946, as amended, respecting the application of Book IV of the Social Security Code (*ibid.*, 20 Apr. 1963).

Decree No. 63-576 of 11 June 1963 to amend section 3 of Decree No. 50-1289 of 16 October 1950 making public administrative regulations regarding special medical precautions for the prevention of occupational silicosis (*ibid.*, 15 June 1963).

Act No. 63-579 of 18 June 1963 respecting the reviewing of the entitlement to compensation afforded to sufferers from occupational silicosis and asbestosis and to their dependants by Ordinance No. 45-1724 of 2 August 1945 and Act No. 57-29 of 10 January 1957 (*ibid.*, 19 June 1963).

Decree No. 63-865 of 3 August 1963 respecting the application of section L-500 of the Social Security Code, which provides for compulsory medical notification of any disease of occupational origin.

Decree No. 63-983 of 24 September 1963 to amend section 1 of Act No. 56-683 of 12 July 1956 respecting the application of section 53 of Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases.

The Government comments on the various legislative enactments relating to compensation for occupational diseases promulgated during the period under consideration.

The Decree of 10 April 1963 revised the schedule of occupational diseases and added two new tables, one referring to occupational disorders brought on by noise and the other to ulcerations caused by formol and its polymers. The same decree altered the wording of a number of other tables, in particular those concerning sicknesses caused by X-rays and radioactive substances and occupational dermatosis resulting from the use of lubricants.

The Decree of 3 August 1963 introduced a revised schedule of occupational diseases based on research carried out on an international scale, and drew the attention of practitioners to the dangers inherent in certain chemical or physical agents and to certain infectious or parasitic diseases, urging them to notify diseases which in their opinion might have their origin in the action of these agents on the body of the worker. The Decrees of 24 July 1961 and 11 June 1963, and the Orders of 12 and 13 June 1963, concern medical precautions for the prevention of silicosis.

In reply to the observations regarding the restrictive nature of the schedule of occupational diseases annexed to the legislation, the Government once again remarks that the principle of presumption of occupational origin is not explicitly stated in the Convention. If this is indeed the intention of the Convention, it must be admitted that it has failed to say so, since it confines itself (except in the case of silicosis) to listing the harmful substances. The Government does not see how the national legislation can establish true presumption of origin on the basis of a list of harmful

substances without mentioning the diseases covered by such a presumption. Since the Convention does not make it possible to do so, it must be acknowledged that its provisions will be adequately complied with if workers are afforded the opportunity to supply proof that their illness does indeed have its origin in the action of these harmful substances. French law goes much further than that.

After reviewing in detail the provisions of French legislation relating to compensation for occupational diseases, the Government stresses that the so-called "limitations" of this legislation merely serve as a basis for presumption of occupational origin, which without them could not really exist, and that the said presumption ensures that protection is effective.

As regards the Committee's observations concerning poisoning by halogen derivatives of hydrocarbons of the aliphatic series, poisoning by phosphorus or its compounds, epitheliomatous cancer of the skin and anthrax infection, the Government states that, in conformity with paragraph 6 of the Recommendation of the Commission of the European Economic Community to member States respecting the adoption of a European schedule of occupational diseases, it has requested its Occupational Health Committee to obtain from the other member States of E.E.C. as full information as possible concerning illnesses caused by halogen derivatives of hydrocarbons of the aliphatic series and by compounds of phosphorus and manganese other than those already included in the French tables.

In conclusion, the Government states that it has not altered its opinion that the national legislation is not out of keeping with the fundamental principles of the Convention, that the special provisions it contains are essential to the application of the Convention, and that the results achieved are not inferior to those which would have been obtained by means of other special provisions, e.g. provisions laying upon workers exposed to the action of the harmful substances in question the onus of proving that these substances have been the cause of the illnesses from which they are suffering. The Government also draws attention to the progressiveness of French legislation, as evinced by the frequent revisions of and additions to the tables of occupational diseases in question.

The Government has also forwarded the text of a number of judgments of the Court of Cassation relating to interpretations given to the system of compensation established by the national legislation. On 5 June 1957 the Court of Cassation upheld a decision of the Court of Appeal of Rouen to the effect that the provisions of section 1384 of the Civil Code (presumption of liability in respect of objects under one's surveillance) were automatically applicable where the question arose of compensation for illnesses caused by substances not at that time listed in the tables established by the national legislation. On the other hand, on 18 July 1962 the Court of Cassation, dealing with an appeal by an employer who claimed that his employee had not been "regularly" exposed to the risk of benzene poisoning, upheld the decision of the magistrates that the worker in question had not been assigned to work bringing him into contact with toluene and that all he did was pass through the area where such work was carried on. Finally, in a judgment dated 11 October 1962, the Court of Cassation gave its opinion as to the medico-legal interpretation to be given to the schedule to the French legislation as regards the definition given in the schedule of a certain form of anaemia brought about by lead poisoning, taking the view that the description of the symptoms of this disease given in the schedule is merely intended to be indicative, and does not exclude from compensation other forms of anaemia which show some of the symptoms listed in the schedule in question.

FEDERAL REPUBLIC OF GERMANY

In reply to the requests by the Committee of Experts the Government states that the wording of item 6 of the appendix to the Sixth ordinance respecting occupational

diseases, 1961, covers all acute and chronic diseases caused by lead, its alloys or compounds. These diseases are compensated either as occupational diseases or as "accidents connected with an occupational activity".

The report also states that the wording of item 15 of the said appendix should be given the same interpretation.

As for epitheliomatous cancer of the skin, the report refers to the explanatory memorandum published by the Federal Ministry of Labour concerning the interpretation of item 47 of the above-mentioned appendix, whereby the term "similar substances" should be interpreted to include, *inter alia*, bitumen and mineral oils.

GREECE

In reply to the request by the Committee of Experts concerning the processes corresponding to anthrax infection the Government states that the matter has been referred to the competent services, which will take action in conformity with the views expressed by the Committee.

HAITI

In reply to the observations made by the Committee of Experts the Government states that by a resolution dated 3 January 1964 the Governing Body of the Social Insurance Institute has revised the schedule of occupational diseases along the lines indicated by the Convention. The Government has not, however, forwarded the text of this resolution with its report.

IRAQ

In reply to the request by the Committee of Experts concerning the waiting period for coverage in respect of certain occupational diseases the Government states that the points raised will be taken into consideration by the committee responsible for the drafting of the new Labour Code.

ITALY

Act No. 1279 of 3 November 1961 amending section 10 of Decree of the President of the Republic No. 648 of 20 March 1956, which amended Act No. 455 of 12 April 1943 concerning compulsory insurance against silicosis and asbestosis.

Act No. 1115 of 27 July 1962 extending to workers suffering from silicosis, with or without other ailments, contracted in Belgian coal mines, the benefits accorded by Act No. 455 of 12 April 1943.

Act No. 15 of 19 January 1963 amending and supplementing Royal Decree No. 1765 of 17 August 1935, as amended, concerning compulsory insurance against industrial accidents and occupational diseases, and Legislative Decree No. 1450 of 23 August 1917, as amended, concerning compulsory insurance against occupational accidents in agriculture (*Gazzetta Ufficiale*, No. 28, 31 Jan. 1963).

The amendments made by the Act of 1963 relate, *inter alia*, to the list of industries and occupations subject to compulsory insurance against employment injury, to the categories of employers and workers covered by the Act, to the definition of rates for permanent incapacity, to the benefits granted, their payment to dependants, and to methods of revising pensions, etc.

JAPAN

See under Convention No. 18.

LUXEMBOURG

See under Convention No. 18.

MOROCCO

In reply to the requests made by the Committee of Experts in 1960 and 1962 the Government states that a draft legislative text is at present under consideration which will supplement, on the lines indicated by the Committee, the provisions of the order of 31 March 1943 concerning the list of pathological manifestations due to poisoning by lead, mercury, phosphorus, arsenic, and their alloys, amalgams and compounds, and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. This new text will be sent to the Office as soon as it is published in the official gazette.

NETHERLANDS

Act of 8 December 1961 amending the Act of 1921 concerning accident insurance and the Act of 1922 concerning accident insurance in agriculture and horticulture (*Staatsblad*, 1961, 467, p.1065).

The above Act amends section 87 (b) of the Act of 1921 concerning pathological manifestations due to ionising radiations and the processes liable to cause these ailments.

NEW ZEALAND

Workers' Compensation Amendment Act, 1962 (*New Zealand Statutes*, 1962, Vol. I, p. 740).

Workers' Compensation Order, 1963 (*Statutory Regulations*, Serial 1963/31).

In reply to the direct request made by the Committee of Experts concerning the drawing up of a schedule of occupational diseases, the Government expresses the view that the standard of proof required in compensation cases is not such as to cause workers any particular difficulty in showing the necessary connection between their ailment and their occupation. On the other hand, the Government is convinced that the drawing up of a schedule of diseases which may be presumed to be of occupational origin, as the Committee suggests, would tend to make claims more difficult to prove in the case of diseases not appearing in the schedule. Inevitably the courts would ask why the legislation had made a distinction between two categories of diseases if that distinction were not intended to be meaningful. The Government is therefore satisfied that the introduction of a schedule is incompatible with the present legislation, which covers all occupational diseases. In view of this the Government is not prepared to weaken the present position of the workers by modifying the present system. The legislation, while not quite identical with the Convention, covers all the diseases covered by the Convention, and even goes farther; the Government will from time to time check that this continues to be the position.

For the changes made under the new legislation see under Convention No. 17.

NORWAY

Royal Decree of 3 August 1962 concerning certain cases of diseases and poisonings among workers employed in certain undertakings or industries and considered as occupational diseases by virtue of the Act concerning insurance against occupational injury (*Lovtidend*, No. 28, 23 Aug. 1962).

Law No. 3 of 26 April 1963 amending the Act of 12 December 1958 concerning insurance against occupational injury (*ibid.*, No. 17, 22 May 1963).

In reply to the requests made by the Committee of Experts in previous years concerning the adoption, parallel to the system of "global coverage" applicable in Norway by virtue of the Act of 1958, of a list of occupational diseases and the corresponding processes, in accordance with the schedule contained in Article 2 of the Convention, the Government states that the above-mentioned royal decree has been issued with a view to giving effect to the requests of the Committee and that it has established a double list similar to the one in the Convention.

POLAND

Ordinance of the President of the Labour and Wages Committee of 24 November 1961, concerning industrial accidents (*Dziennik Ustaw*, No. 55, text 312).

Act of 28 June 1962 concerning retirement insurance of members of agricultural production co-operatives, their families and members of their household (*ibid.*, No. 37, text 165).

Ordinance of the President of the Labour and Wages Committee of 21 July 1962, concerning entitlement to benefits and their payment, provided for in the law concerning the insurance of members of agricultural production co-operatives (*ibid.*, No. 45, text 220).

The Act of 28 June 1962 extends social insurance, including compensation for industrial accidents and occupational diseases, to members of agricultural production co-operatives, as well as members of their households employed in the co-operative. Under the terms of this Act, co-operatives are divided into various categories, according to size, the rate of benefits granted varying according to the category of the co-operative. The cost of benefits is borne by the State without any financial contribution by the workers. Benefits for industrial accidents and occupational diseases are paid irrespective of the period of membership in the co-operative and are the same for both contingencies.

RWANDA

In reply to the requests of the Committee of Experts concerning inclusion in the list of occupational diseases annexed to the national legislation of silicosis with tuberculosis and poisonings by the halogen derivatives of hydrocarbons of the aliphatic series and processes liable to cause these diseases, the Government states that no steps have been taken yet to bring national legislation into conformity with the Convention in this respect, but that the matter will be settled with the adoption of the presidential order provided for in section 31 of the new Social Security Act, which will establish the list of occupational diseases. The Government adds, however, that, in practice, cases of silicosis associated with tuberculosis are compensated by the Social Insurance Fund.

See also under Convention No. 18.

REPUBLIC OF SOUTH AFRICA

In reply to the requests by the Committee of Experts concerning silicosis, poisoning by arsenic, mercury, phosphorus and certain products liable to provoke primary epitheliomatous cancer of the skin, as well as the qualifying period for some of these diseases, the Government supplies the following information.

The amendments to the list of occupational diseases proposed by the Committee of Experts are receiving attention. As regards the description of silicosis so as to include the words "with or without pulmonary tuberculosis", a final decision has not yet been reached in regard to this amendment.

SPAIN

Order of the Ministry of Labour, dated 12 January 1963, laying down regulations concerning occupational diseases (*Boletín Oficial del Estado*, 13 Mar. 1963).

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

As regards poisoning by mercury, phosphorus, arsenic, lead and benzene, the wording "diseases caused by" adopted by the legislation is wider than the wording "poisoning by" used in the Convention and covers implicitly the *sequelae* which indicate the pathological disorders constituting the disease. This is the interpretation given by the courts and accepted by both the National Occupational Health and Safety Institute and the Workmen's Compensation Fund.

In the case of processes liable to cause poisoning by phosphorus, arsenic and the halogen derivatives of hydrocarbons of the aliphatic series, the Government does not see any discrepancy between the Spanish text of the Convention and the national legislation, since in the Convention the word "liberation" has been translated by the word *separación*. Accordingly, the terms of the legislation include all processes liable to cause these diseases.

Regarding processes liable to cause poisoning by benzene, etc., the list of trades, industries and processes contained in the national legislation is not limitative, but descriptive, and established in such a way as to eliminate the possibility of persons pleading ignorance as to its scope.

With respect to anthrax infection, the Government points out that the difference between the Convention and the national legislation lies in the fact that the latter refers to contact with "sick animals", in connection with the handling, loading, unloading and transport of merchandise, whereas the Convention speaks of "animal carcasses or parts of such carcasses". The restriction in the Spanish text is removed, however, by the legal provisions concerning compensation for industrial accidents, which provide for compensation of every injury occurring in the course of or in connection with remunerated employment.

Where silicosis in association with tuberculosis is concerned, the Government recognises that there is, in fact, a difference between the wording of the schedule in the Convention and that of the legislation. The Regulations of 9 May 1962 include among occupational diseases silicosis in general, enabling future developments to be covered as far as possible and avoiding the necessity for frequent changes in the legislation; in this way the Government does not trespass on the domain of medical science but leaves the latter full liberty to take account of the latest knowledge in the field in question. However, in the above order, the Ministry of Labour laid down statutory regulations concerning occupational diseases, which take account, *inter alia*, of pulmonary tuberculosis, whether presumed to be of earlier or later date than silicosis. The same order also lays down that the rate of compensation for silicosis shall be increased in proportion to the presence of tubercular lesions. In practice, any diagnosis of silicosis with tuberculosis is recognised as a case of total permanent incapacity.

The Government states that the wording of the legislation regarding epitheliomatous cancer of the skin is very wide in scope and implicitly includes among mineral oils and other carcinogenous elements, paraffin and its compounds.

SWEDEN

National Insurance Act, No. 381, of 25 May 1962.

In reply to the direct requests made by the Committee of Experts regarding the drawing up of a schedule of occupational diseases in conformity with Article 2 of the Convention, the Government refers once again to sections 6 and 7 of the Employment Injury Insurance Act, 1954, under which any disease arising out of a person's employment gives the right to compensation as "occupational injury". The Government refers also to a royal notification of 1954, issued by virtue of section 6 (c) of the Act, which provides that a whole series of injuries listed in the notification shall be considered as occupational injuries under the Act.

The Government considers that the above-mentioned legislation establishes a presumption of occupational origin not only in regard to all the diseases listed in the Convention but to practically every injury which arises out of employment. The competent authorities therefore fail to see that the legislation quoted above does not assure the workers to whom the Convention applies a protection which is at least equal to that which it affords.

TURKEY

In reply to a request by the Committee of Experts the Government states that legislation respecting compensation for employment injury does not apply to agricultural workers.

UNITED KINGDOM

National Insurance Act, 1963.

National Insurance and Industrial Injuries (Jersey) Order, 1962 (*S.I.*, 1962, No. 1656).

National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations, 1963 (*S.I.*, 1963, No. 395).

National Insurance (Industrial Injuries) (Colliery Workers' Supplementary Scheme) Amendment and Consolidation Order, 1963 (*S.I.*, 1963, No. 934).

National Insurance (Industrial Injuries) (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1963 (*S.R. & O.*, 1963, No. 37).

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

Concerning anthrax infection, it is noted that the Committee of Experts stresses that the terms of the Convention aim at releasing workers (engaged in loading, unloading and transport of merchandise) from the obligation of proving that they have been in contact with infected animals or their debris. On the other hand, Article 2 of the Convention specifies that each ratifying Member "undertakes to consider as occupational diseases" diseases listed in the schedule to the Convention which "result from occupation". The Government regards the establishment of a direct causal link between an occupation and an injury as fundamental if preferential rates of benefit for occupational diseases are to be justified. In this particular instance the direct link is contact with infected animals or their debris. This would not be the case with a definition as vague as "loading, unloading and transportation of merchandise". But, even in this instance, the worker is by no means without protection; he may establish title to benefit on account of an industrial accident and has only to show that it is more likely that the anthrax resulted from his work than from some other source. The Government therefore considers that the case of a worker who contracts anthrax is fully covered by the joint application of the provisions relative to industrial accidents and occupational diseases.

In connection with poisoning by halogen derivatives of hydrocarbons of the aliphatic series, the Government regrets that it can add little to the explanation given in the previous report. The usual hazard to which this group of chemicals gives rise is an acute poisoning following an exposure to an unduly high concentration of a particular chemical. All such cases are covered by the provisions relative to industrial accidents. The two substances known to give rise to chronic poisoning following exposure over a long period—methyl bromide and tetrachlorethane—are covered in the prescribed diseases schedule. It is not the policy of the Government to extend the schedule of prescribed diseases on theoretical considerations.

Finally, the Government adds that in spite of a very close examination of information collected, both by the Factory Inspectorate and by representatives of employees and employers, there is nothing to show that the present provisions of the regulations are not entirely adequate to cover workers against the occupational hazards both of infection by anthrax and of poisoning by halogen derivatives of hydrocarbons of the aliphatic series. There is a further safeguard in the extent to which the accident provisions of the regulations can be applied to cases where injuries or diseases other than those included in the schedule of prescribed diseases arise as a result of one or more specific incidents. This principle is firmly established in the relevant case law.

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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, Austria, Belgium, Czechoslovakia, Denmark, Federal Republic of Germany, Hungary, Ireland, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Poland, Rwanda, Sweden, Turkey, United Kingdom.

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

Finland, Mexico, Uruguay.

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.

CZECHOSLOVAKIA

Act No. 45 of 1956 provides in section 14 that a more favourable rate of hours of work is not affected by its provisions, and the validity of Act No. 126 of 1938 is therefore ensured. In undertakings requiring continuous operation by shifts, work is in practice carried out by three shifts of eight hours followed by a day's rest. Shift workers are entitled to two days' consecutive rest after one week's work and three days of consecutive rest during the fourth working week. The average hours of work therefore do not exceed 42 a week. In principle the rest period between shifts is never less than 16 hours. Exceptions to this rule are permitted on the basis of Article 3, paragraph 1 (a) and (b), of the Convention, but in practice only when the unforeseen absence of one or more members of a shift would make replacements necessary.

The hours of each shift, which are based on the model works rules established by the Ministry, are fixed by the management of the undertaking in agreement with the works committee of the trade union concerned and are included and published in the works rules.

MEXICO

In reply to an observation by the Committee the Government states that no other automatic sheet-glass works exist besides those which are referred to in the report for 1958-60.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Peru	4. 4. 1962
France	21. 2. 1949	Switzerland	14. 6. 1939
Ireland	10. 6. 1937	United Kingdom	29. 4. 1936
Italy	22. 10. 1952		

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962 to prolong the legislation in force at that date.

Decree of 25 May 1955 to approve, *inter alia*, a decision establishing a scheme for assistance to unemployed workers.

Decision No. 55-024, to establish a scheme for assistance to unemployed workers (*L.S.* 1955—Alg. 1).

Order of 25 June 1955 to prescribe the manner of implementing Decision No. 55-024 of the Algerian Assembly.

Circular No. 50 of the Ministry of Labour dated October 1962 establishing the conditions of operation of worksites for the unemployed.

Provision is made for the payment of a daily allowance to any person, whatever his nationality, who is registered as unemployed owing to the fact that no work has been found for him within a month of his having applied for employment, and who can give proof of six months' residence in a particular commune and a total of six months' employment in an industrial or commercial establishment during the year preceding the date of his registration as a person seeking employment.

Stevedores in commercial seaports are covered by a special scheme. Worksites for the unemployed are presently in operation throughout the country, providing work for the unemployed for a fortnight at a time on a rota basis, remunerated in cash at an hourly rate of 1.25 francs for nine hours' work per day. These workers also receive benefits in kind equivalent to half the total wage.

FRANCE

Supplementary clauses and protocols amending the Regulations implementing the Agreement of 31 December 1958 establishing a national interoccupational scheme to provide special allowances for unemployed workers in industry and commerce, approved by orders of the Minister of Labour dated 29 November 1961, 20 June 1962 and 12 June 1963.

The length of time during which benefit is payable to unemployed workers in industry and commerce who are entitled to receive a special allowance under the Agreement of 31 December 1958 has been increased in virtue of a supplementary clause—approved by the Order of 1962—from 270 days to 330 days, inclusive of both working and non-working days. This period may be prolonged to a maximum of 720 days in the case of beneficiaries over 60 years of age. Moreover, unemployed persons whose entitlement to benefit lapses not more than one full calendar year before they reach the age of 65 years may continue to receive the special allowance until they reach that age.

As regards the conditions of entitlement to the special allowance, the supplementary clause approved by the Order of 1961 provides for an exception to be made

in the case of young persons who have just completed their compulsory military service. In virtue of this exception the young persons in question may begin to receive the allowance as from the moment of registration with an employment exchange without having to show proof of a qualifying period of employment. Furthermore, entitlement to the special allowance is not subject to any requirement of attendance at a vocational training course. However, a provision introduced into the regulations in virtue of the Order of 1962 provides for the granting of separate allowances known as "training allowances" to young persons eligible for the special allowance who wish to acquire occupational skills at a vocational training centre supervised by the Ministry of Labour.

In reply to the questions put by the Committee of Experts the Government states that section 10 of the regulations, which provides for the reduction of the allowance in the case of unemployed persons receiving benefits in kind, is not applied, and such workers receive the allowance in full.

The position of workers who are citizens of member countries of the European Economic Community as regards public relief is governed by regulations of the Council of Ministers of the Community issued on 3 April 1963 (but not yet applied).

Frontier workers who are totally unemployed receive allowances under the legislation of the member State on whose territory they reside. Frontier workers who are partially unemployed receive allowances under the legislation of the country in which they work.

IRELAND

Social Welfare (Miscellaneous Provisions) Acts, 1961 and 1962.

Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) Regulations, 1962.

Article 1 of the Convention. There have been increases in the unemployment benefit, the social insurance contribution rates and unemployment assistance.

Article 4. The definition of days to be regarded as days of unemployment has been liberalised in relation to persons undergoing approved courses of rehabilitation training.

NORWAY

Act No. 4 of 14 June 1963 to amend Act No. 4 of 28 May 1959 respecting unemployment insurance.

Article 11 of the Convention. A direct request was made by the Committee of Experts in 1962 in respect of section 9 (2) in conjunction with section 7 (5) of the Act, which provide that insured persons who have only 30 contribution weeks to their credit within the last benefit year and none from the preceding years (i.e. who fulfil the minimum requirement for qualification) have the right to only ten benefit weeks in the course of one year. In reply to this request the report refers to Article 6 of the Convention, which provides that the right to benefit may be made conditional upon the completion of a prescribed qualifying period. However, the length of such a period is not prescribed. The Government further refers to the previous legislation, which provided for a qualifying period of 45 contribution weeks during a four-year period. This would give entitlement to benefits for up to 90 days in a year. The Government states that, although this minimum requirement is very reasonable in itself, it might under certain conditions have an unfortunate effect for insured persons. Therefore an alternative was provided to allow qualification for benefits also on the basis of only 30 contribution weeks within the last benefit year. According to the Government's interpretation it would be possible under the Convention to discontinue this especially favourable provision in order to obtain formal compliance with Article 11. Such a solution would in reality be a step backwards, which can hardly be the intention of the Committee of Experts.

Article 15, paragraph 2. In a reply to a direct request by the Committee of Experts in respect of frontier workers the report states that in most cases the question of frontier workers' insurance rights will be solved within the framework of the Nordic Convention on Unemployment Insurance, so that a frontier worker is credited contribution periods and paid benefits according to the contribution weeks he may have had in both countries. Although the question of frontier workers' rights under the insurance scheme is not settled formally either in the law or in the Nordic Convention, this is not known to have caused problems as regards claims presented in Norway. The Government states, however, that it is aware of the problem and will reconsider it if the need should arise.

UNITED KINGDOM

Family Allowances and National Insurance Act, 1961.

National Insurance Act, 1963.

National Assistance (Determination of Needs) Amendment Regulations, 1963 (*S.I.*, 1963, No. 396).

National Insurance (Contributions) Amendment (No. 2) Regulations, 1962 (*S.I.*, 1962, No. 987).

National Insurance (Germany) Order, 1961 (*S.I.*, 1961, No. 1513).

Family Allowance and National Insurance (Australia) Order, 1962 (*S.I.*, 1962, No. 1867).

Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Amendment Order, 1961 (*S.I.*, 1961, No. 1833).

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

National Insurance Act (Northern Ireland), 1963.

National Insurance (Contributions) Amendment (No. 2) Regulations (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 96).

National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 139).

National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1963 (*S.R. & O.*, 1963, No. 32).

National Insurance (Reciprocal Agreement with Germany) Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 224).

Family Allowances and National Insurance (Reciprocal Agreement with Australia) Order (Northern Ireland), 1962 (*S.R. & O.*, 1962, No. 218).

Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Amendment Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 220).

* * *

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

France, Italy, New Zealand, Norway, Switzerland.

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

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	14. 5. 1937	Kenya	13. 1. 1964
Argentina	14. 3. 1950	Lebanon	26. 7. 1962
Australia	7. 10. 1953	Luxembourg	3. 3. 1958
Austria	3. 7. 1937	Malaysia: States of Malaya	11. 11. 1957
Belgium	4. 8. 1937	Singapore	3. 3. 1964
Brazil	22. 9. 1938	Mexico	21. 2. 1938
Bulgaria	29. 12. 1949	Morocco	20. 9. 1956
Byelorussia	4. 8. 1961	Netherlands	20. 2. 1937
Cameroon: Eastern Cameroon	29. 1. 1963	New Zealand	29. 3. 1938
Western Cameroon	3. 9. 1962	Nigeria	17. 10. 1960
Ceylon	20. 12. 1950	Pakistan	25. 3. 1938
Chile	16. 3. 1946	Panama	16. 2. 1959
China	2. 12. 1936	Peru	8. 11. 1945
Costa Rica	22. 3. 1960	Poland	15. 6. 1957
Cuba	14. 4. 1936	Portugal	18. 10. 1937
Cyprus	23. 9. 1960	Sierra Leone	13. 6. 1961
Czechoslovakia	12. 6. 1950	Somalia (ex-Trust Territory)	18. 11. 1960
Dominican Republic	12. 8. 1957	Republic of South Africa	25. 6. 1936
Ecuador	6. 7. 1954	Spain	24. 6. 1958
Finland	3. 3. 1938	Sweden	11. 7. 1936
France	25. 1. 1938	Switzerland	23. 5. 1940
Gabon	13. 6. 1961	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	15. 11. 1954	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Tunisia	15. 5. 1957
Greece	30. 5. 1936	Turkey	21. 4. 1938
Guatemala	7. 3. 1960	Uganda	4. 6. 1963
Haiti	5. 4. 1960	Ukraine	4. 8. 1961
Honduras	20. 6. 1960	U.S.S.R.	4. 5. 1961
Hungary	19. 12. 1938	United Arab Republic	11. 7. 1947
India	25. 3. 1938	United Kingdom	18. 7. 1936
Indonesia	20. 2. 1937	Uruguay	18. 3. 1954
Ireland	20. 8. 1936	Venezuela	20. 11. 1944
Italy	22. 10. 1952	Viet-Nam	6. 6. 1953
Ivory Coast	5. 5. 1961	Yugoslavia	21. 5. 1952
Japan	11. 6. 1956		

AUSTRIA

In reply to the request by the Committee of Experts in 1962 the Government states that, although the Order of 30 April 1938 respecting hours of work has not as a whole been replaced by an Austrian enactment, its provisions are considered to be out of date and are not implemented in so far as they conflict with the Constitution or with the principles of the legislation. As international Conventions, once ratified, have the force of national law, Article 3 of the Convention has become part of the domestic legislation and is directly applicable, paragraph 28 of the order of 30 April 1938 is to be regarded as amended by the special provision of Article 3 of the Convention.

BYELORUSSIA (First Report)

Labour Code.

Decree of the Council of Ministers of the U.S.S.R. No. 839 of 13 July 1957.

The above decree relates to the employment of women underground in the mining industry.

Article 2 of the Convention. Section 129 of the Labour Code prohibits the employment of women on particularly arduous or unhealthy jobs, including underground work.

In addition, section 1 of the above decree states that "it is considered necessary to terminate the employment of women on underground work in the mining industry and in the construction of underground installations". The decree prohibits the admission of women to underground work; it also provided for action to release women from employment underground by 1 January 1959. It was put into full effect.

Article 3. The legislation provides for exemptions from the prohibition of underground work for women, which are identical to those provided for by this Article.

According to section 89 of the Constitution, supervision of compliance with the laws by all the ministries and competent authorities lies with the competent organs of the Public Prosecutor's Office. Supervision is also carried out by trade unions.

CHILE

In reply to the direct request made by the Committee of Experts in 1962 the Government states that a Bill laying down exceptions to the prohibition of employment of women in underground work in mines was submitted on 18 April 1963 to the Ministry of Labour and Social Affairs and will be laid before the National Congress in the near future. These exceptions, which are the same as those provided for in Article 3 of the Convention, should be included in a section 162*bis* of the Labour Code.

CHINA

For the Government's reply to the observation made by the Committee of Experts see the *Report of the Committee* (1963), p. 533.

DOMINICAN REPUBLIC

In answer to the direct request by the Committee of Experts the Government states that there is no change in the legislation. The mines existing in the country are open-cast mines. The great majority of workers are male and therefore there are no problems concerning underground work for women.

The Government states too that Order No. 458 of 30 April 1958 was enacted with the intention of ensuring the implementation of section 217 of the Labour Code in conformity with Article 3 of the Convention.

FINLAND

In reply to the request made by the Committee of Experts in 1962 the Government states that the number of women workers employed in mines in 1962 was 117. Of these only five had work to do underground, namely four women responsible for the distribution of warm food in the underground canteens and one health sister who checked the medicine chests approximately once a month.

GABON (First Report)

Decree No. 276/PR of 5 December 1962.

Under section 8 of the above decree no female may be employed on underground work in mines or quarries. Section 5 of the same decree provides, however, that this ban shall not apply to—(a) females holding positions of management or of a technical nature involving responsibility; (b) females employed in health and welfare services who do not normally perform manual work.

The enforcement of the relevant legislation is the responsibility of the labour inspectors and labour supervision officers (sections 144 to 152 of the Labour Code).

Breaches of the provisions of the decree are punishable by fine, or, in the case of a second offence, by imprisonment.

FEDERAL REPUBLIC OF GERMANY

The Government states in reply to the request made by the Committee of Experts in 1963—a request which it had already made in previous years—that Parliament has not found it possible during the present legislative session to amend the Order of 30 April 1938 respecting hours of work so as to bring section 28 into line with the provisions of the Convention. The Government adds, however, that in practice no exemptions have been granted for many years from the ban on the employment of women on underground work in mines.

GREECE

In reply to a direct request by the Committee of Experts in 1962 the Government states that the Minister for Industry has drafted regulations on work in mines, the provisions of which include, among the exceptions, all the cases referred to in Article 3 of the Convention. These regulations are in process of publication.

HUNGARY

In reply to the direct request made in 1963 by the Committee of Experts concerning the scope of section 1 (2) of Decree No. 4-1962 (IV.5) of the Minister of Labour, which provides that the employment of women on underground work in mines is authorised “where harmful conditions or dangers which would justify prohibition do not exist”, the Government states that the employment of females on underground work in virtue of this provision is permitted only in a few exceptional cases which are allowed for in the Convention, namely cases where the persons concerned do not perform manual work, are employed in health and welfare services or are required in the course of their studies to spend a period underground in order to complete their vocational training.

IVORY COAST (First Report)

Labour Code (Overseas Territories) Act, No. 52-1322, 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541) (L.S. 1952—Fr. 5).

Order No. 5254 IGTL/AOF of 19 July 1954 (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337) (L.S. 1954—F.W.A. 2).

Article 2 of the Convention. Under section 9 of the above order the employment of women on underground work in mines is absolutely prohibited.

Article 3. For the time being, no use is made of the exemptions provided for by Article 3 of the Convention. Mines existing in the country are open-cast mines.

LUXEMBOURG

In reply to the direct request made by the Committee of Experts in 1962 the Government states that the Act of 10 February 1958 ratifying the Convention gives force of law to the text of the Convention. In practice, work in every type of mine is reserved exclusively for men.

MEXICO

The Government states that the Federal Labour Act of 1931 was amended by a decree published on 31 December 1962. The amendment refers to section 107 of the above Act, and reads as follows: "The employment of women is prohibited in . . . underground work." The Government states also that the labour legislation does not provide for any of the exemptions allowed under Article 3 of the Convention.

POLAND

Ordinance of the Council of Ministers to amend the Ordinance respecting employment prohibited for women. Dated 11 May 1962 (*Dziennik Ustaw*, 23 May 1962, No. 30).

In reply to the direct request made by the Committee of Experts in 1962 the Government states that the Ordinance of 28 February 1951 has been amended by the order quoted above. The Ordinance of 28 February 1951 provided for the prohibition of various kinds of work for women, but section 2 of that ordinance authorised "... the Council of Ministers [to] suspend temporarily certain of the restrictions if so required in the higher interest of the State. . .". The Ordinance of 11 May 1962 maintains the discretion given to the Council of Ministers to allow for exemptions, but explicitly excludes in this regard underground work for women.

Consequently, underground work for women is now prohibited generally, subject, however, to some exemptions introduced by the new order, which are the following: (a) women holding a position of management who do not perform manual work, and whose jobs do not require them to be permanently posted underground; (b) women engaged in health and welfare services; (c) women who, in the course of their studies, spend a period of training in the underground parts of a mine; (d) women who may have, for any other reason, occasionally to enter the underground parts of a mine for the purpose of non-manual occupation.

These exemptions are almost identical to those provided for by Article 3 of the Convention.

SPAIN

In reply to the direct request made by the Committee of Experts in 1962 the Government states that no exception has been granted during the period under consideration to the prohibition of employment of women in underground work in mines in respect of sections 3 and 4, paragraph 2, of the Decree of 26 July 1957 concerning the employment of women and young persons.

SWEDEN

Workers' Protection Act of 3 January 1949 (No. 1) (*L.S.* 1949—Swe. 1).

Act of 6 June 1962 (No. 248) concerning amendments to the Workers' Protection Act, 1949.

The relevant provision of the Act of 1962 (section 34), which came into force on 1 July 1962, runs as follows: "No woman shall be employed below ground in a mine or quarry.—The provision contained in the foregoing paragraph shall not apply to employees holding positions of management who do not perform manual work. The Workers' Protection Board shall have the power to permit a woman, notwithstanding the provision in the first paragraph, to be employed in health and other

welfare services as well as in occasional work which either is related to her vocational training or is not manual work."

SYRIAN ARAB REPUBLIC (First Report)

Labour Code: Law No. 91 of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71 bis B, p. 1) (L.S. 1959—U.A.R. 1) (s. 132).

Order No. 416 of 26 August 1959 to prescribe the types of unhealthy work that are prohibited to women.

The employment of women in mines and quarries, or on any work connected with the extraction of metals or stones, is prohibited in virtue of section 1 (1) of the above order, which prescribes the types of unhealthy or arduous work on which women may not be employed under the terms of section 132 of the Labour Code.

The Ministry of Social Affairs and Labour is responsible for ensuring the application of the relevant legislation.

TANGANYIKA (First Report)

Employment Ordinance of 10 November 1955 (L.S. 1955—Tan. 1).

Article 1 of the Convention. Section 2 of the ordinance defines a "mine" as including any undertaking, whether public or private, for the mining, treatment or extraction of minerals from the earth, sea, rivers or inland waters.

Article 2. Section 86 (1) of the above ordinance lays down that no female shall be employed on underground work in any mine.

Article 3. Section 86 (1) (a) to (d) contains exemptions allowing underground work for women which correspond to those which are laid down in the Convention.

U.S.S.R. (First Report)

Labour Codes of the R.S.F.S.R. and of the other republics of the Union.

List of specially heavy and dangerous processes and occupations in which women must not be employed, approved by the People's Labour Commissariat of the U.S.S.R. on 10 April 1932 (L.S. 1932—Russ. 5-A).

Order No. 839, dated 13 July 1957, of the Council of Ministers of the U.S.S.R. (*Sobranie Postanovlenii*, 1957, No. 8, Text 81).

List of occupations related with work underground in which the employment of women is authorised as an exceptional measure, approved on 30 August 1957 by the State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. (*Okhrana Truda*, 1960, p. III).

The above order prohibits the employment of women on work underground in the mining industry and in underground construction work. The exemptions stated in Article 3 of the Convention are, however, authorised.

The Councils of Ministers of the various republics and the executive committees of the trade unions in the various territories and regions are under the obligation to provide vocational rehabilitation and re-employment facilities for women workers released from work underground. During the rehabilitation period these workers receive the average wage they were earning in their previous employment.

Officials who infringe the regulations governing the employment of women on underground work are liable to penal sanctions (section 13 of the Penal Code of the R.S.F.S.R.).

Under article 113 of the Constitution the strict enforcement of the legislative provisions is the responsibility of the Public Prosecutor's Office. In addition, the most representative workers' organisations (trade unions, works committees, etc.) have the right to verify whether the labour legislation is being observed.

The Government emphasises that full effect is given to the provisions of the Convention.

YUGOSLAVIA

Constitution of 1963.

In reply to the observation made by the Committee of Experts in 1963 the Government states that under the terms of section 153 of the new Constitution all international instruments ratified have the force of law and become applicable immediately on the day of their entry into force.

Moreover, proposals are at present under consideration for bringing all statutory provisions, including those of the Employment Relationships Act, into line with the provisions of the Constitution.

The attention of the competent bodies having been drawn to the Committee's observations with respect to the application of the Convention, these observations will be examined at the same time as the proposals concerning the bringing into line of 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:

Finland, Gabon, India, New Zealand, Nigeria, Turkey, Ukraine.

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

Afghanistan, Argentina, Australia, Belgium, Brazil, Cameroon, Ceylon, Cyprus, Czechoslovakia, France, Ghana, Haiti, Ireland, Italy, Japan, Malaysia (States of Malaya), Morocco, Netherlands, Pakistan, Portugal, Sierra Leone, Somalia, Republic of South Africa, Switzerland, Tunisia, United Arab Republic, United Kingdom, Uruguay, Viet-Nam.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Countries	Ratification registered on	Countries	Ratification registered on
Czechoslovakia ¹	12. 6. 1950	Poland	21. 3. 1938
Hungary	10. 8. 1937	Spain	8. 7. 1937
Israel	16. 1. 1963	Yugoslavia	4. 1. 1946
Italy	22. 10. 1952		
Netherlands	6. 10. 1938		

¹ Has denounced this Convention.

CZECHOSLOVAKIA

In reply to the request by the Committee of Experts for further information regarding States which are parties to the Convention and which are slow in supplying the Czechoslovak authorities with the necessary information for its application in individual cases, the Government refers to difficulties made in this connection by Italy. It is stated that Italy has not replied to requests by the competent Czechoslovak services for the communication of returns indicating social insurance benefits. A certain improvement was noted in July 1961, when the Italian Government complied with such requests, some of them going back some three years. Several individual cases, however, still remain to be settled.

HUNGARY

Agreement regarding co-operation in matters of social policy with the People's Republic of Rumania of 7 September 1961, as promulgated on 22 February 1962 by Legislative Decree No. 5/1962.

Agreement regarding co-operation in matters of social policy with the People's Republic of Bulgaria of 30 June 1961, as promulgated on 3 February 1962 by Legislative Decree No. 2/1962.

Agreement regarding co-operation in matters of social policy with the U.S.S.R. of 20 December 1962, as promulgated on 14 July 1963 by Legislative Decree No. 16/1963.

In reply to the observation by the Committee of Experts regarding the adoption of legislation to ensure application of the Convention the Government states that it has studied the question very carefully and has noted that no national enactment would be sufficient on its own to ensure application of the Convention and that bilateral agreements are required.

The Government states that this situation is due to shortcomings in the Convention and finds that, for example, Articles 7, 8 and 10 are not sufficiently precise and do not help to overcome the difficulties arising in the practical application of the Convention. The fact that certain of these Articles provide for supplementary agreements is regarded as indication that these difficulties are recognised by the Convention itself.

The Government further refers to the fact that the Convention has been ratified only by a limited number of member States, although the questions it deals with have been settled by many countries through bilateral agreements totalling nearly 200 during the years 1946-60.

The Government further states that it has for several years drawn the attention of the Office to the need to convene the Commission referred to in Article 20 to make recommendations as to the manner in which the Convention should be applied. This Commission would undoubtedly help to overcome the obstacles arising in connection with the application and ratification of the Convention.

ITALY

Law No. 991 of 1 July 1961 ratifying and applying the Social Insurance Convention concluded at Rome on 12 June 1959 between Italy and Norway.

Law No. 1759 of 3 December 1962 ratifying and applying the Social Insurance Convention concluded at Buenos Aires on 12 April 1961 between Italy and Argentina.

Law No. 627 of 2 March 1963 ratifying and applying the Social Insurance Convention concluded at Rome on 11 October 1961 between Italy and the Principality of Monaco.

The Government communicates the texts of various circulars issued by the National Institute of Social Insurance in application of bilateral or multilateral agreements on social insurance concluded by Italy, particularly concerning migrant workers.

NETHERLANDS

Invalidity Insurance Act of 8 December 1961 (Amendment) (*Staatsblad*, 478, 1961).

General Old-Age Act of 25 May 1962 (Amendment) (*ibid.*, 209, 1962).

General Widows' and Orphans' Act of 25 May 1962 (Amendment) (*ibid.*, 205, 1962).

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

Articles 7, 14 and 15 of the Convention. As the Social Insurance Bank is the only organ charged with the execution of the Convention, no general rules concerning the application of these Articles have been issued. The Social Insurance Bank proceeds in conformity with their provisions.

Article 18. The transitional benefits provided by the General Old-Age Act and the General Widows' and Orphans' Act are in principle confined to Netherlands nationals. Nevertheless, in application of this Article, these benefits are also granted, under the same conditions as those governing the granting of benefits to Netherlands nationals, to nationals of other countries which have ratified the Convention.

The funds for the payment of benefits, including those payable by reason of transitional provisions, are constituted by contributions of the insured persons; in the case where self-employed persons are unable to pay contributions in full or in part the contributions due are entirely or partially paid by the State.

POLAND

Polish-Bulgarian Agreement of 12 July 1961, concerning collaboration in the field of social policy. Entry into force: 1 April 1962 (*Dziennik Ustaw*, No. 28, 1962, text 132).

Administrative Arrangement of 29 August 1962, made in application of the Polish-Bulgarian Agreement concerning collaboration in the field of social policy (*Dziennik Urzędowy Komitetu Pracy i Plac*, No. 6, 1962, text 16).

SPAIN

In reply to the observations made by the Committee of Experts in previous years to the effect that the Convention should be applied to the nationals of all member States upon which it is binding without special bilateral agreements being concluded for this purpose, the Government states that, with the entry into force of the new Basic Social Security Law, the Bill of which is at present before the Cortes, it will be possible to supply more detailed information concerning the progress made towards the full application of the Convention.

See also *Report of the Committee* (1962), p. 701.

YUGOSLAVIA

The Government states that under the provisions of section 153 of the new federal Constitution all ratified international instruments acquire force of law and are directly applied in the country.

The Government further states that the points raised by the Committee concerning application of Parts II and III of the Convention have been brought to the notice of the competent authorities for consideration in proposals to revise national legislation.

* * *

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

Netherlands, Poland, Yugoslavia.

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Mexico	21. 2. 1938
Czechoslovakia	19. 9. 1938	New Zealand	29. 3. 1938
France	25. 1. 1938	Norway	21. 7. 1936
Ireland	10. 6. 1937		

CZECHOSLOVAKIA

See under Convention No. 43.

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	Norway	7. 7. 1937
Belgium	26. 7. 1948	Rwanda	18. 9. 1962
Burundi	11. 3. 1963	Sierra Leone	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Somalia (ex-British Somaliland)	18. 11. 1960
Congo (Leopoldville)	20. 9. 1960	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Trinidad and Tobago	24. 5. 1963
Jamaica	26. 12. 1962	Uganda	4. 6. 1963
Japan	8. 9. 1938	United Kingdom ¹	22. 5. 1939
Kenya	13. 1. 1964		
Malaysia	11. 11. 1957		
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

ARGENTINA

In reply to an observation by the Committee of Experts the Government has stated that, even if it has not been considered necessary to bring the legislation fully into line with the terms of the Convention, the Government has faithfully shown its determination to protect the indigenous population in all respects.

SOMALIA

On entry into force of the Labour Code in the part of the country which formed the Trust Territory, the engagement of workers was regulated in detail and entrusted to the Labour Inspectorate. In particular, section 120 of the Code, which prohibits intervention by middlemen, even without charge, ensures full implementation of the Convention and entirely suppresses recruitment.

* * *

The report from *Western Samoa* 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:

Nigeria, Rwanda, Sierra Leone.

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	Mauritania	8. 11. 1963
Chad	8. 6. 1961	Mexico	9. 3. 1938
Colombia	7. 6. 1963	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

ARGENTINA

In reply to an observation by the Committee of Experts the Government states that the legal authorities unanimously believe that days of absence on the grounds of sickness or injury should not be deducted from holiday entitlement, and that it has been decided not to proceed further with the preliminary Bill to amend Decree No. 1740/45.

BYELORUSSIA

It is proposed to extend further the minimum length of annual holidays, first to three weeks and then to four weeks.

In reply to a request by the Committee of Experts the Government indicates that under existing legislation holiday remuneration includes the equivalent of payments in kind, but that such payments in kind are made only to certain workers employed in state farms.

DOMINICAN REPUBLIC

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

In practice, as a result of collective bargaining, public holidays are not included in workers' holiday entitlement.

The principle followed in the Labour Code is for the two weeks of holiday to be consecutive. Under most collective agreements, workers have obtained holiday periods in proportion to the duration of their employment in the undertaking. The compulsory waiting period established by law applies to workers recently engaged. The worker may, if he so desires, either divide or accumulate such additional period.

In accordance with an order by the Appeals Court the value of remuneration in kind must be included in calculation of the level of severance pay and notice. This decision is applied *mutatis mutandis* to all calculations concerning payments due to workers, including holiday payments.

FINLAND

In reply to a request made by the Committee of Experts the Government indicates that in statements made in 1949 and 1959 concerning the application of the Annual Holidays Act, 1946, the Labour Council indicated that no account was to be taken of free lodging when calculating holiday remuneration. This view was also adopted by the government Committee which proposed the revision of the 1946 Act, subsequently enacted in 1960. Accordingly no compensatory payment is made in regard to lodging, even if the worker is absent during his holiday, as it is deemed to continue to be in the worker's occupancy and available to him.

FRANCE

Since January 1963 there has been a trend, through collective negotiations starting particularly in the metal trades, chemical and textile industries, towards granting workers in a number of industries a longer annual holiday than the basic three weeks prescribed by legislation.

GABON (First Report)

Labour Code: Act No. 88/61 of 4 January 1962 (*Journal officiel*, special issue, 4th year, No. 5, 1 Mar. 1962) (*L.S.* 1962—Gab. 1).

General Order No. 960 of 11 March 1957 to prescribe under the Act of 27 March 1956 the rules for the granting of paid leave to workers.

Circular No. 502/GTL of 6 June 1957 respecting the application of the above-mentioned order.

Paid leave is governed by sections 121 to 124 of the Labour Code.

Paid leave at the expense of the employer accrues to the worker at the rate of one-and-a-half working days per month of effective service. Expatriate workers, however, enjoy more favourable arrangements under collective agreements; five days' leave per month of service are granted to Europeans.

Young persons under 18 years of age are entitled to two working days per month of service.

The duration of leave increases with the length of service with the undertaking. The increase is progressive and begins after 20 years according to the regulations, or after five years under the majority of collective agreements. Mothers with families are entitled to one additional day's leave for each dependent child.

When calculating the accrued leave no deduction is made for absence due to employment accident or occupational disease, for maternity leave or (up to a limit of six months) for absence caused by illness duly certified by a medical practitioner.

Special leave of absence given on the occasion of family events is not deductible from leave up to a maximum of ten days.

Entitlement to leave accrues after a period of effective service of one year. This period may be extended to 24 or 30 months, however, in the case of expatriate workers, and to 24 months for any worker who expressly so requests.

If the contract is broken off or expires before the worker has become entitled to leave, compensation proportionate to his length of service is payable. Apart from this case, any agreement providing for compensation in lieu of leave is null and void. The employer must during the whole period of leave pay the worker a daily or monthly allowance equal to the average of the sums he has received during the 12 months prior to his departure on leave.

Output bonuses, danger money, or benefits in kind deriving from the obligation to provide housing under the law or under an agreement and expatriation allowances, are not taken into account when calculating holiday pay.

The purpose of paid leave is to ensure that the worker has a proper rest; as it is a public measure, the head of the undertaking is under the obligation to grant it, and no worker may forgo it in advance.

Every employer is required to keep a register giving information in respect of, *inter alia*, paid leave.

Infringements of the provisions respecting paid leave are provided for by and punishable under section 217 of the Labour Code.

GREECE

In reply to a request by the Committee of Experts the Government indicates that section 3 (3) of Act No. 539 of 1945 will be brought into line with Article 3 of the Convention when the proposed codification of labour legislation is carried out.

HUNGARY

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

Article 2, paragraph 3 (b), of the Convention. Under section 101 (2) of Ct. R. workers who fall ill during their annual leave are entitled to an extension of their holiday once they are fit again.

Paragraph 4. The Government is at present examining, with the trade unions, the question of the minimum duration of the holiday to be granted continuously.

Article 3. Section 140 of Ct. R. indicates how average remuneration is to be calculated. Since remuneration in kind is not excluded from the average remuneration under this section, account is taken of such remuneration when calculating average earnings.

The observations made with regard to section 54 of the Labour Code will be taken into consideration by the Government, which is soon to examine with the trade unions the need to modify this provision.

IRAQ

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

Article 2 of the Convention. No provision exists to ensure that the minimum of six days' holiday may not be divided up in the course of the year. On the contrary, it is divided, in practice, when a worker asks to be granted two or three days' leave at a time.

Articles 7 and 8. The form of register to be kept by the employer has already been prescribed and appended to the Labour Law. Sanctions in case of infringement have already been provided for in the Labour Law (Chapter 14).

ITALY

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee* (1962), pp. 701-702.

Article 2, paragraph 3 (a) and (b), of the Convention. The General Confederation of Italian Industry has raised objections regarding the interpretation given by the

Committee of Experts to this paragraph. It states that "the provisions under (a) and (b) may be interpreted as follows: public holidays and interruptions in work due to sickness during a year cannot be included in the calculation of days of leave, nor can they be considered as such. The above interpretation appears to be confirmed by the use of the term 'interruptions of attendance at work' in the Convention, for evidently if it had been desired to lay down the principle that the leave is considered interrupted by a sickness which occurs during its course, the Convention would have spoken, not of an interruption of attendance at work but of an 'interruption in the leave'".

IVORY COAST (First Report)

Labour Code (Overseas Territories) Act, No. 52-1322, 15 December 1952 (*Journal officiel de la République française (J.O.R.F.)*, 15-16 Dec. 1952, No. 298, p. 11541) (*L.S.* 1952—Fr. 5).

Act No. 56-332 of 27 March 1956 to amend the scheme for annual leave with pay (*J.O.R.F.*, 31 Mar. 1956, No. 78, p. 3120).

General Order of 17 December 1956 for the application of the Code of 1952 and the Act of 27 March 1956 (*Journal officiel de l'Afrique occidentale française*, 29 Dec. 1956).

Article 1 of the Convention. The provisions of the Code apply to all workers, with the exception of civil servants and temporary employees in government departments with more than one year's service, who are subject to the General Civil Service Regulations.

Article 2, paragraph 1. Every person to whom the Convention applies is entitled to annual leave with pay accruing at the rate of one-and-a-half days per month of service, whether with one or with several employers (section 5 of the above order).

Paragraph 2. Young persons under 18 years of age are entitled to two days' leave per month of service.

In addition, young persons under 18 years of age and those between 18 and 21 years of age are entitled, if they so request, to unpaid leave of 24 days in the former case and 18 days in the latter case.

Paragraph 3. Public holidays, weekly rest days, absence due to sickness or accident and prenatal and postnatal leave are not counted as part of paid leave. Neither are absences on the occasion of family events up to a maximum of ten days.

Paragraph 4. Under section 11 of the order leave amounting to more than 12 days may be divided into parts, one of which must consist of not less than 12 consecutive working days.

Paragraph 5. Under section 8 of the order, after 20, 25 and 30 years' service with the same undertaking a worker is entitled to two, four and six extra days' paid leave a year.

Article 3. The employer must during the whole period of leave pay the worker an amount at least equal to the wages and allowances which he was receiving during the 12 months prior to his departure on leave, excluding output bonuses and the expatriation allowance (section 124 of the Code). Under section 5 of the order this amount must be a proportion of the remuneration received by the worker during the reference period, calculated as follows: one-sixth in the case of expatriate workers; one-sixteenth in the case of workers habitually domiciled in the Ivory Coast; one-twelfth for young workers under 18 years of age. Section 17 of the same order stipulates that account must be taken of payments in kind.

Article 4. The provisions in respect of paid leave form part of national legislation. Moreover, section 122 of the Code lays down that any agreement providing for compensation in lieu of leave shall be null and void, except in cases where the contract is broken off or expires before the worker has become entitled to leave.

Article 5. There are no provisions in respect of this Article.

Article 6. If the contract is broken off or expires before the worker has become entitled to leave, compensation based on the rights which have accrued must be granted in lieu of leave (end of section 122).

Article 7. Under the terms of section 3 of Order No. 6554 IGTLS/AOF of 3 September 1953 every employer must keep constantly up to date an "employer's register" consisting of three parts, the second of which must contain, *inter alia*, information concerning leave (number of days, dates and remuneration). In addition, the amount of holiday pay must be shown both on the pay slip and in the register of payment (Order No. 6742 ITLS/CI of 8 October 1953).

Article 8. Infringements of the provisions relating to paid leave are punishable by the penalties prescribed in section 225 of the Code.

Article 9. Collective agreements guarantee the maintenance by workers of any rights they may have acquired earlier.

The labour inspectors and labour supervision officers are responsible for supervising the application of the laws and regulations relating to paid leave.

KUWAIT (First Report)

For legislation see under Convention No. 30.

Article 1 of the Convention. The Labour Acts do not define the undertakings and establishments to which they apply; on the other hand, the definition of "worker" given in both laws ensures coverage of persons employed in the establishments and undertakings listed in the Convention. Employees covered by the Public Civil Service Regulations are excluded from the coverage of the Act of 1960. Certain categories of government workers are excluded from the coverage of the Act of 1959, as well as employees of small undertakings operating without mechanical power and normally employing fewer than five persons. No legal definition of the term "family" is given.

Article 2, paragraph 1. Under section 17 of the Act of 1960 every worker who has completed one year of continuous service is entitled to a paid holiday of 14 days, while skilled workers in the administrative category are entitled to 21 days. See also section 39 of the Act of 1959.

Paragraph 2. Young persons are entitled to paid annual holidays on the same basis as adults. However, the duration of the paid holiday provided for all employed persons is longer than that prescribed in the Convention.

Paragraph 3. The Acts of 1959 and 1960 provide for 11 and nine paid public holidays respectively each year. In both sectors the laws make provision for periods of sick leave with full or partial pay, which amount to 75 days in the public sector and 24 days in the private sector.

Paragraph 4. Under section 17 of the Act of 1960 the annual holiday may be split into two parts. Section 40 of the Act of 1959 permits division of the holiday into two parts and the splitting of one of these parts.

Paragraph 5. Section 39 of the Act of 1959 provides that after five consecutive years of service the annual paid holiday shall increase from 14 to 21 days.

Article 3. Under the Acts of 1959 and 1960 employees are entitled to their usual remuneration for the holiday period.

Article 4. Both Acts guarantee the right to an annual paid holiday.

Article 5. Neither laws nor regulations contain any provisions under which a person who engages in paid employment during his annual holiday could be deprived of his right to payment for such holiday.

Article 6. The Acts provide that a person dismissed for a reason imputable to the employer is entitled to payment for every day of holiday due to him.

Article 7. Under section 48 of the Act of 1959 employers are required to keep a permanent register containing the following particulars, *inter alia*, in respect of each worker: date of entry into service; remuneration; amount of annual and sick leave taken. No approved form of record is used, but the inspection system ensures that employers keep records which clearly show the length of annual holiday taken and the amount of remuneration received therefor in respect of each worker.

Article 8. Penalties for breaches or violations of the legal holiday provisions are provided for in the Act of 1959.

The application of legislation and administrative regulations is entrusted to the Ministry of Social Affairs and Labour. Supervision is carried out by the Inspection Section of the Labour Division.

MEXICO

Act of 1962 to amend the Federal Labour Act (*Diario Oficial*, 31 Dec. 1962).

The new section 110-K of the Federal Labour Act provides that "workers under 16 years of age shall be entitled to an annual holiday with pay of at least 18 working days".

Section 210 of the Act runs counter to section 82, and there is no longer any justification for retaining it. The Convention forms an integral part of the Constitution and annuls all provisions which are in contradiction with its own provisions. The jurisprudence of the Supreme Court allows for no exception in the case of small-scale industry. Steps will be taken to delete section 210 of the Act.

SENEGAL (First Report)

Labour Code: Act No. 61-34 of 15 June 1961 (*Journal officiel*, No. 3462, 3 July 1961).

Decree No. 62-017/PC/MFPT of 22 January 1962 concerning infractions of the Labour Code and the regulations provided for its application (*ibid.*, 10 Feb. 1962).

The laws and regulations governing annual holidays with pay apply without distinction to all branches of the economy.

The inclusion in collective agreements of provisions concerning annual holidays with pay is compulsory; such provisions are generally more favourable than those laid down in the Labour Code.

The labour and social security inspectorates are responsible for ensuring the application of the regulations concerning annual holidays with pay; any case of violation is punishable by law.

SYRIAN ARAB REPUBLIC (First Report)

For legislation see under Convention No. 2.

Article 1 of the Convention. The Labour Code, which ensures to workers the right to a paid annual holiday, applies to persons employed in all the establishments enumerated in paragraph 1. Section 88 of the Code exempts from the paid holiday provisions the members of an employer's family whom he is actually supporting. Persons employed in the higher branches of the public service are entitled under administrative regulations to a longer period of holiday than that prescribed in the Code. Other persons employed by the State are covered by the provisions of the Labour Code.

Article 2. Section 58 of the Labour Code provides that every worker who has remained in his employer's service for one year has the right to 14 days' leave on full pay. This provision also applies to young persons under 16 years of age. Under section 62 of the Code every worker is entitled to leave on full pay on such holidays as are prescribed by order of the Minister of Social Affairs and Labour, while section 63 provides for paid sick leave amounting altogether to 180 days in any one year. Neither public holidays nor sick leave are included in the annual holiday. Section 59 permits the annual holiday to be taken in instalments, after the first six days, if the exigencies of work so require. The period of annual holiday increases to 21 days after ten years' service with the same employer.

Article 3. Section 58 of the Code establishes the right of every worker to receive his normal wage in respect of the period of annual holiday.

Article 4. Under section 58 of the Code no worker may renounce his right to a paid annual holiday.

Article 5. Section 60 of the Code empowers an employer to stop a worker's wages for the period of his annual holiday, or to recover any wages paid, if it is established that the worker has been employed for the account of any other person during his holiday.

Article 6. Section 61 of the Code stipulates that a worker who leaves his employment before taking the annual holiday due to him shall be paid his wages for any days of holiday not taken.

Article 7. Every employer is required to keep records showing the following particulars: (a) the date of entry into his service of every person employed; (b) the length of annual holiday to which every employed person is entitled; (c) the dates at which the annual holiday is taken; and (d) the wages paid in respect of the holiday period.

Article 8. Under the terms of section 221 of the Code any person who contravenes its provisions relating to paid annual holidays is liable to a fine.

The Ministry of Social Affairs and Labour ensures the application of the legislation relating to paid annual holidays. Supervision is exercised by the inspection service of the Ministry.

TUNISIA

Circular Note No. 4327 ST/PS of 3 October 1963 from the Secretary of State for Public Health and Social Affairs concerning the application of the Holidays with Pay Convention, 1936.

Act No. 63-33 of 4 November 1963 respecting the legislation concerning holidays with pay in commerce, industry and the liberal professions (*Journal officiel*, 5 Nov. 1963).

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

Article 2, paragraph 3 (b), of the Convention. A worker who falls ill during his leave is entitled to have his leave proportionately prolonged, under the terms of the above note, sent out to ensure observance of this rule.

Paragraph 4. The Government has tabled in the National Assembly a Bill which would withdraw the faculty enjoyed by Moslem workers whereby they are allowed to take their leave in half-days during the period of Ramadan.

No measure of application has been enacted as concerns the power vested in the Government of allowing paid leave to be divided into parts under certain conditions.

Article 4. The Government has drafted a Bill which would repeal the provisions whereby leave may be postponed and taken at the end of a two-year period, and whereby the Government has the right to abolish leave in certain establishments provided that compensation is paid.

UKRAINE

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

Various legislative provisions stipulate that the average earnings shall include all forms of remuneration; accordingly holiday remuneration—which is calculated on the basis of average earnings—includes the cash equivalent of any payments in kind. In practice only a very small number of workers receive part of their remuneration in this form.

Failure to grant normal holidays to workers constitutes an infraction. Under the national legislation the postponement of holidays is permitted only in exceptional cases, when this is required in order to ensure the normal working of the undertaking and subject to agreement between the management and the worker.

UNITED ARAB REPUBLIC

Law No. 210 of 1951 respecting government and public establishments.

Presidential Decree No. 3546 of 1962 respecting firms working for public establishments.

U.S.S.R.

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

Persons were called up for compulsory labour service only in very exceptional circumstances in order to combat natural catastrophes, and only for very short periods; accordingly, such employment could not affect the right to annual leave.

As regards the calculation of holiday remuneration there were no cases in which remuneration included payments in kind in the case of workers employed in industry, transport or any other type of undertaking covered by the Convention.

Section 26 of the Regulations of 30 April 1930 does not provide for the possibility of more extended periods without leave (that is, more than two years). Section 24 specifies that accumulation of leave for more than two years may not be allowed. There are extremely few cases in which holidays are accumulated over a two-year period or in which they are replaced by compensation in kind; such cases, if they occur, are subject to the supervision of the trade unions, in accordance with section 91 of the Labour Code and section 8 of the Regulations of 15 July 1958 respecting works councils.

YUGOSLAVIA

Constitution of 1963.

The new Constitution provides for annual holidays with pay to be raised to 14 working days.

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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:

Denmark, Israel, Morocco, New Zealand, Uruguay, Viet-Nam.

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

Brazil, Czechoslovakia.

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
Mauritania	8. 11. 1963		

SYRIAN ARAB REPUBLIC (First Report)

The country does not for the moment possess a merchant marine to which the provisions of the Convention could be applied.

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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, Belgium, Finland, France, Italy, New Zealand, United States.

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

Brazil, Denmark, Liberia, Mexico, Norway.

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		

ITALY

In reply to a direct request by the Committee of Experts the Government confirms that the provisions of section 368 of the Shipping Code, which established discrimination on the basis of nationality, contrary to Article 11 of the Convention, in regard to the repatriation of sick or injured seamen, have been repealed.

MOROCCO

On the occasion of the revision of the maritime codes special provisions will be introduced into the legislation prescribing, as required by Article 8 of the Convention, the steps to be taken by ships' captains to safeguard property left on board by sick, injured or deceased persons.

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

Belgium, France, Italy.

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

Mexico, United States.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Federal Republic of Germany . .	12. 12. 1956
Belgium	3. 8. 1949	Peru	4. 4. 1962
Bulgaria	29. 12. 1949	United Kingdom	30. 9. 1944
France	9. 12. 1948	Yugoslavia	13. 10. 1958

BELGIUM

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

Article 2, paragraph 4, of the Convention. In those cases provided for in paragraphs 1 and 3 of section 116 of the Royal Order of 7 January 1958, the insured person may inform the medical adviser of his opposition. Any disputes arising between the medical practitioner and the medical adviser are settled by administrative means.

The contingency referred to in paragraph 3 of section 125 of the above-mentioned order must be regarded as a deliberate offence on the part of the insured since it is likely to hamper his recovery. The provision of paragraph 4 of the same section constitutes rather a managerial measure. Its scope is very limited, and it is rarely applied.

FEDERAL REPUBLIC OF GERMANY

Act of 12 July 1961 to amend and supplement the Act to improve the economic protection of wage earners in the event of sickness. (*Bundesgesetzblatt*, Part I, 18 July 1961, No. 50, p. 913) (*L.S.* 1961—Ger. F.R. 3).

* * *

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

Belgium, France, United Kingdom.

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	Japan	22. 8. 1955
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	17. 2. 1955	Liberia	9. 5. 1960
Belgium	11. 4. 1938	Mauritania	8. 11. 1963
Brazil	12. 10. 1938	Mexico	18. 7. 1952
Bulgaria	29. 12. 1949	Netherlands	8. 7. 1947
Byelorussia	6. 11. 1956	New Zealand	7. 6. 1946
Canada	10. 9. 1951	Nigeria	16. 6. 1961
Ceylon	18. 5. 1959	Norway	7. 7. 1937
Cuba	20. 7. 1953	Peru	4. 4. 1962
Denmark	4. 6. 1955	Sierra Leone	13. 6. 1961
France	9. 12. 1948	Sweden	6. 1. 1939
Ghana	20. 5. 1957	Switzerland	21. 4. 1960
Greece	9. 10. 1963	Turkey	29. 9. 1959
Guatemala	30. 10. 1961	Ukraine	14. 9. 1956
Iceland	21. 8. 1956	U.S.S.R.	10. 8. 1956
Iraq	30. 12. 1939	United States	29. 10. 1938
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Jamaica	26. 12. 1962	Yugoslavia	5. 5. 1958

SIERRA LEONE (First Report)

For legislation see under Convention No. 7.

Article 1 of the Convention. The definition of "vessel" is contained in section 2 (1) of the above ordinance.

Article 2. Paragraph 1 is implemented by section 53 of the ordinance. No advantage is taken of the provision of paragraph 2.

Article 3. This is applied by section 53 of the ordinance.

Article 4. Section 14 of the above ordinance applies.

The Ministry of Labour is entrusted with the application of the legislation.

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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:

Sierra Leone, Uruguay.

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

Cuba, Iceland, Nigeria.

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

This Convention came into force on 21 February 1941

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	New Zealand	8. 7. 1947
Bulgaria	22. 7. 1960	Norway	26. 8. 1938
Byelorussia	6. 11. 1956	Pakistan	26. 5. 1955
China	21. 2. 1940	Peru	4. 4. 1962
Cuba	7. 9. 1954	Philippines	17. 11. 1960
Ghana	20. 5. 1957	Sierra Leone	15. 6. 1961
Iraq	5. 7. 1960	Tanganyika	30. 1. 1962
Italy	22. 10. 1952	Ukraine	14. 9. 1956
Kenya	13. 1. 1964	U.S.S.R.	10. 8. 1956
Luxembourg	3. 3. 1958	Uruguay	18. 3. 1954
Nigeria	16. 6. 1961		

NIGERIA

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

Article 1, paragraph 1, of the Convention. The exclusion from the definition contained in this Article under section 155 of the Labour Code Act does not imply that such undertakings are not subject to inspection by labour officers, who also ensure the full enforcement of the provisions of the Code.

Article 2, paragraph 2. Section 163 (1) of the Labour Code Act prohibits the employment of juveniles (defined as persons under 16 and over 12 years) in any employment which is injurious to their health or is dangerous or immoral.

Article 5. The Minister of Labour has not as yet considered it necessary to exercise his powers under section 177 (c) of the Labour Code to prescribe a higher age than 15 years for the employment of young persons in specified occupations.

SIERRA LEONE (First Report)

For legislation see under Convention No. 5.

Article 1 of the Convention. Paragraph 1 is covered by the definition of " industrial undertaking " in section 2 (1) of the ordinance, but the line of division separating industry from commerce and agriculture is not specifically defined (paragraph 2 of the Article).

Article 2. Paragraph 1 is covered by section 52 of the ordinance, but advantage has not been taken of the provisions of paragraph 2.

Article 3. The proviso to section 52 of the ordinance exempts from the prohibition of industrial employment of children under 15 years of age, children employed on work in any government school or school approved by the Government.

Articles 4 and 5. The national legislation contains no provisions in respect of these Articles.

The Ministry of Labour is responsible for implementing the provisions of the ordinance. There have been no court decisions involving questions concerning the application 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:

Cuba, Nigeria, Sierra Leone, Uruguay.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Byelorussia	6. 11. 1956
Cuba	7. 9. 1954
Italy	22. 10. 1952
Luxembourg.	3. 3. 1958

Countries	Ratification registered on
New Zealand ¹	8. 7. 1947
Ukraine.	14. 9. 1956
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954

¹ Has denounced this Convention.

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

Cuba, Uruguay.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on
Algeria	19. 10. 1962
Belgium.	3. 10. 1951
Bulgaria	29. 12. 1949
Burundi.	11. 3. 1963
Congo (Leopoldville)	20. 9. 1960
Finland	8. 4. 1947
France	16. 12. 1950
Federal Republic of Germany	14. 6. 1955
Hungary	8. 6. 1956
Mauritania	8. 11. 1963

Countries	Ratification registered on
Mexico	4. 7. 1941
Netherlands	2. 5. 1950
Peru	4. 4. 1962
Poland	17. 4. 1950
Rwanda	18. 9. 1962
Spain	24. 6. 1958
Switzerland	23. 5. 1940
Tunisia	12. 1. 1959
Uruguay	18. 3. 1954

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

Mexico, Rwanda, Uruguay.

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	19. 10. 1962	Mexico	16. 7. 1942
Australia ¹	5. 9. 1939	Netherlands	9. 3. 1940
Austria ^{1 2}	26. 11. 1958	New Zealand ¹	18. 1. 1940
Burma ^{2 3}	24. 11. 1961	Norway ³	29. 3. 1940
Canada	6. 4. 1946	Republic of South Africa ^{1 2}	8. 8. 1939
Ceylon ³	25. 8. 1952	Sweden ³	21. 6. 1939
Chile ³	10. 5. 1957	Switzerland ^{2 3}	23. 5. 1940
Cuba	7. 9. 1954	Syrian Arab Republic ^{2 3}	26. 7. 1960
Czechoslovakia	12. 6. 1950	Tanganyika ¹	19. 11. 1962
Denmark ³	22. 6. 1939	United Arab Republic ^{2 3}	5. 10. 1940
Finland ³	8. 4. 1947	United Kingdom	26. 5. 1947
France	28. 6. 1951	Uruguay	18. 3. 1954
Federal Republic of Germany	22. 6. 1954		
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

AUSTRIA

No progress has been made regarding the compilation of annual index numbers showing the general movement of rates of wages owing to lack of suitable data for the weighting of the index components. The statistics necessary for this purpose cannot be prepared without amending the Federal Statistics Act.

CZECHOSLOVAKIA

Act No. 23 of 6 March 1963.

Article 9, paragraph 2, of the Convention. It has been ensured that the data on average earnings and hours of work are now available for the same period (a month).

Article 10, paragraph 2. Measures are to be taken regarding the compilation of separate statistics of average earnings for men and women in industry.

FRANCE

Articles 13, 14 and 16 to 21 of the Convention. The Government states that statistics of time rates of wages set up by the Ministry of Labour do not merely apply to mining and metallurgical industries but are compiled and published quarterly for about 20 branches, including manufacturing and building industries.

Article 15, paragraph 1. The statistics of average rates actually applied published by the Ministry of Labour comply in practice with the provisions of this Article. These statistics are classified as to industry, sex and skill.

NETHERLANDS

Article 9 of the Convention. Since October 1960 the statistics mentioned in this Article have been compiled twice a year. Before that date there was only one inquiry each year.

SWEDEN

With regard to the observation made by the Committee of Experts considering the compilation and publication of annual statistics in the building and construction industry, the Government indicates that the Central Bureau of Statistics is performing a pilot survey of production, employment, etc., in the building and construction industry in 1962. In this survey data have been obtained concerning the number of hours worked by various categories of wage earners, but not concerning the number of wage earners. The question of regular statistics in the field of building and construction will be considered in the light of the results of the pilot survey.

UNITED ARAB REPUBLIC

In addition to the current semi-annual statistics of weekly earnings and hours paid for in non-agricultural activities, starting with July 1959 more detailed inquiries are now being conducted at three-year intervals. Whereas the current inquiries refer to all establishments employing ten or more workers, the special inquiries include all establishments with five and more employees and (since July 1962) a representative sample of establishments with less than five employees. While the industrial scope remains the same as in the current statistics, the personal scope has been extended to wage earners and salaried employees. Data will be available as to different categories of workers, sex, age, industry, region and composition of earnings (basic wage, supplements) and hours (normal hours, overtime), etc. Preliminary figures have been published for July 1959 and July 1962.

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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:

Australia, Austria, Czechoslovakia, Federal Republic of Germany, Republic of South Africa.

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

Canada, Ceylon, Denmark, Finland, Ireland, New Zealand, Norway, Switzerland, Syrian Arab Republic, United Kingdom, Uruguay.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	26. 7. 1948	Rwanda	18. 9. 1962
Burundi	11. 3. 1963	Sierra Leone	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Somalia (ex-British Somaliland)	18. 11. 1960
Congo (Leopoldville)	20. 9. 1960	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Uganda	4. 6. 1963
Jamaica	26. 12. 1962	United Kingdom	24. 8. 1943
Kenya	13. 1. 1964		
Malaysia	11. 11. 1957		
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

RWANDA

The draft Labour Code, and the regulations to be issued for its administration, will embody in full the provisions of the Convention.

SIERRA LEONE (First Report)

Employers and Employed (Amendment) Act, No. 23, 1962.

Article 1 of the Convention. The definitions of the terms "employed", "employer" and "contract of service" in the Employers and Employed Ordinance, as amended by the above-mentioned Act, cover the corresponding definitions in this Article.

Article 2. Paragraph 1 is adequately applied by section 2 (1) of the ordinance. Contracts made under or governed by native law or custom may be excluded. The definition of "employed" includes apprentices. Advantage has not been taken of paragraph 4 of this Article.

Article 3. Paragraphs 1, 3 and 4 are covered respectively by paragraphs 1, 2 and 3 of section 47 of the ordinance, as amended. As regards paragraph 2, section 6 (1), as amended, provides for the attestation of a contract by a labour officer; the employer's signature or mark on the contract is required.

Article 4. Under section 2 (1), as amended, only the employer and the employed are regarded as parties to the contract. Paragraph 2 is covered by section 81.

Article 5. This Article is covered by section 5, as amended.

Article 6. Paragraphs 1 to 5 are covered by section 6, as amended, and paragraphs 6 and 7 by section 7, as amended.

Article 7. Paragraphs 1 to 3 are covered by section 7 A (1) and (2) of the ordinance, as amended. Section 7 A (3) exempts from medical examination workers in agricultural undertakings employing less than 13 workers, or those employed in work specified in paragraph 4 (b) of the Article.

Article 8. Under section 7 B (1) persons below 15 years of age are not permitted to make contracts. Section 7 B (2) requires the permission of a labour officer for a person above 15 but below 18 years to enter into a contract. The labour officer must satisfy himself that the employment is not morally or physically injurious (section 7 B (3)). No occupations have yet been designated as morally or physically injurious.

Article 9. Section 7 I (1) prescribes a maximum period of 18 months' service, after which the employee must be given an opportunity to return home at the employer's expense.

Article 10. This Article is covered by section 7 C of the ordinance, as amended.

Article 11. Section 7 F (1) (c) provides for the termination of the contract on the expiration of the period of employment and section 7 E (1) on the death of the worker. Paragraph 2 is covered by section 7 E (2).

Article 12. Paragraphs 1 and 2 are covered by section 7 D (1) and (2). Under section 7 D (3), a worker may terminate the contract on the ground of ill-treatment, subject to the prior written approval of a labour officer. A contract of unspecified duration may be determined by either party by notice. Under common law the employer may dismiss an employee for wilful disobedience, gross moral misconduct, negligence in business, incompetence or permanent disability from illness. An employee is not entitled to terminate the contract whilst engaged in any journey or voyage. A contract may be terminated by the employee if the employer has been guilty of neglect or ill-treatment, and also if the employee is unwilling to accompany the employer beyond five miles of the place where he had agreed to serve.

Article 15. Section 7 G requires the employer, whenever possible, to provide transport for the employee on repatriation. Paragraphs 2 and 3 are not covered by local legislation, as the circumstances envisaged do not arise.

Article 16. Paragraph 1 is partially covered by section 7 I (1), which also covers paragraph 2. Paragraph 3 is partially covered by section 7 I (2), which empowers a labour officer to waive medical examination.

Article 17. This is covered by section 7 J of the ordinance.

Article 19. As regards paragraph 1, the relevant provisions of the ordinance, as amended, apply in appropriate cases. Under section 16 A, the provisions of Part II of the ordinance also apply to contracts made in Sierra Leone for employment outside the country except where such provisions may be inappropriate. Paragraph 2 is not applicable, and paragraph 3 is not covered.

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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:

Sierra Leone, Western Samoa.

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

Nigeria, Somalia, Uganda.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Cameroon (Western Cameroon) .	3. 9. 1962	Sierra Leone	13. 6. 1961
Ghana	20. 5. 1957	Somalia	18. 11. 1960
Guatemala	4. 8. 1961	Tanganyika	30. 1. 1962
Jamaica	26. 12. 1962	Trinidad and Tobago	24. 5. 1963
Kenya	13. 1. 1964	Tunisia	17. 12. 1962
Liberia	25. 5. 1962	Uganda	4. 6. 1963
Malaysia	11. 11. 1957	United Kingdom ¹	24. 8. 1943
Morocco	27. 3. 1963		
New Zealand ¹	8. 7. 1947		
Niger	23. 3. 1962		
Nigeria	17. 10. 1960		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

LIBERIA (First Report)

Labour Law (*Liberian Code of Laws*, 1956, Title 19).

Section 20 of the Labour Law provides for freedom of choice of employment for each worker without fear of penal sanction. The laws do not provide penal sanctions for indigenous workers for breaches of contract as defined in paragraph 2 of Article 1 of the Convention.

The implementation of the above-mentioned legislation is entrusted to and enforced by the Bureau of Labour and Labour Practices Review Board, under which the Labour Inspectorate operates.

* * *

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

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

Ghana, Jamaica, Malaysia (States of Malaya), New Zealand, Nigeria, Sierra Leone, Somalia, Tanganyika, Trinidad and Tobago, United Kingdom.

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	19. 10. 1962	Italy	22. 10. 1952
Argentina	24. 9. 1956	Netherlands	17. 6. 1958
Belgium	5. 12. 1951	Norway	28. 1. 1957
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	19. 3. 1951	Poland	13. 4. 1954
France	9. 12. 1948	Portugal	13. 6. 1952
Ireland	12. 6. 1956	United Kingdom	6. 8. 1953

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

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	19. 10. 1962	Netherlands	23. 2. 1951
Belgium	5. 12. 1951	Norway	6. 3. 1952
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	19. 3. 1951	Poland	13. 4. 1954
France	9. 12. 1948	Portugal	13. 6. 1952
Greece	9. 10. 1963	United Kingdom	29. 7. 1949
Ireland	16. 6. 1951	Yugoslavia	6. 3. 1961
Italy	22. 10. 1952		

POLAND

Ordinance of the Minister of Navigation dated 7 February 1963 concerning the competency of the officers and seamen of the Polish Merchant Marine.

The above ordinance covers all sea-going merchant vessels. The definition of ship's cook is the same as that of the Convention.

No effect has been given to the permissive provisions of Article 3, paragraph 2, and Article 5.

The ordinance contains provisions concerning the organisation of examinations as laid down in Article 4, paragraph 1, of the Convention. The minimum age is 18 years. The minimum sea experience required from candidates varies between three and 36 months depending on the school certificate possessed.

The Ministry of Education has organised a training school for ships' cooks. This school is located in a port, and the course lasts three years. Pupils are trained on board a vessel during their school holidays.

Foreigners can obtain the Polish certificate of ship's cook by passing an examination.

UNITED KINGDOM

The Merchant Shipping (Certificates of Competency as Ship's Cook) (Canada) Order, 1963.

Under the above order ship's cook's certificates issued in Canada are recognised in the same way as those issued in the United Kingdom.

* * *

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

Canada, Italy, Netherlands.

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

Belgium, France, Ireland, Norway, Portugal, Yugoslavia.

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	10. 4. 1962
Argentina	17. 2. 1955	Netherlands	27. 8. 1957
Bulgaria	29. 12. 1949	Norway	4. 7. 1949
France	9. 12. 1948	Peru	4. 4. 1962

ARGENTINA (First Report)

Act No. 12612 of 9 October 1939, to set up a Retirement and Survivors' Pension Fund for the Mercantile Marine (*Boletín Oficial (B.O.)*, 20 Oct. 1939).

Act No. 12921 (Decree No. 6395) to establish a welfare administration for persons employed in the Mercantile Marine, in civil aviation and in allied occupations (*B.O.*, 2 Apr. 1946) (*L.S.* 1946—Arg. 1).

Act No. 13498, to amend Decree No. 6395 (*B.O.*, 22 Oct. 1948) (*L.S.* 1948—Arg. 1).

Article 1 of the Convention. Under the legislation protection for seafarers covers not only persons employed by shipping undertakings but also persons who perform work of the same kind for undertakings whose primary activity lies in another sphere.

All service performed in private or government vessels flying the Argentine flag, whether they be merchant, fishing, tourist or pleasure vessels, which are engaged in international navigation or navigation off the coasts or on the rivers, lakes or navigable canals of the country, is deemed to be service in navigation. Service in harbours, anchorages, landing places, docks, pontoons, ferry boats and rafts is likewise deemed to be service in navigation. Coverage is extended not only to persons engaged in the handling and care of vessels and aircraft but also the auxiliary and service personnel of the said vessels and aircraft.

Article 2. The retirement, invalidity and survivors' pension scheme for persons employed in the Mercantile Marine, in civil aviation and in allied occupations furnishes full ordinary retirement pension, invalidity pension, pension on voluntary retirement, lump-sum payment and survivors' pensions.

The following persons are excluded from the scheme: (1) persons under 18 years of age, with the exception of those who, before reaching 18 years of age, were in employment and belonged to a scheme whose rules allow it to be recognised; (2) persons providing their services as members of the liberal professions without being under the orders of employers; (3) owners of vessels or aircraft who use such vessels or aircraft as a subsidiary means for carrying on an occupation lying mainly outside the sphere of shipping or aviation; (4) persons employed by railway undertakings who are engaged in a harbour area in the handling, care and supervision of equipment or other work in connection with railways; (5) persons employed by other undertakings who perform work in harbours which is subsidiary to occupations lying outside the sphere of maritime, harbour and allied occupations.

Alien technical and administrative employees who perform services abroad on behalf of Argentine undertakings, and employees domiciled in Argentina who perform services abroad for foreign undertakings, are entitled to join the pension scheme voluntarily. In such cases they are required to pay the contribution of employer and employee.

Article 3. The full ordinary retirement pension is granted—(a) on completion of 30 years of pensionable service, if the claimant has attained the age of 50 years; (b) in the case of seafaring and flying personnel, and stevedore labourers employed in holds and cold-storage chambers, on completion of 25 years' service, the minimum age being 45 years; where there has been mixed service, the different elements are assessed proportionately; (c) in the case of female personnel, on completion of 27 years' service, the minimum age being 47 years.

The monthly amount of the full ordinary retirement pension is calculated in relation to the average of the five calendar years in which the insured person received the highest rate of remuneration, including any periods treated as periods of service although no actual work was done, in conformity with a scale which varies according to the remuneration.

Insured persons with a minimum of 20 years' service may apply for a pension on voluntary retirement. The said pension is calculated at the rate of 3 per cent. of the amount of the full ordinary retirement pension for each year of pensionable service.

Flying personnel and stevedore labourers employed in holds and cold-storage chambers may apply for a pension on voluntary retirement if they have completed 15 years of privileged service. In this case the pension is calculated at the rate of 3.6 per cent. for each year taken into account. Where there has been mixed service in the years computed, the different elements are assessed proportionately. The amount payable by way of such a pension may not exceed the amount which would be payable by way of the full ordinary retirement pension.

An invalidity pension is granted on the following conditions: (a) that the claimant is physically or mentally disabled (whether totally or partially, permanently or temporarily) as a result of natural or occupational causes which have rendered him unfit to perform any type of work suited to his occupational abilities; (b) that the claimant has been in pensionable service for a minimum of ten years, except in the case of an industrial accident, occupational disease or disease derived from employment, when the pension shall be granted regardless of length of service.

"Total physical or mental incapacity" means such certified loss of faculty as prevents the person concerned from earning two-thirds of the salary or wages previously received; such disability must last for at least six months, otherwise no pension will be granted.

"Partial incapacity" means incapacity which deprives the employee of not less than one-third of his former salary or wages.

The amount of the pension for total physical or mental incapacity is calculated at the rate of $3\frac{1}{3}$ per cent. of the amount of the ordinary retirement pension in respect of each year of effective service up to the maximum of the said retirement pension. In the case of an invalidity pension in respect of an employment injury, a minimum of 20 years' service is credited when assessing its amount.

The amount of the pension for partial physical or mental invalidity is calculated on the basis of the difference between the wages or salary formerly received by the insured person and the new wages or salary received (or such wages or salary as it is estimated that he could receive by engaging in another occupation suited to his occupational abilities), at the rate of $3\frac{1}{3}$ per cent. of the amount of the said difference for each year of effective service.

The following persons are entitled to survivors' pensions: (a) the widow (or the widower if he is disabled), together with the male children up to 18 years of age and unmarried female children up to 22 years of age; or (b) the children alone, up to the ages mentioned in the preceding subparagraph; or (c) the widow (or the widower if he is disabled), together with the parents of the deceased if the said parents were wholly maintained by him at the date of his death; or (d) the widow (or the widower if he is disabled), together with the unmarried sisters of the deceased up to the age of

22 years and brothers up to the age of 18 years who have lost both parents, if the said sisters and brothers were wholly maintained by the insured person at the date of his death.

The amount of the survivor's pension is equal to 50 per cent. of the value of the pension received by the insured person, or of the pension which he was entitled to receive.

One-half of the survivor's pension is payable to the widow (or widower if he is disabled) where the children, parents, brothers or unmarried sisters of the deceased are co-beneficiaries; the remaining half is distributed among the latter per head.

In default of children, parents, brothers or sisters, the whole pension is payable to the widow (or widower if entitled).

The compulsory monthly contribution for employees equals 7 per cent. of the total remuneration received, while employers pay 9 per cent.

Article 4. Where a female insured person quits service in order to marry after paying more than 12 months' contributions to the scheme and without being entitled to a major benefit, she may make application for the repayment of her own contributions together with annual interest of 4 per cent., to be capitalised yearly.

Equal facilities are afforded to insured persons who have attained the age of 55 years, or who have been certified to be physically or mentally unfit, and who are not entitled to a major benefit.

If any pensioner fails to declare his new gainful employment, he is liable to repay to the pension fund the amounts paid to him in error, together with interest of 4 per cent. per annum, and to a reduction by 10 per cent. of the amount of the pension payable to him subsequently.

FRANCE (First Report)

Act No. 1586, dated 12 April 1941, governing the pension system for France's seafarers on board merchant ships, fishing vessels or pleasure boats and for persons engaged in the catering and clerical departments on board vessels (*Journal officiel*, 6 May 1941, No. 125, p. 1911) (L.S. 1941—Fr. 3).

Article 3, paragraph 1 (a), of the Convention. The pensionable ages are 55 years for proportional pension and 50 years with maximum of 25 years of service—or 55 years—for full pensions, respectively. Entitlement to the pension is postponed to the end of activity even if it is after 55 years of age for seafarers employed ashore or engaged in "sheltered-water" navigation.

Fifteen and 25 years of service at sea are required for the proportional pension and the full pension respectively. Services performed in a professional capacity on board vessels with ship's articles are defined as service at sea.

The pension is equal to 2 per cent. of insurable wage corresponding to the category in which the person concerned is classified in the last three years preceding pension payment. The category is allotted in the light of the function performed. If the person concerned has been classified in his career for five years in a higher category than in the last three years, such higher category is taken into account for calculation of the pension.

Paragraph 1 (b). The total amount of pensions paid to seafarers and their dependants was N.F. 603,092,897 during the period 1961-63. The Government states, however, that it is impossible to indicate, even approximately, the total number of contributions and the percentage of benefits against the contributions, because of the diversity of texts serving as a basis for the calculation of deductions and the unified accounting arrangements of the National Institution for Disabled Seafarers. Increased pensions are paid to pensioners who have brought up at least two children

under 16 who are, before the entitlement of pension, legitimate, adopted or illegitimate (5 per cent. for two, 10 per cent. for three and 15 per cent. for four or more).

Paragraph 2. The percentages of the costs against the contributions are paid by seafarers and were 244 per cent. in 1961-62 and 240 per cent. in 1962-63.

Article 4, paragraph 1. There is co-ordination with the general scheme of social security.

Paragraph 2. There is a right of appeal to administrative tribunals and the Council of State.

Paragraph 3. In case of fraud the person concerned is liable to the penalties provided for in section 5 of the Act of 5 September 1919.

Paragraph 4. Shipowners participate in the administration of the scheme through their representatives at the Higher Council of the National Institution for Disabled Seafarers.

Application of the Acts and regulations is entrusted to the National Institution for Disabled Seafarers.

ITALY (First Report)

Royal Legislative Decree No. 1996 of 26 October 1919 granting legal personality to the Mercantile Marine Invalidity Fund (*Gazzetta Ufficiale*, No. 266, 10 Nov. 1919).

Act No. 456 of 9 April 1931 improving the pension scheme for seamen protected by the Mercantile Marine Invalidity Fund (*ibid.*, No. 108, 11 May 1931).

Royal Legislative Decree No. 1594 of 2 November 1933 concerning measures in favour of seamen protected by the Mercantile Marine Invalidity Fund (*ibid.*, No. 282, 9 Dec. 1933).

Royal Legislative Decree No. 1560 of 19 August 1938 amending the provisions for invalidity and old-age insurance for seamen (*ibid.*, No. 234, 12 Oct. 1938).

Legislative Decree No. 391 of 22 March 1946 increasing seamen's pension rates and extending the seamen's insurance scheme to cover conscripted sailors (*ibid.*, No. 128, 4 June 1946).

Act No. 915 of 25 July 1952 organising a social welfare scheme for seamen (*ibid.*, No. 173, 28 July 1952).

Act No. 1183 of 12 October 1960 improving pension rates under the National Welfare Fund for Seamen (*ibid.*, No. 265, 28 Oct. 1960).

The legislation regarding seamen's pensions covers all persons employed on board or in the service of any seagoing vessel registered in Italy other than naval vessels.

The legislation does not apply when the worker, either in dock or on board a vessel, enjoys equivalent protection under some other social security legislation. This concerns, for example, seamen in the service of the State and persons engaging in independent or co-operative small-scale fishing.

Old-age pensions are payable to seamen satisfying the following conditions: (a) to be aged 60 (women 55) and to have completed 20 years' service at sea; (b) to be aged 60 (women 55) and to have completed 15 years' service at sea, provided that at least one year of service was completed during the period of ten years preceding the date of application for a pension; (c) to be aged 50 and to have completed 20 years' service in the use of machinery or radio equipment on board ship; (d) to be aged 55 and to have completed ten years' service in the use of machinery or radio equipment on board ship.

An invalidity pension is payable, irrespective of age, to any seaman recognised as disabled who has completed at least one year's service during the ten years preceding the date of application or of submission of certification of invalidity by the competent authority.

The pension rate is based on the number of years of service multiplied by one-thirtieth of the highest average remuneration used as a basis for calculation of contributions during three years' service at sea.

Benefits are financed from contributions by employers and seamen, the rate varying according to the ship's tonnage and the seamen's functions. Special contribution rates are payable by particular categories, such as pilots and ships' doctors.

The report contains figures for the total wages of insured persons, the total contributions received and the total of pensions granted under the scheme during the period 1961-63.

Pension rates are retained by seamen temporarily leaving employment subject to the scheme. If a protected person reaching retirement age or suffering from invalidity has not completed a period of service at sea sufficient for pension eligibility, pension claim under the general invalidity, old-age and survivors' scheme may include periods completed under the special seamen's scheme.

The right of appeal is provided by administrative or judicial channels in the case of disputes arising over application of legislation.

The only clause providing for suspension of pension rights under legislation is loss of nationality as a result of voluntary enrolment in a foreign army. In case of recovery of nationality, the person concerned again obtains pension eligibility.

A pension is suspended when a seaman in receipt of a pension is engaged in employment on board a ship. The duration of suspension is limited to the duration of such employment. If this new employment exceeds one year, the pension rate is recalculated to allow for the new period of contribution.

The seamen's pension scheme is administered by the National Welfare Fund for Seamen, which comes under the National Social Welfare Institute as a special scheme.

Shipowners and seamen participate in the administration of the fund through their own representatives (four representatives of the employers and eight representatives of the workers).

The number of persons protected by the fund was calculated at some 65,000 in 1962.

NETHERLANDS (First Report)

Act of 17 March 1949 concerning compulsory membership in a retirement pension fund (*Staatsblad*, J 121), with subsequent amendments.

Act of 15 May 1952 concerning retirement pension and savings funds (*ibid.*, 275).

Ordinance of the Secretary of State for Social Affairs of 27 January 1954 concerning compulsory membership in the retirement pension fund of the Merchant Navy (*ibid.*, 20).

Rules of the retirement pension fund of the Merchant Navy.

Pension Regulations of the retirement pension fund of the Merchant Navy.

Article 2 of the Convention. Netherlands seamen of the Merchant Navy between the ages of 20 and 60 shall be insured on all vessels except fishing vessels for which a Netherlands certificate of registry has been issued (for long-distance trade and coastal trade) including personnel of the Netherlands whaling fleet.

The following persons are exempt from insurance: (a) those who engage in trade on their own account on board a vessel; (b) those in the service of the persons referred to under (a); (c) the wives of masters if they work on board; (d) those on board who are not engaged on work for purposes for which the vessel is used; (e) those covered by the Pensions Act, 1922 (persons in the service of a public authority).

Also exempt are persons employed on vessels of less than 20 gross registered tons.

Article 3. Pensions paid under the pension scheme are financed by contributions, 50 per cent. of which is paid by the insured person and 50 per cent. by the shipowners. The rate of contribution is equal to 9 per cent. of the remuneration of members of the crew and equal to 12.8 per cent. of the remuneration of the officers and master; in 1962 a remuneration ceiling of 8,400 florins per annum was applied.

In 1962 pension contributions amounted to a total of 15,862,000 florins.

By virtue of the General Old-Age Act, which applies to the whole of the population, seafarers receive old-age pensions from the age of 65. To finance these pensions, 5.75 per cent. of wages was paid in 1962 (up to a ceiling of 8,250 florins per annum). The total amount of these contributions was 8,435,000 florins.

By virtue of the General Widows and Orphans Act, which applies to the whole of the population, members of seafarers' families are entitled to survivors' pensions. To finance these benefits, 1.25 per cent. of wages was paid in 1962 (up to a ceiling of 8,250 florins per annum). The total amount of these contributions was 1,833,000 florins.

Altogether, the sum of 26,129,000 florins was paid to finance the above benefits.

The total remuneration on the basis of which contributions were paid in 1962 under the seafarers' pension scheme was 147,887,000 florins.

In 1962 contributions paid by seafarers covered by the pension scheme for seafarers amounted to 7,931,000 florins. Funds set aside for pensions payable under this scheme amounted to 15,862,600 florins.

Article 4. When compulsory insurance ceases before the insured attains the age entitling him to a pension, he shall be entitled, on request, to reimbursement of his contributions, provided that he has a minimum of 360 days' contributions, but less than 1,500 days to his credit.

The right of appeal is granted in that any dispute arising in connection with the insured person's rights or obligations towards the administration of the fund may be referred to a civil judge.

The executive committee of the retirement pension fund of the Merchant Navy is composed of four representatives of the shipowners' organisation, five representatives of the seafarers' organisation and one representative of the masters' organisation of the Merchant Navy.

The Minister of Social Affairs and Public Health is responsible for the application of the relevant legislation. The management of the retirement pension fund of the Merchant Navy is under the supervision of the Chamber of Insurance.

NORWAY (First Report)

Act No. 7 of 3 December 1948 respecting pension insurance for mariners (*L.S.* 1948—Nor. 4), as subsequently amended.

Article 1 of the Convention. The pension insurance scheme for mariners covers Norwegian nationals and persons with permanent residence in Norway who are employed on Norwegian ships of 100 gross registered tons or more, on rescue boats belonging to the Norwegian Society for the Rescue of Shipwrecked Persons, on Norwegian whaling stations abroad, on certain Norwegian vessels of less than 100 gross registered tons which are liable for registration and where the ship plies on a fixed route or is used for salvage, towing, marine surveying and the like and on certain foreign whaling expeditions or fixed whaling stations.

Article 2, paragraph 1. The above Act provides retirement pensions for insured persons and survivors' pensions to widows and children.

Paragraph 2. The Act provides for exemptions in respect of workers on fishing vessels and on seal-hunting vessels who are not members of the regular crew; workers on vessels without motive power and on vessels which operate largely on lakes and rivers; pilots not defined as members of the crew; employees who carry out repair and maintenance work, etc., while the ship is at sea and who are employed and remunerated by skilled trade firms, shipyards and the like; persons employed on board while the vessel is in port and who do not accompany the vessel to sea; persons who in virtue of their employment on board are members of the state pensions fund or of any other public pension scheme which the Department considers equivalent to the pension

insurance scheme for mariners; and persons not receiving cash wages on board or only a nominal salary or wage.

Article 3, paragraph 1. Retirement pensions are paid from the age of 60, but can be granted from the age of 55 where the sum of age and pensionable service is 80 years or more.

The qualifying period for a retirement pension is 150 months of pensionable service. Seafarers with a minimum of 75 months of pensionable service are also entitled to a pension where the sum of pensionable sea service under the Act and service on Norwegian ships of over 50 but less than 100 registered tons is at least 150 months. Service prior to the commencement of the Act is treated as pensionable service.

The amount of pension is calculated on the basis of the number of months of pensionable service. The rate of pension is 21 crowns a year for each month of service for ratings, increased by 40 per cent. for officers. Service at sea in the period 1 September 1939 to 31 December 1945 qualifies for a supplement of 100 per cent. of the above rates. A supplement of 10 per cent. of the pension is granted in respect of each child under 18 maintained by the pensioner. The pension cannot be calculated on the basis of more than 360 months of pensionable service. A seafarer who defers the claim for pension beyond the age of 60 and continues in pensionable sea service is granted an increment of $\frac{3}{4}$ per cent. for each month of such service, subject to a maximum of 60 months taken into account for this purpose. However, for months of such service, in the period 1 January 1957 to 31 December 1963, the increment is calculated at the rate of 1 per cent.

The retirement pensions under the Act are co-ordinated with other pensions and social security benefits to which the person concerned may be entitled. This co-ordination is made in virtue of the Act of 6 July 1957 respecting co-ordination of pensions and social insurance benefits.

The amount required to finance the pensions and administration of the insurance scheme are collected from contributions paid by seafarers and shipowners, with additions of funds made available from loading and lighthouse charges and from the capital fund of the scheme. The Government guarantees the financing of the scheme.

Paragraph 2. The contribution for ratings is calculated as three times the current pension rate, or 63 crowns a month. For officers, the rate is increased by 50 per cent., and for other groups (apprentices and others) the rate is reduced. The shipowner's contribution is 150 per cent. of the seafarer's contribution.

Article 4, paragraph 1. A seafarer who gives up the profession before he has enough pensionable service giving right to a pension is entitled to repayment of the contributions at the rate of four years' pension calculated according to the provisions of the Act, and on the basis of the number of months for which he has paid contributions, less the first 36 months. The repayment is not made until the person concerned has reached the pensionable age. If he dies before that age, the repayment must be made into his estate at once.

Paragraph 2. Appeals against decisions under the Act may be made to a special Appeals Committee within six weeks after the person concerned has been notified of the decision. Decisions of the Appeals Committee are final in discretionary matters, but decisions in other matters may be referred to ordinary courts of law.

Paragraph 3. The Managing Board of the Insurance Scheme may reject a claim to a pension or withdraw or suspend in whole or in part a pension already awarded if the claimant or pensioner has fraudulently given incorrect information or withheld information of importance in determining the pension. If the person concerned has unintentionally given such incorrect information, the excess amount paid and compensation for cost and loss of interest can be withheld from future pensions.

The pension is withheld for the time over one month which a pensioner spends serving a prison sentence or at compulsory labour. If the pensioner has a wife or children under 18 years of age, the Board may decide that the pensions shall be paid to them in whole or in part.

Paragraph 4. The scheme is administered by a Board of five members appointed by the Crown for four years at a time. Two members with deputies are appointed on nominations made by the organisations of seafarers, and two members with deputies are appointed on nominations by the organisations of shipowners.

* * *

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

France, Italy, Netherlands, Norway.

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Japan	22. 8. 1955
Argentina	17. 2. 1955	Netherlands	17. 6. 1958
Belgium	5. 12. 1951	Norway	17. 2. 1955
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	19. 3. 1951	Poland	13. 4. 1954
Finland	15. 5. 1956	Portugal	13. 6. 1952
France	9. 12. 1948	Sweden	9. 1. 1962
Italy	22. 10. 1952	Uruguay	18. 3. 1954

ITALY

Act No. 1602 of 28 October 1962 to amend Act No. 244 of 22 January 1934 concerning medical examination of seafarers (*Gazzetta Ufficiale*, 29 Nov. 1962).

Ministerial Decree of 8 May 1963 to approve the form of medical certificate in connection with biennial medical examination (*ibid.*, 27 May 1963).

The above Act brings the legislation into conformity with Articles 4 and 5 of the Convention.

SWEDEN (First Report)

Royal Ordinance on Registration and Signing On and Discharge of Seamen, No. 87 of 14 April 1961.
Royal Notification concerning Medical Examination of Seamen, No. 88 of 14 April 1961.

Article 1 of the Convention. Section 12 of the Ordinance of 1961 provides that a master and a crew who take up employment in a Swedish merchant vessel of a net register tonnage of 20 tons or more shall be signed on that vessel—(a) if the vessel is engaged in foreign trade; (b) if the vessel is engaged in the home trade and is classified as a passenger vessel, provided that the vessel is not engaged exclusively in pleasure trips or other occasional voyages.

Article 3. The master and crew must produce a medical certificate when signing on.

Article 4. Medical examinations are in accordance with a formula prescribed by the Health Board in consultation with the Shipping and Navigation Board. Special requirements are established in section 2 of the Notification of 1961 in respect of hearing, sight and colour-vision of seamen.

Article 5. Medical certificates are valid for two years, and those relating to sight, hearing and colour-vision for four years.

Article 6. Exemptions are granted in urgent cases by the Shipping and Navigation Board. The exemptions are only granted until a proper medical examination can be held, and do not affect the conditions of employment.

Article 8. If a seaman is found unfit by a seamen's medical practitioner, he may appeal to the Health Board. There is no appeal against the decision of the Board.

The application of the above legislation is entrusted to the Health Board in co-operation with the Shipping and Navigation Board. The application of the provisions is supervised by the shipping officer at the signing-on.

* * *

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, Japan, Netherlands, Sweden.

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

Argentina, Canada, Norway, Poland, Uruguay.

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	New Zealand	5. 12. 1961
Belgium.	5. 12. 1951	Poland	13. 4. 1954
Canada	19. 3. 1951	Portugal	13. 6. 1952
France	9. 12. 1948	United Kingdom	13. 5. 1952
Ireland	21. 6. 1957	United States	9. 4. 1953
Netherlands	14. 7. 1950	Yugoslavia	22. 12. 1961

NEW ZEALAND (First Report)

Shipping and Seamen Act, 1952 (*New Zealand Statutes (N.Z.S.)*, Reprint, 1908-1957, Vol. 14, p. 1).

Shipping and Seamen Amendment Act, 1959 (*N.Z.S.*, 1959, p. 813).

Shipping (Certificates of Competency as A.B.) Regulations, 1954 (*Statutory Regulations (S.R.)*, 1954, Vol. II, p. 1119).

Shipping (Certificates of Competency as A.B.) Order, 1960 (*S.R.*, 1960, p. 356).

Shipping Lifesaving Appliances Rules, 1960 (*S.R.*, 1960, p. 450).

Article 1 of the Convention. Section 51 (1) of the Act of 1952 lays down the general obligation for seamen rated as able seamen to possess the prescribed certificate.

Article 2. Arrangements for the holding of examinations are contained in section 50 (1) (a), (2) (a) and (3) of the Act of 1952 and in regulations 7 (1), (3) (a) and (4) of the above Regulations. The requirements for granting a certificate of able seaman are contained in regulation 4 (1) of the Regulations, subparagraphs (a), (b) and (d) of which require applicants to have attained 18 years of age, to have performed 36 months of qualifying service at sea as a deck rating, and to hold a lifeboatman's certificate.

Article 3. This Article is implemented by the proviso to section 50 of the Act of 1952.

Article 4. Section 50 (7) of the Act contains provisions concerning the recognition of certificates of competency as able seaman issued by other Commonwealth countries.

The legislation implementing the Convention is administered by the Marine Department.

POLAND

Ordinance of the Minister of Navigation dated 7 February 1963 concerning the professional qualifications of officers and ratings in the Polish Merchant Marine (*Dziennik Ustaw*, No. 7, text 40).

Article 1 of the Convention. According to paragraph 39, subparagraph 3, and paragraph 36 of the above ordinance, the able seaman certificate is issued to ordinary seamen having 36 months' total service at sea as deck ratings, possessing the lifeboatman certificate and having completed primary school. They must pass an examination.

Article 2. The minimum age for admission to sea service is 18 years. According to paragraph 61, subparagraph 3, of the ordinance, the students of the nautical school who are deck ratings having performed 12 months' sea service and possessing

the lifeboatman certificate may obtain the able seaman certificate. The nautical school qualifies young persons to become officers in the merchant marine. Its courses last three years, during which a practical training on board ship is carried out for a total duration of 18½ months.

Article 4. Polish citizens in possession of a foreign able seaman certificate may be granted a Polish able seaman certificate. Foreign citizens in possession of the certificate may obtain the Polish able seaman certificate if they prove a sufficient knowledge of the Polish language and of the regulations concerning service on board Polish vessels.

* * *

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

Belgium, France, Ireland, Netherlands, United Kingdom.

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

Canada, United States.

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Iraq	13. 1. 1951
Algeria	19. 10. 1962	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	13. 1. 1954	Philippines	17. 11. 1960
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	Uruguay	18. 3. 1954

HAITI

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

Article 2, paragraphs 2 and 4, of the Convention. The Public Health and Population Department is the authority competent to recognise physicians to carry out medical examination of children and young persons and to issue certificates of fitness for employment.

Article 3, paragraphs 2 and 3. In accordance with section 564 of the Labour Code health cards delivered to employed persons must be renewed each year. Section 84 of the same Code requires apprentices housed in the employer's dwelling to undergo six-monthly medical examination.

Article 4. Sections 564 and 565 of the Labour Code require employed persons to undergo periodical medical examination, irrespective of their age and the type of work they perform.

Article 6, paragraph 1. Two institutions have facilities to receive physically handicapped young persons with a view to vocational guidance or physical or vocational rehabilitation.

Article 7, paragraph 2. Supervision provided for under this paragraph and carried out by the labour inspectorate is ensured through statements by undertakings, employment permits and the social services.

ISRAEL

In reply to the observation made by the Committee of Experts in 1962 the Government states that, during the year in question, regulations have been made requiring medical examination and examination for fitness for employment of all workers, irrespective of age, working with lead or mercury.

* * *

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

Luxembourg, Uruguay.

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

Argentina, Byelorussia, France, Hungary, Iraq, Israel, Italy, Poland, U.S.S.R.

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Hungary	8. 6. 1956
Algeria	19. 10. 1962	Iraq	5. 7. 1960
Argentina	17. 2. 1955	Israel	23. 12. 1953
Bulgaria	29. 12. 1949	Italy	22. 10. 1952
Byelorussia	6. 11. 1956	Luxembourg	3. 3. 1958
Cuba	7. 9. 1954	Peru	4. 4. 1962
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Honduras	20. 6. 1960	Uruguay	18. 3. 1954

FRANCE

For the Government's reply to the observations by the Committee of Experts see *Report of the Committee* (1962), p. 702.

POLAND

Article 2 of the Convention. In reply to a direct request by the Committee of Experts the Government states that under section 14 of the Act of 2 July 1958 medical examination of young persons employed in the various branches of industry, agriculture and navigation is subject to conditions laid down in the Ordinance of the Minister of Health of 30 April 1959.

* * *

The report from *Uruguay* 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, Byelorussia, France, Haiti, Hungary, Iraq, Israel, Italy, Luxembourg, U.S.S.R.

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg.	3. 3. 1958
Byelorussia	6. 11. 1956	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

ISRAEL

Youth Labour (Amendment No. 2) Act, 1963 (*Sefer Ha-Chukkim*, 20 June 1963, No. 395, p. 99).

In reply to the observation by the Committee of Experts the Government indicates that by virtue of the above Act a permit for young persons to work up to 11 o'clock may not be issued unless the conditions set forth in Article 3, paragraph 2, of the Convention have been fulfilled.

ITALY

Act No. 1325 of 29 November 1961, amending Act No. 653 of 26 April 1934 concerning employment protection of women and young persons (*L.S.* 1961—It. 3).

Circular No. 204 of 18 December 1962 concerning the application of Act No. 1325.

The above Act and the circular which lays down regulations for its application raise to 15 years the minimum age limit for employment and extend the prohibition of night work to the non-industrial sector. They nevertheless permit young persons aged over 13 to engage in certain light work subject to specified safeguards.

Such persons must be granted 12 consecutive hours of rest during the night. For persons aged between 13 and 14 the rest period must be continuous from 8 p.m. until 8 a.m. For persons aged between 14 and 15 the rest period must include the period from 10 p.m. to 6 a.m.

UKRAINE

In reply to the direct request made by the Committee of Experts in 1962 the Government indicates that there is no category of young persons working on their own account or in any "family undertakings" since undertakings belonging to individual persons do not exist.

* * *

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

Byelorussia, Poland, Ukraine, U.S.S.R.

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

Argentina, Dominican Republic, Luxembourg, Uruguay.

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Lebanon	26. 7. 1962
Argentina	17. 2. 1955	Luxembourg	3. 3. 1958
Austria	30. 4. 1949	Malaysia	1. 7. 1963
Belgium	5. 4. 1957	Mali	2. 3. 1964
Brazil	25. 4. 1957	Mauritania	8. 11. 1963
Bulgaria	29. 12. 1949	Morocco	14. 3. 1958
Cameroon (Western Cameroon) ¹ .	3. 9. 1962	Netherlands	15. 9. 1951
Ceylon	3. 4. 1956	New Zealand ¹	30. 11. 1959
China ¹	13. 2. 1962	Nigeria ¹	17. 10. 1960
Costa Rica	2. 6. 1960	Norway	5. 1. 1949
Cuba	7. 9. 1954	Pakistan	10. 10. 1953
Cyprus ¹	23. 9. 1960	Panama	3. 6. 1958
Denmark	6. 8. 1958	Peru	1. 2. 1960
Dominican Republic	22. 9. 1953	Portugal	12. 2. 1962
Finland	20. 1. 1950	Senegal	22. 10. 1962
France	16. 12. 1950	Sierra Leone ¹	13. 6. 1961
Federal Republic of Germany . . .	14. 6. 1955	Spain	30. 5. 1960
Ghana	2. 7. 1959	Sweden	25. 11. 1949
Greece	16. 6. 1955	Switzerland ¹	13. 7. 1949
Guatemala	13. 2. 1952	Syrian Arab Republic	26. 7. 1960
Guinea	26. 3. 1959	Tanganyika ¹	30. 1. 1962
Haiti	31. 3. 1952	Tunisia	15. 5. 1957
India ¹	7. 4. 1949	Turkey	5. 3. 1951
Iraq	13. 1. 1951	Uganda ¹	4. 6. 1963
Ireland ¹	16. 6. 1951	United Arab Republic	11. 10. 1956
Israel	7. 6. 1955	United Kingdom ¹	28. 6. 1949
Italy	22. 10. 1952	Viet-Nam	6. 1. 1964
Jamaica ¹	26. 12. 1962	Yugoslavia	18. 8. 1955
Japan	20. 10. 1953		
Kenya	13. 1. 1964		

¹ Excluding Part II.

AUSTRIA

At the close of the period covered by the report the inspection services comprised 205 members, including 23 women.

The Austrian Federation of Trade Unions and the Austrian Congress of Chambers of Workers have again urged that the services responsible for labour inspection be distinct from the other services of the Mines Authority. They consider that the protection of mineworkers should be in the hands of the general labour inspection services. The Mines Authority, on the other hand, considers that the inspection of work in the mines should be carried out by specialised personnel.

Replying to an observation by the Committee of Experts, the Government expresses the view that there should be co-operation between the various services of the labour inspectorate, particularly as regards hours of work, safety precautions against radiation or explosions, etc.

BELGIUM

Royal Orders of 25 January, 11 April, 4 and 23 July 1962 respecting the functions and conditions of work of staff delegates in open-cast mines and in quarries.

Article 3 of the Convention. The medical inspectors are required, *inter alia*, to arbitrate in medical disputes between unemployed persons and the agency responsible

for paying allowances to them. Since 1 January 1963 staff delegates on the Inspectorate of Open-Cast Mines and Quarries have been helping the mines engineers; they have the same powers as the staff delegates in underground mines.

Article 4, paragraph 1. The Mines Administration is under the authority of the Minister of Economic Affairs and Power, but is subject to the Minister of Employment and Labour as regards application of the social laws for which the latter is responsible.

Article 5. Mines officials take part in the management of the various joint institutions, etc.

Article 7. The medical inspectors and women health supervisors are recruited by competition on the basis of certification only. The newly recruited physicians attend a one-year course on occupational medicine and labour administration in general. Facilities are afforded to those who wish for more advanced training.

Recruitment for the technical side of the inspection service is also by competition.

Article 10. The medical inspectorate now consists of an inspector-general, 15 physicians and 19 women health supervisors. The technical inspectorate is still too small; it consists of an inspector-general and 54 engineers.

Article 12. This Article is applied except as regards paragraph 1 (b) and (c) (iii) and (iv). The inspector cannot require notices to be posted, but can only make an official report. There is no provision for taking samples of substances used, although this is often done in practice.

Article 13. In case of imminent danger, the staff delegates on the Inspectorate of Open-Cast Mines and Quarries may give orders pending a decision by the inspector, who must decide within 24 hours.

In addition to the above, the Government gives the following information in response to requests by the Committee of Experts.

Article 2. A list has been drawn up of social inspectors entitled to visit places of military importance.

Engineers under the Electric Power Authority are responsible for the technical inspection of electric mains and wiring (in so far as this is not the duty of the technical or mines inspectors). They may consult any necessary documents, require an installation to be modified and make official reports if necessary. They are notified of accidents caused by electrical installations. They are also responsible for application of the Royal Order respecting electrical installations of 29 June 1935.

As regards the Social Inspectorate attached to the Ministry of Social Welfare, the Government refers to its reply to a Council of Europe questionnaire on the organisation of labour inspection.

Article 7. No problem of training arises at present as regards the technical controllers who have been so acting for years and have much experience. New controllers would be trained by having them work with an inspector or an experienced controller for the necessary time.

Article 10. The Government has improved the material position of the inspectors in order to attract more candidates.

Articles 20 and 21. The considerable backlog in the publication of the annual medical inspection reports is due to the shortage of staff in the medical inspection service. The mines inspection reports for 1961 and 1962 were published at the normal times.

BRAZIL

In reply to a direct request by the Committee of Experts the Government states that the Permanent Commission on Social Law of the Ministry of Labour and Social Welfare has prepared a draft decree, which is now before the Minister, to bring national legislation into conformity with the Convention.

The Government has supplied copies of instructions governing conditions for entry into the labour inspectorate.

CEYLON

In reply to an observation by the Committee of Experts the Government states that the Committee's views can be implemented by amendment of the Labour Inspection (Maintenance of Secrecy) Act, for which purpose it requests advice in solving certain practical problems.

COSTA RICA (First Report)

Labour Code: Act No. 2 of 27 August 1943 (*L.S.* 1943—*C.R.* 1).

Act No. 1860 of 21 April 1955 to provide for the establishment of a Ministry of Labour and Social Welfare.

Civil Service Regulations: Act No. 1581 of 30 May 1953.

Regulations issued for the administration of the Civil Service Regulations: Decree No. 21 of 14 December 1954.

Regulations for the General Labour Inspectorate: Decree No. 42 of 16 August 1949.

Article 2 of the Convention. The General Labour Inspectorate sees that the laws, collective agreements and regulations relating to conditions of work and social welfare are observed in all workplaces, whatever their nature.

Article 3. As well as the functions listed in paragraph 1 of this Article, the Government mentions a number of other additional functions entrusted to the General Labour Inspectorate (investigation into the suspension of contracts of employment for reasons of *force majeure*, mediation in disputes).

Article 4, paragraph 1. The General Labour Inspectorate, placed under the control of a Chief Inspector, reports to a Director-General under the authority of the Minister of Labour and Social Welfare.

Article 5. The report explains how collaboration between the various administrative bodies, the trade unions and the Inspectorate works in practice.

Article 6. The staff of the Inspectorate, who are members of the civil service, are guaranteed complete stability of employment under the Civil Service Regulations and under the Constitution.

Article 7. Labour inspectors are recruited by competition under the same conditions as other civil servants. They undergo two months of theoretical and practical training under the direction of a senior inspector.

Article 9. The Inspectorate does not directly employ technical experts or specialists as provided for by the Convention, but, when problems arise which require the intervention of an expert, it calls on specialists in other government departments.

Article 10. The Government draws attention to the fact that the General Labour Inspectorate is short of staff.

Article 11. Local offices are established in the major population centres. Transport facilities are placed at the inspectors' disposal. Any expenses incurred in the performance of their duties are reimbursed—or on occasion even paid in advance—by the Ministry.

Article 12. The Act of 1955 and Decree of 1949 give effect to the provisions of this Article.

Article 13. In cases for which provision has been made in the regulations, the inspectors act in accordance with the powers vested in them by law. In the absence of such provision they must get in touch with the Industrial Safety and Health Council, which, after studying the case, will recommend the steps to be taken.

Article 14. No measures have yet been taken to give effect to these provisions.

Article 16. Establishments are visited as often as their number and the strength of the inspection staff permit.

Article 18. Section 612 of the Labour Code prescribes penalties for any contravention of the statutory provisions concerning labour or social security.

Article 19. Inspectors must submit to the authorities to whom they are responsible reports on all visits of inspection they have made.

Article 25. The provisions of the Convention are applied both in law and in practice.

CYPRUS

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

Article 3, paragraph 1 (a), of the Convention. The labour inspectorate and the police supervise the enforcement of orders issued under the Hours of Employment Law and investigate complaints under the law.

Article 21, paragraphs (a), (b) and (g). The Government refers to the 1962 annual report of the Ministry of Labour and Social Insurance, paragraphs 108, 114, 191 and 192. In the 1963 annual report more details will be given regarding staff, in reply to the direct request by the Committee of Experts.

DENMARK

Act No. 112 of 30 March 1962 to amend the General Occupational Safety, Health and Welfare Act, No. 226, 11 June 1954.

Act No. 113 of 30 March 1962 to supplement the Occupational Safety, Health and Welfare (Commerce and Offices) Act, No. 227, 11 June 1954.

In reply to the observations made by the Committee of Experts the Government has supplied a copy of the agreement between the Civil Engineers' Association and the Ministry of Finance.

DOMINICAN REPUBLIC

The I.L.O. is carrying out a programme of technical assistance regarding labour inspection. It includes a study of the current legislation with a view to its revision in the light of the international instruments and also to establishing a system of selection, training and promotion of inspection personnel.

FRANCE

Decree No. 62-1120 of 22 September 1962 to modify the special regulations for the Labour Inspection Corps.

GHANA

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

Article 2, paragraph 2, of the Convention. Labour inspection covers mining and transport undertakings.

Article 13, paragraph 2 (b). The new Labour Bill will contain a provision to give effect to this subparagraph.

Articles 14 and 15, paragraph (c). The Labour Ordinance, 1948, will be amended, and a provision has been inserted in the draft of the Labour Bill in this regard.

Articles 20 and 21. An annual report on the Labour Department is published regularly containing a review of the work on the labour inspection service. Subsequent reports of the Labour Department will include the necessary additional information.

HAITI

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

Section 496 of the Labour Code of 1961 guarantees the stability of employment of labour inspectors.

Section 497 of the same Code, which empowers an inspector to enter establishments freely and to hear personal statements without witnesses, implicitly authorises him not to inform the employer of his presence if he thinks that course preferable. In practice there has never been any difficulty in this regard.

IRAQ

Regulation No. 11 of 1958 (Inspection in Industry and Commerce).

In reply to a direct request made by the Committee of Experts the Government indicates that the general annual report on the work of the labour inspectorate is being prepared and will be forwarded when ready. Further observations by the Committee of Experts will be taken into consideration by the Committee set up to draft the new Labour Law.

ITALY

Act No. 628 of 22 July 1961 to modify the organisation of the Ministry of Labour and Social Welfare (*Gazzetta Ufficiale*, 27 July 1961).

The above-mentioned Act provides, *inter alia*, for standardisation of the labour inspection services and establishment of new services on a regional and provincial basis in order to ensure better co-ordination and greater efficiency of inspection.

The report contains detailed information on the efforts made to increase the numerical strength of the inspection services.

In response to a direct request by the Committee of Experts the Government states that Decree No. 128 of 9 April 1959 does not expressly empower the mines inspectors to take samples of ores or of substances handled, but that this power is included among the supervisory functions defined in section 4 of the decree.

LUXEMBOURG

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

Article 7 of the Convention. The inspectors and controllers are recruited only among candidates who have three to five years' professional experience. No special training is arranged.

Article 12, paragraph 1 (c) (iii). The posting of certain provisions is compulsory and the inspectors have the same power to require application of this rule as that of the other relevant laws and regulations.

Paragraph 2. The Convention has the force of law; this paragraph is put into effect by reason of that fact.

Article 15, paragraph (c). There is no statutory provision corresponding to this paragraph, but it is generally applied in practice.

Article 17. The new Bill will have regard to this Article.

MOROCCO

Dahir of 16 January 1962 to amend the Dahir of 2 July 1947.

Article 12 of the Convention. The above dahir defines the powers of the labour inspectors.

Article 13, paragraph 2 (b). In response to a request by the Committee of Experts the Government states that the labour inspectors can give mandatory orders but that a period of not less than four and not more than 45 days must be allowed for compliance. The employer may appeal against such an order. If the action ordered has not been taken on expiry of the period fixed, the court of first instance has to prescribe a further period, on expiry of which it can require the establishment to be closed if the order has not been carried out.

NEW ZEALAND

Machinery Amendment Act, 1961.

Agricultural Workers Act, 1962.

Shearers Act, 1962.

Agricultural Workers (Orchardists) Extension Order 1961, Amendment No. 1 (*Statutory Rules*, 1962/186).

Agricultural Workers (Tobacco Growers) Extension Order, 1962 (*ibid.*, 1962/2).

Agricultural Workers (Tobacco Companies) Extension Order, 1962 (*ibid.*, 1962/3).

Agricultural Workers Accommodation Regulations, 1963 (*ibid.*, 1963/79).

Public Service Official Circular 1963/5 dated 6 February 1963.

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

Article 2 of the Convention. Mining and transport undertakings are exempted from the application of the Convention, but where such undertakings constitute factories or are governed by awards of the Court of Arbitration they are subject to inspection.

Article 14. Under section 19 of the Workers' Compensation Act, 1956, where incapacity or death results from any disease due to the nature of employment, the Act should apply as if the disease were a personal injury by accident, and it should therefore be notified under section 96 to the Inspector of Factories.

Article 15. Regulation 21 of the Public Service Regulations, 1950, contains an exception to this Article, as permitted by its terms. Restrictive action would be taken against an inspector whose financial or other interests were prejudicial to his strict impartiality. The Labour Department Act, 1954, prohibits the communication of information by an employee of the Department to any person except for the purposes of the Act. Moreover, the above circular provides that officers must not disclose any information acquired in the course of duty.

Articles 20 and 21. Copies of the Department of Labour's annual report, which includes statistics of labour inspection staff, are sent to the I.L.O. immediately on publication each year. Occupational diseases reported to inspectors are referred to the health authorities, and a table of such diseases is contained in the annual report of the Department of Health.

Article 25, paragraph 3. The Government does not yet propose to extend the application of the Convention.

NIGERIA

Wages Board Act.

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

Article 8 of the Convention. There are at present one woman senior labour officer, one labour officer and two labour inspectors.

Article 12, paragraph 1 (c) (iv). The revision of the Labour Code Act is still in progress, including an amendment to section 5 to bring it into conformity with this provision.

Article 15, paragraphs (a), (b) and (c). In addition to section 69 (4), (5) and (6) of the Factories Act, under government general orders no government servant shall disclose, except in accordance with official procedure, information obtained in the exercise of his duties. He may not hold any interest in any company or undertaking. The provisions of this Article are being incorporated in the revised Labour Code Act.

Article 20. The reports (from 1959 to 1962) are now in print, and copies will be forwarded as soon as they are delivered.

PAKISTAN

In reply to an observation made by the Committee of Experts in 1963 relating to the application of Articles 12, 14 to 16, 20 and 21 of the Convention the Government states that the amendment of the Factories Act, 1934, and the Mines Act, 1923, has been further delayed because under the Constitution of 1962 labour is a matter for the provincial governments. They have been asked to amend such Acts according to the Convention. The attention of the government of East Pakistan has been drawn to the need to publish annual reports and transmit them to the I.L.O. within the due time.

Further, in reply to a direct request made by the Committee of Experts in 1963, the Government indicates that labour inspection in each province is entrusted to the various officials and inspectors under the control of the provincial governments.

PANAMA

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

Article 3, paragraph 1 (c), of the Convention. The inspectors have been instructed to report to their superiors any abuses which are not covered by laws or regulations. However, it is difficult to apply this measure owing to lack of qualified inspectors.

Paragraph 2. Although collection of statistical data and assistance in industrial disputes are among the statutory functions of the inspectors, they do not perform this work in practice. The Directorate-General of Statistics and Census is the sole agency responsible for statistics, including those relating to labour matters. In accordance with the Experts' recommendation the Government will shortly seek amendment of the provisions respecting the inspectors' main duties, particularly section 595, sub-section 1, and sections 611 and 613 of the Labour Code.

Article 6. The statutory situation has not changed. All the inspectors have been replaced since January 1961. Treatment of inspection personnel under the programme providing for gradual establishment of a career civil service has been deferred. The Inspector-General of Labour was recently declared not to belong to the said career service.

Article 12, paragraph 1 (a) and (b). Section 52 (4) requires employers to permit and facilitate the inspection and supervision which the labour authorities are obliged

by law to carry out in establishments. In practice the inspectors make visits by day and by night and are empowered to enter any part of an establishment, by day if they have reason to believe that it is subject to inspection.

Paragraph 1 (c) (i) and (iv). There are no statutory provisions empowering inspectors to interrogate the employer or the staff of the undertaking, or to take or remove samples of materials and substances; however, they do so in practice, according to their instructions.

The Government will take the observations of the Committee of Experts into account and will attempt to adjust the legislation to the provisions of the Convention in all respects.

PERU (First Report)

Presidential Decree of 17 June 1931 respecting the functions of the labour inspection service (L.S. 1931—Per.1).

Presidential Resolution of 17 January 1930 to prescribe rules in respect of the labour inspection service for women and young persons.

Presidential Decree of 5 August 1940 respecting industrial accident inspection.

Presidential Decree of 23 March 1936 to establish a Directorate of Labour and Social Welfare.

Presidential Decree of 18 October 1950.

Presidential Decree of 13 April 1959 respecting reports on visits of inspection.

Article 2, paragraph 2, of the Convention. No undertaking is exempted from the application of this Convention in virtue of this paragraph.

Article 3. The essential function of inspectors is to supervise the application of the legislation in workplaces.

Article 4, paragraph 1. Labour inspection is placed under the control of the Sub-Directorate for Inspection Services, General Inspection Division, which itself forms part of the General Directorate of Labour.

Article 5, paragraph (a). Ways of co-ordinating the work of the inspection services of the different government departments are at present under consideration.

Article 6. Stability of employment is guaranteed within the framework of the civil service.

Article 7. The recruitment of inspectors is subject to the same rules as that of other employees of the Ministry of Labour and Indigenous Affairs, through the intervention of the Qualifications Board. Training courses are given for inspectors and other employees.

Article 9. The Industrial Safety Division employs two medical inspectors on a part-time basis.

Article 10. The Inspection Division consists of six visiting inspectors: four men and two women.

Article 11. The inspection offices are accessible to all. Inspectors are reimbursed any expenses incurred in the performance of their duties.

Article 14. The procedure to be followed in the event of an industrial accident calls for the intervention of a labour judge and of the official medical adviser.

Article 16. Visits to workplaces are made either according to a regular schedule or at the request of the parties.

Article 18. Penalties are prescribed for violations of the legal provisions.

Article 19. Inspectors must submit to the competent authority written reports on their activities.

Article 29. No undertaking is exempted from the provisions concerning inspection. From a territorial point of view, the country is divided into regional subdirectorates, each of which includes a regional inspectorate.

SIERRA LEONE

Act No. 32 of 1962 to amend the Workmen's Compensation Act.

Article 12 of the Convention. The comments of the Committee of Experts are noted, and action to introduce the necessary legislation will be taken as soon as the legislative programme permits.

Article 13. Effect has been given to this Article in practice. Steps will be taken as soon as possible to enact legislation, in accordance with the comments of the Committee.

Article 15, paragraph (c). Consideration will be given to the need for legislation in this connection according to the comments of the Committee.

Article 21. The comments of the Committee have been noted, and the information will be given as far as possible in future annual reports.

SPAIN

Acts Nos. 38 and 39 of 21 July 1962.

Act No. 109 of 20 July 1963 to establish basic regulations for civil servants.

Article 2, paragraph 1, of the Convention. Sections 2 and 3 of Act No. 39 of 1962 concern the scope of the inspector's duties.

Paragraph 2. Only one exception has been made to the competence accorded to the Labour Inspectorate, relating to military work or industries, whose special status for the purpose of this paragraph is established by the Decree of 20 February 1958.

Under section 67 of the Act of 19 July 1944 the Labour Inspectorate is entrusted with the supervision of labour standards in mines, except as regards safety and health, which fall within the competence of specialised personnel.

Article 6. No regulations have as yet been issued to apply the Act of 1963. The texts at present applicable are the Act of 22 July 1918, the Regulations of 7 September 1918 and the Act of 15 July 1954.

Article 12, paragraph 1 (b). The regulations under the new Act will give effect to this paragraph.

Paragraph 1 (c) (iii). Section 53 of the Regulations of 13 July 1940 lays down the obligation which the Convention stipulates in this passage.

Article 15. In reply to a request by the Committee of Experts the Government states that section 14 of the new Act calls for notification to the Inspectorate, as provided in the regulations, of any employment accidents and cases of occupational disease which may occur.

Article 21. In future annual reports regard will be had to the observations made by the Committee, with a view to compliance with this Article of the Convention.

Labour inspection is carried out in the provinces of the Sahara and Ifni under an Order of the Ministry of the Interior dated 2 March 1954, and in the provinces of Río Muni and Fernando Poo under an Order of 24 May 1962.

SYRIAN ARAB REPUBLIC (First Report)

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

Order No. 438 of 13 August 1960, concerning the organisation of night inspection in work premises.

Article 1 of the Convention. A system of labour inspection, under the central authority of the Minister, exists throughout the country.

Article 2. The system of inspection applies to every type of undertaking. Mining and transport undertakings are not exempt from the application of the Convention.

Article 3, paragraph 1. Labour inspectors are entrusted with the tasks specified in subparagraphs (a), (b) and (c). Inspectors are not required to perform any other task than those concerning the application of labour legislation.

Article 4, paragraph 1. Inspection is placed under the authority of the Minister of Social Affairs and Labour.

Article 5. Section 213 of the Labour Code provides for co-operation between labour inspectors and employers, while section 214 provides for co-operation between labour inspectors and other administrative authorities.

Article 6. Officials entrusted with the task of labour inspection do not belong to any particular category of public employees. They are general officials, take the oath and are officers of the judicial police. They enjoy stability of employment and the protection of the law.

Article 7. Labour inspectors are recruited like other officials, but they must hold a law degree. They attend courses of basic and advanced training.

Article 8. The legislation does not place any obstacle in the way of women being appointed to the post of labour inspector.

Article 9. Some inspectors are given special technical training. A special department, with one doctor, is responsible for safety and health. Inspectors may call upon the help of specialists.

Article 10. The number of inspectors is fixed having regard to the conditions laid down in this Article.

Article 11. The existing regulations and practices in force give effect to the provisions of this Article, in particular concerning offices, means of transport and inspectors' travelling expenses.

Article 12, paragraph 1. Under section 212 of the Labour Code, inspectors have the right of access at all hours of the day and night to the undertakings subject to their inspection, and they may carry out any examination, test or inquiry necessary to ensure that the provisions of the labour legislation are being applied.

Article 13. The legislation authorises inspectors to take any measures designed to ensure the protection of workers in matters of safety and health.

Article 14. Industrial accidents must be notified to the District Directorate of Social Affairs and Labour, which will inform the Labour Inspectorate.

Article 15, paragraphs (b) and (c). Section 212 of the Labour Code binds labour inspectors to professional secrecy.

Article 16. Periodical visits of inspection are paid to industrial undertakings, in accordance with monthly programmes.

Article 17. Section 222 of the Labour Code provides that, before deferring to tribunals an employer who has infringed the legal provisions, inspectors may issue a warning depending upon the seriousness of the offence.

Article 18. Chapter VII of the Labour Code and the Penal Code provide for appropriate penalties in case of violation of the legal provisions.

Articles 19 to 21. Inspectors submit monthly reports to the Ministry. The provisions of Articles 20 and 21 are taken into consideration by the Ministry services for their future application.

Articles 22 to 24. The legislation applies to all undertakings, including commercial undertakings, which are also subject to inspection.

Articles 25 to 29. The Convention applies in full to all undertakings, to all the legislation and throughout the entire country.

TANGANYIKA

Article 4, paragraph 1, of the Convention. A separate Ministry of Labour was established on 9 December 1962.

Article 5, paragraph (b). Co-operation between the Ministry of Labour and the employers' and workers' organisations is achieved through the Labour Advisory Board.

Article 7, paragraph 3. A junior course in labour administration of about four weeks is normally taken by new inspectors on probation and a senior course of six weeks by experienced inspectors, who must pass it to gain promotion to senior labour inspector.

Article 8. The first woman labour officer has taken up duty.

Article 12. In reply to a request by the Committee of Experts the Government states that recent staff changes and the appointment of comparatively inexperienced officers make it at present inopportune to remove certain limitations placed on officers below the rank of labour officer by section 9 (2) of the Employment Ordinance.

In the opinion of the Commissioner for Mines, section 80 of the Mining Ordinance provides a mines inspector with all powers necessary to carry out its provisions concerning inspection and accidents. In practice no difficulties have been found by such inspectors in obtaining samples of substances.

Certain amendments to the ordinance are, however, under consideration, and the amendments will, as far as possible, give effect to the Committee's suggestions.

TUNISIA

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

Article 12, paragraph 1 (a) and (b), of the Convention. Since 1910 free entry by day or night into any establishment subject to inspection has never met with objections from employers.

Paragraph 1 (c) (i). The term "inquiry" used in the definition of labour inspectors' powers in section 5 of the Decree of 6 August 1953 implies that workers and employers can be interrogated either alone or in the presence of witnesses.

Article 13, paragraph 2 (b). The Government indicates that sections 3 and 6 to 8 of the Decree of 6 April 1950 give effect to this paragraph.

Article 15, paragraphs (b) and (c). An internal circular dated 16 September 1963 reminds inspectors that they have an obligation not to reveal the source of any complaint.

A statutory provision extending the requirement of professional discretion to inspectors who have left the service is in course of study.

TURKEY

Law No. 174 of 12 February 1963 completing section 6 of the Law concerning the organisation of workers' insurance.

Regulations No. 6/2053 of 10 August 1963 amending section 1 of Regulations No. 2/15592 concerning the supervision and inspection of undertakings coming within the jurisdiction of the State, the vilayets or the municipalities.

The above law provides for the recruitment by the Workers' Insurance Institute of specialists entrusted with the task of "inspection and supervision, and the carrying out of surveys and investigations in the field of safety and health". These specialists have the same powers as labour inspectors; they are appointed to the office of inspector by the Minister of Labour and come within the jurisdiction of the General Directorate of Occupational Safety and Health.

The above regulations extend the field of application of the Labour Code to new branches of activity—state undertakings, municipal public services—in so far as these services employ a certain number of workers who are not civil servants.

In addition, in reply to a request and an observation by the Committee of Experts, the Government communicates the following information.

The Labour Code has been extended, by means of six decrees issued over the period 1952-63, to undertakings in some 30 branches of the economy employing from four to nine workers and situated in towns with more than 50,000 inhabitants.

As regards the strength of the inspection department, Law No. 6050 of 11 February 1953 increased the number of active labour inspectors from 63 to 113, 106 of whom are assigned to the regional labour inspection offices. In addition, within the framework of Law No. 174, the Ministry of Labour has appointed 89 technical labour inspectors from the staff of the Workers' Insurance Institute as "occupational safety inspectors". These inspectors will be responsible to a "group chairman" appointed by the Minister and entrusted with the co-ordination of their tasks.

An inspection programme will be prepared by the "group chairman" for all the regional labour inspection offices with the approval of the Minister of Labour. The labour inspector, who continues to be responsible for inspection as a whole, may, if necessary, request that a surprise safety inspection be carried out. Such requests are transmitted by the regional labour inspection office.

The group of safety inspectors will form part of the personnel "of autonomous state administrations of an economic character".

The Government has taken the necessary measures for the publication of inspection reports for the years 1960-62. In future, reports will be published within the prescribed period and will contain statistics concerning cases of violation of the regulations and the penalties imposed.

UNITED ARAB REPUBLIC

In response to a request by the Committee of Experts the Government states that commercial establishments are inspected under the same conditions as industrial establishments.

UNITED KINGDOM

Factories Act, 1961 (9 and 10 Eliz. II, Ch. 34).

Offices, Shops and Railway Premises Act, 1963 (11 and 12 Eliz. II, Ch. 41).

The Act of 1961, which consolidates the Factories Acts of 1937 to 1959 and other enactments relating to factory workers, came into force on 1 April 1962.

Article 5, paragraph (b), of the Convention. Under section 177 (2) of the Act of 1961, four more joint standing and advisory committees were appointed to promote safety, health and welfare in industry.

Article 10. The authorised strength of the Factory Inspectorate is now 481. The number of staff in post in the Inspectorate on 30 June 1963 was 447.

Article 25, paragraph 3. The Offices, Shops and Railway Premises Act, which became law on 31 July 1963, deals with health, safety and welfare of office and shop employees. It is intended to bring the Act into force in the late summer of 1964.

Part II of the Convention will be examined in the light of this legislation to see whether ratification will be possible. The Offices Act of 1960 has been repealed.

* * *

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, Costa Rica, France, Federal Republic of Germany, Ghana, Greece, Haiti, India, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Peru, Spain, Switzerland, Syrian Arab Republic, Tanganyika, Tunisia, Turkey, United Arab Republic, United Kingdom.

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

Argentina, Finland, Norway, Sweden, Yugoslavia.

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.	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).

CENTRAL AFRICAN REPUBLIC

See under Convention No. 5.

CYPRUS

The machinery for voluntary collective bargaining has been strengthened by the conclusion and acceptance by the two sides in industry of a basic agreement laying down specific procedure for negotiation and consultation. A copy of the agreement was attached to the Government's report.

SOMALIA

In reply to a direct request by the Committee of Experts the Government states that the provision of section 10, paragraph 1, of the Labour Code requiring a minimum of 50 persons to establish a trade union was inserted in the Code because of the shortage of union officers and the lack of long union experience in the country, so as to avoid excessive division of the workers and the emergence of weak and insubstantial organisations. Having regard to the better situation now prevailing, however, a proposal to amend the said provision will be placed before the committee to be established under the Labour Code (Extension, etc.) Bill that is now before the National Assembly.

In connection with section 10, paragraph 3, of the Labour Code, the Government states that the power of the Minister of Labour to authorise the registration of a trade union is purely formal and does not constitute substantial supervision. Registration cannot be refused save on the ground of failure to comply with the requirements laid down in sections 10 ff. of the Labour Code, having regard to article 13 of the Constitution. In any case there is provision for judicial recourse against a negative decision by the Minister (section 135 of the Labour Code; section 4 of the Code of Civil Procedure).

No action has been taken to dissolve any organisation of employers or workers.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Ratification registered on	Countries	Ratification registered on
Australia ¹	30. 9. 1954	United Kingdom ¹	27. 3. 1950
Belgium.	27. 1. 1955		
France ¹	26. 7. 1954		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

CAMEROON

Eastern Cameroon.

Decree No. 61/17/COR of 30 December 1961 giving special status to the rank of inspectors of labour and social laws in Eastern Cameroon.

The above text places no obstacle in the way of women becoming inspectors.

On account of the large numbers of persons now receiving training to become controllers and inspectors, the Labour Inspectorate will probably be able to carry out all its obligations by the beginning of 1965.

CENTRAL AFRICAN REPUBLIC

In reply to a request made by the Committee of Experts, the Government states that account has been taken of the Committee's observations in the draft of a revised Labour Code which is presently under consideration.

Furthermore, draft regulations in respect of labour inspectors are to be placed before the Central Civil Service Council very shortly.

See also under Convention No. 5.

IVORY COAST

Labour Code.

Decree of 29 July 1960, as amended, establishing regulations in respect of labour inspection staff.

In reply to the direct request made by the Committee of Experts in 1962 the Government states that section 149 of the new Labour Code repeats the actual words of Article 4, paragraph 2 (b), of the Convention (power to enter by day any premises which there is reasonable cause to believe to be liable to inspection).

NIGER

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel*, 25 Aug. 1962, special issue, No. 4, p. 60).

Inspectors are required to inform "the head of the undertaking on commencing their inspection... [who] shall be entitled to accompany them on their tour of inspection".

Inspectors are empowered, however, "to question, with or without witnesses, the employer or employees of the undertaking...".

The labour inspection service was reorganised under the Decree of 15 January 1960. Three inspectors and one labour supervision officer (one for each of the major centres) are responsible for the enforcement of the law. The four

incumbents of these posts received their training through courses organised by the I.L.O.

Togo

In reply to a direct request by the Committee of Experts the Government states that nearly 1,700 establishments are liable to inspection, and that these establishments have to be visited once a year.

Moreover, it is intended to take into consideration when preparing the new Labour Code the remarks made concerning the discrepancy between the present statutory provisions and those of Article 4, paragraph 2, of the Convention.

TRINIDAD AND TOBAGO

In reply to a direct request made by the Committee of Experts in 1962 the Government indicates that the proposals relating to the Labour Code have been submitted to workers' and employers' organisations. A greater measure of agreement is being sought by joint meetings prior to further legal drafting.

* * *

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

Cameroon, Ivory Coast, Somalia, Togo, Trinidad and Tobago.

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

Dahomey, Gabon, Mauritania.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

Countries	Ratification registered on
Guatemala	13. 2. 1952
Jamaica	26. 12. 1962
Kenya	13. 1. 1964
Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964
Sierra Leone	13. 6. 1961

Countries	Ratification registered on
Tanganyika	30. 1. 1962
Uganda	4. 6. 1963
United Kingdom ¹	27. 3. 1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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

Sierra Leone, Uganda.

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	Ivory Coast	21. 11. 1960
Algeria	19. 10. 1962	Jamaica	26. 12. 1962
Argentina	18. 1. 1960	Kuwait	21. 9. 1961
Austria	18. 10. 1950	Liberia	25. 5. 1962
Belgium	23. 10. 1951	Luxembourg	3. 3. 1958
Bulgaria	8. 6. 1959	Malagasy Republic	1. 11. 1960
Burma	4. 3. 1955	Mali	22. 9. 1960
Byelorussia	6. 11. 1956	Mauritania	20. 6. 1961
Cameroon:		Mexico	1. 4. 1950
Eastern Cameroon	7. 6. 1960	Netherlands	7. 3. 1950
Western Cameroon	3. 9. 1962	Niger	27. 2. 1961
Central African Republic	27. 10. 1960	Nigeria	17. 10. 1960
Chad	10. 11. 1960	Norway	4. 7. 1949
Congo (Brazzaville)	10. 11. 1960	Pakistan	14. 2. 1951
Costa Rica	2. 6. 1960	Panama	3. 6. 1958
Cuba	25. 6. 1952	Paraguay	28. 6. 1962
Czechoslovakia	21. 1. 1964	Peru	2. 3. 1960
Dahomey	12. 12. 1960	Philippines	29. 12. 1953
Denmark	13. 6. 1951	Poland	25. 2. 1957
Dominican Republic	5. 12. 1956	Rumania	28. 5. 1957
Ethiopia	4. 6. 1963	Senegal	4. 11. 1960
Finland	20. 1. 1950	Sierra Leone	15. 6. 1961
France	28. 6. 1951	Sweden	25. 11. 1949
Gabon	14. 10. 1960	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	20. 3. 1957	Togo	7. 6. 1960
Greece	30. 3. 1962	Trinidad and Tobago	24. 5. 1963
Guatemala	13. 2. 1952	Tunisia	18. 6. 1957
Guinea	21. 1. 1959	Ukraine	14. 9. 1956
Honduras	27. 6. 1956	U.S.S.R.	10. 8. 1956
Hungary	6. 6. 1957	United Arab Republic	6. 11. 1957
Iceland	19. 8. 1950	United Kingdom	27. 6. 1949
Ireland	4. 6. 1955	Upper Volta	21. 11. 1960
Israel	28. 1. 1957	Uruguay	18. 3. 1954
Italy	13. 5. 1958	Yugoslavia	23. 7. 1958

BURMA

In reply to a direct request by the Committee of Experts in 1963 the Government states that the Labour Legislation Committee which was formed on 4 July 1962 has been preoccupied with the drafting of a series of laws. However, the Committee proposes to draft in the near future an Industrial Relations Bill which will incorporate the existing Trade Disputes Act in the Trade Unions Act, bearing in mind the recommendations made by the Committee of Experts.

Preparation for the enactment of a Civil Service Bill is at present suspended, and steps are being taken to reorganise the existing government administration. The Government is also considering amending the Government Servants Conduct Rules in the light of new circumstances.

On only one occasion has an order under section 144 of the Criminal Procedure Code been issued—during the period 1 July 1961 to 30 June 1962, by the Magistrate of Yenangyaung Township, when there was a trade dispute among a group of N.O.C. contract workers.

BYELORUSSIA

The Government declares that it has taken into consideration paragraph 26 of the *Report of the Committee* (1963) (p. 535), wherein it is stated that it is not necessary to request additional information on the application of freedom of association Conventions.

At the same time the Government takes the opportunity to draw attention once again to the fact that present law and practice are fully in conformity with the provisions of the Convention and guarantee to workers and their organisations true freedom of action in defence of their interests—in the interests of building a communist society.

CAMEROON

In reply to the direct request made by the Committee of Experts in 1963 the Government states that Ordinance No. 62/OF/24 of 31 March 1962 does not have the effect of prohibiting persons not carrying on the occupation which a trade union represents from becoming leaders or permanent officials of that union, but is intended simply to keep out “unpaid professional trade unionists”. In point of fact the majority of the country’s workers’ organisations are run by persons engaged by them on contract and not by persons belonging to the occupation represented.

In reply to the second part of the direct request of the Committee of Experts the Government goes on to declare that the restrictions on the exercise of trade union rights stemming from the enforcement of the legislation respecting the state of emergency are minimal, since if genuine trade union activities are involved the Government does everything in its power to ensure that there is no hindrance. In reply to the specific questions put in the direct request the Government states that section 4 (3) of Ordinance No. 60/52 has never been applied, that there have been no cases of closure of meeting places in virtue of section 5 (1) of the ordinance, and that in no case have persons been ordered to work during a strike, as provided for under section 5 (5) of the ordinance.

CENTRAL AFRICAN REPUBLIC

Act No. 61-232 of 2 June 1961 respecting fundamental guarantees afforded to civil servants in the Central African Republic (*Journal officiel*, 1 July 1961).

Act No. 62-367 of 1 February 1963 laying down regulations in respect of the magistrature (*ibid.*, 15 Feb. 1963).

In reply to the direct request made by the Committee of Experts in 1963 the Government supplies the following information.

The observations made with respect to section 6 of the Labour Code will be taken into account in drafting a new wording for this section of the 1961 Code, which is at present under revision.

Civil servants have the right to organise in virtue of section 14 of the Act of 1961, which lays down that “the right of civil servants to form trade unions shall be recognised. Their professional associations shall be entitled to sue and be sued in any court of law.” As regards magistrates, the Act of 1963 contains nothing which would prejudice the right of magistrates to form unions.

If a trade union refuses to comply with requests made to it by an inspector or by the Public Prosecutor to repeal or amend any provisions of its statutes which may be unlawful or illegal, it is the responsibility of the judicial authority to give a ruling on the dispute, at the request of the Public Prosecutor.

There has been no case up to now of a trade union being judicially dissolved.

The labour inspectors, in order to ascertain whether a trade union is complying with its obligation to deposit its funds in one of the public funds or with a bank

established on the territory of the Central African Republic, may do no more than question the union as to where it has deposited its funds and verify the truthfulness of its statements by making inquiries of the bank where the union says it has an account. Such verification may go no further than inquiring whether or not the union in question has opened an account with the said bank.

DOMINICAN REPUBLIC

In reply to the direct request made by the Committee of Experts in 1961 and 1963 the Government supplies the following information.

The right of association to which the Constitution refers is a general right and should be taken as extending to all types of society or association, including special associations of employees or employers (industrial associations). Hence the persons listed in section 5 of the Code, who are not deemed to be employees under the country's labour legislation, are free to form any type of society or association other than an industrial association, the latter being subject to the special regulations laid down in the Labour Code. The societies or associations which such persons are eligible to join are distinct from industrial associations and are governed by Act No. 520 of 20 July 1920 respecting non-profit-making associations.

The legislation contains no provisions in respect of the right to organise of the persons referred to in section 5 of the Code, the reason for this being that under the said legislation the right to organise is deemed to be the exclusive prerogative of employers and employees as defined in section 2 of the Labour Code.

The above argument also applies to civil servants and non-manual workers in the employ of autonomous public bodies, who, being excluded from the scope of the Code by section 3 thereof, cannot be considered as employees in the proper sense of the term, and in consequence cannot enjoy the right to form industrial associations, which is reserved exclusively for the persons governed by the Labour Code. The section in question, in providing that the employment relations of officials and public employees with the State, the district of Santo Domingo, the communes or autonomous official bodies shall be subject to special legislation, acknowledges that the Labour Code is not applicable to these persons and that they are therefore not entitled to benefit under its provisions.

The ample scope of paragraph 8 of article 8 of the Constitution presently in force, which confers freedom of association and the right to hold meetings for peaceful purposes, makes it unnecessary to have a special legal enactment governing the general meetings of industrial associations, since the objectives and aims of these are such as to place them fully within the scope of the above-mentioned enactment.

In reply to the observation to the effect that the application in conjunction of sections 368 to 379 of the Labour Code makes it unlawful for a union to declare a strike without obtaining some kind of prior authorisation from the Government, it is stated that all the requirements and formalities which trade unions are required by these sections to observe vis-à-vis the Secretariat of State for Labour prior to declaring a strike are purely for information purposes, in order that they may use their good offices in an endeavour to achieve a settlement through conciliation, and that the information in question is never sought with the idea that the Secretariat should come to any kind of a decision as to whether the workers do in fact wish to strike or not, or as to the nature of the strike, such decisions falling exclusively within the competence of the labour courts.

There has been no case up to now where workers have been restricted in their freedom to determine whether or not to strike, although it has on many occasions been pointed out to them that they must follow the procedure laid down in the Labour Code if the strike is to be declared lawful.

In reply to the observation in respect of section 373 of the Labour Code to the effect that those of its provisions which restrict the rights of federations and confederations (Articles 3 and 8 (2) of the Convention) require amendment, it is stated that these observations have been brought to the attention of the Committee for the Revision of the Labour Legislation, and of its consultant expert, for appropriate action.

HUNGARY

In reply to a direct request made by the Committee of Experts in 1963 the Government has supplied the following information.

The right of association is guaranteed by the Constitution (article 56). The term "trade union" is commonly used to designate any association of workers. Some of the latter are referred to in the legislation as "trade unions"; others, while not using the words "trade union" in their title (Architects' Association, Artists' Association, etc.), are just as much trade unions as those other organisations which are officially qualified as "trade unions". This applies to all occupational organisations of employees. Workers who are not employees also have the right to organise, and there exist in fact numerous associations of, for instance, handicrafts workers, co-operators, small tradesmen, etc.

Since trade unions do not come within the scope of Legislative Decree No. 18 of 1955, they are entirely free to draw up their constitutions, organise their administration, etc. The State does not interfere in any way with these activities. Trade union by-laws are binding on all workers' organisations, and even on public bodies (the Government cites in support of its remarks a decision of the Supreme Court to the effect that the courts must recognise and observe the provisions of trade union by-laws).

Under the terms of sections 68 to 70 of Act No. IV of 1959 (Civil Code) the administration of the property of trade unions and other organisations is governed by their own by-laws. So long as provision for such is made in their by-laws, they may set up "undertakings". The administration and operation of such "undertakings" must be organised "in a proper manner", i.e. in accordance with the by-laws of the organisations concerned. In the case of an "undertaking" set up by the State it is the responsibility of the competent minister to determine its aims, draw up its rules of operation, etc.; in the case of an "undertaking" founded by a trade union these tasks devolve upon the managing committee of that union.

There is nothing to prevent managers of undertakings from forming occupational associations. The question has, however, never arisen in practice.

In reply to points 6 to 9 of the direct request of the Committee of Experts the report gives the references to the texts mentioned under these items.

The provisions governing the publication of legal regulations are not applicable to the publication of rules and provisions drawn up by associations formed for the defence and furtherance of the interests of their members and dealing with the internal affairs and functioning of such associations.

With regard to certain direct questions which the Committee had asked and which had been left unanswered, the Government states that they result from an arbitrary interpretation of the legislation. If the interpretation of a point of law appears to give rise to controversy it is incumbent upon the competent organs of the country in question to take a decision of principle in order to settle the controversy. In Hungary the taking of such a decision of principle lies within the competence of the courts—in the final instance the Supreme Court—in all cases where the interpretation of a point of law gives rise to controversy.

LIBERIA (First Report)

Association Law (*Liberian Code of Laws*, 1956) (ss. 91, 151, 152 and 160 to 162).

Foreign Relations Law (*ibid.*, Title 14) (s. 80).

Act to provide for a procedure for conciliation of labour grievances, 6 June 1961.

Act to incorporate the Mechanic and Allied Workers' Union, 13 April 1960.

Act to incorporate the Labour Congress of Liberia, 13 April 1960.

Act to incorporate the National Businessmen's Association of Liberia, 22 March 1961.

The above laws give substantial effect to the terms of the Articles of the Convention, although they were not enacted to permit, or as a result of, ratification.

Article 2 of the Convention. The trade union movement is as yet in the early phases of development, and consequently trade unionism is not a widespread practice. The Government has had to spell out through legislation the formal conditions under which both workers' and employers' organisations may be established as stated in section 91 of the Association Law, which is to be found in the chapter dealing with co-operative societies. The 1961 Act to provide for a procedure for conciliation of labour grievances was enacted to serve as a protective insurance for workers and employers or their organisations against any form of exploitation.

Article 3. The Act to incorporate the Mechanic and Allied Workers' Union, the Act to incorporate the Labour Congress of Liberia and the Act to incorporate the National Businessmen's Association of Liberia recognise the rights and privileges of the organisations in question, but do not correspond to the new outlook on labour as a whole. Consequently an Act has been framed to amend the Labour Practices Law in relation to the rights and duties of labour organisations and the members thereof, and this Act contains provisions respecting the functioning and the rights and duties of trade unions. The Act was submitted to a committee composed of representatives of the Government, labour and management, and enacted during the preparation of the report. A copy will be forwarded to the I.L.O. as soon as the Act becomes law.

Article 4. Section 160 of the Association Law provides that if, as a consequence of an inquiry held under the provisions of section 151 of the law, the Registrar deems that a society ought to be dissolved, he may order cancellation of the registration of that society. An appeal against such an order may be made to the President. Under section 161, the Registrar may by order cancel the registration of any registered society if at any time the number of members is reduced to less than ten, and section 163 lays down that when the registration of a society is cancelled it shall cease to exist as a corporate body. Under section 151 the Registrar may on his own initiative hold an inquiry into the constitution, working and financial condition of a registered society.

Article 5. All the rights and privileges granted to workers' and employers' organisations are extended to federations and confederations, and these organisations may merge into federations and confederations and affiliate with similar international organisations without interference from public authorities.

Articles 6 to 10. All the conditions included in these Articles have been provided for by the legislation referred to above.

The provisions of the Articles of the Convention became an integral part of the laws of the country upon ratification in virtue of section 80 of the Foreign Relations Law.

PAKISTAN

In reply to the observation and direct request by the Committee of Experts the Government states that it has not yet been possible to amend Establishment Division

Notification No. 6/1/48/EST (SE) of 30 August 1948. It is, however, expected that the necessary amendment will be made shortly so as to bring the notification into line with the provisions of Articles 2 and 5 of the Convention.

The Government is conscious of the need for rationalising the lists of public utility services mentioned under clauses (xi) and (xii) of section 2 of the Industrial Disputes Ordinance, 1959, and it has already been decided to limit the scope of "public utility services" to industries which are essential or where interruption can cause serious harm to the well-being of the community.

The Government of West Pakistan is considering declaring the following industries as "non-public utility services": transport of passengers or goods by land (other than by rail), water or air; foodstuffs; State Bank of Pakistan and other scheduled banks; edible oils, hydrogenated or otherwise; glass and ceramics; paper, cardboard and pulp; preserved and prepared foods; rubber manufactures; sea fish and its products; tanned leather and leather goods; tobacco.

In accordance with the Industrial Disputes Ordinance not only are strikes by workmen illegal, but employers, too, are prohibited from declaring a lockout during conciliation proceedings as well as court proceedings. Further, an employer is prohibited from making any change in conditions of service of his employees during that period.

Under the ordinance, either party to the dispute, i.e. the workmen or the employer, can make an application for the commencement of the conciliation or arbitration proceedings. If the institution of such proceedings is made subject to the consent of the workmen alone, the employer would be placed in a disadvantageous position, which would be unjust. Conciliation and arbitration proceedings are generally instituted at the instance of workmen and their organisations.

As regards the discretion given to the Government under the proviso to section 5 (5) of the Industrial Disputes Ordinance, 1959, as amended in 1961, to prevent a dispute to which the Government is a party from being submitted to a court, it is exercisable only if the matters in dispute are frivolous or vexatious or if the reference of such dispute or matter to the court is inexpedient on public grounds. Similarly, the Government's power to withhold application of an award under subsections 2A and 2B of section 12 can be exercised only if it is inexpedient on public grounds to give effect to it. This power is, however, not absolute; the action of the Government must be reported to the legislature, which has the power to confirm or set aside the order of the Government.

Workers have not been denied the right to strike, but they have been restrained from taking strike action in certain circumstances. Moreover, similar restrictions have also been put on the employers.

In connection with the cancellation of the registration of a trade union, section 10 of the Trade Unions Act empowers the Registrar to cancel registration of a union if, *inter alia*, it wilfully and after notice from the Registrar has contravened any provision of the Act, or allowed any rule to continue in force which is inconsistent with any such provision of the Act, or any rule providing for any matter provision for which is required by section 6, which specifies the provisions which should be contained in the rules of a trade union. The proviso to section 10 provides that not less than two months' previous notice in writing, specifying the ground on which it is proposed to withdraw or cancel the certification, shall be given by the Registrar to the trade union before the certificate is withdrawn or cancelled otherwise than on the application of the trade union. Thus, the Registrar can cancel the registration only after the expiry of the notice period, and then only if during that period the trade union concerned has failed to make up the deficiencies pointed out by the Registrar in the notice. During the notice period the union continues to function. The question of appeal, as

provided in section 11 of the Act, arises only after the Registrar has passed an order cancelling the registration, which comes into force immediately and remains in force until it is set aside by the Appellate Court. It is, however, open to the Court to issue an interim order suspending the cancellation until it takes a formal decision.

POLAND

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

Section 4 (1) (4) of the Act of 29 March 1962 respecting meetings is applicable both to associations governed by the Ordinance of 27 October 1932 and to associations governed by the Ordinance of 7 June 1927.

To date the organs of the Citizen Militia have not had to invoke section 17 (2) of the Act of 29 March 1962.

The definition of an occupational association given in section 7 (1) of the Act of 29 March 1962 does not cover trade unions; in fact, under section 3 of the Act, all meetings convened by trade unions are totally excluded from its scope. Section 7 (1) therefore refers to meetings organised by occupational associations which are not trade unions or by social organisations which are responsible under the law for carrying out certain tasks in the field of public administration. The occupational associations to which section 7 (1) of the Act is intended to refer are organisations of persons whose social activities are at the same time professional activities and constitute their means of subsistence, e.g. the Jurists' Association of Poland, the Polish Theatrical and Film Artists' Association, the Musicians' Association of Poland, the Union of Polish Men of Letters. Examples of organisations responsible under the law for carrying out certain tasks in the field of public administration are the Polish Swimming Association, the Polish Association for Motorisation, the League for the Protection of Nature, the Society for the Protection of Animals.

Protecting the interests of the workers is the responsibility of trade unions as defined by the Act of 1 July 1949. The Act of 29 March 1962 respecting meetings does not apply to trade unions (section 3).

The provisions of the Associations Ordinance of 27 October 1932 do not apply either to organisations for furthering and defending the interests of their members or to employers' organisations.

RUMANIA

Decree No. 263 of 5 June 1957 repealing certain provisions of Act No. 52 of 1945 respecting occupational associations.

In reply to the direct request made by the Committee of Experts in 1963 as to which authority is at present competent to deal with the matters referred to in section 2 of Act No. 316 of 1947, the Government states that the competence of the former Ministry of Labour has not been transferred to any other organ of the State, since the provisions of the said section 2, which laid down that the setting up of trade unions was subject to prior authorisation from the then Ministry of Labour, have been specifically repealed by the above decree.

SIERRA LEONE

Act No. 21 of 1962 to amend the Trade Unions Act.

Public officials and employees of publicly owned undertakings may join civil service associations. Such associations are, however, not registered under the Trade Unions Act.

U.S.S.R.

The Government states that during the period under review the Convention continued to be applied fully and that in the previous reports submitted in 1956, 1958, 1959, 1960, 1961 and 1963, in the statements made by the representative of the U.S.S.R. to the Committee on the Application of Conventions and Recommendations and at the plenary sittings of the 43rd, 45th and 46th Sessions of the International Labour Conference mention was repeatedly made in detail both of the laws as well as the practice concerning the application of the Convention. The Government considers that it is idle to repeat the detailed explanations already submitted at the request of the Committee of Experts and refers to the recommendation adopted unanimously by the General Conference of the I.L.O. at the 47th (1963) Session that "it was not necessary to renew the discussion and to request additional information on the application of the [freedom of association] Conventions [in the U.S.S.R.]".

UNITED ARAB REPUBLIC

The Government states that the remarks made by the Committee of Experts were duly reported to the Higher Labour Consultative Council, which exercises the preparation and amendments of labour Bills before their promulgation, and that trade unionists, employers and government representatives on the Council will have full opportunity to discuss the Committee's remarks. Any new developments in this respect will be immediately reported to the I.L.O.

YUGOSLAVIA

During the period under consideration a new Constitution was adopted.

In virtue thereof (Introduction, Fundamental Principles, IV), "in socialist relationships and under conditions of social self-management the workers may associate freely in trade unions in order to co-operate as directly as possible in the furtherance and development of socialist relationships and social self-management, harmonise their individual and common interests with the public interest, give effect to the principle of distribution of income according to the work performed, and equip the workers for the tasks of both labour and management, as well as take the initiatives and the measures necessary for the defence of their rights and interests, improve their conditions of life and work, foster solidarity, harmonise their views and their relationships among themselves, and deal with any other matters of mutual interest".

Turning to the matters raised in the direct request made by the Committee of Experts, the Government confirms that the Associations Act of 1946 does not apply to trade unions. It adds that this Act is under review with a view to bringing its provisions into line with the new Constitution. As regards the term "trade union" the Government considers that the provisions of the Constitution quoted above define this adequately. Under the Constitution (as, indeed, before it was adopted) workers have the right to join unions which are not affiliated to the Confederation of Trade Unions. The fact that in practice all trade unions do belong to the Confederation is the result not of legislative or administrative measures but of the freely expressed will of the workers.

As regards workers not in employment (agricultural producers, private handicrafts workers), the Government states that according to the social and economic concepts of the country they cannot be considered to be "workers". In view of the fact that, in particular, such persons are entitled, in order to carry on their activities, to hire other persons for whose services they pay, they fall within the category of employers. Being governed by regulations of their own, they have their

own special organisations (co-operatives). However, since the essential aim of these organisations is the defence and furtherance of the interests of their members, the Government considers that they meet the requirements of Articles 2 and 10 of the Convention.

With regard to point 3 of the direct request the Government states that, like all other workers, the managers of undertakings in the socialist sector have the right to form organisations outside the Confederation of Trade Unions. The regulations governing the managers of economic organisations are absolutely identical to those governing other workers employed in economic organisations.

Concerning the final point of the direct request the Government declares that “the matter of the legal personality of trade unions . . . is determined by the by-laws of the unions themselves”.

* * *

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

Cameroon, Nigeria.

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

Iceland, Philippines, Uruguay.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Japan	20. 10. 1953
Argentina	24. 9. 1956	Kenya	13. 1. 1964
Australia	24. 12. 1949	Libya	20. 6. 1962
Belgium	16. 3. 1953	Luxembourg	3. 3. 1958
Brazil	25. 4. 1957	Malaysia (Singapore)	3. 3. 1964
Bulgaria ¹	29. 12. 1949	Netherlands	7. 3. 1950
Canada	24. 8. 1950	New Zealand	3. 12. 1949
Costa Rica	2. 6. 1960	Nigeria	16. 6. 1961
Cuba	29. 4. 1952	Norway	4. 7. 1949
Cyprus	23. 9. 1960	Peru	6. 4. 1962
Czechoslovakia	12. 6. 1950	Philippines	29. 12. 1953
Dominican Republic	22. 9. 1953	Sierra Leone	13. 6. 1961
Ethiopia	4. 6. 1963	Spain	30. 5. 1960
France	15. 10. 1952	Sweden	25. 11. 1949
Federal Republic of Germany	22. 6. 1954	Switzerland	19. 1. 1952
Ghana	4. 4. 1961	Syrian Arab Republic	26. 7. 1960
Greece	16. 6. 1955	Tanganyika	30. 1. 1962
Guatemala	13. 2. 1952	Turkey	14. 7. 1950
India	24. 6. 1959	United Arab Republic	3. 7. 1954
Iraq	22. 6. 1951	United Kingdom	10. 8. 1949
Israel	21. 8. 1959	Yugoslavia	23. 7. 1958
Italy	22. 10. 1952		

¹ Has denounced this Convention.

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962 prolonging until further notice the legislation in force in Algeria on 31 December 1962 (*Journal officiel*, 11 Jan. 1963, p. 18).

Decree No. 62-99 of 29 November 1962 setting up the National Manpower Office (*ibid.*, 30 Nov. 1962, p. 76).

Decree No. 63-153 of 25 April 1963 respecting the supervision of employment and the placement of workers (*ibid.*, 3 May 1963, p. 407).

Article 1 of the Convention. The system operated in Algeria satisfies the requirements of this Article.

Article 2. The departmental directors of labour and manpower, placed under the authority of the Director of the National Manpower Office, supervise the activities of the departmental inspectors, who in their turn supervise those of the labour and manpower supervision officers.

Article 3, paragraph 1. There are at present eight departmental directorates of labour and manpower, responsible for the operation of 53 employment exchanges; there are no regional authorities.

Article 4. No advisory committees exist at present. The participation of representatives of the General Union of Algerian Workers and of the employers in the work of such committees may perhaps be considered later.

Article 6, paragraph (a). The National Equalisation Bulletin, sent out weekly to the departmental directorates and brought to the knowledge of the public through the press, groups together offers of and applications for employment for the whole of the national territory.

Article 7, paragraph (a). It is planned to set up agricultural boards to be attached to the employment exchanges in the more predominantly agricultural areas, the purpose of which will be to ensure close liaison between the exchanges and the Algerian trade union movement.

Paragraph (b). Employment exchanges specialising in the placement of the physically handicapped are now being set up. Their aim will be to keep in touch with a disabled person from the outset of his treatment until he returns to the employment market.

Article 8. There already exists an employment exchange specialising in the placement of young workers in Algiers. Its task is, in collaboration with the psycho-technical services, to recruit and select young persons for entry into the various occupations for which training is given at the vocational training centres for adults, pending the establishment of centres purely for young persons.

Article 9. The staff of the National Manpower Office are subject to the Civil Service Regulations. Their recruitment is as a rule based on academic qualifications. Accelerated training courses are organised in Algeria and abroad, mainly for inspectors and supervision officers.

Article 10. Contacts are planned or have been established between the national organisations and the government departments concerned.

Article 11. Private employment agencies no longer exist in Algeria.

Article 12. The enactments governing the functions and powers of the National Manpower Office cover the whole of the national territory. The necessary machinery is being set up by stages.

The application of the relevant legislation and regulations is entrusted to the departmental directorates of labour and manpower.

ARGENTINA

Decree No. 499 of 17 January 1962 transferring functions from the National Directorate for the Employment Service to various government departments, and abolishing the former.

Resolution No. 645 of 29 August 1963 attaching the Employment Department to the National Directorate for Regional Offices.

In accordance with the Decree of 1962 and the Resolution of 1963, responsibility for the Employment Department has passed into the hands of the National Directorate for Regional Offices of the Ministry of Labour and Social Security; there has been no change in its functions.

Article 3 of the Convention. There is an employment exchange attached to each of the 28 regional offices of the Ministry of Labour and Social Security, in addition to those which operate independently under the various provincial departments of labour.

Articles 4 and 5. The Occupational Council has not yet been set up.

Article 6. Act No. 13591 governs the functioning of employment agencies run by trade unions, which are inspected and supervised by the Ministry of Labour and Social Security. The Act in question prohibits the establishment of fee-paying employment agencies.

Articles 7 and 8. The Employment Department, attached to the National Directorate for Regional Offices of the Ministry of Labour and Social Security, is organised in such a way that the different sectors of employment are established and classified to meet the needs of special categories of applicants for employment such as disabled persons and juveniles.

Article 9. The officials of the Employment Department are government employees on the staff of the Ministry of Labour and Social Security; they are experienced in this type of work, and stability of employment is assured under the National Civil Service Regulations.

Article 10. In virtue of the powers conferred on the Employment Department by section 15 of Act No. 10949, appropriate measures have been taken to encourage the engagement through its intermediary of special categories of workers such as domestic workers.

Article 11. The Ministry of Labour and Social Security authorises the operation of non-profit-making employment agencies by trade unions, and inspects and supervises them.

Article 12. See under Article 3.

BELGIUM

Act of 16 April 1963 respecting the resettlement of handicapped persons (*Moniteur belge*, 23 Apr. 1963, p. 4266).

Royal Order of 18 October 1961 to amend the Order of the Regent of 26 May 1945 setting up the National Employment Office, in respect of the recruitment, appointment, dismissal and revocation of the staff of the Office (*ibid.*, 20 Oct. 1961, p. 7898).

Royal Order of 10 September 1962 to set up an Employment and Manpower Advisory Board (*ibid.*, 20 Sep. 1962, p. 8191).

Royal Order of 16 March 1963 to supplement the Royal Order of 10 September 1962 setting up an Employment and Manpower Advisory Board (*ibid.*, 9 Apr. 1963, p. 3854).

Royal Order of 28 June 1962 fixing in respect of the Minister of Employment and Labour the date of entry into force of the Royal Order of 23 May 1962 distributing among ministers responsibility for African affairs.

Royal Order of 29 June 1962 establishing the temporary structure of the Ministry of Employment and Labour.

Royal Order of 29 June 1962 to amend the Royal Order of 23 December 1960 establishing the structure of the National Employment Office.

Royal Order of 20 February 1963 prolonging until 31 December 1963 the validity of the temporary structure established by the above-mentioned Royal Order of 29 June 1962.

Act of 27 July 1962 to provide for a contribution by employers towards the cost of season tickets for wage earners and salaried employees.

Act of 1 July 1963 to provide for the introduction of a social promotion allowance.

Article 1 of the Convention. Under the Royal Order of 10 September 1962 an Employment and Manpower Advisory Board was set up, attached to the Ministry of Employment and Labour, to examine the problems deriving from the implementation of measures to ensure the optimum employment of the working population and to satisfy the manpower needs of the national economy. Presided over by the Minister of Employment and Labour, the Board is composed of representatives of the major workers' and employers' organisations and of the ministries and public bodies concerned.

Measures have been taken to help repatriates from the Congo, in particular through the setting up of a service to handle their resettlement and explore job prospects with employers (Orders of 28 and 29 June 1962 and 20 February 1963).

Article 6, paragraph (b). Under the Act of 27 July 1962 employers employing workers eligible for a worker's season ticket issued by the Belgian National Railway Company in order to enable them to reach their place of work are required to contribute towards the cost of these tickets.

Article 7. The National Employment Office has set up a service at each regional office to handle the placement of elderly or handicapped applicants for employment.

Article 8. The Act of 1 July 1963 is designed to encourage young workers wishing to perfect their intellectual, moral and social training to attend courses organised for this purpose by youth organisations or organisations representative of the workers, with or without the collaboration of the employers.

Article 9. The Royal Order of 18 October 1961 provided that, pending the entry into force of the Order of 14 February 1961 laying down regulations for the staff of certain bodies serving the public, the staff of the National Employment Office, with the exception of the Director-General, should be recruited, appointed, dismissed or have their contracts revoked by the Minister of Employment and Labour, subject to prior consultation of the Managing Committee. The Committee must also be consulted on any proposal for altering the staff structure or the staff regulations.

BRAZIL

In reply to an observation by the Committee of Experts the Government indicates that the Bill to reorganise the Ministry of Labour and Social Welfare, which takes into account suggestions previously made by the Committee and provides for the establishment of a National Department of Manpower under the Ministry, has reached the final drafting stage.

CYPRUS

A manual of instructions describing the functions and working procedure of the employment services has been issued to all employment offices.

A Research and Statistics Service has been set up for the collection and dissemination of labour statistics.

A Youth Vocational Guidance Service is operating in the five main employment offices.

DOMINICAN REPUBLIC

As action for the reorganisation of the Employment Service was not initiated until 1962, the advisory committees required by Articles 4 and 5 of the Convention have not yet been set up.

FRANCE

Inter-Ministerial Order of 10 August 1962 setting up a national employment exchange for repatriates (*Journal officiel*, 18 Aug. 1962, p. 8217).

Decree No. 62-881 of 26 July 1962 laying down public administration regulations for the implementation of Act No. 57-1223 of 23 November 1957 respecting the resettlement of handicapped workers (*ibid.*, 2 Aug. 1962, p. 7666).

Articles 1 to 3 of the Convention. Regional employment offices are gradually being established under each divisional inspector of labour and manpower to study occupational and job trends and characteristics and to compile and keep up to date documentation concerning training and advanced training facilities and opportunities in the various careers.

Article 6. For the occupational resettlement of repatriates from Algeria a new system of individual long-distance placement has been utilised, through the intermediary of the National Employment Exchange set up under the above inter-ministerial order, in order to facilitate the linking up of applications for employment from repatriates with offers likely to be suitable for them.

Article 7. The Ministry of Labour has established in each departmental manpower service a special section to deal with the placement of the physically handicapped, working in liaison with bodies concerned with the occupational resettlement of such workers.

Article 8. Reception centres for young workers are gradually being established at the departmental level.

Article 9. Advanced vocational training is provided for the staff of the employment service through courses organised by the Training Centre for Inspectors of Labour and Manpower.

FEDERAL REPUBLIC OF GERMANY

The directives on placement have been revised, and now conform to the legal situation arising from the Basic Law, the ratified I.L.O. Conventions and the latest position in jurisprudence. They also have regard to the requirements of labour market and economic policy, and to the practices of labour offices over many years. These directives apply to all offices of the Federal Institution for Placement and Unemployment Insurance and are also to be observed by establishments and persons authorised to make placements, as well as seafarers' employment offices.

GHANA (First Report)

Labour Registration Act, 1960 (Act 9) (*L.S.* 1960—Ghana 1).

Labour Registration Regulations, 1960.

Labour Registration (Application and Public Employment Centres) Instrument, 1961.

Articles 1 and 2 of the Convention. There is a system of 40 public employment centres under the control of the Minister responsible for labour.

Article 3. The network is under constant review, and the number of centres has been increased from 20 in 1955 to 40 in 1963 to cope with changes in the work-force, the trend of economic development and the establishment of new industries.

Article 4. There are local advisory committees at 12 of the centres. The committees are composed of a chairman and either two, four or six other members, of whom one-half represent trade unions or other employees' organisations and the other half represent employers or employers' organisations. Members are appointed by the Minister after consultation with local associations of employers and workers.

Article 6. The functions of the service are, broadly speaking, the registration and placement of unemployed persons; the promotion of geographical and occupational mobility of labour; the collection of employment and manpower information; vocational guidance and employment counselling; occupational research and analysis; studies of questions relating to employment, unemployment and manpower supply and demand; and provision of information and advice to the Government on matters relating to the proper utilisation of the manpower resources of the country.

Article 7, paragraph (a). Special arrangements have been made at the Central Employment Office for the placement of persons who have had technical or professional training of a high level, or practical experience at a level higher than that of craftsman, and of persons who have had education at university or other post-secondary level.

Paragraph (b). The service undertakes the counselling and placement of the physically handicapped. A rehabilitation scheme is operated, and in certain designated occupations preference is given to the physically handicapped.

Article 8. Reorganisation and development of the youth employment service began in 1961. Special youth employment centres, operated on the basis of a new manual of instructions, were established in January 1962 at four public employment centres. The aim is to provide a completely reorganised service for the whole of the country by 1966.

Article 9. Staff have the same conditions of service as other civil servants. Junior staff are recruited from candidates who reach a prescribed standard at a written examination and interview. Senior grades are filled by promotion within the civil service. A few training courses have been given to new entrants, and refresher courses have been organised for senior officials.

Article 10. The Act of 1960, which applies to 19 out of the 40 public employment centre areas, provides that an employer wishing to employ a person shall apply to the public employment centre for the nomination of a suitable person; if no nomination is made, or the person nominated is not acceptable to the employer, the latter is free to appoint any other person duly registered with a public employment centre and in possession of a labour registration book. These provisions were enacted after consultation with employers' and workers' representatives on the National Advisory Committee on Labour.

Article 11. No private employment agencies exist.

Article 12. No area is excluded from the application of the Convention.

The National Employment Service, headed by the Commissioner of Labour, is entrusted with the application and enforcement of the 1960 Act. Inspections are conducted in undertakings to ensure compliance, and the Act provides penalties in case of violation.

INDIA

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

Article 6, paragraph (c), of the Convention. By the end of June 1963 employment market studies were in progress in 227 administrative districts, and it is intended to cover all districts by the end of the Third Plan. In addition, employment information and assistance bureaux set up in development blocks in rural areas conduct regular employment surveys.

Article 7. Special offices have been set up in 20 universities to assist persons holding Masters' or higher degrees, or professional qualifications, and it is proposed to extend this facility to all universities during the Third Plan period. Five special offices are functioning to assist in the vocational rehabilitation of the blind, deaf and orthopaedically handicapped, and it is proposed to have one such office in every state before the end of the plan period. Nine project offices are functioning to meet the requirements of the steel plants, thermal power projects and river valley projects, and these help in the rapid reabsorption of skilled workers as they become available on completion of the projects.

Article 8. At the end of June 1963 there were 115 vocational guidance sections functioning at employment offices, and it is proposed to raise this number to 172 by the end of the plan period.

ISRAEL

In reply to a direct request by the Committee of Experts the Government states that the rules of the service referred to in the Employment Service Law, 1959, have not yet been issued, though their framing is in the last stages. In the meantime, the work of the employment offices is conducted according to interim rules made under section 86 of the law.

The criteria for selecting higher-grade employees for the service are the talents, ability and experience of the candidates.

ITALY

For the Government's reply to an observation by the Committee see *Report of the Committee* (1962), p. 712.

This problem will be examined and discussed on the occasion of the amendment of the present legislation on placement, which is now at an advanced stage of preparation.

JAPAN

Ordinance enforcing the Revised Law of 1963 concerning temporary measures for displaced coal miners.

LUXEMBOURG

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

Article 5 of the Convention. The Joint Administrative Committee met regularly in 1962 and 1963 to discuss manpower problems. One of the main tasks of this Committee is to supervise the activities of the National Labour Office in regard to transfers within the employment market, and, judging by the volume of work the Committee has to deal with, it may be said that this Article is fully applied.

Article 6, paragraph (a) (i). On registration applicants for employment are questioned as to their vocational and physical aptitudes; as a rule they produce certificates of fitness or references setting forth their qualifications, and they may be asked to undergo a medical examination by the medical adviser attached to the Ministry of Labour.

Furthermore, the fact that the vocational guidance, manpower and unemployment services are centralised, and that the Office for the Placement and Rehabilitation of Handicapped Workers is run by members of the staff of the National Labour Office, makes it easier for the employment service to intervene in matters of vocational guidance and rehabilitation. Young workers are required to undergo a psycho-technical vocational guidance test organised by the National Labour Office. In rehabilitation cases the Office seeks the collaboration of employers and of the government welfare services.

Article 9, paragraph 2. The staff of the employment service must reach the same general standard as regards training as the staff of the public services.

Paragraph 4. The minimum length of the practical training course is 12 months in the case of government employees and three years in the case of civil service candidates.

NIGERIA

Articles 3 and 4 of the Convention. The network was reviewed in the light of the increased economic activity of the country, and the federal Government has approved a proposal to establish employment offices in every province of the Federation beginning from the financial year 1964-65. A conference of Ministers charged with responsibility for labour matters agreed in May 1963 that advisory committees on employment consisting of representatives of Government, private employers and trade unions should be set up in appropriate places in the regions. In addition to the Federal Labour Advisory Council, which advises the Federal Minister of Labour on the organisation, operation and development of the policy of the employment service, and the advisory committees on employment, there is also in Lagos a juvenile employment committee on which employers and workers are represented. Workers' and employers' representatives on these Committees are appointed in equal numbers after consultation with their respective organisations.

Article 6. The fact that the Industrial Workers (Employment Exchanges) Rules, 1952, refer only to industrial workers does not exclude other categories of workers from the right to use employment service facilities; in practice, any person who presents himself at an employment office for work is registered and assisted to find suitable employment. The geographical mobility of workers is facilitated by the provision of information to workers in search of alternative employment, by the vocational advisory service working in conjunction with the schools and by the transfer of vacancies between employment offices.

An employment market information unit has been established in the Federal Ministry of Labour with the assistance of an I.L.O. expert.

Article 7. The governments of the Federation have been giving active consideration to the problem of the resettlement in gainful employment or occupation of the work-shy (e.g. able-bodied beggars) and disabled persons. There are vocational training centres for the blind.

Article 8. Special arrangements for juveniles exist in all employment offices. Secondary-school pupils are given talks on the employment opportunities open to them, are interviewed, and efforts are made to find them employment in accordance with their preferences.

Article 9, paragraph 4. Assistant labour inspectors, labour inspectors and labour officers undergo an initial training of three months on first appointment and thereafter are attached to the employment service sections of labour offices under the supervision of senior officers for in-service training. Clerical staff undergo initial theoretical training of from one to two weeks and thereafter acquire the necessary experience on the job.

NORWAY

A committee with representatives of the Labour Directorate, the Ministry of Finance, the Ministry of Church and Education, the Central Bureau of Statistics and the Norwegian Research Council for Science and Humanities will study the problem of expanding and improving the techniques and scope of manpower forecasting.

Special divisions for disabled and older workers have been opened at three of the larger public employment offices.

PHILIPPINES

In reply to an observation made by the Committee of Experts in 1962 the Government states that the budget for the fiscal year 1963-64 includes provision for the establishment of ten regional employment offices in addition to the one which now exists in Manila. Since the new employment offices are not yet functioning pending the appointment and training of their personnel, no regional advisory committees have yet been set up.

SIERRA LEONE

In reply to a request by the Committee of Experts the Government states that heavy commitments have still prevented the establishment of an advisory committee.

SPAIN

Decree No. 288 of 18 February 1960 to approve regulations respecting the organisation of the Ministry of Labour (*Boletín Oficial del Estado*, 1 Mar. 1960).

Order of 4 October 1960 respecting the assignment of tasks to and functions of the departments of the Ministry of Labour (*ibid.*, 12 Dec. 1960).

Decree of 9 July 1959 (*ibid.*, 24 July 1959, No. 176).

In answer to the request for additional information made by the Committee of Experts in March 1963 the Government supplies the following information.

Article 2 of the Convention. The General Directorate of Employment, attached to the Ministry of Labour, is the authority responsible for the direction of the employment service.

Its basic functions consist of the framing and pursuit of a national policy designed to achieve full employment and to ensure that the employers comply with their obligations and that all the placement offices function properly (section 128 of the Decree of 1960, section 73 of the Order of 1960 and sections 5 to 18 of the Decree of 1959).

The direction and co-ordination of the activities of the provincial and district placement offices and of the employment registration offices is the responsibility of the National Planning and Placement Service, which is attached to the National Trade Union Office. Its special functions and its relationship with the General Directorate of Employment are defined in sections 18 to 30 of the Decree of 1959.

Articles 4 and 5. The legislation in force provides for the setting up of provincial and district placement advisory committees on which the Government, the employers and the workers are represented on an equal footing. The provincial placement advisory committees, which now number 52, are composed of representatives of the ministries concerned with economic matters, presided over by a representative of the Ministry of Labour and the provincial secretary for employment, the employers and workers being represented by three employers and three workers from the economic sectors of agriculture, industry and services, chosen by the chairmen of their respective economic sections (employers) and social sections (workers) in each province; the chief of the provincial placement office acts as secretary.

As regards the district placement advisory committees, it is hoped that some 500 will be set up on conclusion of the provincial trade union elections which are at present going on.

Those committees which are already in operation, the guidelines for which are laid down by the General Directorate of Employment, have done an efficient job in the field of internal migration, vocational guidance and accelerated vocational training of labourers to equip them for other employment, or of unemployed producers. They will very shortly be able to begin to carry out the other functions assigned to them, in particular those concerned with ascertaining employment trends.

Article 7. The provincial placement offices have sections dealing exclusively with specified occupations or trades. In addition, in some localities where there are large numbers of workers engaged in the same activity or occupation, there are special offices to cater for the employers and workers concerned, as is the case with the building industry.

Article 9. The employment services are made up of the staff of the provincial secretariats for employment attached to the provincial labour departments and the staff of the placement agencies run by trade unions.

The provincial secretaries for employment have the status of civil servants and must possess the qualifications generally required for entry into the civil service. They are responsible hierarchically to the General Directorate of Employment and administratively to the provincial labour officer. They are assisted by administrative subordinates with the status of contracted officials or staff.

Training takes the form of a short course given by experts from the above-mentioned Directorate and a study of the basic principles of various subjects related to the functions they are to perform.

The staff of the trade union placement agencies belong and are attached to the National Trade Union Office; they are union officials and are subject to the general

regulations governing such officials. Posts are awarded by competition on merit after an aptitude test. Vocational training courses are held for such staff at regular intervals.

For the vocational guidance functions with which the placement offices are entrusted it is necessary to train specialised staff. This staff, which consists of technical and medical vocational guidance counsellors, after undergoing a pre-selection test is given a nine-month training course covering a number of subjects pertinent to this field.

SWEDEN

Circular of 3 September 1962 (A: 23).

The above circular provides for payment—on an experimental basis—of 2,000 Swedish crowns to stimulate transfers from certain areas known as “pockets of unemployment”.

SYRIAN ARAB REPUBLIC (First Report)

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

Instructions from the Minister of Social Affairs and Labour of August 1961 respecting employment offices.

Article 1, paragraph 1, of the Convention. An employment office, operated free of charge by officials of the Ministry of Social Affairs and Labour, has been set up in each of the 11 areas into which the Ministry's jurisdiction is divided.

Paragraph 2. The Labour Code lays down the broad lines to be followed in co-operation between the ministries and bodies concerned with a view to organising the employment market. Unfortunately, for technical and financial reasons, it has not been possible to make much progress in this direction.

Article 2. The Ministry of Social Affairs and Labour is responsible for the organisation of the employment offices; it issues to them such instructions as are necessary in the light of the periodic reports it receives from them. The Ministry's inspectors see that these instructions are carried out and verify to what extent the employers are complying with the provisions respecting employment offices.

Article 3, paragraph 1. It is not necessary for the time being to set up employment offices at the local level.

Paragraph 2. The Government is at present engaged in drawing up a general economic development plan which will certainly have an influence on the organisation of the network of employment offices.

Articles 4 and 5. Section 15 of the Labour Code provides for the setting up of advisory committees composed of representatives of the administrative authorities concerned and an equal number of representatives of employers and workers. It has not yet been possible to set up any of these committees.

Article 6. The functions of the employment offices are enumerated in sections 12 to 14 and 16 to 18 of the Code, and the instructions from the Minister contain directives in this connection. Most of the fundamental principles set forth in the present Article are embodied in section 15 of the Code. The offices register applicants for employment, obtain from employers precise information on vacancies and refer to such vacancies applicants with suitable skills, among whom the employer can choose. The task of the employment offices will, however, remain a delicate one until such time as the new industrial projects for which provision is made in the development plan are able to absorb the unemployed.

Article 7. The establishment of definitions of occupational categories which has been undertaken by the Ministry of Planning in collaboration with the Ministry of

Social Affairs and Labour will no doubt make it possible, when the general reorganisation of the employment offices takes place, to arrange for specialisation by occupations.

The Code provides for the setting up of the necessary institutions and bodies for the vocational rehabilitation of the disabled, and requires employers to engage persons who have been rehabilitated and who are referred to them by the employment offices from among those recorded in the register of disabled persons, up to a proportion of 2 per cent. of the total number of workers in their employ. It will be much easier to apply the provisions of the present Article once these institutions have been set up; the necessary financial provision has been made in the budget for the coming year.

Article 8. Book III, Chapter III, of the Labour Code contains provisions relating to the prohibition of the employment of young persons. Subject to the limitations imposed by these provisions, young persons benefit from the services of the employment offices in the same way as other workers.

Article 9, paragraph 1. The staff of the employment service is composed of civil servants selected from among the staff of the Ministry of Social Affairs and Labour; they have no special status and are subject to the legislation applicable to the civil service.

Paragraph 2. The staff of an employment office consists of a chief, who must hold a degree in law, assisted by a supervision officer, who must possess a school-leaving certificate. Both are recruited on the basis of their qualifications.

Paragraph 3. The officials are recruited by competition.

Paragraph 4. During the year 1960-61 a committee of Arab experts organised courses in order to give the officials of employment offices a proper training.

Article 10. The placement procedure is conducive to healthy co-operation between the employers and the employment offices on a voluntary basis. The Minister of Social Affairs and Labour has powers, however, to insist that the chronological order of registration with an office be respected, subject to such conditions and reservations as he may lay down by order. No such order has ever been issued.

Article 11. There are no private employment agencies.

Article 12. The Convention is applied throughout the national territory.

TANGANYIKA

In reply to a request made by the Committee of Experts the Government states that two additional labour offices with employment service sections were established during 1962 at Bukoba and Kigoma. It is the intention to extend the network of the service as and when adequate financial and staff resources become available.

UNITED KINGDOM

Youth Employment Service Act (Northern Ireland), 1961.

Youth Employment Service (Northern Ireland Youth Employment Service Board Officers) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 252).

Youth Employment Service (Youth Employment Committees) Regulations (Northern Ireland), 1962 (*ibid.*, 1962, No. 128).

Youth Employment Service (Payment of Travelling Expenses) Regulations (Northern Ireland), 1962 (*ibid.*, 1962, No. 129).

Youth Employment Service (Administrative Expenses) Regulations (Northern Ireland), 1962 (*ibid.*, 1962, No. 130).

Youth Employment Service (Approval of Scheme) Order (Northern Ireland), 1963 (*ibid.*, 1963, No. 40).

The Act of 1961 provides for the establishment of a comprehensive youth employment service for Northern Ireland on lines generally similar to that provided in Great Britain.

YUGOSLAVIA

In reply to the direct requests made by the Committee of Experts in 1961 and 1962 the Government supplies the following information.

Article 4, paragraphs 1 and 3, of the Convention. The boards of the employment institutes are composed of representatives of employers' and workers' organisations as well as representatives of the public authorities and of other organisations and individual citizens. The legislation stipulates only the minimum number of members which such boards may have and the minimum number of members to be designated by the employers' and workers' organisations, the right being conferred on the bodies representing the public authorities (communes, regions and republics) to determine the number of members and composition of the boards. This is consistent with the powers vested in the bodies in question as regards matters of policy in this field, and with the necessity of finding solutions adapted to actual conditions and needs.

Paragraph 2. Boards are appointed for the employment institutes at all levels, i.e. at the communal, regional and republican level. This arrangement is in keeping with the federative and communal structure of the country.

The boards are responsible for the functioning and administration of the institutes, and under their terms of reference as prescribed by the law they do not exist purely in an advisory capacity.

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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, Australia, Belgium, Canada, Cyprus, Federal Republic of Germany, Ghana, Greece, India, Israel, Italy, Japan, Kenya, Luxembourg, Netherlands, New Zealand, Norway, Philippines, Sierra Leone, Spain, Sweden, Switzerland, Tanganyika, Turkey, United Kingdom.

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

Czechoslovakia, Iraq, United Arab Republic.

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	19. 10. 1962	Libya	20. 6. 1962
Austria	5. 10. 1950	Luxembourg.	3. 3. 1958
Belgium.	1. 4. 1952	Mauritania	8. 11. 1963
Brazil.	25. 4. 1957	Netherlands	22. 10. 1954
Burundi.	11. 3. 1963	New Zealand	10. 11. 1950
Congo (Leopoldville)	20. 9. 1960	Pakistan	14. 2. 1951
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Rumania	28. 5. 1957
Czechoslovakia	12. 6. 1950	Rwanda	18. 9. 1962
Dominican Republic	22. 9. 1953	Senegal	22. 10. 1962
France	21. 9. 1953	Republic of South Africa	2. 3. 1950
Ghana	2. 7. 1959	Spain	24. 6. 1958
Greece	27. 4. 1959	Switzerland	6. 5. 1950
Guatemala	13. 2. 1952	Syrian Arab Republic.	1. 12. 1949
India	27. 2. 1950	Tunisia	15. 5. 1957
Ireland	14. 1. 1952	United Arab Republic	26. 7. 1960
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Kuwait	21. 9. 1961	Yugoslavia	20. 6. 1956
Lebanon	26. 7. 1962		

AUSTRIA

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee* (1963), p. 538.

The Austrian Federation of Trade Unions and the Austrian Congress of Chambers of Workers have expressed their regret that the Bill respecting night work of women has not yet been passed, and have once again urged the competent Ministry to do all in its power to ensure that it is.

COSTA RICA (First Report)

Constitution of 1949.

Labour Code: Act No. 2 of 27 August 1943 (*L.S.* 1943—C.R. 1), as amended by Act No. 2561 of 11 May 1960 (*La Gaceta*, 26 May 1960, No. 118).

Article 1, paragraph 1, of the Convention. There are no provisions specifying industrial undertakings.

Article 2. The legislation prohibits the employment of women at night between 7 o'clock in the evening and 6 o'clock in the morning. The prohibition does not apply to women working at home or in their families, nurses, social visitors, domestic servants and similar employees.

Article 3. The term "women" signifies every female worker in an industrial undertaking, no distinction being made as to the nature of functions.

Article 4. Section 71 (*e*) of the Labour Code obliges the worker "to give the necessary assistance if the lives or interests of his employer or fellow-workers are exposed to danger on account of disaster or imminent peril; the employee shall not be entitled to additional remuneration on this account". This constitutes an exception which is also applicable to women.

Article 5. The legislation empowers the Ministry of Labour and Social Welfare to authorise night work for women in undertakings which render services of public interest, where the work is not heavy, unhealthy or dangerous, provided that such work is performed during a period which would not be such as to endanger their physical, mental and moral health.

Articles 6 and 7. No use is made of the exceptions allowed for in these Articles of the Convention.

Article 8. Women occupied in purely office work, as well as nurses and social visitors, are exempted from the night work prohibition (section 88 of the Code, as amended by Act No. 2561).

Under sections 121 and 124 of the Constitution ratification of Conventions gives them the force of national law.

The enforcement of the Convention is ensured by the labour inspectors. Sanctions for any contravention of the labour legislation are prescribed by section 612 of the Code.

GREECE

In reply to the direct request made by the Committee of Experts with respect to the application of Article 4, paragraph (b), of the Convention as regards exceptions which have had to be made in order to save raw materials or materials in course of treatment from certain loss, the Government states that exceptions of this nature have been made in virtue of decrees issued in 1913, 1925, 1927 and 1932, concerning primarily certain types of food-producing undertakings.

INDIA

The Government states that the prohibition of night work of women, as laid down in section 66 of the Factories Act, 1948, can be suspended during a public emergency under section 5 of the Act. In exercise of these powers the government of West Bengal permitted women workers in all the jute mills to work beyond 10 p.m., but not beyond 11 p.m., for a period of three months, with effect from 1 April 1963.

KUWAIT (First Report)

For legislation see under Convention No. 30.

Article 1 of the Convention. There is no line of demarcation in the Labour Acts separating industry from agriculture, commerce and other non-industrial occupations, nor has the competent authority (the Ministry of Social Affairs and Labour) so far drawn any line of division. However, the Labour Acts give an adequate definition of the term "worker", and the expression "industrial undertaking" does not give rise to any difficulties concerning the conformity of the Labour Acts with the provisions of the Convention.

Article 2. The term "night" is defined as the period between sunset and sunrise in respect of all industries and undertakings without distinction (section 22 of the Labour (Private Sector) Act).

Article 3. Women, without distinction as to age, may not be employed at night, nor may they be employed, either by day or by night, in dangerous industries (sections 24 and 25 of the Labour (Private Sector) Act). In conformity with a long-standing social tradition women are employed only in hospitals and travel offices and agencies. The provision concerning work at night in "an undertaking in which only

members of the same family are employed ” in the Convention is understood and tacitly accepted.

Article 4. Advantage is not taken of the exceptions allowed by this Article.

Article 5. No recourse is had to the provisions of this Article.

Articles 6 and 7. Women are not employed in industrial undertakings; the provisions of these Articles are therefore not applicable.

Article 8. No measures have been taken in virtue of this Article.

The application of legislation is entrusted to the Ministry of Social Affairs and Labour. Supervision is exercised by the Inspection Section of the Labour Division.

Up to the present no decisions have been given on matters involving questions of principle relating to the application of the Convention. As the Inspection Section is newly established, extracts from reports, statistics, etc., are not yet available.

REPUBLIC OF SOUTH AFRICA

Factories, Machinery and Building Works Amendment Act, No. 34, 1963.

Article 1, paragraph 1 (a), of the Convention. It is intended to introduce, at the earliest possible opportunity, the following amendment to the Mines and Works Act.

“Section 11 of the principal Act is hereby amended by the addition of the following subsection:

“(4) (a) Subject to the provisions of paragraph (c) of this subsection, no female shall work at night, and no person shall cause or permit any female to work at night, at any mine or works, in connection with the operation of such mine or works.

“(b) For the purpose of this subsection ‘night’ shall mean that period of time from half-an-hour after sunset to half-an-hour before sunrise.

“(c) The provisions of paragraph (a) of this subsection shall not apply to—
(i) females holding responsible positions of managerial or technical character; and
(ii) females employed in medical, health, welfare or social services.”

SYRIAN ARAB REPUBLIC

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

Decree No. 618 of 16 November 1960.

Article 1 of the Convention. The Labour Code applies to all persons employed in both industry and commerce.

Article 2. Under section 131 of the Code, the term “night” signifies the period between 8 p.m. and 7 a.m. The Code does not prescribe different periods for different areas or industries.

Article 3. Section 131 of the Code forbids the employment of women during the night. Section 140 of the Code exempts from this prohibition women employed in domestic workshops where only members of the same family are employed.

Article 4. The Decree of 1960 specifies the cases in which exceptions may be allowed to the prohibition of night work by women. Thus, with the consent of the competent authority, women may be employed between the hours of 8 p.m. and 7 a.m. in cases where such work is necessary in order to preserve perishable foodstuffs from certain loss.

Article 5. No recourse has been had to this Article.

Article 6. The authorities have not had occasion to reduce the night period in conformity with the terms of this Article.

Article 7. The circumstances envisaged by this Article do not obtain.

Article 8. Women employed in certain health and welfare services are exempted by decree from the restrictions on night work. Women holding responsible positions of a managerial or technical character are exempted from the night work restrictions by virtue of the Act of 1949 ratifying the Convention.

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

Austria, Belgium, Dominican Republic, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Rwanda, Republic of South Africa, Switzerland, Uruguay.

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

Brazil, Czechoslovakia, France, Ghana, Pakistan, Spain, Tunisia, United Arab Republic.

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	Mauritania	8. 11. 1963
Costa Rica	2. 6. 1960	Mexico	20. 6. 1956
Cuba	29. 4. 1952	Netherlands	22. 10. 1954
Czechoslovakia	12. 6. 1950	Norway	20. 5. 1957
Dominican Republic	12. 8. 1957	Pakistan	14. 2. 1951
Ghana	4. 4. 1961	Peru	4. 4. 1962
Greece	30. 3. 1962	Philippines	29. 12. 1953
Guatemala	13. 2. 1952	Tunisia	26. 4. 1961
Haiti	12. 4. 1957	Ukraine	14. 9. 1956
India	27. 2. 1950	U.S.S.R.	10. 8. 1956
Israel	23. 12. 1953	Uruguay	18. 3. 1954
Italy	22. 10. 1952	Yugoslavia	20. 2. 1957

COSTA RICA (First Report)

For legislation see under Convention No. 89.

Article 1 of the Convention. No line of division is made between industry and non-industrial occupations. No exceptions are provided as regards the work of young persons employed in family undertakings.

Article 2. The legislation prohibits work at night for young persons; the term "night" signifies a period between 6 o'clock in the evening and 6 o'clock in the morning.

Articles 3 to 5. No exceptions to the night work prohibition are provided for.

Article 6. Enforcement of the Convention is ensured by the Labour Inspectorate. Under section 23 of the Labour Code the employers are obliged to send a copy of each labour contract to the Ministry of Labour; each labour contract shall contain, among others, the name of the employee, his age, sex, nationality and civil status (section 24 of the Code). Under section 69 of the Code employers must send to the Ministry of Labour annual reports containing the data specified by the Code.

Section 612 of the Code prescribes various sanctions for any contravention of labour legislation.

Under sections 121 and 124 of the Constitution the ratification of Conventions gives them the force of national law.

GHANA (First Report)

Labour Ordinance (*The Laws of Ghana*, Cap. 89).

Article 1, paragraphs 1 and 2, of the Convention. Section 75 of the Labour Ordinance defines the term "industrial undertaking" to include—(a) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, in the generation, transformation or transmission of electricity, in the production or distribution of gas or motive power

of any kind, in the purification or distribution of water, or in heating; (b) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work; (c) mines, quarries or other works for the extraction of minerals from the earth; and (d) undertakings engaged in the transport of passengers or goods (excluding transport by hand) unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking.

The ordinance also defines the terms "agricultural undertaking" and "commercial undertaking".

Paragraph 3. Section 79 (1) prohibits the employment of children save where such employment is with the child's own family and involves light agricultural or domestic work only.

Article 2. The definition of "night work" in section 75 of the Labour Ordinance has been revised in the new Labour Bill to give effect to the provisions of this Article.

Article 3. Section 80 (1) prohibits the employment of young persons at night in any industrial undertaking save with the written permission of a labour officer to be granted only in exceptional circumstances.

No use has been made of the exceptions provided for under this Article.

Article 4. Provision giving effect to this Article is contained in the new Labour Bill.

Article 5. The Government has not found it necessary at any time to suspend the prohibition of night work for young persons between the ages of 16 and 18 years.

Article 6. Section 82 of the Labour Ordinance provides that every employer in an industrial undertaking shall keep a register of all young persons employed by him and of the dates of their births, if known, or, if not known, of their apparent ages; and that any employer contravening these regulations shall, on summary conviction, be liable to a fine of £10.

The provisions of sections 82 and 80 (1) (a) are enforced through inspections by labour officers and inspectors.

The Labour Commissioner is responsible for the application of the above-mentioned legislation which is supervised and enforced through inspections by labour officers and inspectors.

MEXICO

Decree of 20 November 1962 to amend section 123 of the Political Constitution of the United States of Mexico (*Diario Oficial*, 21 Nov. 1962, No. 17, p. 1).

Decree of 29 December 1962 to amend the Federal Labour Act.

The Federal Labour Act, as amended, requires every employer to keep a register showing the dates of birth, etc., of the young persons employed by him (section 110-L).

TUNISIA (First Report)

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (*Journal officiel tunisien*, 11 Apr. 1950, No. 29, p. 577) (L.S. 1950—Tun. 1), as amended by Legislative Decree No. 60-10 of 14 March 1960 (*Journal officiel de la République tunisienne*, 11-15 Mar. 1960).

Article 1 of the Convention. The line of demarcation separating industry from agriculture, commerce and other non-industrial occupations is determined by jurisprudence. In any event, commercial activities are subject to the same provisions as industry.

Article 2. The night rest period for children must be of at least 12 consecutive hours.

This period must include the interval between 6 p.m. and 5 a.m. Tunisian legislation imposes this prohibition in respect of workers up to 18 years of age.

Article 3, paragraph 2. There are no exceptions of the type provided for in this paragraph.

Paragraph 4. The Legislative Decree of 1960 embodies the terms of this paragraph as concerns night rest for young persons employed in bakeries.

Article 4, paragraph 1. The new text authorises the Secretary of State for Public Health and Social Affairs to prescribe by order a night period and barred interval shorter than that formerly prescribed if the climate renders work by day particularly trying, on condition that a compensatory rest period is granted during the day. No order of this nature has yet been issued.

Paragraph 2. Provision is made in the law for making exceptions in cases of *force majeure*. In practice no abuses have been recorded.

Article 5. No legislative provision of this nature exists.

Article 6. The statutory provisions safeguarding the night rest period for young persons are published in the official gazette. The Labour Inspectorate is responsible for enforcing them, and any violation is punishable by penalties prescribed by the law.

Article 7. There is no statutory provision in Tunisia providing for an age limit lower than 18 years as regards night work of young persons.

The courts have given no decision involving questions of principle relating to the application of the Convention, and the organisations of employers and workers have made no observations.

* * *

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

Byelorussia, Dominican Republic, Haiti, India, Israel, Italy, Luxembourg, Mexico, Netherlands, U.S.S.R., Uruguay.

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

Argentina, Ceylon, Czechoslovakia, Norway, Yugoslavia.

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Ireland	21. 7. 1952
Belgium	30. 8. 1962	Netherlands	17. 6. 1958
Brazil	8. 6. 1954	Norway	29. 6. 1950
Costa Rica	2. 6. 1960	Poland	13. 4. 1954
Cuba	29. 4. 1952	Portugal	29. 7. 1952
Denmark	30. 9. 1950	Sweden	18. 7. 1950
Finland	22. 12. 1951	United Kingdom	6. 8. 1953
France	26. 10. 1951		

BRAZIL

In reply to a direct request made by the Committee of Experts in 1963 the Government states in its report that a Committee will be set up, on which the groups concerned will be represented, to study an amendment to paragraph (c) of section 7 of the regulations approved by Decree No. 46130, and thus eliminate the discrepancy between this paragraph and paragraph (c) of Article 5 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:

France, United Kingdom.

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

Brazil, Denmark, Finland, Ireland, Netherlands, Norway, Poland, Sweden.

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	19. 10. 1962	Jamaica	26. 12. 1962
Austria	10. 11. 1951	Kenya	13. 1. 1964
Belgium	13. 10. 1952	Malaysia (Sabah, Sarawak, Sin- gapore)	3. 3. 1964
Bulgaria	7. 11. 1955	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Morocco	20. 9. 1956
Cameroon:		Netherlands	20. 5. 1952
Eastern Cameroon	29. 1. 1963	Nigeria	17. 10. 1960
Western Cameroon	3. 9. 1962	Philippines	29. 12. 1953
Congo (Leopoldville)	30. 9. 1960	Rwanda	18. 9. 1962
Costa Rica	2. 6. 1960	Sierra Leone	15. 6. 1961
Cuba	29. 4. 1952	Somalia (ex-British Somaliland)	18. 11. 1960
Cyprus	23. 9. 1960	Syrian Arab Republic	7. 6. 1957
Denmark	15. 8. 1955	Tanganyika	30. 1. 1962
Finland	22. 12. 1951	Turkey	29. 3. 1961
France	20. 9. 1951	Uganda	4. 6. 1963
Ghana	4. 4. 1961	United Arab Republic	26. 7. 1960
Guatemala	13. 2. 1952	United Kingdom	30. 6. 1950
Israel	30. 3. 1953	Uruguay	18. 3. 1954
Italy	22. 10. 1952		

AUSTRIA

In reply to observations by the Committee of Experts the Government indicates that the Council of Ministers approved on 18 June 1963 directives governing the issue of contracts by federal agencies. The directives provide for the observance of labour clauses in accordance with the Convention. They will be put into effect by orders to be issued by the various Ministries, provincial government offices and local authorities. The orders must include the whole text of the directives.

Article 1 of the Convention. The directives apply to contracts of a value exceeding 30,000 schillings. No specific classes of persons are excluded.

Article 2. Under paragraph 14 (a) and (b) of the directives each contract must be made subject to the provisions in question. The decision of the Council of Ministers requires the respective ministers to arrange for the publication of their orders.

Article 3. The legislation relating to the protection of wage earners and salaried employees already applies to the workers concerned. The principal laws and regulations in this field are listed in the report.

Article 4. Paragraph 14 (c) of the directives requires notices to be posted at the undertaking calling attention to the contractor's obligations under paragraph 14 (a) and (b) thereof. The text of paragraph 14 (e) and (f) of the directives must be kept available for examination by all employees.

Article 5. Paragraph 31 (a) of the directives requires the rejection of tenders from contractors who have been guilty during the three preceding years of serious violations of the labour clauses or of the conditions to which they referred. Under paragraph 14 (e), if a contractor is in arrears in wage payments, the contracting authority may withhold an equivalent amount from the sums due to the contractor and pay the arrears to the workers concerned, if they are not contested. In the case

of disputed wage claims, the parties are to be invited by the authority to submit a joint proposal within a specified period as to whether any sum and, if so, how much, shall be withheld from the authority and paid to the workers. In addition, the workers may avail themselves of all ordinary remedies for recovery of wages.

In observations dated 6 August 1963 the Austrian Confederation of Trade Unions and the Austrian Congress of Chambers of Workers expressed regret that the orders for the practical application of the Directives of 18 June 1963 had generally not yet been made. The Government indicates that these orders are in course of preparation, but will take a certain time as they must provide for the kinds of contracts concluded by the authorities concerned.

BELGIUM

In reply to a direct request from the Committee of Experts the Government states that section 35*bis* of the General Specifications for State Contracts will be reworded to include a clause to ensure that the protection afforded under the Convention is extended to workers in undertakings which are not bound by collective agreements.

CAMEROON (First Report)

Order No. 3430 of 13 October 1959 (*Journal officiel de l'Etat du Cameroun*, 44th year, No. 1331, 9 Nov. 1959, p. 1497).

The national regulations are fully in conformity with the requirements of the Convention.

DENMARK

In reply to observations by the Committee of Experts the Government states that the Permanent Danish Tripartite I.L.O. Committee, which discussed in 1963 the question of a suitable system to ensure compliance with the Convention, has decided to carry out new investigations.

FINLAND

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

A labour clause to be included in all public contracts in conformity with the requirements of the Convention was drawn up by the Ministry of Social Affairs after consultation of the central employers' and workers' associations. On 24 January 1964 the Ministry sent a letter to all other ministries calling upon them to issue appropriate provisions for the implementation of the Convention and to determine the scope and methods of application of the Convention respecting public contracts awarded by other than the central authorities.

Among the ministries to which the above-mentioned letter was sent are the Ministry of Communications and Public Works and the Ministry of Commerce and Industry, responsible respectively for the regulations concerning public construction and those concerning purchases by the State. This should ensure the inclusion of the labour clause also in contracts for the manufacture, assembly, handling or shipment of materials, supplies or equipment and the performance or supply of services.

Attention has also been drawn to the need for the authorities concerned to adopt measures for the supervision and enforcement of the application of the labour clause in accordance with Articles 4 and 5 of the Convention.

The Ministry of Social Affairs in its letter also asked the other ministries to supply it with information at two-yearly intervals on the measures taken to implement the Convention.

GHANA (First Report)

A new Labour Bill under consideration contains provisions giving effect to this Convention.

ISRAEL

By virtue of Treasury Order No. 109 of 20 August 1962 every contract made by the State involving the employment of labour for the production, assembly or transport of materials, goods or equipment, or the supply or the rendering of services, must include labour clauses corresponding to Article 2, paragraph 1 (a), of the Convention.

MOROCCO

For the Government's reply to an observation by the Committee of Experts concerning the posting of provincial minimum wage determinations at workplaces see *Report of the Committee* (1962), p. 714.

In reply to a direct request by the Committee of Experts the Government states that it proposes to include in the draft of new general specifications for public contracts executed for the Ministry of Public Works a provision for the insertion in all such contracts of labour clauses providing for hours of work which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on. The draft already includes a provision for the implementation of labour legislation by the contractor. A draft decree has also been prepared concerning the conclusion of public contracts on behalf of the State, municipalities, public bodies and undertakings. The above provisions will no longer be confined to building contracts, but will apply to all work performed under public contracts.

PHILIPPINES

The terms of labour clauses to be included in public contracts are still under consideration by the Department of Labour.

RWANDA

The national legislation does not at present apply the provisions of the Convention. The Labour Inspectorate makes visits to ensure that the workers in question enjoy fair and reasonable conditions of employment. Regulations on the subject are in the course of preparation.

SIERRA LEONE

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

Article 2, paragraph 3, of the Convention. Measures will be taken to give effect to this paragraph.

Article 4, paragraph (a) (iii). The terms and conditions of service of categories of workers not covered by the wages boards are determined by collective bargaining in joint industrial councils; the decisions of these bodies become statutory when published in the *Sierra Leone Gazette* and are enforced in accordance with section 30 of the Wages Boards Act. In practice, notices of such decisions are posted at work-places, this being ensured by the inspection services.

SOMALIA

In reply to a direct request made by the Committee of Experts the Government states that steps are being taken to revise the Labour Code of the former Trust Territory and to extend it to the whole country. The National Assembly has been asked for a delegation of the necessary powers. Proposals for the revision of the Code also referred to this Convention; their adoption would make ratification possible for the whole national territory and would ensure full application of the Convention. It was expected that the provisions would be adopted by the end of March.

SYRIAN ARAB REPUBLIC

On being ratified the Convention became part of the country's internal legislation. It is the responsibility of the Minister of Social Affairs and Labour to take all the necessary measures for its application.

The provisions of the Labour Code are applicable to all contracts, whether public or private; the Code contains special provisions dealing with the protection of workers' wages, hours of work and all other conditions of employment.

TANGANYIKA

In reply to a direct request by the Committee of Experts the Government states that the inclusion of a fair wages clause in local authority contracts over £2,000 has been agreed in principle by the Ministry of Local Government, and has been accepted by the Association of Rural Local Authorities. The matter was due to be considered by the Association of Local Authorities in November 1963.

TURKEY (First Report)

Labour Code of 8 June 1936 (*Resmî Gazete*, 15 June 1936, No. 330, p. 6621) (*L.S.* 1936—Turk. 2), as amended.

Regulations laying down the general conditions governing public contracts.

Article 1 of the Convention. By virtue of section 1 of the above regulations the general conditions governing public contracts apply to and are an integral part of any contract awarded by a public authority (i.e. any ministry, local government or municipal administration) for the construction of public works or operations of any kind. The contractor is responsible for the fulfilment of the terms and conditions of the contract by subcontractors or assignees.

Under section 1 of the regulations exemptions from the application of the provisions may be made for contracts involving the expenditure of public funds up to £T10,000, and contracts up to £T50,000 may be exempted from the application of certain sections.

The definition of the term "worker" in section 1 of the Labour Code excludes persons in non-manual occupations.

Article 2. The provisions of the Code of Obligations and of the Labour Code respecting wages, hours of work and other conditions of labour apply equally to workers employed by a contractor of public works. Under section 15 of the regulations the contractor must issue a work book to each worker indicating, *inter alia*, his remuneration and the dates on which wages are to be paid. The employer cannot pay less than the minimum wages fixed in accordance with section 32 of the Labour Code. No distinction is made in the legislation on the basis of trade or industry respecting hours of work and other conditions of labour.

Article 3. Provisions relating to the health, safety and welfare of workers are laid down in the Labour Code and numerous other Acts dealing with workers' protection, employment injury compensation, etc.

Sections 17 to 19 of the regulations provide for similar measures.

Article 4. Laws or regulations are published in the official gazette. Apart from the work books previously mentioned, section 29 of the Labour Code provides for rules of employment which must be posted in places where employees can consult them; a copy must be given to any employee on request. A system of labour inspection and supervision of employment is provided in Chapter 6 of the Labour Code.

Article 5. Section 31 of the regulations provides that where a contractor fails to observe any provisions of the contract the public authority may cancel the contract if he does not remedy his failure. The contractor is also required to produce a certificate regarding payment of social insurance contributions.

Article 7. The Convention is applied in the country as a whole.

The Council of Ministers is entrusted with the supervision of the application of the legislation and the Ministry of Public Works with that of the regulations.

* * *

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, Cyprus, Denmark, Finland, France, Ghana, Israel, Italy, Kenya, Morocco, Netherlands, Philippines, Rwanda, Sierra Leone, Somalia, Syrian Arab Republic, Tanganyika, Turkey, United Arab Republic, United Kingdom, Uruguay.

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

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	Libya	20. 6. 1962
Algeria	19. 10. 1962	Malagasy Republic	1. 11. 1960
Argentina	24. 9. 1956	Malaysia:	
Austria	10. 11. 1951	States of Malaya	17. 11. 1961
Brazil	25. 4. 1957	Sabah, Sarawak	3. 3. 1964
Bulgaria	7. 11. 1955	Mali	22. 9. 1960
Byelorussia	4. 8. 1961	Mauritania	20. 6. 1961
Cameroon:		Mexico	27. 9. 1955
Eastern Cameroon	7. 6. 1960	Netherlands	20. 5. 1952
Western Cameroon	3. 9. 1962	Niger	27. 2. 1961
Central African Republic	27. 10. 1960	Nigeria	17. 10. 1960
Chad	10. 11. 1960	Norway	29. 6. 1950
China	16. 11. 1962	Philippines	29. 12. 1953
Colombia	7. 6. 1963	Poland	25. 10. 1954
Congo (Brazzaville)	10. 11. 1960	Senegal	4. 11. 1960
Costa Rica	2. 6. 1960	Sierra Leone	15. 6. 1961
Cuba	29. 4. 1952	Somalia (ex-British Somaliland)	18. 11. 1960
Cyprus	23. 9. 1960	Spain	24. 6. 1958
Dahomey	12. 12. 1960	Syrian Arab Republic	7. 6. 1957
Ecuador	6. 7. 1954	Tanganyika	30. 1. 1962
France	15. 10. 1952	Togo	7. 6. 1960
Gabon	14. 10. 1960	Tunisia	28. 5. 1958
Greece	16. 6. 1955	Turkey	29. 3. 1961
Guatemala	13. 2. 1952	Uganda	4. 6. 1963
Guinea	21. 1. 1959	Ukraine	4. 8. 1961
Honduras	20. 6. 1960	U.S.S.R.	4. 5. 1961
Hungary	8. 6. 1956	United Arab Republic	26. 7. 1960
Iraq	12. 5. 1960	United Kingdom	24. 9. 1951
Israel	12. 1. 1959	Upper Volta	21. 11. 1960
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Ivory Coast	21. 11. 1960		

ARGENTINA

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

Article 7, paragraph 1, of the Convention. Supervision is customarily exercised by the trade unions. The Labour Inspectorate also keeps a check. The worker is entirely free to make use or not to make use of works stores.

Article 12, paragraph 2. This rule is implicitly stated in the contract of employment. Upon termination of the contract the employer is required to effect a final settlement of all wages due, failing which the worker may take legal proceedings.

Articles 14, paragraph (b), and 15, paragraph (d). Section 160 B of Act No. 11729 requires employers to maintain a "special book" in which must be entered the names of their employees and certain other information (including information in respect of wages). It is customary for employers to inform their employees at the time of each payment of wages of the particulars of their wages.

BRAZIL

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

Article 2 of the Convention. In virtue of Act No. 3780 of 12 July 1960, manual workers employed by the State or by decentralised public administration bodies are covered by the Labour Code.

Article 4. Effect is given to this Article of the Convention by sections 81, 82 and 485 of the Labour Code, as applied through the consistent rulings of the courts.

Articles 6 and 7. Sections 462 and 463 of the Labour Code guarantee the freedom of the worker to dispose of his wages.

CENTRAL AFRICAN REPUBLIC

Article 6 of the Convention. In reply to a direct request by the Committee of Experts the Government states that the draft legislation to amend the Labour Code takes account of the Committee's comments concerning the need for a provision of general scope to prohibit employers from limiting in any manner the freedom of the worker to dispose of his wages.

COSTA RICA (First Report)

Labour Code: Act No. 2 of 27 August 1943 (L.S. 1943—C.R. 1).

Article 2 of the Convention. The Convention applies to all workers without exception.

Article 3. Section 165 of the Labour Code stipulates that wages must be paid in legal currency, except on coffee estates at harvest time.

Article 4. The partial payment of wages in kind is authorised (board, lodging, clothing). If the value of the wages in kind has not been assessed it is deemed to be equal to 50 per cent. of the money wages received by the worker. Articles which are indubitably supplied by the employer to the employee free of charge are not deemed to be wages in kind (section 166 of the Code).

Article 5. Wages must be paid directly to the employee or to a member of his family specified by him in writing (section 171 of the Code).

Article 6. Effect is given to the principle embodied in this Article by the provisions of Chapter IV of the Code.

Article 7, paragraph 1. The employer is prohibited by law from bringing any pressure to bear on his employees in this respect (section 70 of the Code).

Paragraph 2. There are no special provisions corresponding to this paragraph, although provision is made for price control in the Economic Defence Act (No. 1208 of 1950).

Article 8, paragraph 1. The employer is required to make deductions from wages for sickness, maternity, invalidity and old-age insurance contributions, etc.

Section 172 of the Labour Code specifies the wages which are not liable to attachment. All wages are liable to attachment, however, in respect of up to 50 per cent. thereof on account of maintenance allowances. The employer is bound, if so requested by a co-operative, to deduct up to 60 per cent. from the wages of employees who are members of that co-operative and from whom the co-operative has accepted vouchers against their wages (section 301 of the Labour Code). The employer of a homemaker who produces defective work may withhold up to one-tenth of his wages pending the allocation of liability (section 111 of the Labour Code). Interest must not

in any case be due on any advance which an employer may make to an employee on account of his wages (section 173 of the Labour Code).

Article 9. The employer may not demand or accept money from an employee as a recompense for admitting him to employment or for any other privilege (section 70 (b)).

Article 10. Wages not exceeding 300 colones a month may not be ceded in excess of the portion thereof which may be attached (section 174 of the Labour Code).

Article 11. In the event of the insolvency or bankruptcy of the employer the amounts due to his employees in respect of wages due must rank before all other debts, except debts on account of maintenance allowances, without limitation as regards amount or length of employment, irrespective of whether the employee continues to perform work or not (sections 33 and 175 of the Labour Code).

Article 12. The parties fix the intervals for the payment of wages, which may not exceed a fortnight in the case of manual workers. If the wages consist of a share in the profits, sales or payments received by the employer, a sum payable to the employee fortnightly or monthly must be fixed. A definitive settlement must be made at least once a year (section 168 of the Labour Code). Wages must be paid in full in each pay period (section 169 of the Labour Code).

Article 13. Partial effect is given to this Article by section 170, which reads: "Except when otherwise agreed in writing, wages shall be paid at the place where the employee performs his work Payment shall not be made at any house of ill fame, place of amusement, place for the sale of goods to the public, or place for the sale of alcoholic beverages, except in the case of employees of the establishment at which payment is made."

Article 14. The internal rules of employment must specify the various types of wages and the categories of work corresponding thereto (section 68 (c) of the Labour Code). The employer is bound to enter in his wage register or lists the amounts paid to each of his employees on account of overtime (section 144 of the Labour Code).

Article 15. The laws giving effect to the Convention and the Convention itself have been published in the official gazette (section 124 of the Constitution). The Legal Office of the Ministry gives advice and information to both employers and workers by telephone or in writing.

CYPRUS

Merchant Shipping (Masters and Seamen) Law, No. 46, 1963.

In reply to a direct request by the Committee of Experts the Government states that the introduction of specific legislation to ensure the application of Articles 3, 4, 6, 8 to 10, 13 and 15 (c) and (d) of the Convention has been carefully studied by the Government, which has concluded that (a) to legislate without delay on these matters could cause undue concern and might give a wrong impression to the public; (b) by attracting attention to the malpractices which the Convention seeks to combat, such legislation might give rise to them; (c) since none of these malpractices exists in Cyprus and since other legislation of a more pressing nature is required, legislation to apply the Convention commands low priority; (d) such legislation would be considered when a suitable opportunity arises; and (e) should any malpractices arise immediate steps would be taken to enact the necessary legislation.

GREECE

Article 14, paragraph (b), of the Convention. Under section 10 of Law No. 2954 of 1954 employers must display tables approved by the Labour Inspectorate, which

indicate the total wages paid to workers. Workers are thus kept advised of how their wages are made up.

HUNGARY

Article 6 of the Convention. In reply to a direct request made by the Committee of Experts in 1962 the Government states that apart from the exceptions specified in the legislation no deductions can be made from wages. It follows therefore that an employer can in no way restrict the worker from disposing of his wages as he pleases.

No difficulty has arisen regarding the practical application of this Article, but consideration will be given to adopting legislative provisions to give it full effect.

IRAQ

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

Article 2 of the Convention. Measures to give effect to this provision will be considered in preparing new legislation. Workers' and employers' organisations were consulted with regard to the existing exclusions from the Labour Code.

Article 4. Labour inspectors enforce agreements respecting all payments in kind. Special investigations are made if a complaint is received.

Articles 7 and 8. Inspection ensures application of these Articles.

Article 13. Payments are made at the worksite, and no complaints have been received.

Article 14. Workers are informed of their wages verbally or by written orders.

Article 15. Specimens of registers and other documents to be kept by employers are attached to the Labour Law.

MALAGASY REPUBLIC

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

Article 6 of the Convention. No case of restraint on the freedom of the worker to dispose of his wages has been recorded. Measures will, however, be taken if the need arises.

Article 7. Decree No. 61-714 of 28 December 1961 regulates the conditions concerning works stores.

MALAYSIA (First Report)

States of Malaya.

Employment Ordinance No. 38 of 27 June 1955 (*L.S.* 1955—Mal. 2).

Employment Regulations, 1957.

Bankruptcy Ordinance, No. 20, 1959.

Article 1 of the Convention. The definition of "wages" in section 2 of the Ordinance of 1955 complies with this Article.

Article 2. The Convention applies to all persons to whom wages are paid or payable under a contract of service and who fall within the definition of "labourers" under section 2 of the ordinance. Non-manual workers, domestic servants and other workers outside the scope of the ordinance have been excluded from the application of all the provisions of the Convention. Certain categories of non-manual workers, however, are within the scope of the ordinance, by virtue of Legal Notifications

Nos. 365 and 366. Government employees are outside the scope of the ordinance, although in practice its provisions are observed.

Article 3. Under section 25 of the ordinance wages must be paid in legal tender only.

Article 4. Section 29 of the ordinance permits the provision of house accommodation, food, etc., in addition to wages.

Article 5. Under section 25 of the ordinance wages must be paid to the worker.

Article 6. Section 26 of the ordinance applies this provision.

Article 7. Under section 30 of the ordinance no shops may be established on a place of employment without a licence from the Commissioner. Every licence issued by him for a shop requires that the prices be fair and reasonable, and that price tags be displayed. The Commissioner and his officers ensure that shops and services operated directly by employers are not run for profit.

Article 8. Part IV of the ordinance lays down conditions under which deductions may be permitted. These conditions are well known, since many deductions can be made only at the request of the employees. Information relating to deductions is disseminated by employers, trade union officials, the Commissioner and his officials.

Article 9. Section 24 of the ordinance applies this provision.

Article 10. Under Order XXI, paragraph 9 (1) and (2), of the Subordinate Court Rules, 1950, wages may not be seized in execution of a court order. Although an application may be made for the High Court to seize wages, such an application is not ordinarily granted unless there is no other way of giving effect to the order. Wages may be assigned only in accordance with the provisions in the Bankruptcy Ordinance. Effect is given to paragraph 2 in the administration of the above rules and ordinance (section 68).

Article 11. Under sections 31 and 32 of the ordinance wages for two consecutive months have priority over other debts.

Article 12. Under sections 18 and 19 of the ordinance wages are payable not more than seven days after the last day of any wage period, which may not exceed one month. Under sections 20 and 21, final settlement of wages due on termination of employment must be made before the expiry of four, or in some cases five, days after termination.

Article 13. Paragraph 1 is applied in practice. Paragraph 2 is applied by section 28 of the ordinance.

Article 14. Workers are informed of the conditions of employment by their employers, or by trade union officials, or by reference to current wage agreements. Under sections 61 and 62 of the ordinance and Regulations 5 to 8 of the Employment Regulations, 1957, employers are required to maintain wage records and to make available particulars to the workers.

Article 15. Pamphlets on various provisions of the ordinance are distributed. The Commissioner and his officers carry out frequent inspections, and provisions of the ordinance are explained to workers and employers wherever necessary. Trade unions also help to disseminate information regarding the ordinance. The ordinance defines the persons responsible for compliance, and prescribes penalties or other appropriate remedies. The Employment Regulations and sections 44, 61 and 62 of the ordinance provide for the maintenance of proper records.

Article 17. No areas in the country are excluded from the application of this Convention.

The ordinance and Employment Regulations are enforced by the Commissioner for Labour and his officers. They are empowered to inquire into any dispute relating

to payment, non-payment or late payment of wages or other matters and to decide such dispute without limitation as to the amount involved.

MAURITANIA

For legislation see under Convention No. 4.

Regard has been had to the provisions of the Convention in framing the Labour Code.

NIGER

For legislation see under Convention No. 4.

The Labour Code (Title IV, sections 90 to 109) repeats almost word for word the relevant provisions of the former Overseas Labour Code. As no measures for the administration of the new Code have yet been enacted, the earlier legislation is still applicable.

Article 6 of the Convention. The national legislation does not embody the provisions of this Article, but does most effectively prohibit the employer from placing any form of restriction on the wages of the worker. If at any time the legislation is amended, account will be taken of the Article.

Article 9. It is possible that on occasion a worker might find himself obliged to pay a certain sum to a gang leader in order to obtain or retain employment, but this would be without the employer's knowledge.

POLAND

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

Article 4, paragraph 1, of the Convention. The collective agreement for the food and drink industries, which covers workers in the alcohol industry, prohibits the partial payment of wages in alcohol. Employees of undertakings in the alcohol industry are entitled to a supplement to their wages equivalent to and replacing the payment in kind abolished as a result of the amendment of the Collective Agreement for the State Alcohol Monopoly on 28 August 1950. The Labour and Wages Committee is responsible for matters connected with collective agreements and their registration (Act of 13 April 1960, section 3 (10)); it is therefore impossible to conclude an agreement providing for the payment of wages in the form of spirits or noxious drugs.

Paragraph 2. Many collective agreements provide for free allowances in kind (the report indicates the nature of the allowances provided for under certain agreements). Of the some 100 existing collective agreements the majority make provision for allowances in kind, which mostly take the form of fuel.

Article 6. Under section 40 of the Ordinance of 1928 concerning the contracts of employment of wage-earning employees and section 22 of the Ordinance of 1928 concerning the contracts of employment of intellectual workers, the claim of an employee to his earnings may not be pledged by the employee or transferred to a third person. The freedom of the worker to dispose of his earnings as he wishes may be restricted only by a decision of a court of law.

Article 8, paragraph 1. The question of deductions is regulated by the two Ordinances of 1928 concerning contracts of employment. The provisions of a collective agreement or of an individual contract of employment may not be less favourable than the provisions of the law.

Article 13. Under section 1 (1) of Order No. 327 of 16 August 1957 works rules have to be drawn up for each undertaking specifying exactly the place and the days when wages are to be paid. Since the draft works rules have to be submitted by the manager of the undertaking for approval to the workers' council and trade union council of the undertaking, and the rules must then be adopted by an autonomous conference of the workers of the undertaking and approved by the regional managing committee of the trade union concerned, there is no possibility of the provisions of these rules concerning the time and place of payment of wages failing to conform to the principle laid down in section 33 of the Ordinance of 1928 concerning the contracts of employment of wage-earning employees.

In the case of places of employment such as public bodies and government departments it is quite obvious that the very nature of such institutions provides an adequate safeguard as concerns the payment of wages.

Moreover, in application of the Act of 10 December 1959 concerning the fight against alcoholism, the national councils have prohibited throughout the country the sale of beverages containing more than 18 per cent. of alcohol on the days generally chosen as pay days.

SIERRA LEONE

The Employers and Employed (Amendment) Act, No. 23, 1962.

In reply to a direct request by the Committee of Experts the Government states that the Act of 1962 was designed to bring the main Act into conformity with the Convention.

Article 1 of the Convention. The definition of "wages" in section 2 (b) of the Act of 1962 is in conformity with the Convention.

Article 2. The definition of "employed" in section 2 (a) of the Act of 1962 covers also domestic servants and non-manual workers.

Articles 3 and 4. Section 5 of the Act of 1962 provides for the payment of wages in money. Provisions in the main Act permitting partial payment of wages in kind have been repealed.

Articles 6, 7 and 13. The practice is in conformity with these Articles. Specific provisions will be adopted in due course.

Article 8. Further consideration is being given to the question of deductions from wages under individual contracts of employment.

Article 15, paragraph (d). No provision has yet been made for the keeping of records for workers not covered by wages boards and joint industrial councils, though in practice most employers keep records for such workers. This question is still under consideration.

SOMALIA

See under Convention No. 94.

SPAIN

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

Article 2 of the Convention. Manual workers in the service of bodies managed or administered by the State are governed by the provisions of the Employment Contracts Act. Some public undertakings, such as the railways, have their own employment regulations. Section 83 of the Act of 26 December 1958 respecting autonomous state undertakings states that the wage-earning employees of such undertakings shall be governed by the labour legislation.

Article 4. Although the Employment Contracts Act defines wages as “the whole of the proceeds derived by the employee from his services or work, including. . . what he receives in cash or in kind”, employment regulations and collective agreements stipulate that payment must be in cash, and it is only in certain cases—in the hotel industry, for example—that allowances in kind (board and lodging) are compulsory, their value even then being more of a symbolic nature and not linked with earnings in cash.

Article 9. Since under the national legislation the placement services are public and free of charge, it is not possible for an employer to make a deduction from wages as a payment for obtaining or retaining employment.

Article 14, paragraph (a). All branches of activity are covered by employment regulations and collective agreements, copies of which must always be posted up.

SYRIAN ARAB REPUBLIC

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

Article 7 of the Convention. All industrial establishments are situated in or near towns, so that workers are able to use normal shopping facilities.

Article 9. Section 22 of the Labour Code stipulates that no employer, employer's representative or recruiting agent shall collect any sum from a worker in consideration for his employment or for keeping him employed. Labour inspectors attach great importance to this provision, and penalties are imposed for contraventions.

Article 14, paragraph (a). Under section 43 of the Labour Code conditions of employment are usually the subject of a written contract, which specifies the wage rate. In the absence of a written contract the worker may check his wage rate by consulting the works regulations which set out the various categories of workers and the wage rates of each category. Orders fixing minimum wage rates are also issued periodically, so that workers may know what the minimum wage is when they enter into a labour contract. Generally speaking, if any change is made in a wage rate, or in one of its constituent elements, the employer is required to take all the necessary administrative measures to make the change known to the workers. In addition, such changes must be noted on the personal card of each worker.

Article 15, paragraph (a). The Act ratifying the Convention and the legislation giving effect to it were published in the official gazette. In addition, during their visits to factories, inspectors explain to workers the legal provisions relating to the protection of wages.

TANGANYIKA

Employment Ordinance (Amendment) Act, No. 82, 1962.

Wages Regulation Order, 1962: Government Notice No. 508, 1962.

Trade Unions (Collection of Union Dues) Regulations, 1962: Government Notice No. 466, 1962.

Article 4 of the Convention. With regard to the Committee of Experts' observations relating to the regulation of benefits in kind, the above order has prescribed the amounts by which the statutory minima may be reduced when housing and rations at the prescribed scale are provided by an employer. The order covers about 80 per cent. of the total labour force; it excludes persons employed in agriculture (except plantations) and in the tea and gold-mining industries, for whom the issue of a similar order is, however, under consideration.

TOGO

Article 6 of the Convention. Account will be taken of the comments made by the Committee of Experts in 1963 concerning measures to provide for a general prohibition against limiting in any manner the freedom of a worker to dispose of his wages.

TUNISIA

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

Article 4, paragraph 1, of the Convention. Collective agreements may authorise allowances in kind, but these are never allowed to take the form of spirits or noxious drugs. Such agreements become valid only after they have been approved by the Secretary of State for Public Health and Social Affairs and published in the official gazette.

Moreover, the proposed Labour Code lays down that allowances in kind may in no case entail any deduction from the minimum cash wage.

Articles 13 to 15. The chapter of the proposed Labour Code relating to the payment of wages contains provisions which are applicable to all wage earners, irrespective of their sector.

TURKEY (First Report)

Labour Code of 8 June 1936 (*Resmî Gazete*, 15 June 1936, No. 330, p. 6621) (*L.S.* 1936—Turk. 2), as amended by Act No. 5518 of 25 January 1950 (*L.S.* 1952—Tur. 1 B), and Act No. 5868 of 8 February 1952 (*L.S.* 1952—Tur. 1 A).

Code of Obligations.

Bankruptcy Act.

Public Health Act of 24 April 1930 (*L.S.* 1930—Turk. 1).

Article 1 of the Convention. Section 313 of the Code of Obligations defines the contract of employment as a contract whereby an employee undertakes to do work or render services for a definite period and an employer engages to pay him wages in return therefor. The form of wages is not specified. The Labour Bill (section 27) now before the Council of Ministers provides that wages, “as a general rule”, means sums paid in cash to an employee in return for work done.

Article 2. The Labour Code applies to manual workers or workers doing partly manual and partly non-manual work (section 1). Domestic servants, officials and other permanent salaried personnel who are paid out of state or municipal budgets and who come under the State Superannuation Fund are excluded from the coverage of the Code. However, workers to whom the provisions of the Labour Code do not apply are covered by the Code of Obligations.

Article 3. Section 83 of the Code of Obligations and section 19 of the Labour Code provide that the cash part of an employee's wages must be paid in legal tender.

Article 4, paragraph 1. National legislation does not prescribe the form in which wages must be paid. By agreement a part, or whole, of wages may be paid in the form of allowances in kind. This is sometimes the form applied in fishing and in certain agricultural work. Section 178 of the Public Health Act prohibits the sale of alcoholic liquor in any undertaking. Under section 57 of the Labour Code it is unlawful for any person to bring alcoholic liquor into any undertaking or to consume, give or sell such liquor to other persons in an undertaking. The Government has no statutory authority to fix wages other than minimum wages.

Paragraph 2. The value and appropriateness of allowances in kind are decided by the parties through contracts of employment freely entered into. In practice, the value attributed to allowances in kind is determined in accordance with custom.

Articles 5 and 13. Section 78 of the Code of Obligations stipulates that the debtor must pay his debt to the creditor during working hours at the time fixed for payment.

Article 6. Every person has the legal right to free disposal of his property within the limits of the law.

Article 7. Section 27 of the Labour Code provides that works stores may be opened only with a permit from the Ministry of Labour, which is not granted unless it is proved that such stores are essential and advantageous for the workers. The Labour Code stipulates, however, that employees shall not be compelled to make purchases at works stores.

Article 8, paragraph 1. Section 22 of the Labour Code limits the amount which the employer may deduct from wages. In addition, section 30 prohibits the employer from imposing penalties on a worker other than deductions from his daily wage made in accordance with the rules of employment.

Paragraph 2. Under section 29 rules of employment must be posted up for consultation by workers.

Article 9. No deductions from wages are permitted except in accordance with sections 22 and 30 of the Labour Code. Sections 63 to 65 provide for a free public employment service and prohibit private profit-making employment agencies.

Article 10. Section 23 of the Labour Code provides that wages up to £T60 a month shall not be attached, charged or assigned. Any maintenance allowances legally due by the worker are not included in this sum. Under section 123 of the Code of Obligations sums which are essential for the livelihood of the debtor and his family may not be set off against the debtor's debts without his consent. Section 332 of this Code lays down similar provisions in respect of workers' wages.

Article 11. Under sections 206 and 207 of the Bankruptcy Act, as amended, in the event of bankruptcy—(a) domestic servants and (b) all categories of salaried employees and clerical staff and workers employed by the hour or at piece or task rates are privileged creditors in respect of wages due to them for services rendered during the periods of 12 months and six months respectively prior to the bankruptcy.

Article 12, paragraph 1. Under section 19 of the Labour Code and under section 326 of the Code of Obligations, the wages of manual workers must be paid once a week. However, with the consent of the worker, wages may be paid fortnightly or monthly or at any shorter intervals provided either in the contract of employment or by custom. The wages of workers employed by state or by provincial or other local authorities or any undertakings under their control may be paid monthly.

Paragraph 2. Section 20 of the Labour Code and section 326 of the Code of Obligations both provide that when a contract is terminated wages must be paid at once and in full.

Article 14. See under Article 8.

Article 15. Laws are published in the official gazette, and the legislation defines the persons responsible for compliance therewith. All enactments prescribe the penalties for violation thereof.

Article 17. The Convention is applied in the whole country.

Application of the legislation concerning the protection of wages is entrusted to the Council of Ministers. Supervision and enforcement is ensured by the Labour Inspectorate and by inspections carried out by the ministries directly responsible for the administration of legislation within their competence.

UKRAINE

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

The Convention is fully applied by the legislation. A new Civil Code and a Code of Civil Procedure entered into force on 1 January 1964. Section 15 of the Civil Code provides for the possible limitations of a person's legal capacity in cases of abuse of alcoholic liquors or of narcotics. Section 152 of the Code of Civil Procedure provides that attachment of wages shall be permissible in certain specific cases.

Article 4 of the Convention. Section 66 of the Labour Code provides for the partial payment of wages in kind only in so far as stipulated in collective agreements or contracts. This is confirmed by an order of the Central Executive Committee and Council of People's Commissars of 24 July 1930, and also by section 131 of the Regulations respecting the determination and payment of state pensions.

Payment of wages in the form of narcotics or alcohol is not permitted, since these are not specifically included in section 66 of the Labour Code. Such forms of payment are also rendered impossible by the criminal and civil law. Further, section 6 of an order by the Council of Ministers of the Soviet Union of 4 February 1947 provides that agreements may not stipulate payment of wages in any form not approved by the Government. Payment in kind is now made only to female domestic workers.

Article 5. Under section 66 of the Labour Code remuneration is paid twice a month to wage earners and salaried employees in person.

Articles 6 and 7. There is no restriction of the worker's freedom to dispose of his wages; this is ensured also by section 10 of the Constitution. There are no works stores in the sense of the Convention, and any stores opened near the undertaking for the use of workers belong to various commercial organisations and not to the undertaking itself.

Article 8. Sections 83 to 83/3 of the Labour Code, an order of the Central Executive Committee and Council of People's Commissars of the Soviet Union of 12 July 1929, regulations regarding labour disputes and instructions by the People's Commissariat for Labour determine the circumstances in which deductions from wages are authorised.

Under section 403 of the new Code of Civil Procedure deductions may be made from wages for sums owed. Up to 50 per cent. may be deducted in some cases (section 404). An order of 26 September 1929 specifies various cases where deductions from wages are permissible or not.

Article 10. Attachment of wages to ensure payment of a claim before a court of law is prohibited by section 105 of the Code of Civil Procedure.

Article 14. The legislation is in conformity with this provision. Remuneration is determined according to previously approved scales of wages which have been published. Workers are always informed of the pay conditions, and the engagement document confirms all the conditions. The worker is informed similarly of any change in the remuneration.

Wage registers contain particulars of periods of payment, and the amount of wages (section 29 of the Labour Code and section 5 of the Standard Rules governing conditions of work for workers and employees in state, co-operative and public organisations, approved by the State Labour and Wages Committee of the Council of Ministers in agreement with the All-Union Central Council of Trade Unions on 12 January 1957).

Article 15. Section 4 of the Standard Rules requires the management to explain to the workers their rights and duties, the conditions concerning wages, etc. The Labour

Code (sections 146 and 148) and the Penal Code (section 133) specify the persons responsible for implementing the labour laws and the penalties for infringement thereof.

U.S.S.R. (First Report)

Constitution.

Labour Code of the R.S.F.S.R. (*L.S.* 1936—Rus. 1) and Labour Codes of the other republics of the Union.

Civil Code of the R.S.F.S.R. and Civil Codes of the other republics of the Union.

Code of Civil Procedure of the R.S.F.S.R. and Codes of Civil Procedure of the other republics of the Union.

Penal Code of the R.S.F.S.R. and Penal Codes of the other republics of the Union.

Standard Rules governing conditions of work of workers and employees in state, co-operative and public organisations, approved by the State Labour and Wages Committee in agreement with the All-Union Central Council of Trade Unions on 12 January 1957.

Order No. 556 of the Council of Ministers, dated 23 May 1957, concerning the manner of payment of wages to workers for the first half of the month.

Order by the Council of Ministers dated 17 June 1947 concerning the preparation and issue of pay books for persons employed in state, co-operative and public undertakings.

Order of the Central Executive Committee and the Council of People's Commissars, dated 12 June 1929, concerning the responsibility of workers for damage caused by them to the employer.

Order by the Central Executive Committee and the Council of People's Commissars, dated 23 January 1929, concerning delays of payment by an employer of pay due to dismissed workers.

Article 1 of the Convention. Remuneration of workers is prescribed by the legislation. Section 27 of the R.S.F.S.R. Labour Code lays down that wages are paid on the basis of employment contracts.

Article 2. The Convention applies to all workers working under contracts of employment, including domestic workers.

Article 3. Under section 66 of the Labour Code wages are paid only in currency.

Article 4, paragraph 1. Payment in the form of alcohol is forbidden.

Article 5. Under section 67 of the Labour Code and Rule No. 8 of the Standard Rules of 12 January 1957 wages are paid directly to the worker. Under the Civil Code of the R.S.F.S.R. (Part B) wages may be paid to another person only under power of attorney made by the worker.

Article 6. Under section 10 of the Constitution the entitlement of workers to their wages is protected by the legislation.

Article 7. State trading shops exist in undertakings to supplement the general network of trading shops. Workers may use these only if they wish, and prices are the same as in the network of government shops.

Article 8, paragraph 1. Section 83 (2) and (4) of the Labour Code strictly govern deductions from wages. A limit of 25 per cent. has been fixed as the amount which may be deducted from each payment of wages. In all other cases, deductions may be made only on the basis of a court decision, and under section 289 of the R.S.F.S.R. Code of Civil Procedure. Such amount may not exceed 20 per cent. of the wage due. When several sanctions are applicable, the total amount deducted may not exceed 50 per cent. (section 83 (2) of the Labour Code).

Paragraph 2. The instruments concerning deductions are made known to the workers by management and trade unions.

Article 9. Workers generally enter employment without the help of a third party, and the legislation provides for free employment services. Should a worker require to make payment to an official for such services, this would constitute bribery and would be punishable under sections 173 to 175 of the R.S.F.S.R. Penal Code.

Article 10. The law protects wages against attachment, with the exception of attachment for maintenance of children under age (section 83 (a) of the Code of Civil Procedure).

Article 11. Payment of wages is guaranteed notwithstanding the financial position of an undertaking. Under section 93 of the Labour Code and section 266 of the Code of Civil Procedure wages and other claims of workers shall be met first.

Article 12. Under section 65 of the Labour Code remuneration for permanent work shall be paid not less frequently than every two weeks, and for temporary work of less than two weeks at the termination of the work. The Order of 23 January 1929 and Rule No. 8 of the Standard Rules of 1957 govern the conditions of payment of workers upon dismissal.

Article 13. Under section 67 of the Labour Code wages are paid on workdays at the place of work.

Article 14. Under section 29 of the Labour Code the conclusion of a contract of employment must always be accompanied by delivery of a pay book to the worker, which must indicate the conditions of work and contain pay sheets which shall be completed upon cash payment of wages. Collective agreements usually provide that employers shall inform the workers of such conditions.

Article 15. The Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 31 January 1961 concerning the ratification of the Convention was published in the central newspapers and also in the collection of laws of the U.S.S.R., 1938-61, and made known to all persons concerned. In each of the instruments listed by the Government the responsible parties are indicated. Under the Labour Code the responsible parties are the employers.

By an order of the Presidium of the All-Union Central Council of Trade Unions dated 10 July 1959 factory and local trade union committees must supervise remuneration and related legislation. These committees communicate labour legislation and rules on wage payments to employees. A consultation service is available to workers on such questions.

All undertakings provide payrolls and records in accordance with the form approved by the Central Statistical Administration of the Council of Ministers, based on an order of the State Labour and Wages Committee, the Ministry of Finance and the Central Statistical Administration dated 10 February 1958.

Infringement of labour legislation is punishable under section 138 of the Penal Code.

The supervision of the labour legislation is carried out by the Public Prosecutor, who ensures strict observance of the laws with the help of officers. The activities of the various ministries and administrations in matters of labour are controlled by the State Labour and Wages Committee of the Council of Ministers. Trade unions have also certain powers of control over the observance of labour legislation by management.

The legislation gives full effect to the Convention, and no change is required.

UNITED ARAB REPUBLIC

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

Article 14, paragraph (a), of the Convention. Wages committees, set up on both an industrial and a regional basis and on which workers are represented, are concerned with all matters relating to wages policy. This system ensures that workers are informed of any changes which take place in respect of wage conditions.

Paragraph (b). Ministerial Order No. 141 of 1959 prescribes the manner in which evidence of wage payments is to be given.

UNITED KINGDOM

Factories Act (Northern Ireland), 1959.

Factories Act, 1961 (*L.S.* 1961—U.K. 1).

By an order made under the Payment of Wages Act, 1960, payment of wages of manual workers by cheque is made permissible on the application of the worker concerned as from 1 March 1963.

* * *

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

Argentina, Brazil, Central African Republic, Costa Rica, Cyprus, France, Greece, Hungary, Iraq, Israel, Ivory Coast, Malagasy Republic, Malaysia (States of Malaya), Mauritania, Niger, Nigeria, Norway, Poland, Sierra Leone, Somalia, Spain, Syrian Arab Republic, Tanganyika, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom, Ukraine, U.S.S.R., Uruguay.

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

Afghanistan, Austria, Cameroon, Dahomey, Gabon, Italy, Mexico, Netherlands, Philippines.

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	19. 10. 1962	Libya ¹	20. 6. 1962
Belgium ¹	4. 7. 1958	Luxembourg ¹	15. 12. 1958
Bolivia ¹	19. 7. 1954	Mauritania ¹	31. 3. 1964
Brazil ¹	21. 6. 1957	Netherlands ¹	20. 5. 1952
Ceylon ²	1. 5. 1958	Norway ¹	29. 6. 1950
Costa Rica ¹	2. 6. 1960	Pakistan ¹	26. 5. 1952
Cuba ¹	3. 2. 1953	Poland ¹	25. 10. 1954
Finland ¹	22. 12. 1951	Senegal ²	22. 10. 1962
France ¹	10. 3. 1953	Sweden ¹	18. 7. 1950
Federal Republic of Germany ¹	8. 9. 1954	Syrian Arab Republic ¹	7. 6. 1957
Gabon ¹	13. 6. 1961	Turkey ²	23. 1. 1952
Guatemala ¹	3. 1. 1953	United Arab Republic ¹	26. 7. 1960
Israel ²	19. 6. 1961		
Italy ¹	9. 1. 1953		
Ivory Coast ¹	22. 5. 1961		
Japan ²	11. 6. 1956		

¹ Has accepted the provisions of Part II.
² Has accepted the provisions of Part III.

ALGERIA (First Report)

Ordinance No. 45-1030 of 24 May 1945 respecting the placing of employees and the supervision of employment (*Journal officiel de la République française (J.O.R.F.)*, 25 May 1945, p. 2970) (L.S. 1945—Fr. 7).

Decree No. 46-1351 of 6 June 1946 respecting the application to Algeria of Ordinance No. 45-1030 of 24 May 1945 (*J.O.R.F.*, 8 June 1946, p. 5061).

Act No. 62-157 of 31 December 1962 prolonging until further notice the legislation in force in Algeria up to 31 December 1962 (*Journal officiel de la République algérienne (J.O.R.A.)*, 11 Jan. 1963, p. 18).

Decree No. 63-153 of 25 April 1963 respecting the supervision of employment and the placing of workers (*J.O.R.A.*, 3 May 1963, p. 407).

The Ordinance of 1945 provided, *inter alia*, for the abolition of fee-charging employment agencies as from the date of its promulgation. The Decree of 1963 confirms these provisions by implication in giving exclusive responsibility for placement to the National Manpower Office.

BRAZIL

In reply to the request made by the Committee of Experts in 1962 the Government refers back to its earlier reports and adds that under section 513 (sole subsection) of the Consolidation of Labour Laws trade unions are "entitled to set up and maintain employment exchanges". The Portuguese word used here to indicate entitlement means a "privilege" or "perquisite" enjoyed exclusively by one person or body.

Since trade unions have the power to set up and maintain employment exchanges, it follows that the existence of such exchanges results from action taken by workers' organisations; moreover, in view of the fact that section 564 of the Consolidation of Labour Laws prohibits them from engaging in any activity for purposes of gain, whether directly or indirectly, it is obvious that these employment exchanges cannot be conducted with a view to profit.

Section 553 of the Consolidation of Labour Laws prescribes the penalties which may be imposed on trade unions charging a fee for their placement services (since they are not permitted to engage in any activity for purposes of gain). Any person or body corporate engaging in placement activities becomes liable to the penalties prescribed in section 47 of the Penal Contraventions Act.

CEYLON

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

Article 11 of the Convention. Out of six fee-charging employment agencies which were brought to the notice of the Government, two have closed down, one voluntarily and the other owing to refusal of a licence by the competent authority. The other four agencies will receive an authorisation after certain particulars are furnished.

Article 12. As far as the Government is aware, the All-Ceylon Association of the Unemployed was neither important nor very representative and is now dormant; hence no measures to ensure that its services are in actual fact free of charge are contemplated. Placement activities are not carried out by trade unions or educational institutions, including private vocational training centres.

FRANCE

In reply to the observation made by the Committee of Experts in 1962 the Government states that fee-charging employment agencies for theatrical employees and for domestic servants have been authorised to continue in operation for a further year by a decree dated 6 August 1963. Furthermore, since it is intended that these agencies should gradually be done away with, a Bill to lay down rules for the payment of compensation is in preparation.

GABON (First Report)

For legislation see under Convention No. 10.

There are no fee-charging employment agencies, either conducted for profit or not conducted for profit. Under section 170 of the Labour Code a Manpower Service has been set up attached to the Directorate of Labour and Manpower. Section 172 stipulates that all placement operations shall be free of charge. Section 174 prohibits the maintenance or opening of any form of private placement bureau or office or the carrying out of any form of placement operation except by trade unions.

In practice placement operations are carried out by the manpower services, the only body authorised to do so, as the trade unions have done nothing in this field. The competence of the manpower services covers the whole of the national territory. However, sections 150 and 156 of the Code allow for the placement of workers free of charge either by the labour offices run by the labour inspectors or labour supervision officers or, where there are no labour inspectors or labour supervision officers, by the prefect or subprefect.

Violation of the provisions respecting the carrying out of placement operations free of charge is punishable by a fine, or, in the event of a second offence, by a fine plus imprisonment, or by either one of these two penalties.

The labour inspectors and labour supervision officers are responsible for the application and enforcement of the laws and regulations relating to employment agencies.

FEDERAL REPUBLIC OF GERMANY

In reply to the observation by the Committee of Experts the Government states that the preliminary work on an ordinance concerning the charges to be made in the case of fee-charging employment agencies not conducted with a view to profit has not yet been completed.

With regard to the objections again raised by the German Confederation of Trade Unions concerning the application of Articles 3 and 5 of the Convention, the Government refers to the statement in its report for 1959-61 under Article 3, paragraph 1, and Article 5, paragraph 2 (b).

ISRAEL (First Report)

Employment Service Law, 1959 (*Sefer Ha-Chukkim*, 23 Jan. 1959, No. 270, p. 32) (*L.S.* 1959—Isr. 1).

Article 1, paragraph 1, of the Convention. This provision is applied by section 62 (a) of the above law.

Article 10, paragraph (a). This paragraph is applied by section 67 of the law.

Paragraph (b). This paragraph is applied by sections 63, 64 and 68 of the law.

Paragraph (c). This paragraph is applied by section 66 of the law.

Paragraph (d). This paragraph is applied by section 65 of the law.

Article 11. The different provisions of the Convention relating to fee-charging agencies not conducted with a view to profit find their expression only in section 63 (b) of the law. The provisions of the law relating to this Article are as follows: paragraph (a)—sections 63, 64 and 68; paragraph (b)—section 66; paragraph (c)—section 65.

Article 12. This Article is applied by sections 73 to 75 of the law.

Article 13. This Article is applied by section 79 of the law.

Article 14. On 19 December 1960 the Minister of Labour empowered eight labour inspectors from all districts of the country to make inspection visits of any private employment agency. On 1 January 1961 the Minister entrusted the labour inspection service with supervision of compliance with the provisions of these sections of the law. Towards the end of 1962 the Ministry of Labour started to lodge criminal proceedings against private agencies all over the country. Up to the date of this report, no private employment agency has received a licence.

Article 15. No areas are excluded from the application of the Convention.

IVORY COAST (First Report)

Proposed Labour Code (Part VII, Cap. V, ss. 168-172).

General Order No. 9020 IGTL/AOF of 9 December 1953 respecting the basic organisation of manpower offices (*Journal officiel de l'Afrique occidentale française*, 19 Dec. 1953, p. 2107).

Decree No. 59-167 of 29 September 1959 respecting the basic organisation of manpower offices (*Journal officiel de la République de Côte-d'Ivoire*, 10 Oct. 1959, p. 900).

Order No. 0122 ITLS/CI of 8 January 1954 establishing a manpower office, siting its headquarters and territorial jurisdiction and fixing the composition of its managing board.

Order No. 459 ITLS/CI of 18 January 1957 establishing the procedure for the periodical statement of placement operations effected by the employment agencies run by the trade unions (*Journal officiel de la Côte-d'Ivoire*, 1 Feb. 1957, p. 90).

Article 3 of the Convention. Section 172 of the proposed Labour Code prohibits the maintenance or opening of any form of private placement bureau within the territorial jurisdiction of the manpower offices. This prohibition will not give rise to any payment of compensation.

Articles 4 to 6. These Articles are not applicable in view of the total abolition of fee-charging employment agencies.

Article 7. Under section 172 of the proposed Labour Code trade unions may be authorised by order of the Minister of Labour to carry out placement operations subject to conditions to be laid down in the order.

Under section 1 of the Order of 1957 employment agencies run by trade unions are required to furnish to the Territorial Inspectorate of Labour and Social Legislation every Monday a report concerning the vacancies and applications handled and the placements effected during the preceding week. In practice the trade unions carry out their placement operations in liaison with the Manpower Office.

Under section 170 of the proposed Labour Code the services of the Manpower Office will be offered free of charge; it will be forbidden to offer or give to any person connected with the Office, or for such person to receive, any reward whatsoever.

Under section 4 of the Decree of 1959 the Minister of Labour is responsible for co-ordinating the activities of the trade union employment agencies. The Manpower Office is also placed under his authority and supervision.

PAKISTAN

In reply to an observation made by the Committee of Experts in 1963 the Government states that adoption of the proposed Bill concerning the abolition of fee-charging agencies has been delayed because of a constitutional change making labour questions a provincial matter. Efforts are being made, however, to expedite the enactment of this legislation.

SWEDEN

By a decision of the Labour Market Board dated 4 April 1962 private fee-charging employment agencies for musicians and artists must not require any fees for the placement in Sweden of such artists, either Swedish or foreign, after 30 June 1962.

SYRIAN ARAB REPUBLIC (First Report)

For legislation see under Convention No. 4.

Article 1 of the Convention. Fee-charging employment agencies of the types referred to in paragraph 1 (a) and (b) are prohibited.

Article 3. Section 221 of Act No. 279 of 11 June 1946 abolished fee-charging employment agencies and gave them six months to wind up their affairs. The Labour Code of 1959 maintained the ban on such agencies.

Article 4. The Convention was ratified in 1957, after the time limit given to fee-charging employment agencies by the Act of 1946 to wind up their affairs had expired; the Code of 1959 subsequently forbade the setting up of such agencies.

Article 5. No exceptions have been allowed in this respect.

Article 6. See under Article 1.

Article 7. The existing employment agencies are public exchanges run by civil servants who are liable to prosecution if they receive from clients any reward for their services. Under section 18 of the Labour Code, associations, institutions and organisations are permitted to set up private employment offices, such offices being required to notify the competent authority of their business address and send it monthly reports, without prejudice to sections 14, 16 and 17 of the Code.

Article 8. Under section 216 of the Code any person contravening sections 14, 16 to 19 and 21 is liable to a fine not exceeding £Syr. 100. In the event of a contravention of sections 14, 16 and 17, proceedings will be instituted against the head of the office. The penalty may be repeated as many times as there are persons in respect of whom the contravention was committed. Contraventions of section 19 are punishable by the closing of the office.

Article 9. Since no exceptions have been made, there is no need to apply this Article.

Article 15. The Convention is now applied in all areas of the country. The setting up of employment offices has taken place by stages.

The authority entrusted with the application of the Convention is the Ministry of Social Affairs and Labour; the labour inspectors are responsible for its enforcement.

* * *

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

Belgium, Ceylon, Finland, Federal Republic of Germany, Japan, Netherlands, Sweden, United Arab Republic.

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

Italy, Luxembourg, Norway, Poland, Turkey.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Belgium	27. 7. 1953
Cameroon (Western Cameroon) ²	3. 9. 1962
Cuba	29. 4. 1952
Cyprus ²	23. 9. 1960
France ¹	29. 3. 1954
Federal Republic of Germany	22. 6. 1959
Guatemala	13. 2. 1952
Israel	30. 3. 1953
Italy	22. 10. 1952
Jamaica ³	26. 12. 1962
Malaysia (Sabah)	3. 3. 1964

Countries	Ratification registered on
Netherlands	20. 5. 1952
New Zealand ³	10. 11. 1950
Nigeria ²	17. 10. 1960
Norway	17. 2. 1955
Trinidad and Tobago ²	24. 5. 1963
United Kingdom ⁴	22. 1. 1951
Upper Volta	9. 6. 1961
Uruguay	18. 3. 1954

¹ Has excluded the provisions of Annex II.

² Has excluded the provisions of Annexes I, II and III.

³ Has excluded the provisions of Annex I.

⁴ Has excluded the provisions of Annexes I and III.

BELGIUM

The conditions to be met by foreign workers in order to obtain a work permit of unlimited duration have been appreciably widened, whether as regards length of residence, former periods of work or family conditions.

Moreover, jobs in the construction, metal-working and chemical industries, as well as heavy manual jobs, have been made open to Algerian, Moroccan, Portuguese, Tunisian and Yugoslav nationals.

* * *

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

Cuba, Nigeria, Uruguay.

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	Ivory Coast	5. 5. 1961
Algeria	19. 10. 1962	Jamaica	26. 12. 1962
Argentina	24. 9. 1956	Japan	20. 10. 1953
Austria	10. 11. 1951	Kenya	13. 1. 1964
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	Malaysia	5. 6. 1961
Cameroon:		Mali	2. 3. 1964
Eastern Cameroon	29. 1. 1963	Morocco	20. 5. 1957
Western Cameroon	3. 9. 1962	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria	17. 10. 1960
China	11. 10. 1962	Norway	17. 2. 1955
Costa Rica	2. 6. 1960	Pakistan	26. 5. 1952
Cuba	29. 4. 1952	Peru	13. 3. 1964
Czechoslovakia	21. 1. 1964	Philippines	29. 12. 1953
Denmark	15. 8. 1955	Poland	25. 2. 1957
Dominican Republic	22. 9. 1953	Rumania	26. 11. 1958
Ecuador	28. 5. 1959	Senegal	28. 7. 1961
Ethiopia	4. 6. 1963	Sierra Leone	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	30. 1. 1962
Ghana	2. 7. 1959	Trinidad and Tobago	24. 5. 1963
Greece	30. 3. 1962	Tunisia	15. 5. 1957
Guatemala	13. 2. 1952	Turkey	23. 1. 1952
Guinea	26. 3. 1959	Uganda	4. 6. 1963
Haiti	12. 4. 1957	Ukraine	14. 9. 1956
Honduras	27. 6. 1956	U.S.S.R.	10. 8. 1956
Hungary	6. 6. 1957	United Arab Republic	3. 7. 1954
Iceland	15. 7. 1952	United Kingdom	30. 6. 1950
Indonesia	15. 7. 1957	Upper Volta	16. 4. 1962
Iraq	27. 11. 1962	Uruguay	18. 3. 1954
Ireland	4. 6. 1955	Viet-Nam	6. 1. 1964
Israel	28. 1. 1957	Yugoslavia	23. 7. 1958
Italy	13. 5. 1958		

BELGIUM

The Bill which is intended to become a code of laws respecting collective labour agreements was accepted by the Chamber of Deputies at its first reading, with some amendments which are in no way relevant to the Convention. It has now gone back to the Council of State.

The sectors not covered by collective agreements, apart from road transport and the hotel industry, are primarily concerned with small-scale industry and handicrafts. There are no collective agreements covering private salaried employees (non-manual workers), but such workers are protected by extremely comprehensive statutory regulations.

BRAZIL

Act No. 3780 of 12 July 1960.

In reply to direct requests made by the Committee of Experts in 1962 and 1963 the Government states that the conditions of employment for officials of autonomous or quasi-official bodies are identical to those for officials of government departments. The said conditions have evolved from comparative rules laid down in Act No. 1711 of 28 October 1952 to more detailed specifications in Act No. 3780 of 12 July 1960. All officials in the employ of the centralised public administration, decentralised administrative authorities or autonomous or quasi-official bodies thus have the same rights and the same obligations established by law.

DOMINICAN REPUBLIC

It has been possible up to now, by applying sections 306 and 307 of the Labour Code, in conjunction or separately, to maintain a clear line of demarcation between employers' and workers' organisations as regards their powers, thus avoiding any interference by the one in the private affairs of the other. Only once has a situation arisen where unscrupulous employers attempted to sow dissension among their employees with the object of setting up in an industrial undertaking which already had a staff union another union under their direct control. The Secretariat of State took appropriate action to settle this affair.

On the recommendation of an I.L.O. expert steps have recently been taken to set up a Directorate for Mediation, Conciliation and Arbitration, attached to the Secretariat of State, and staffed by specialists who are ready at any time to give technical assistance where needed to employers and workers in the sphere of collective bargaining.

LIBERIA (First Report)

Association Law (*Liberian Code of Laws*, 1956) (s. 113).

Foreign Relations Law (*ibid.*, Title 14) (s. 80).

Act to incorporate the Mechanic and Allied Workers' Union, 13 April 1960.

The laws listed above were not enacted to permit or endorse ratification of the Convention.

Article 1 of the Convention. The evolution of the trade union movement in Liberia, beginning in the late 1940s, was slow and gradual until 1959, when several unions amalgamated to form the Labour Congress of Liberia. The movement received fresh impetus when several member unions broke away from the parent body and organised themselves into the Mechanic and Allied Workers' Union (which is now merged into the Congress of Industrial Organisations). The Act of 1960 makes specific provision for these two confederations of workers' unions, which are the only representative bodies of labour in Liberia, to work in co-operation, thus eliminating any cause for rivalry and discrimination. These organisations provide adequate protection for members of unions against all acts of discrimination on the part of employers or employers' organisations.

Article 2. The Association Law, which lays down that the registration of a society shall render it a body corporate by the name under which it is registered, with power to hold movable and immovable property, to enter into contracts, to enter into legal proceedings and to do all things necessary for the purpose for which it was constituted, guarantees full protection to workers' and employers' organisations against any acts of interference with one another.

Articles 3 and 4. Machinery to ensure respect for the right of workers to organise has been established by the Government. The idea of collective bargaining has been

recognised to be one of the fundamental imperatives of a harmonious society. A new Act to amend the Labour Practices Law in relation to the rights and duties of labour organisations and the members thereof, which will implement in full the terms of Convention No. 98 and of other Conventions touching on workers' unions and employers' organisations, is at present under consideration.

Article 5. Ratification of the Convention does not affect any existing law, award, custom or agreement or prejudice the rights guaranteed to members of the armed forces and the police.

Section 80 of the Foreign Relations Law gives the force of law to the provisions of the Convention.

NIGERIA

Although the Trade Union Act requires every trade union to apply for registration within a specified period of its coming into existence, the Act is silent on the question of recognition. In practice, however, a trade union is accorded recognition by an employer on its production of proof of substantial membership of the class of workers it claims to represent. Disputes therefore sometimes arise over the acceptability of the proof for recognition.

The introduction on 26 January 1961 of the "check-off" system is governed by section 27 A of the Labour Code Act and has not resulted in the undesirable interference by employers in the establishment, functioning or administration of trade unions. Any attempt on the part of an employer to dominate a trade union is usually resisted by the union concerned, and no financial assistance is accepted from the employer or his organisation unless such assistance is given free and without reciprocal obligations.

The Ministry of Labour assists employers and trade unions to settle unresolved claims through its conciliatory machinery whenever such claims are referred to it or give rise to a labour dispute. Any agreement reached at such conciliation is embodied in a memorandum of agreement. It is not possible to state precisely the number and coverage of all existing collective agreements, because there is no scheme for their compulsory registration. It is certain, however, that with the growth in the number of trade unions and the acceptance of collective bargaining by an ever-increasing number of employers as a means of determining or resolving issues involving wages and working conditions, the number of collective agreements has risen steadily in a large number of industries.

POLAND

See under Convention No. 87.

U.S.S.R.

The Government states that the provisions of the Convention are fully applied on the basis of legislation set out in the reports submitted by the Government to the I.L.O. in 1958, 1960 and 1963.

* * *

The report from the *Dominican Republic* 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:

Byelorussia, Iceland, Rumania, Sierra Leone, U.S.S.R., Uruguay.

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	19. 10. 1962	Mexico	23. 8. 1952
Austria	29. 10. 1953	Morocco	14. 10. 1960
Brazil	25. 4. 1957	Netherlands	11. 6. 1954
Ceylon	5. 4. 1954	New Zealand	1. 7. 1952
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	13. 1. 1954	Philippines	29. 12. 1953
Czechoslovakia	21. 1. 1964	Senegal	22. 10. 1962
France	29. 3. 1954	Sierra Leone	13. 6. 1961
Gabon	13. 6. 1961	Tunisia	12. 1. 1959
Federal Republic of Germany	25. 2. 1954	United Kingdom	9. 6. 1953
Guatemala	4. 8. 1961	Uruguay	18. 3. 1954
Ivory Coast	5. 5. 1961		

BRAZIL

Rural Labour Code: Act No. 4214 of 2 March 1963 (*Diário Oficial*, 18 Mar. 1963, No. 52).

In reply to the request made by the Committee of Experts in 1963 the Government supplies the following information.

Article 2, paragraph 2, of the Convention. Section 29 of the Rural Labour Code lays down the conditions in which partial payment of minimum wages in the form of allowances in kind may be made. These deductions may be made in respect of the dwelling of a worker provided by the employer up to a value of 20 per cent. of the minimum wage; food supplied by the employer, which must be wholesome and sufficient to maintain the worker's physical strength and which may not be valued at prices higher than those obtaining in the region, their value per month not exceeding 25 per cent. of the regional minimum wage; and advances in cash. Section 30 further specifies that where more workers than one live in the same dwelling provided by the employer, whether or not accompanied by their families, the deduction provided for in section 29 is to be divided proportionately to the respective wages.

COSTA RICA (First Report)

Labour Code of 27 August 1943 (*L.S.* 1943—C.R. 1).

Decree No. 832 of 4 November 1949 respecting the National Wages Board (*L.S.* 1949—C.R. 4).

Decree No. 2807 of 1961 to amend section 16 of Decree No. 832 of 4 November 1949 (*La Gaceta*, 27 Sep. 1961, No. 219, p. 3657).

Article 1 of the Convention. The minimum wage rates applicable in the various branches of the national economy, including agriculture, are fixed by a National Wages Board composed of nine members, three representing the State, three the workers and three the employers.

Article 2. Like all wages, minimum wages may be paid partly in kind. Wages in kind may take the form only of benefits supplied to the worker or his family in the form of board and lodging, clothing or other articles for their direct personal use. If no value has been fixed by agreement for the part of the wage paid in kind, it is deemed to be equivalent to 50 per cent. of the money wage.

Article 3. The decisions of the National Wages Board fixing wage rates are communicated to the Minister of Labour, who must approve them or make observations in respect of them within a certain time limit. If observations are made, and the Board subsequently reaffirms its decision, the Minister may no longer refuse his approval. The minimum wage rates are then fixed by decree (Decree No. 12 of 26 September 1962). Subject to certain conditions, the minimum wage rates may be revised if the employers or the workers so request. The labour courts have authorised, in exceptional cases, the payment of wages below the minimum rates to workers whose physical or mental capacities are reduced.

Article 4. The General Labour Inspectorate is responsible for supervising the application of the labour legislation in general.

The right to the minimum wage has been upheld by decisions in the courts (in September 1962).

GABON (First Report)

Labour Code: Act No. 88/61 of 4 January 1962 (*Journal officiel de la République gabonaise (J.O.R.G.)*, special issue, 4th year, No. 5, 1 Mar. 1962) (L.S. 1962—Gab. 1).

Order No. 259/IT/GA/LS of 8 February 1954 to regulate the allocation of a daily ration of foodstuffs and establish the maximum amount to be charged therefor (*Journal officiel de l'Afrique équatoriale française*, 1 Mar. 1954).

Legislative Decree No. 00005/PM of 12 January 1961 to establish the rates for the guaranteed minimum interoccupational wage (*J.O.R.G.*, 1 Feb. 1961, No. 4).

Decree No. 00006/PR of 4 January 1964 respecting the extension of collective agreements affecting commercial undertakings, building and public works undertakings, industrial and transport undertakings and forestry and allied undertakings.

Article 1 of the Convention. Guaranteed minimum interoccupational wages and wage zones are governed by the Legislative Decree of 1961.

Under the terms of section 5 of the Decree of 1964 the guaranteed minimum agricultural wage is applicable to all workers in both the public and private sectors of agriculture.

Article 2. The Order of 1954 regulates the allocation of a daily ration of foodstuffs and establishes the maximum amount which may be charged for it.

Article 3. The guaranteed minimum agricultural wage is fixed after consultation of the Advisory Committee on Labour, as defined in section 159 of the Labour Code.

The Advisory Committee on Labour is composed of an equal number of employers' and workers' representatives, who are convened by the Minister of Labour to discuss conditions for the fixing of new minimum interoccupational and agricultural wages, having regard to any change in the cost-of-living index and in economic and social conditions.

No exceptions have ever been made to the minimum wage rates for the benefit of physically or mentally handicapped workers.

Article 4. Under sections 144, 152 and 156 of the Labour Code the labour inspectors and labour supervision officers—or, in their absence, the chief officer of the administrative area concerned—are responsible for the application and supervision of the laws and regulations issued in respect of the minimum agricultural wage rate. They may make reports on violations of the regulations respecting it, which lay the offenders open to prosecution under section 218 of the Labour Code.

Article 5. Approximately 10,000 workers are earning a wage equal to the guaranteed minimum agricultural wage.

IVORY COAST (First Report)

Labour Code.

Order No. 654 MTAS of 30 October 1958 to establish wage zones, guaranteed minimum interoccupational wage rates and the maximum amount to be charged for accommodation provided

and for the daily ration of foodstuffs as from 1 November 1958 (*Journal officiel de la République de Côte-d'Ivoire*, 24 Sep. 1960).

Order No. 771 MTAS of 12 January 1959 to fix the wages of and establish categories for workers in occupations and branches of activity not covered by existing collective agreements (*ibid.*, 17 Jan. 1959).

Decree No. 60-432 of 14 December 1960 to fix guaranteed minimum interoccupational wage rates, wage zones and the maximum amount to be charged for accommodation provided and for the daily ration of foodstuffs in the case of workers in timber and stockbreeding undertakings (*ibid.*, 24 Dec. 1960).

Order No. 4806 ITLS/CI of 20 July 1953 to determine the cases in which accommodation must be provided and the standards to be observed.

Order No. 4807 ITLS/CI of 20 July 1953 to determine the areas in which and the categories of workers to whom it shall be compulsory to supply a daily ration of foodstuffs, and the composition of the ration.

Decree No. 60-292 of 10 September 1960 to fix the maximum amount to be charged for the daily ration of foodstuffs (*ibid.*, 24 Sep. 1960, p. 1094).

Order No. 18/TAS/DIMO of 15 September 1959 respecting the distribution of seats on the Advisory Committee on Labour (*ibid.*, 26 Sep. 1959).

Order No. 11/MTAS of 20 February 1961 to establish categories for and fix the minimum wages of workers in occupations and branches of activity not covered by existing collective agreements for workers in timber and stockbreeding undertakings (*ibid.*, 4 Mar. 1961).

Article 1 of the Convention. The Labour Code provides for the fixing of minimum wage rates by the Government after consultation of the Advisory Committee on Labour.

This rule applies to all employees covered by the Labour Code, including agricultural workers.

Article 2. The payment of wages wholly or partly in kind is prohibited under section 97 of the Labour Code, subject to the provisions of Part IV, Chapter I, respecting board and lodging, which it is compulsory to provide in certain cases.

The Decree of 10 September 1960, the Order of 1958 and the Decree of 14 December 1960 establish the maximum amount which may be charged for board and lodging.

Article 3. In fixing minimum wage rates regard is had to fluctuations in the cost of the items constituting the minimum essential for subsistence. The Advisory Committee on Labour, which is composed of ten representatives of the workers and ten representatives of the employers, nominated by the most representative organisations, must be consulted.

Article 4. The inspectors of labour and social legislation, placed under the authority of the Minister of Labour, are responsible for on-the-spot supervision of the application of the labour legislation and regulations. Actions for the recovery of wages lapse by prescription after six months.

PERU (First Report)

Legislative Decree No. 14192 of 21 August 1962 (*Industria Peruana*, No. 361, Sep. 1962, pp. 15-17).

Legislative Decree No. 14222 of 23 October 1962 concerning methods of fixing minimum wage rates (*El Peruano*, 24 Oct. 1962).

Presidential Decree No. 016 of 31 October 1962 (*El Peruano*, 6 Nov. 1962).

Article 1 of the Convention. The Legislative Decree of 23 October 1962 applies to all branches of the economy, including agriculture.

It provides for the setting up of the National Committee on the Minimum Subsistence Wage, composed of workers', employers' and government representatives. The draft of the legislative decree was prepared by the National Labour Council, on which the workers, employers and Government are also represented.

The minimum wage rates thus fixed will remain in force for two years, but if any fundamental changes occur in the elements which served as a basis for their determination, the Ministry of Labour will request the National Committee on the Minimum Subsistence Wage to fix new rates.

Article 2. Articles 9 and 10 of Legislative Decree No. 14222 permit the payment of wages in kind and indicate the method of determining the value of such payments.

Article 3. The National Committee on the Minimum Subsistence Wage will fix the minimum wage rates after consultation with the local committees. The said wage rates will be legalised by a resolution of the Minister of Labour, who is not authorised to change them.

Under the terms of section 15 of Legislative Decree No. 14222 reductions in the minimum wage rates may be made only for reasons of age (when the work is different from that performed by adult workers in the case of minors between the ages of 18 and 20 and in general for persons below the age of 18 and above the age of 60); of sex, provided that the work output of women is decidedly lower than that of men; of sickness or invalidity; or in the case of agricultural workers whose remuneration includes, under the terms of their contract, the right to make use of the land.

Article 4. The Subdirectorate of Inspection Services of the General Labour Directorate, through the General Inspection Division, is responsible for supervising the application of labour legislation, including the provisions relating to wages.

SIERRA LEONE

For legislation see under Convention No. 95.

Article 2, paragraph 2, of the Convention. Sections 11, 12 and subsection 1 (b) of section 13 of the Employers and Employed Ordinance, which authorised payment in kind, have been repealed. Under section 5 of the above Act the wages of a person employed under a contract of service shall be payable in money.

Article 4. Minimum rates of wages agreed by the Agricultural Workers Wages Board in March 1962 have been published in the *Sierra Leone Gazette*, and notices have been circulated to the employers concerned.

* * *

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

Costa Rica, Ivory Coast, Peru, Sierra Leone.

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

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	Hungary	8. 6. 1956
Algeria	19. 10. 1962	Iceland	17. 2. 1958
Argentina	24. 9. 1956	India	25. 9. 1958
Austria	29. 10. 1953	Indonesia	11. 8. 1958
Belgium	23. 5. 1952	Iraq	28. 8. 1963
Brazil	25. 4. 1957	Italy	8. 6. 1956
Bulgaria	7. 11. 1955	Ivory Coast	5. 5. 1961
Byelorussia	21. 8. 1956	Libya	20. 6. 1962
China	1. 5. 1958	Malagasy Republic	10. 8. 1962
Colombia	7. 6. 1963	Mexico	23. 8. 1952
Costa Rica	2. 6. 1960	Norway	24. 9. 1959
Cuba	13. 1. 1954	Panama	3. 6. 1958
Czechoslovakia	30. 10. 1957	Peru	1. 2. 1960
Denmark	22. 6. 1960	Philippines	29. 12. 1953
Dominican Republic	22. 9. 1953	Poland	25. 10. 1954
Ecuador	11. 3. 1957	Rumania	28. 5. 1957
Finland	14. 1. 1963	Senegal	22. 10. 1962
France	10. 3. 1953	Sweden	20. 6. 1962
Gabon	13. 6. 1961	Syrian Arab Republic	7. 6. 1957
Federal Republic of Germany	8. 6. 1956	Ukraine	10. 8. 1956
Guatemala	2. 8. 1961	U.S.S.R.	30. 4. 1956
Haiti	4. 3. 1958	United Arab Republic	26. 7. 1960
Honduras	9. 8. 1956	Yugoslavia	21. 5. 1952

BELGIUM

With effect from 30 June 1963 the maximum difference between the remuneration of men and women employed in industry on the same work has been reduced to 10 per cent. In addition, joint committees have established classification criteria ensuring equal pay in certain undertakings where large numbers of women are employed.

The Committee on Equal Pay of the National Labour Council has deferred consideration of the reports by the joint committees in order to take account of the over-all results achieved in the first stage of the application of the resolution by the Council of Ministers of the European Economic Community adopted on 30 December 1961.

COSTA RICA (First Report)

Constitution of 7 November 1949 (*La Gaceta*, 7 Nov. 1949, Extraordinary, No. 251, p. 2069).

Labour Code of 27 August 1943 (*L.S.* 1943—C.R. 1).

Presidential Decree No. 6 of 30 March 1951 for the regulation of the National Wages Board.

Act No. 832 of 4 November 1949 to set up the National Wages Board.

Decree No. 12 of 26 September 1962 for the regulation of minimum wages during the period 1 October 1962 to 30 September 1964.

Resolution No. 932 of the Higher Labour Tribunal of 7 August 1956.

Sections 121 (4) and 124 of the Constitution confer the status of national law on ratified Conventions.

Article 2 of the Convention. The President of the Republic and the Minister of Labour and Social Welfare fix by decree every two years in accordance with the decision of the National Wages Board minimum remuneration for different employments throughout the country without distinction of any kind. Section 57 of the Constitution provides that equal remuneration shall always be paid for equal work of the same standards of efficiency as determined by the National Wages Board set up by the above Act.

Section 167 of the Labour Code provides that equal wages shall be paid for equal work performed in equivalent posts with the same working day and the same conditions of efficiency, including all allowances granted to an employee in return for his ordinary work. Distinctions shall not be made on the grounds of age, sex or nationality.

Article 3. Methods followed for the objective appraisal of jobs are description of occupations in accordance with the direct information of analysts and evaluation of skilled work. Factors taken into consideration are the complexity of the work, skill, education, conditions of work, responsibility, supervision and physical effort.

Article 4. Methods of co-operation are by means of verbal or written advice from the Legal and Wages Offices.

The General Labour Inspectorate supervises the application of the Convention.

CUBA

Resolution No. 5758 of the Ministry of Labour, dated 25 August 1962.

Act No. 1021 of 27 April 1962.

In reply to a direct request by the Committee of Experts the Government states that the above resolution provides for the creation of evaluation centres for the purpose of examining and evaluating qualifications for employment.

GABON (First Report)

For legislation see under Convention No. 10.

Article 1, paragraph (a), of the Convention. Section 97 of the Labour Code stipulates that commissions, bonuses and benefits or allowances of various kinds must be taken into account when calculating remuneration for services.

Paragraph (b). Section 89 lays down that in equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their sex.

Article 2. Wages are normally fixed through the inclusion of provisions concerning wages in collective agreements (sections 66 to 78). The remuneration is the same for the same work in a given sector of activity, irrespective of the sex of the worker doing the work.

Article 3. Existing collective agreements have an appendix giving the classification of the workers involved, together with a statement of the minimum wage rates applicable to the various jobs or tasks.

Article 4. A supervisory committee composed of a member of an employers' organisation, a member of a workers' organisation and an expert on the occupation concerned, or the labour inspector, ensures that the occupational classifications are respected.

ICELAND

Law No. 60 of 29 March 1961 respecting equal remuneration for men and women.

Law No. 55 of 28 April 1962 respecting the wages and terms of employment of public employees.

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

"Remuneration" in section 3 (7) of Law No. 38 of 14 April 1954 includes any type of payment or emolument which arises out of a specific position or employment in the service of the Government.

Under the Law of 1962 government employees were granted the right to collective bargaining in respect of their salaries and terms of employment. An agreement on the classification of government employees by salary grades was thus reached under the law and was expected to take effect from 1 July 1963. The law provides that where an agreement is not reached between the two negotiating parties in a dispute or through the mediation of the state mediator, the case shall be referred to a court of arbitration.

No report was made by the committee set up by the Legislative Assembly to study and make proposals concerning equal remuneration, and this committee has now been abolished.

According to the Law of 1961, which covers work by general workers, industrial workers and employees in shops and offices, remuneration of women shall rise in equal terms with the remuneration of men for work of equal value, so that full equality will be reached by 1 January 1967. The Committee on Equal Wages, consisting of a chairman appointed by the Labour Court and two members appointed by the Icelandic Federation of Labour and the Employers' Federation, was appointed under the Law of 1961 to determine the annual increase in remuneration. Two such increases for 1962 and 1963 have already been carried out by the Committee, so that the hourly wage rate of women workers in the capital, formerly 16.7 per cent. under that of men, is now about 11 per cent. under that of men.

INDIA

The wage board for the coffee plantations industry has recommended different rates of interim relief for men and women workers, since the basic wage rates fixed under the Minimum Wages Act of 1948 for men and women workers on coffee plantations were also not identical.

IVORY COAST (First Report)

Labour Code (Overseas Territories) Act, No. 52-1322, of 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541) (L.S. 1952—Fr. 5).

Constitution: Act No. 60-356 of 3 November 1960 (*Journal officiel de la République de Côte-d'Ivoire* (J.O.R.C.I.), 4 Nov. 1960).

Act No. 59-135 of 3 September 1959 to lay down the conditions of service of the Public Services (J.O.R.C.I., 12 Sep. 1959, pp. 838 ff.).

Act No. 62-387 of 24 October 1962 (J.O.R.C.I., 8 Nov. 1962).

Collective agreements, e.g. collective agreement of 18 December 1961 respecting the mining and prospecting industries.

Article 2 of the Convention. For information on methods of determining wages the Government refers to its first report (1960-62) on Convention No. 110.

Section 91 of the Labour Code of 1952 provides that in equal conditions as regards work, skill and output the same wage shall be payable to all workers.

Article 3. Job appraisal is the subject of provisions in collective agreements. These also provide for an evaluation board of employers and workers which may consider any complaint by a worker concerning the evaluation of his job. No forms of discrimination between men and women as regards wage rates exist in law or in practice.

Article 4. Co-operation with employers' and workers' organisations is achieved by means of the Labour Advisory Board and mixed boards.

PERU (First Report)

Civil Code (s. 1572).

Legislative Decree No. 14222 of 23 October 1962 concerning methods of fixing minimum wage rates (*El Peruano*, 24 Oct. 1962).

Article 2 of the Convention. The above legislative decree lays down the principle of equal remuneration for equal work in identical conditions. It permits an exception to this principle where the output of women is manifestly inferior to that of men.

Article 3. No methods exist for the objective appraisal of jobs.

Article 4. Co-operation with employers' and workers' organisations is achieved by means of the National Labour Board, which consists of employers', workers' and government representatives and which prepared the draft of the decree.

Application of legislation relating to the Convention is controlled by the Department of Inspection of the General Directorate of Labour.

SYRIAN ARAB REPUBLIC

Ministerial Instructions No. B/1/6450 of 4 September 1961.

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

The above ministerial instructions lay down provisions relating to equal remuneration for work of equal value performed by men and women workers.

According to section 3 of the Labour Code of 1959 the term "remuneration" includes all forms of emolument paid to the worker in return for his work.

Measures taken to promote objective job appraisal are contained in the ministerial instructions, which place the workers in categories according to the importance, responsibility, technical nature, etc., of their work. A project defining various professions is being prepared by the Ministries of Planning and Social Affairs and Labour with the aid of an I.L.O. expert.

The Ministry of Social Affairs and Labour resolves disputes between employers' and workers' organisations and receives their recommendations regarding the application of the principle of equal remuneration.

YUGOSLAVIA

Constitution of 9 April 1963 (*Službeni List*, No. 14, 10 Apr. 1963).

Section 12 of the Constitution of 1963 provides that every worker shall be entitled to payment according to the results of work done by himself, his work unit and the organisation as a whole. Section 33 further guarantees the equality of all citizens with respect to rights and duties without distinction as to sex.

* * *

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

Costa Rica, Cuba, Gabon, Iceland, Peru, Syrian Arab Republic, Yugoslavia.

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	19. 10. 1962	Netherlands	27. 11. 1958
Austria	14. 6. 1954	New Zealand	24. 7. 1953
Belgium	20. 3. 1954	Norway	30. 9. 1954
Brazil	25. 4. 1957	Peru	1. 2. 1960
Cuba	7. 9. 1954	Poland	8. 10. 1956
France	29. 3. 1954	Senegal	22. 10. 1962
Gabon	13. 6. 1961	Sierra Leone	15. 6. 1961
Federal Republic of Germany	5. 1. 1955	Sweden	12. 8. 1953
Guatemala	4. 8. 1961	Syrian Arab Republic	26. 7. 1960
Hungary	8. 6. 1956	Tanganyika	30. 1. 1962
Israel	14. 7. 1953	United Arab Republic	9. 4. 1956
Italy	8. 6. 1956	United Kingdom	25. 6. 1956
Malagasy Republic	10. 8. 1962	Uruguay	18. 3. 1954
Mauritania	8. 11. 1963	Yugoslavia	30. 4. 1955
Morocco	14. 10. 1960		

BRAZIL

In reply to a direct request from the Committee of Experts the Government states that the commission set up by Order No. 160 of 1962 to work out a plan for the collection of statistical data has not yet completed its work.

FRANCE

See under Convention No. 52.

GABON (First Report)

Labour Code: Act No. 88/61 of 4 January 1962 (*Journal officiel*, special issue, No. 5, 1 Mar. 1962) (L.S. 1962—Gab. 1).

Decree No. 00006/PR of 4 January 1964 respecting the extension of the collective agreements of 10 July 1959 for forestry undertakings to all forms of agricultural undertakings.

Articles 2 and 3 of the Convention. Under the Labour Code all workers, including agricultural workers, are entitled to annual leave with pay. The leave of agricultural workers is governed by the statutory measures for which provision is made in the Code and by the orders issued for the administration of the Code. Leave accrues to any worker after a period of effective service of one year. Its duration is calculated at the rate of one-and-a-half working days per month of effective service.

Article 4. The provisions concerning annual leave with pay cover all workers with the exception of those working on farms or forestry estates run purely on a family basis.

Article 5, paragraph (a). Section 121 of the Code provides that young persons under 18 years of age are entitled to two working days' leave for each month of service. Apprentices, being regarded as workers within the meaning of section 1 of the Code, also benefit from this provision.

Paragraph (b). The duration of the leave is increased at the rate of one working day for each full period of five years' service with the same employer, whether

continuous or not, up to the limit of a total duration of leave of 24 working days.

Paragraph (c). Section 122 of the Code lays down that if the contract is broken off or expires before the worker has become entitled to leave, compensation based on the rights which have accrued under section 121 of the Code must be granted in lieu of leave (the minimum being two days' paid leave for 24 days' service). In practice, even though the rule is that one-and-a-half days' leave per month of service should be granted, the half-day is rounded up to one day in the worker's favour.

Paragraph (d). Weekly rest periods and public holidays are not included in paid leave.

Article 7. Section 124 of the Code requires the employer to pay the worker, during the whole period of leave, a daily, weekly or monthly allowance at least equal to the corresponding average amount of the various wages, allowances, bonuses and commissions he received during the 12 months preceding his departure on leave.

Only output bonuses, compensation for expenses, risks or hardship involved in connection with the work and benefits in kind, both statutory and contractual, inherent in the obligation to provide lodging, are excluded from the calculation of the leave allowance.

Where the worker is in receipt of the hardship allowance due to expatriation prescribed in section 92 of the Code, collective agreements or the individual contract may provide for the reduction, for the purpose of calculating the leave allowance, of the amount of the expatriation allowance by an amount not exceeding 40 per cent. of the basic wage. This proviso should be the subject of a special clause in the contract of employment of the worker concerned. The leave allowance is payable in full before the worker's departure, at his request.

Article 8. In accordance with the fourth paragraph of section 122 of the Code, any agreement providing for compensation in lieu of leave is null and void.

Article 9. The third paragraph of section 122 of the Code explicitly stipulates that if the contract is broken off or expires before the worker has become entitled to leave, compensation based on the rights which have accrued under section 121 of the Code must be granted in lieu of leave.

Article 10. The application of the legislation and regulations concerning holidays with pay in agriculture is entrusted, in virtue of sections 144 to 152 of the Code, to the labour inspectors and labour supervision officers.

Article 11. The legislation respecting holidays with pay is applicable to 13,280 agricultural workers.

FEDERAL REPUBLIC OF GERMANY

Federal Leave Act of 8 January 1963 (*Bundesgesetzblatt*, Part I, 12 Jan. 1963) (L.S. 1963—Ger. F.R. 1).

Articles 1 and 2 of the Convention. The Federal Leave Act has repealed all local legislation in respect of leave. The provisions as to leave contained in the Young Persons (Protection of Employment) Act and in the Disabled Persons Act (both federal Acts) remain, however, in force.

Article 3. Under the Federal Leave Act the minimum duration of leave has been increased to 15 working days a year (18 in the case of workers over 35 years of age). Entitlement to leave is acquired after six months.

Article 4. The Federal Leave Act covers all workers, including agricultural workers.

Article 5, paragraph (b). The Federal Leave Act makes no provision for any increase in the duration of leave with the length of service. This point is frequently taken care of in collective agreements.

Paragraph (c). The Act provides that a worker who withdraws from the employment before completing the waiting period for entitlement to leave shall be entitled to one-and-a-half day's annual leave for each month of service. In addition, the Act provides that, as an exceptional measure, cash compensation shall be payable where leave can no longer be granted.

Paragraph (d). Sundays and public holidays are not included in the leave period. The Federal Leave Act further explicitly provides that absences due to incapacity for work shall not be counted as annual leave.

Article 6. Under the Federal Leave Act leave may not be divided into parts. As an exceptional measure, however, it may be granted in more than one instalment if urgent operating requirements or personal considerations make this necessary.

Article 7. Under the terms of the Federal Leave Act a worker's leave pay is calculated on the basis of his average earnings over the last 13 weeks preceding the commencement of the leave. If he is granted a pay increase that is not merely of a temporary nature during the reference period or during the leave itself, the basis taken for the calculation must be the increased rate of pay. No account must be taken for the purposes of calculating a worker's leave pay of any reduction in his earnings during the reference period due to short-time working, an industrial accident or absence for reasons beyond the worker's control.

Article 8. Under the Federal Leave Act a worker may not forgo the right to leave.

Article 9. A worker whose entitlement to leave or to leave pay is contested may appeal to the competent courts (section 7 of the Federal Leave Act).

Article 10. In reply to the request of the Committee of Experts concerning the adequacy of the system of inspection the Government states that the legislation as it stands at present has led to practically no abuse and that the workers' organisations themselves feel that there is no need to strengthen the powers of intervention and supervision of the public authorities.

HUNGARY

See under Convention No. 52.

ITALY

In reply to a direct request by the Committee of Experts concerning the extension of collective agreements the Government states that the exclusion of certain collective agreements from the extension *erga omnes* was due to the fact that Acts Nos. 741 of 1959 and 1027 of 1960 specifically stipulate the time limits within which agreements must be concluded and the limits up to which powers may be delegated. This exclusion in fact affects only a small number of agricultural workers, mainly home-workers. In practice, moreover, the category in question is fully protected by the corporative agreement of 1937 and by the *inter partes* agreement concluded on 8 March 1963.

As regards the observation that certain legislative provisions are in contradiction with the provisions of the Convention, under Article 8 of the national collective agreement of 15 February 1957 (Presidential Decree No. 1018) respecting agricultural day labourers, which fixes at 11 per cent. the percentage of the basic wage and cost-of-living allowance to be given as leave pay, pay for public holidays, etc., the percentage in question cannot be taken as being the cash equivalent of payments in kind, since the remuneration of day labourers includes no such payments.

As for the observation to the effect that the collective agreements in force for agriculture do not all provide for the payment of compensation to dismissed workers in lieu of leave due but not taken, under section 36 of the Constitution—which is a

fundamental law—and section 2109 of the Civil Code, workers are always entitled to leave or to compensation in lieu thereof irrespective of whether the employment relationship has ceased for one reason or another.

As regards the corporative agreement of 27 December 1937 respecting agricultural workers, it has been replaced, in virtue of Legislative Decree No. 369 of 23 November 1944, by the provisions of Legislative Decree No. 1018 of 14 July 1960, which gives the force of law to the collective agreement of 15 February 1957 respecting agricultural day labourers.

NETHERLANDS

Legislative Decree respecting employment relationships, 1963, as amended (*Staatsblad*, 1963, 271).

Under the above legislative decree, the College of State Mediators may make it compulsory to have regulations on leave for employers and workers who are not members of the contracting organisations.

PERU (First Report)

Presidential Decree of 31 August 1933 (*Industria Peruana (I.P.)*, Sep. 1933, Vol. III, No. 14, p. 336) (*L.S.* 1933—Peru 1-B).

Presidential Decree of 9 May 1939 (*Doctrina y Legislación del Trabajo en el Perú*, by Ricardo Elías Aparicio and Guillermo González Rosales, 1959, Vol. I, p. 280).

Act No. 9049 of 13 February 1940 (*ibid.*, p. 283).

Presidential Resolution No. 4 D.T. of 29 March 1954 (*ibid.*, p. 296).

Presidential Decree No. 11 D.T. of 27 October 1956 (*ibid.*, p. 298).

Presidential Decree No. 4 D.T. of 26 November 1957 (*ibid.*, p. 300).

Presidential Decree of 9 May 1959.

Act No. 13683 of 25 August 1961 respecting annual leave for wage earners (*El Peruano*, 26 Aug. 1961, No. 6103, p. 1) (*L.S.* 1961—Per. 2).

Presidential Decree No. 17 of 24 October 1961, issued for the administration of Act No. 13683 (*I.P.*, No. 355, Dec. 1961, pp. 19-20).

Article 1 of the Convention. The Acts of 1961 and 1940 established a system of annual leave with pay for wage earners and salaried employees respectively, it being understood that both Acts apply to workers not only in industry but also in agriculture. Entitlement to leave accrues after a year's service, in which a minimum of 260 days of work must have been performed or (in the case of wage earners) 40 weeks' wages received.

Article 2. The conditions for annual leave with pay are governed by various laws, and more favourable arrangements may be made under collective agreements.

Article 3. See under Article 1. The minimum duration of annual leave for both salaried employees and wage earners is 30 days.

Article 4. The Act of 1961 applies to all wage earners in the service of a person or body corporate, while the Act of 1940 applies to civil servants, salaried employees of companies under state control and salaried employees in banking, commerce and industry.

Article 5, paragraphs (a) and (b). No distinction is made between young workers and adults as regards leave, nor is leave increased with the length of service.

Paragraph (c). Whether in continuous or temporary employment, a wage earner is entitled to leave in proportion to the number of months' service he has completed during the year.

Paragraph (d). A day of work is deemed to be any day when four hours' work is done. Saturdays, Sundays and public holidays are counted as days of work. Days of absence from work due to an industrial accident, sickness or suspension are considered to be days of attendance at work.

Article 6. It is not permitted for leave to be divided up, by order of the Directorate of Labour issued on 10 October 1940.

Article 7. Salaried employees who take 30 days' leave receive the equivalent of a month's salary, while those taking only 15 days receive three fortnights' salary. Wage earners receive the equivalent of 30 days' wages, and, subject to agreement between the wage earner and the employer, up to 20 days of the leave may be waived with equivalent cash compensation.

Article 8. Social rights and benefits are unrelinquishable, and any agreement to the contrary is void.

Article 9. Workers who are dismissed or who leave their employment of their own free will before they have taken their leave receive in cash the equivalent of the remuneration due to them for the period in question, even if they leave before the date stated. A dismissed wage earner is entitled to compensation equivalent to one-twelfth of the leave pay due to him for each month of service.

Workers who are bound by a contract of employment and are members of a trade union must submit any claims they may have to the Collective Grievances Division (other workers to the Individual Grievances Division). The claims of those without contracts of employment are dealt with under the law governing private employment. In addition the Subdirectorate for Inspection Services ensures observance of the provisions respecting leave.

POLAND

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

Article 5, paragraph (d), of the Convention. Public holidays and weekly rest periods are not counted as paid leave, except in cases where leave totals 30 days (Articles 62 to 64 of the collective agreement of 8 August 1960).

If a worker falls ill during his paid leave, or if owing to an infectious illness he has to be placed in quarantine by order of the health authorities, the portion of leave lost must be granted to him at a subsequent date, on condition that the illness or quarantine has lasted at least three days (Article 72 of the agreement).

Article 6. Under Article 62 of the collective agreement wage earners are entitled to an uninterrupted period of annual leave with pay.

Article 7, paragraph 3. Payments in kind are deemed to be periodic benefits to which workers are entitled apart from their leave pay.

The supervision of the application of the legislative provisions respecting agricultural workers employed on privately owned farms is entrusted to the appropriate trade union bodies.

SENEGAL (First Report)

There is no distinction between the agricultural sector and other sectors of the economy as regards holidays with pay.

See also under Convention No. 52.

SIERRA LEONE

In reply to the request made in 1962 by the Committee of Experts the Government has supplied the following information.

Article 4, paragraph 1, of the Convention. The most representative employers' and workers' organisations took part in the deliberations on the undertakings to be excluded from the scope of the Convention. It was considered that undertakings with less than 25 workers involved small-scale farming and that employers would be forced out of business if they were asked to pay the rates of wages laid down by the Agricultural Workers' Wages Board. Furthermore, in the interest of the development of the country, it was thought necessary to encourage such farming enterprises. In the circumstances it is felt that, for the present, the Wages Board could not fix holidays with pay for such workers, as their conditions of service have been declared to be outside its competence. If there are any developments in the future justifying the extension of the provisions of the Wages Board to such workers, suitable action will be taken on the matter.

Article 5, paragraph (a). The Government still considers the paid holidays granted to adult workers as sufficient for young workers. In view of the fact that agricultural work is generally seasonal, there are periods when most workers are not fully occupied but are nevertheless paid at normal rates of wages for such periods. Moreover, it is not the practice to differentiate between young and adult workers regarding holidays with pay in the industries, and any such differentiation in agriculture is likely to have unfavourable repercussions in the other industries.

SYRIAN ARAB REPUBLIC (First Report)

Agricultural Labour Code (Syrian Region): Act No. 134 of 4 September 1958 (*Al-jarida al-rasmiya*, 4 Sep. 1958).

Article 1 of the Convention. Under section 107 of the Agricultural Labour Code workers employed in agriculture on a continuous basis with the same employer for ten months or more are entitled to two weeks' annual leave, during which they are entitled to their wages in full.

Article 2. The above-mentioned leave has been prescribed by a legislative enactment (section 107 of the Code).

Article 3. Under section 107 of the Code the minimum period required for entitlement to annual leave with pay is ten months, and the duration of the said leave is two weeks.

Article 4. The Code applies to all workers employed in farming. The views of the employers' and workers' organisations were taken into consideration when it was drafted and promulgated. Its provisions do not apply to farms where the farmer employs only members of his family, the family consisting of the husband, the wife, their descendants and ascendants, brothers and sisters and their children, and sons-in-law.

Article 5, paragraph (a). Apprentices are not entitled to special treatment as regards paid leave.

Paragraph (b). There is no increase in the duration of paid leave with the length of service.

Paragraph (c). The worker is entitled to compensation in respect of any leave to which he is entitled and which he has not been able to take.

Paragraph (d). Weekly rest periods falling within the annual leave period are deemed to be part thereof. Under section 116 of the Code workers are entitled to seven public holidays a year. Workers who have been in employment for more than six months are entitled to one month's sick leave on full pay, plus one month without pay, in the event of sickness not due to an occupational disease or industrial accident (section 117 of the Code).

Article 6. Under section 108 of the Code the annual paid leave may be divided into several parts, so long as the worker is able to take at least one week of his leave without interruption.

Article 7. Under section 107 of the Code the worker is entitled to receive his full wage throughout his leave. If the conditions prescribed by his contract of employment are more advantageous to the worker, it is the contract of employment which is applicable (section 115 of the Code). Leave pay is calculated on the basis of the wages fixed by the contract of employment. Section 109 of the Code provides for the cash value of the worker's board to be added to the wages in cash or payments in kind to which he is entitled during his leave, if the contract of employment or custom requires that the worker's board be provided.

Article 8. The provisions of this Article are applied in virtue of the decree whereby the Convention was ratified, which under the terms of the Constitution is deemed to be a statutory enactment.

Article 9. Under section 110 of the Code, a worker who does not take his leave is entitled to his normal wages for the duration of the leave period by way of compensation.

Article 10. Labour inspection in agriculture is governed by Book IV, Chapter II, of the Agricultural Labour Code. Under the Code it is compulsory for the labour inspection services attached to the Ministry of Social Affairs and Labour to carry out such inspection.

TANGANYIKA

Employment Ordinance (Amendment) Act, No. 82, 1962.

Article 5, paragraph (d), of the Convention. The entitlement to paid public holidays and a weekly rest day now conferred by the above Act is additional to that for annual holidays with pay.

YUGOSLAVIA

See under Convention No. 52.

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

Austria, Belgium, Israel, Morocco, Norway, Sweden, United Arab Republic, United Kingdom, Uruguay.

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

New Zealand, Zanzibar.

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 Part 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 VII.
Netherlands ¹	11. 10. 1962	⁹ Has accepted the provisions of Parts II, III, V, VIII and IX.
Norway ⁸	30. 9. 1954	¹⁰ Has accepted the provisions of Parts VI to VIII.
Peru ⁹	23. 8. 1961	¹¹ Has accepted the provisions of Parts II to IV and VI to VIII.
Senegal ¹⁰	22. 10. 1962	¹² Has accepted the provisions of Parts II to V, VII and X.
Sweden ¹¹	12. 8. 1953	¹³ Has accepted the provisions of Parts II to VI, VIII and X.
United Kingdom ¹²	27. 4. 1954	
Yugoslavia ¹³	20. 12. 1954	

YUGOSLAVIA

Act of 3 March 1961 to amend the Pension Insurance Act (*Službeni List*, No. 10/61).

Decree of 11 December 1962 (*ibid.*, No. 51/62).

Decree of 3 December 1960 respecting supplements to invalidity pensions (*ibid.*, No. 43/59).

Retirement Pensions Act of 1 January 1960 (*ibid.*, No. 27/59).

Penal Code (Amendment) Act of 1 January 1960 (*ibid.*, No. 30/59).

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

Under the Act of 1961 the various insurance classes were changed and rates of old-age and invalidity pensions increased. Some changes in connection with survivors' pensions were also introduced. Further, by a decision of the Federal National Assembly of 28 December 1961, some special supplements were added to the pension basis.

The Decree of 1962 fixes individual monthly earnings for the purpose of determining pension rates. In the case of employees of the public services the earnings taken into account include supplements granted in view of the special nature or difficulty of the work, special working conditions, the degree of specialisation of the individual, and the thirteenth month's salary paid to public employees.

PART VI. EMPLOYMENT INJURY BENEFIT

In the case of invalidity resulting from an industrial accident or an occupational disease the pension is equal to 100 per cent. of the corresponding pension basis.

In the case of death resulting from an industrial accident or an occupational disease, or in the case of death of a beneficiary under an employment injury retirement pension, the pension for a widow with two children is 90 per cent. of the pension basis.

To take, for instance, a skilled manual male employee (standard beneficiary), whose monthly earnings amount to 23,630 dinars (class IX of the table), the pension which would be granted in respect of incapacity due to employment injury would

amount to $17,200 + 9.3$ per cent. of $17,200 = 18,730$, i.e. 79 per cent. of the previous earnings.

The widow with two children of the same person as above would receive a survivor's pension amounting to 90 per cent. of 18,730, i.e. 16,857 dinars, or 70 per cent. of the deceased worker's earnings.

PART X. SURVIVORS' BENEFIT

Article 62 of the Convention (in connection with Article 65, Part XI). In the case of death of an old-age pensioner or of an insured person who at the time of death fulfilled the qualifying conditions for an old-age pension, the survivor's pension in the case of a widow with two children is as stated under Part VI above.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65, paragraph 10. The system of automatic adjustments does not exist, but periodic special adjustments are made, based on variations in the cost of living, changes in the level of earnings of active insured persons, etc. For example, the Decree respecting supplements to invalidity pensions provides for a special supplement to the beneficiaries of invalidity pensions. This supplement varies with personal conditions and is between 3,000 and 8,500 dinars. The Decree of 1960 allows a 10 per cent. increase on old-age, invalidity and survivors' pensions in payment to bring them into line with the level of earnings of active persons.

PART XIII. COMMON PROVISIONS

The Retirement Pensions Act of 1960 provides that the loss of right to pension should occur only in the most exceptional cases clearly defined by law. The Act has been amended to bring it into line with the Penal Code (Amendment) Act. The provisions concerning loss of rights on account of condemnation to death or loss of nationality have now been repealed. The reduction of the qualifying period by reason of periods of imprisonment or collaboration with the enemy does not preclude the award of a pension if, despite the reduction, the insured person is able to satisfy the qualifying conditions.

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

Denmark, Yugoslavia.

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

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

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

Countries	Ratification registered on	Countries	Ratification registered on
Cuba	15. 8. 1957	Niger	23. 3. 1962
Dominican Republic	10. 2. 1958	Nigeria	25. 10. 1962
Iran	13. 4. 1959	Portugal	12. 4. 1960
Liberia	25. 5. 1962	El Salvador	18. 11. 1958
Libya	20. 6. 1962	Syrian Arab Republic.	7. 6. 1957
Morocco	27. 3. 1963	Tunisia	18. 12. 1962
New Zealand	28. 6. 1956	United Arab Republic	18. 12. 1958

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

Dominican Republic, Iran, New Zealand, Portugal, Syrian Arab Republic, United Arab Republic, Western Samoa.

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	16. 5. 1963	Jordan	31. 3. 1958
Argentina	18. 1. 1960	Kenya	13. 1. 1964
Australia	7. 6. 1960	Kuwait	21. 9. 1961
Austria	5. 3. 1958	Liberia	25. 5. 1962
Belgium	23. 1. 1961	Libya	13. 6. 1961
Burundi	11. 3. 1963	Malaysia	13. 10. 1958
Cameroon (Western Cameroon)	3. 9. 1962	Mali	28. 5. 1962
Canada	14. 7. 1959	Mexico	1. 6. 1959
Chad	8. 6. 1961	Netherlands	18. 2. 1959
China	31. 3. 1959	Niger	23. 3. 1962
Colombia	7. 6. 1963	Nigeria	17. 10. 1960
Costa Rica	4. 5. 1959	Norway	14. 4. 1958
Cuba	2. 6. 1958	Pakistan	15. 2. 1960
Cyprus	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	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	13. 6. 1961
Ghana	15. 12. 1958	Somalia :	
Greece	30. 3. 1962	ex-British Somaliland	18. 11. 1960
Guatemala	9. 12. 1959	ex-Trust Territory	8. 12. 1961
Guinea	11. 7. 1961	Sweden	2. 6. 1958
Haiti	4. 3. 1958	Switzerland	18. 7. 1958
Honduras	4. 8. 1958	Syrian Arab Republic	23. 10. 1958
Iceland	29. 11. 1960	Tanganyika	30. 1. 1962
Iran	13. 4. 1959	Trinidad and Tobago	24. 5. 1963
Iraq	15. 6. 1959	Tunisia	12. 1. 1959
Ireland	11. 6. 1958	Turkey	29. 3. 1961
Israel	10. 4. 1958	Uganda	4. 6. 1963
Ivory Coast	5. 5. 1961	United Arab Republic	23. 10. 1958
Jamaica	26. 12. 1962	United Kingdom	30. 12. 1957

BELGIUM (First Report)

Forced labour as defined by the Convention does not exist.

CANADA

Federal Legislation.

Penitentiary Act, 1961 (*Statutes of Canada*, 1960-61, Cap. 53).

Penitentiary Service Regulations, 1962 (*S.O.R./62-90*).

*Provincial Legislation.**Newfoundland.*

Labour Relations (Amendment) Act, No. 82, 1963.

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

Under the Penitentiary Service Regulations each inmate of the prison is required to work.

Section 89 of the Dominion Prisons and Reformatory Act, which permits the hiring out of prisoners to contractors, is still in force, but such employment is contrary to present policy and is not in effect.

Certain provisions of the Canada Shipping Act and the Government Vessels Discipline Act (under which seamen may be liable to imprisonment for certain disciplinary offences and under which seamen may be forcibly made to perform their duties in certain circumstances) will be reviewed in connection with the current examination of the Canada Shipping Act.

Strikes to settle questions arising during the currency of a collective agreement or over negotiation of such agreement, until conciliation services have been tried to settle the dispute, are illegal. In certain essential services strikes are prohibited. The sanctions are fines or, in some cases, liability for damages.

Various categories of workers excluded from provincial Labour Relations Acts (e.g. persons engaged in agriculture, hunting or trapping, farm labourers, domestic servants) are not organised in trade unions. Their right to organise is, however, not restricted, and participation in strikes would not render them liable to penal sanctions.

Section 43 A of the Newfoundland Labour Relations Act (under which participation in certain kinds of strikes—e.g. sympathetic strikes, strikes in a demarcation dispute, etc.—could be punished with imprisonment) was repealed in 1963. There were no cases under this section during the four years it was in force.

CHINA

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

The National General Mobilisation Law, 1942, is still in force, but sections 9 to 13, 15, 22 and 23 have never been invoked, and no regulations or orders have been issued under these provisions. The Regulations of 1947 for arbitration in labour disputes during the period of mobilisation are still in force. The revision or repeal of the above-mentioned provisions has not so far been considered.

Agreement has not been reached between the various government services as to whether the National Labour Service Act is in conflict with the Convention and how the Act should be amended. However, with a view to bringing it into conformity with the Convention, administrative steps have been taken for labour service to be carried out by encouraging voluntary participation, and not by compulsory means, and for the work to be devoted to road building and sanitary improvements to meet the needs of the local inhabitants.

Section 54 of the Law for the Punishment of Police Offences lays down a penalty of detention for not more than seven days or a fine of not more than 50 yuans for spreading rumours liable to affect the public peace. Under section 64 (1) of the same law compulsory labour may be imposed as a penalty for loitering or behaving in a suspicious manner. The nature of this penalty is indicated in sections 18 (1) (iii), 21 and 52 of the law.

Under sections 57 and 66 of the Maritime Law of 20 December 1929 no penal sanctions may be imposed upon seamen for breaches of discipline.

Section 55 of the Trade Union Law does not provide for the punishment of all instigators or participants in strikes prohibited by section 26 of this law, but only of those who are guilty of a criminal offence. Workers who are not members of a trade union are not covered by section 26 of the Trade Union Law. Section 39 of the Labour Disputes Law of 1928 states, *inter alia*, that "actions involving criminal offences

shall be dealt with according to the Criminal Code". This does not include all who refuse to comply with the Act, but only those whose actions involve criminal offences.

Labour disputes in state-operated undertakings are governed by the Regulations for arbitration in labour disputes during the period of mobilisation.

CYPRUS

For legislation see under Convention No. 95.

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

Copies of the Defence Regulations and of the orders and instructions made thereunder are not available.

The Supplies and Services (Transitional Powers) (Cyprus) Order, 1946, is not in force; but such regulations and orders made thereunder as have been saved by section 6 (3) of Chapter 175 A are still in force. The Essential Works (Hotels and Restaurants) Order, 1954, is still in force. These orders must, however, be read subject to the provisions of the Constitution. Sections 64 and 65 of the Criminal Code (prohibiting certain strikes) have ceased to be in force by virtue of article 183 of the Constitution. The Assemblies and Processions Law (Regulation of Meetings) must be read subject to article 21 of the Constitution, which safeguards freedom of peaceful assembly.

The Merchant Shipping (Masters and Seamen) Law, 1963, contains provisions similar to sections 221 to 225 (1) (b), (c) and (e) of the previous United Kingdom Merchant Shipping Act, 1894, relating to imprisonment of seamen for certain disciplinary offences and the forceful conveyance of a deserter to the ship for the performance of his duties. These provisions were considered to conflict with the Convention. However, the matter is now being further considered and, if necessary, these provisions will be revised.

DAHOMY (First Report)

Constitution of 26 November 1960.

Labour Code (Overseas Territories) Act of 15 December 1952 (*Journal officiel de la République française*, Dec. 1952, No. 298, p. 11541) (L.S. 1952—Fr. 5).

Section 56 of the Constitution lays down that "treaties or agreements ratified in the regular manner shall have, as from the date of their publication, an authority over and above that of the legislation, always providing that, in the case of each agreement or treaty, it is applied by the other party".

Sections 2 and 228 of the Labour Code absolutely forbid forced labour, and no provision is made for any exception.

DOMINICAN REPUBLIC

In reply to a direct request by the Committee of Experts the Government indicates that up to now no measures have been taken to ensure in a categorical manner that prisoners sentenced to corrective labour may not be used for forced labour.

FINLAND

The State of War Act, 1930 (*Suomen Asetuskokoelma/Finlands Författningssamling*, No. 303-308). Act respecting obligation to work, 1942 (*ibid.*, No. 418-421).

Under the above-mentioned Acts, when a state of war has been declared by the President, workers may be requisitioned for defence works or for work of importance

for the national defence or for the subsistence of the population or indispensable for the maintenance of national economy.

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

The number of persons convicted under Chapter XI, section 4 (*a*), paragraphs 3 and 4, and Chapter XVI, sections 8 and 24, second paragraph, of the Penal Code (high treason), is not easily available, but is small. In 1960 there were three prosecutions under Chapters XI and XII of the Code. "High treason" may relate to the separation of a part of the country or its subordination to a foreign State or to the illegal rescission or alteration of the Constitution.

The report also gives detailed information on the practical application of the Vagrancy Act, 1936, the Alcoholics Act, 1936, the Public Assistance Act, 1956, and the Act of 1948 respecting maintenance of children.

The Committee of Experts' comments concerning the provisions of the Act respecting seafarers of 1955 relating to the discipline of seamen will be studied carefully.

FEDERAL REPUBLIC OF GERMANY

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

Article 1, paragraph (a), of the Convention. No legislative provision exists concerning the suspension of constitutional guarantees, the declaration of a state of siege or the declaration of a state of emergency. However, a Bill to amend the Basic Law is now before the Federal Parliament; this Bill provides that, in the event of danger from without or from within, certain fundamental rights may be restricted beyond the normally accepted limit, as long as their essential nature is not impaired.

The serving of sentences pronounced in virtue of the provisions of sections 42 (*d*), 84, 90 (*a*), 93, 95, 96, 96 (*a*), 97, 99, 100, 100 (*a*), 100 (*c*), 100 (*d*), 100 (*e*), 129 and 129 (*a*) of the Penal Code is governed by the general provisions enacted by the Länder with respect to the serving of sentences. These provisions do not prescribe or call for any discriminatory treatment of prisoners based on the reason for their conviction. Prisoners convicted of political offences have the same rights and the same obligations as any other prisoner.

Paragraph (*b*). Civilian replacement service, introduced by the Act of 13 January 1960, is by no means a "method of mobilising and using labour for purposes of economic development"; neither is it therefore a form of forced or compulsory labour as envisaged by the Convention. It is rather a means whereby military service, a general obligation under public law which devolves upon all male citizens, may be replaced by a form of service to the community as a civilian in the case of persons who refuse for reasons of conscience to perform military service. Replacement service is of the same duration as military service (at present 13 months).

Paragraph (*c*). Section 114 of the Seamen's Act of 1957 provides for penalties in the event of aggravating circumstances which are precisely defined—such as when a seaman deliberately leaves his ship in a foreign port. The penalty is a term of imprisonment of not more than one year. In these very limited circumstances such a penalty does not seem unreasonable. It is intended as punishment for a serious violation of the terms of the contract of engagement which might well have very serious consequences in circumstances where the threat of a fine might not prove to be a sufficient deterrent. Consequently section 114 of the Seamen's Act is concerned with a matter other than that covered by the Convention.

The German Confederation of Trade Unions has expressed the view that section 114 of the Seamen's Act should be repealed, as, even though that section is not

directly concerned with forced labour, the threat of a prison sentence may indirectly exert such a profound restraining influence on an individual as to prevent him from leaving a specified workplace.

Paragraph (d). Strikes are not, generally speaking, governed by legislation. Only in a few Länder are there provisions expressly recognising the right to strike. The lawfulness of strike action, however, has its roots in historical evolution, in the principle of a State based on law, freedom and social justice, and in the liberty of the individual. Even though strike action is considered to be a legitimate weapon, its objectives and the means used to attain them must remain within the bounds of legality. A strike becomes unlawful the instant these bounds are overstepped. Any strike declared for an unlawful purpose carries with it the obligation to repair any damage which may result therefrom, in conformity with the provisions relating to prohibited acts. No penalty is prescribed, however, for having participated in a strike, except where the strike is for the purpose of changing by force the constitutional form of government, or where it jeopardises the existence of the Federal Republic (Penal Code, section 80, paragraph 1, and sections 89 and 90).

The German Confederation of Trade Unions considers that the lawfulness of strike action is established by section 9, paragraph 3, of the Basic Law.

GHANA

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

Article 1, paragraph (a), of the Convention. Since there has been no conviction under section 183 of the Criminal Code, it is not possible to anticipate how this provision would be applied in future. In any case a person who contravened this provision would be tried and convicted by a regular court of law. This would also be the case for persons placed under supervision orders.

Paragraph (b). Members and staff of the Builders' Brigade may resign from the service; even if prior notice to resign has not been given, no penalty is imposed. Discipline in the Brigade has been regulated under the Code of Discipline. Plans are afoot to make those members who so choose subject to military law. Under this arrangement offences of a criminal and civil nature not covered by the Code of Discipline will be dealt with strictly under military law. This will ensure strict discipline in the activity of the Brigade.

Paragraph (c). The Merchant Shipping (Transitory Provisions) Act, 1957, has been replaced by the Merchant Shipping Act, 1963. The provisions of section 221 and section 225 (1), (b), (c) and (e) of the United Kingdom Shipping Act, 1894, are included in part in sections 122 and 147 of the 1963 Act. Section 122 of the 1963 Act imposes a liability to imprisonment for desertion out of Ghana. The imposition of penal sanctions under section 147 of the 1963 Act is necessary in such serious cases as therein mentioned.

Paragraph (d). The Conspiracy and Protection of Property (Trade Disputes) Ordinance does not apply to seamen or apprentices in sea service. Such persons would have been liable to prosecution for criminal conspiracies under common law, but by virtue of section 8 of the Criminal Code no person shall be liable to punishment by the common law for any act. The views expressed by the Committee of Experts on punishment for participation in strikes for other categories of workers are being examined.

ICELAND (First Report)

Forced labour as interpreted in this Convention does not exist.

IRAN

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

Persons convicted of offences under the Act of 1931 concerning punishment of acts against the security and independence of the State, sections 79, 81, 162 to 164, 168 and 169 of the Penal Code and sections 13, 14, 16 and 18 of the Press Act are political prisoners and as such exempt from the obligation to work.

No exact figures can be given concerning the number of persons declared vagrants under section 273 of the Penal Code, since the number of vagrants in the rehabilitation centres varies constantly. The competent authority to take decisions under this section is the Minister of Internal Affairs. The only sanction which may be imposed on vagrants is that laid down in section 276 of the Code. The purpose of the rehabilitation centres is to give vagrants vocational training.

IRAQ

In reply to a direct request by the Committee of Experts the Government states that the request has been translated into Arabic and that the comments thereon will be provided in due time.

IRELAND

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

Part II of the Offences against the State (Amendment) Act, 1940, and the Detention Regulations, 1957, ceased to be in force from 6 March 1962. While they were in force, the duties of detainees were limited to minor services within the detention camp.

Apart from the provisions mentioned above there exists no legislation concerning states of emergency.

Since 1957 there have been no convictions under section 10 of the Offences against the State Act, 1939 (printing and publication of certain documents), 63 convictions under section 12 (possession of certain documents) and 63 convictions under section 21 (membership of unlawful organisations). It is not practicable to give particulars of the circumstances in which these offences were committed. The penalties imposed varied considerably, but the persons concerned were not in practice obliged to perform prison labour.

Codification of the merchant shipping legislation is under consideration, and there will be consultations with representatives of employers and employees regarding the provisions relating to the employment and discipline of seamen. Consideration will then be given to any modification of these provisions in the light of advances since the Merchant Shipping Acts were originally enacted.

ISRAEL

In reply to a direct request by the Committee of Experts the Government has indicated that during the reporting period investigations were made in four cases concerning offences under section 59 of the Criminal Code Ordinance (sedition), but it was decided not to prosecute.

See also under Convention No. 29.

JAMAICA

In reply to a direct request by the Committee of Experts the Government states that during the reporting period no restriction order was made in respect of any

undesirable British subject under section 4 (b) of the Deportation (British Subjects) Law. The number of persons convicted under section 3 of the Vagrancy Law was 2,794.

KUWAIT (First Report)

Forced or compulsory labour for any of the purposes mentioned in the Convention does not exist.

LIBERIA (First Report)

Constitution.

Aborigines Law (*Liberian Code of Laws*, 1956, Title 1).

Penal Law (*ibid.*, Title 27).

Foreign Relations Law (*ibid.*, Title 14).

Act to Regulate Recruitment of Labour in Liberia (*Acts*, 1960-61, Cap. XLVII).

Article 1, paragraph (a), of the Convention. Section 15 of article I of the Constitution, concerning liberty of the press and expression, guarantees full liberty of the individual to express his difference of opinion on any political, social or economic system within the country, provided his views are not such as to cause disintegration of the society by inciting unrest or the overthrow of legally constituted authority through seditious libel or other forms of subversion. Penalties provided for such acts do not include forced or compulsory labour in any form, but are specifically provided for in the penal law.

Paragraph (b). Section 1502 of the Labour Practices Law prohibits the recruitment of labour by means of force, misrepresentation or pressure.

Paragraphs (c), (d) and (e). No such conditions as mentioned in these provisions have ever obtained.

Under section 80 of the Foreign Relations Law the provisions of the Convention became an integral part of the legislation upon ratification.

LIBYA (First Report)

Section 13 of the Constitution provides that forced labour should not be imposed on any person except within the provisions of a special law. No such law exists. All individuals are free to choose their work.

MALAYSIA

States of Malaya.

In reply to a direct request made by the Committee of Experts in 1963 the Government states that it would like to have more time to give consideration to the important issues raised by the Committee. Detailed replies, including the relevant statistics, will be provided in the next report.

NORWAY

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

Sections 322 and 323 of the Penal Code, concerning offences committed by the press, were repealed by the Act of 12 December 1958. Previously they had been rarely applied (from 1911 to 1950 there were only four convictions under section 322). Section 431 of the Code (amended by the Act of 1958) relates to the liability of editors for offences committed in their publications and is also very rarely applied.

Section 135 of the Penal Code (as amended by Act of 9 June 1961), which relates to persons who disturb the public peace "by open insult or by incitement against the Constitution or the authorities or by publicly inciting one group of the population against another", does not cover sharp criticism of the Constitution or the public authorities, if this is not of an extremely insulting or provocative nature. This provision has seldom been applied.

The term "punishable act", used in section 330 of the Penal Code, concerning associations which have such acts as their aim, refers to crimes and offences as defined by the Penal Code. There have been no known High Court judgments concerning the section.

Section 52 of the Seamen's Act, under which a seaman who does not return to his ship or is absent without leave may be compelled to return on board ship, is used to ensure fulfilment of the contract of employment. It promotes the welfare of the seaman and his family, since a seaman who is left behind from his ship might get into difficulties.

Section 311 of the Penal Code (as amended by Act of 15 February 1963), under which an agreement by seamen to disobey the ship's officers is punishable by imprisonment, does not apply to a legal strike.

The Government also refers to its statement to the Conference Committee (see *Report of the Committee* (1962), p. 730).

See also under Convention No. 29.

PHILIPPINES

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

There have been no convictions under section 4 of the Anti-Subversion Act. The national legislation is adequate to cover Article 1, paragraph (a), of the Convention. Compulsory labour as a punishment for a crime is merely incidental and a necessary consequence of imprisonment for a crime.

Commonwealth Act No. 358 has been applied only to public utilities or business coupled with public interest. Employment in such undertakings is considered as public employment, and strikes are unlawful. By virtue of section 11 of the Industrial Peace Act, the employees of the Government or any of its political subdivisions are prohibited to strike. The above-mentioned laws are inconsistent with forced or compulsory labour as a punishment for strikers.

POLAND

In reply to a direct request from the Committee of Experts the Government has supplied the following information.

Article 1, paragraph (a), of the Convention. There exists no provision whereby any authority is permitted to suspend the rights and guarantees afforded under the Constitution. The Decree of 13 June 1946 respecting offences deemed to be particularly dangerous during the period of reconstruction of the country contains no provisions of this kind.

In reply to a request for information as to the practical application of certain provisions (sections 127 and 152 of the Penal Code, sections 5, 11, 22 to 24, 28, 29 and 35 to 37 of the Decree of 13 June 1946 and sections 3, 6, 8, 10 and 12 of the Decree of 3 August 1949 guaranteeing freedom of conscience and religion), the Government states that the figures for persons convicted of offences of various kinds are published every year in the statistical year book, and that no forced or compulsory labour is exacted in any form whatsoever, either for the offences referred to in the above provisions or in general.

No penalties are prescribed for associations which have not been approved in pursuance of the Associations Act of 7 October 1932, apart from those prescribed by section 37 of the Decree of 13 June 1946.

No penalty involving the exaction of forced or compulsory labour may be imposed on persons expressing certain views.

Paragraph (b). The General "Service to Poland" Organisation founded under the Act of 25 February 1948 was abolished by Act No. 1015/55 of 17 December 1955. Section 30 (1) (2) of the Act of 2 July 1958 respecting trade training, instruction in a specific job, the conditions of employment of young persons in establishments and the preliminary period of employment repealed the Decree of 8 January 1946 respecting registration and compulsory labour service, and in consequence the order issued on 28 November 1946 in implementation of section 13 (1) of that decree also stands repealed.

Section 29 of the introductory provisions to the Penal Code provides, *inter alia*, that the date of entry into force of section 83 of the Code (concerning establishments for forced labour) shall be determined by ordinance of the Minister of Justice. No ordinance has been issued to this effect, and hence the establishments for forced labour have never been set up.

Paragraphs (c) and (d). Practical effect has been given to section 76 of the Constitution by section 3 of the Act of 10 September 1956 repealing certain provisions respecting the maintenance of socialist labour discipline, by Act No. 327 of 16 August 1957 respecting the observance of order and discipline in employment, and by the works rules and compulsory provisions for nationalised undertakings introduced in application of section 1 of the last-mentioned Act. According to the instructions given with respect to the framing of works rules for nationalised undertakings (which are contained in a schedule to the aforementioned Act, and which are also applicable to provisions issued by the competent ministers) such rules may provide for the following measures: observation; warning; fining; demotion to work in a lower grade; dismissal, with maintenance of rights as regards notice; dismissal without notice.

Section 66 of the Act respecting service on board Polish merchant ships covers cases where a seaman who commits an offence punishable under the Penal Code or under a special law is liable to disciplinary action, without prejudice to any penal action, if his offence constitutes a breach of service duty. There are no special provisions on the subject. The penalty of arrest on board ship provided for in section 67 (5) of the Act has never been imposed in practice, and no regulations have been issued on the subject. The new Bill no longer provides for the maintenance of this penalty.

As regards the penalties which may be imposed in certain circumstances on persons failing to perform their duty, in virtue of sections 286 and 292 of the Penal Code and sections 39, 41 and 46 of the Decree of 13 June 1946, the Government draws attention to the information given in its report on Convention No. 29 with reference to Article 2, paragraph 2 (c), of that Convention.

Neither under sections 223 and 224 of the Penal Code nor under section 3 of the Decree of 13 June 1946, nor under any other statutory provision, is any person whatsoever authorised to exact forced or compulsory labour as a means of labour discipline. The penalties prescribed in the above-mentioned provisions may be imposed only by the courts, and then only to the extent allowed by the said provisions. These remarks apply equally to the penalties prescribed in sections 13 and 15 of the Decree of 13 June 1946.

PORTUGAL

Angola.

Order of 14 February 1963 to explain section 173 of the Rural Labour Code (*Boletim Oficial*, 1st Series, No. 8, 23 Feb. 1963).

Order No. 12625 of 23 February 1963, issued pursuant to sections, 83, 85, 87 and 88 of the Rural Labour Code (*ibid.*).

Guinea.

Ministerial Order No. 19279 of 15 July 1962, creating a Labour, Welfare and Social Action Institute.

Mozambique.

Legislative Instrument No. 2275 of 15 September 1962 concerning stamp duty on various documents and contracts under the Rural Labour Code (*ibid.*, No. 37, 15 Sep. 1962).

Circular No. 2042/A/50/3 of 24 October 1962 to explain various provisions of the Rural Labour Code.

Order No. 16443 of 3 November 1962, prescribing certain stamp duties, amounts of security and forms under the Rural Labour Code (*ibid.*, No. 44, 3 Nov. 1962).

In reply to observations by the Committee of Experts arising out of recommendations of the Commission to examine the complaint by Ghana concerning the observance of the Convention by Portugal, the Government has supplied the following information.

Angola.

Paragraphs 730 to 734 and 736 of the Commission's Report. Copies of the orders issued under the Rural Labour Code (as listed above) are appended to the report. They relate to the security to be provided by applicants for recruiting licences and the provision of clothing, etc., to workers.

Paragraph 735. Ministerial Legislative Instrument No. 24 of 9 May 1961 is still in force. Immediately after its publication, with the harvest imminent in those parts of the districts of Cuanza North, Luanda and Uige where coffee-growing is the principal activity, it was necessary to make arrangements rapidly so as not to allow the crop to spoil; if this had occurred it would have caused irreparable damage to all concerned. As authorised by section 2, recruitment was undertaken through the administrative authorities. All the statutory rules regarding administration and health were respected. The workers were not used to serve direct private interest. The number of local workers engaged in this manner from June to December 1961 was 3,838; all these were repatriated in the following year. In 1962, before publication of the Rural Labour Code, 4,237 workers were engaged under these provisions to replace those engaged on contract in the preceding year and to intensify the work; all these persons have already been repatriated. In practice, these workers were engaged without compulsion. The personnel so recruited served in the districts of Cuanza North, Luanda and Uige, almost wholly in agricultural work, and also in repairing bridges, pontoons and roads. The contracts were for one year, but those concluded in 1961 and 1962 were terminated before expiry. The workers received a cash wage of 250 escudos a month (which is above the agreed minimum) as well as food to the value of about 6 escudos a day, clothes and medical care. These workers were so employed that, officered by armed elements of the Corps of Volunteers, they promoted economic recovery, especially in agriculture.

Paragraph 738. On 31 December 1962 the Diamond Company of Angola had 19,482 local workers and 7,570 contract workers. Of these, 18,049 were engaged on technical work (mining, prospecting, processing, construction, roads) and 8,643 on administrative work (including health), assistance to the workers, agriculture, stock-raising, warehousing, offices, city services, hygiene, inspection and domestic service. The Company was able to recruit 4,752 workers outside the area of operations, of whom 2,044 had already served several contracts in the mines. In 1962 there were only 13 unjustified absences in an average contract labour force of 8,472. The workers recruited were not obtained through the traditional authorities (*sobas*).

Inspection of operations in the district of Lunda (where the Company's workings are situated) by the labour inspectorate has not so far revealed any infringement of section 154 of the Rural Labour Code (forbidding public officials to take part in recruitment). The Government also supplies statistical information concerning the provision by the Diamond Company of food, housing, health, educational and other welfare facilities.

Paragraph 741. With the promulgation of the Rural Labour Code in 1962 all instructions previously issued in Angola relating to the recruitment of workers for public undertakings and services were eliminated; thereafter recruitment was effected under the provisions of the Code, which is being strictly applied; this involves the principle of the progressive elimination of recruitment. Public officials are strictly prohibited from taking any part in recruitment (section 154 of the Rural Labour Code) on pain of very severe penalties, and so are local headmen and village chiefs (section 158). Recruitment for public services is governed by section 161 of the Code. In the ports and on the railways, conditions of employment are based on free and voluntarily accepted work.

Paragraph 744. Road construction and maintenance is in the hands of the Angola Independent Board of Roads, which is now carrying out works extending to about 20,000 kilometres of road. Contractors undertake the work, and there is sufficient labour, which is adequately remunerated; there are very many applicants for employment because of the good conditions of work and pay. The Board is constantly acquiring new machinery for road construction and maintenance work. This makes it possible to pay the personnel better. Rules for the Angola Independent Board of Roads will be approved in the near future.

Paragraph 749. An inspection was made of the Cassequel Agriculture Company at Catumbela on 10 June 1963 to investigate whether there were any persons who had been compelled to work by the authorities or by persons having influence over Natives. The inspector reported that he had found nothing which could raise even a suspicion of compulsory labour, and that workers were conscious of the régime of genuine freedom, which they affirmed and recognised. Sundry defects were mentioned to the General Manager, who promised to remedy them.

Paragraph 750. As noted in the Commission's report, the system of cotton cultivation was remodelled by Decree No. 43639 of 2 May 1961 and Decree No. 43875 of 24 August 1961.

Paragraph 751. Under Legislative Instrument No. 3191 of 14 December 1961, the rates of the minimum tax are to be fixed annually by the Governor-General, ranging from 120 to 480 escudos according to the economic development of the areas concerned. It follows that this system is not a form of indirect compulsion upon workers to take wage-earning employment because, with an average wage of 20 escudos a day, a week's work in the year is sufficient to enable the minimum general tax to be paid. Persons exempted from the tax include those who, owing to weakness, disease or physical deformity, are ordinarily incapable of working, and students under 21 years of age.

Paragraph 752. From January 1962 to July 1963 only two persons were sentenced for vagrancy. Copies of the judgments are appended to the report.

Paragraph 754. Legislative provision exists for 42 inspectors and assistant inspectors. The number now in service is nine. Nine inspections were made in the interior, and 13 cases of violation of provisions governing recruitment and conclusion of contracts found. The report contains statistics regarding recruiting licences granted and workers recruited in 1962 and from January to July 1963 (in 1962, 829 licences were granted for recruiting 191,786 workers; the number recruited under

these licences was 97,852, of whom 73,316 were recruited for agricultural work, 5,386 for fishing, and 6,205 for mining).

Paragraphs 762 and 763. The Provincial Settlement Board placed about 1,000 persons in various employments related to agriculture between January 1962 and July 1963. The public placement service provided for in the Rural Labour Code has not yet been established, but the study of this scheme has been started by qualified persons.

Guinea.

Paragraphs 730 to 734 and 736. All problems relating to the employment of unskilled labour have been handled in the light of the rules and principles of the Rural Labour Code since it came into effect on 1 October 1962. Work is going forward on the regulations for operation of the Labour, Welfare and Social Action Institute established by Ministerial Order No. 19279 of 1962.

Paragraph 744. Reference is made to the information concerning road works supplied to the Commission.

Paragraph 751. No need is felt for changes in the taxation system. Output and the standard of life in the traditional sector do not raise problems for persons liable to pay tax. In urban and suburban areas, persons from the traditional sector find a maximum of facilities as regards obtaining work and meeting their essential needs and fiscal obligations. In support of this policy the Municipality of Bissau maintains a register of workers seeking employment, who are placed as and when openings occur in suitable occupations. For persons in the traditional sector there are three kinds of taxes: the household tax (Legislative Instrument No. 1771 of 26 June 1962), the labour tax, payable (always in cash) by all persons over 18 years of age, and the natural products exploitation tax (for the defence of palm and forest trees).

Paragraph 752. There were no proceedings for vagrancy, nor are any cases involving vagrancy, vagabondage or idleness pending before the district courts.

Paragraph 754. The one post of labour inspector provided for in the provincial budget is not yet filled. No recruitment licences have been issued for the last three years at least. Manpower for dock work in Bissau is obtained by free offer and has always been abundant.

Paragraphs 762 and 763. The Municipality of Bissau's unemployed registration service seeks to give effect to sections 145 to 148 of the Rural Labour Code. Elsewhere the number of unemployed does not yet justify the establishment of a placement service, since most of the rural workers are engaged in agriculture on their own account. When the Labour, Welfare and Social Action Institute begins to function, it is expected that it will be possible to establish a free public placement service in accordance with the Rural Labour Code, incorporating the present unemployed registration service.

Mozambique.

Paragraphs 730 to 734 and 736. The instruments issued pursuant to the Rural Labour Code are listed above.

Paragraph 744. All road construction work is now undertaken by contractors, who are responsible for the engagement of their personnel. Current maintenance work is generally done directly by the Directorate of Public Works, with workers freely offering their labour. The labour tax which could be imposed under section 617 of the Overseas Administrative Reform Order for construction, repair, etc., of third-class roads and local paths (Order No. 4963 of 26 December 1942) was replaced by

the supplementary household tax, paid in cash—Legislative Instrument No. 2186 of 30 December 1961.

Paragraph 750. Under section 3 of Decree No. 43639 of 2 May 1961, the authorities may take no part in promotion of cotton cultivation.

Paragraph 752. In the district of Beira 26 persons charged with vagrancy were all acquitted. In Lourenço Marques, in 15 cases, eight police supervision orders and two detention orders (which could not be carried out for lack of suitable establishments) were made. No charges of vagrancy are recorded elsewhere. With the abolition of native status, the previous administrative decisions ceased to be applied, and vagrancy is now punishable by the courts under section 254 of the Penal Code.

Paragraph 754. In the period 1 July 1962 to 30 June 1963 there were five full-time labour inspectors. They made 55 inspection visits and found 15 cases of violation of provisions governing recruitment and the conclusion of contracts, in all of which proceedings were taken and appropriate penalties imposed. Statistics of recruiting licences and of workers recruited are appended to the report (from July 1962 to June 1963, 71 licences were issued to recruit 147,420 workers; 117,239 workers were recruited, including 79,209 for agricultural work, 25,293 for industrial work and 9,062 for public services).

Paragraphs 762 and 763. The public placement service provided for in section 145 of the Rural Labour Code has operated only at the Labour, Welfare and Social Action Institute at Lourenço Marques. Although it is still in course of organisation, employment was found for 15 persons.

RWANDA (Voluntary Report)

By virtue of section 40 of the Constitution forced labour other than penal labour was abolished.

Section 18 of the Constitution provides for freedom to express and disseminate opinions by all legal means, within the limits of the provisions of laws and regulations and respect of the security of the State.

SOMALIA (First Report)

Constitution of 1960.

Labour Code, 1958 (*L.S.* 1958—*It. Som.* 1).

Ordinance No. 13 of 18 July 1952 concerning suppression of forced or compulsory labour (*Bollettino Ufficiale*, 10 Aug. 1952).

The Convention is applied by the fundamental principles of the Constitution and the above-mentioned legislative texts.

SWEDEN

Vagrancy Act, 1885.

Social Assistance Act, No. 2, 1956.

Child Welfare Act, No. 97, 1960.

General Compulsory Service Act, No. 83, 1959.

Act concerning protective measures in case of accidents in atomic plants, etc., No. 331, 1960.

Fire Act, No. 90, 1962.

Civil Defence Act, No. 74, 1960.

Penal Code, No. 700, 1962.

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

Forced or compulsory labour may be imposed only on certain socially maladjusted individuals (e.g. vagrants), and on persons who neglect their maintenance

obligations. The Government is considering a proposal to delete from the Social Assistance Act and the Child Welfare Act all provisions referring to forced labour.

The penalty of imprisonment may be imposed under the General Compulsory Service Act (in case of war or when war threatens) and under the Civil Defence Act for abandonment by civil defence conscripts of their posts in cases when the civil defence has been mobilised.

No laws or regulations permit the imposition of forced or compulsory labour in relation to the founding, dissolution and prohibition of organisations, including political parties, or the publication of newspapers, periodicals, books, etc.

No person has been sentenced to imprisonment under Chapter 9, section 4, of the Penal Code (which deals with public insults of certain public bodies) during the period 1962-63. The new Penal Code, which is expected to come into force in 1965, omits these provisions.

The Government will study the Committee of Experts' comments concerning certain provisions in the Seamen's Act (under which imprisonment may be imposed on seamen for disobedience and under which seamen may be made to perform their duties in certain circumstances).

SWITZERLAND

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

No laws have been adopted by the cantons in application of section 56 of the federal Constitution. No legal decisions have been given concerning sections 55 and 56 of the federal Constitution. Such decisions could only be given by virtue of legislation based upon the sections in question, and such legislation does not exist.

There have been no convictions under sections 275, 275*bis* and 275*ter* of the Penal Code. These sections cannot be used to punish the expression of political opinions, but deal with specific subversive acts; moreover, the penalties are a fine or imprisonment and thus have no connection with forced labour.

Official establishments and undertakings operating under a concession in the canton of Fribourg (in which strikes are prohibited by section 6 of an Act of 17 February 1923) are the State Bank of the Canton of Fribourg, the Electricity Company of Fribourg, the Fribourg Railways and the Tramways Company of Fribourg. The penalty applicable to salaried employees in an official establishment who participate in a strike is suspension or dismissal. For members of the staff of public establishments or undertakings operating under a concession the penalty applicable is a fine or imprisonment. There are no similar provisions in other cantons.

SYRIAN ARAB REPUBLIC (First Report)

Article 1, paragraphs (a), (c), (d) and (e), of the Convention. No person may be subjected to forced labour in the circumstances covered by these provisions of the Convention.

Paragraph (b). See under Convention No. 29.

TANGANYIKA

Trade Disputes (Settlement) Act, No. 43, 1962.

In reply to a direct request made by the Committee of Experts in 1962 the Government states that Part II of the Merchant Shipping Act, 1894 (containing provisions relating to punishment of disciplinary offences by seamen), has not hitherto been applicable to Tanganyika. The question of applying Part II is being considered.

The Restricted Residence Ordinance and the Registration of Persons Ordinance ceased to be in force on 31 December 1960.

The Act of 1962 provides for a procedure for settlement of trade disputes, and the conditions to be fulfilled before a lockout or strike may take place. Contraventions of these provisions are punishable by fines and/or imprisonment.

All persons sentenced to imprisonment are required to work, under section 84 of the Prisons Ordinance. This is not considered as being incompatible with Article 1, paragraph (a), of the Convention, since a person is not punished for his political views unless he expresses them in such a manner as to commit a criminal offence, e.g. sedition or raising discontent (sections 56 and 63 B of the Penal Code). There were no prosecutions on such counts during the reporting period.

TRINIDAD AND TOBAGO

In reply to a direct request by the Committee of Experts the Government states that consideration is being given to the early enactment of a Labour Code, which would also amend section 8 (1) of the Trade Disputes and Protection of Property Ordinance (under which breach of contract by persons employed in certain public services is in certain circumstances punishable by imprisonment) so as to take account of the remarks made by the Committee of Experts.

UNITED KINGDOM

Article 1, paragraphs (c) and (d), of the Convention. In reply to a direct request by the Committee of Experts the Government states that the Ministry of Transport has decided to review all the provisions of the Merchant Shipping Acts relating to the conditions of employment and discipline of seamen, and the necessary arrangements are being made for meeting both sides of the shipping industry.

* * *

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

Austria, Canada, Finland, Federal Republic of Germany, Ireland, Israel, Jamaica, Nigeria, Norway, Philippines, Poland, Portugal, Tanganyika, Trinidad and Tobago.

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

Argentina, Belgium, Cameroon, China, Cyprus, Dahomey, Denmark, Dominican Republic, Ghana, Haiti, Iceland, Iran, Iraq, Kuwait, Liberia, Malaysia (States of Malaya), Mexico, Netherlands, Rwanda, Sierra Leone, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Arab Republic, United Kingdom.

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
Afghanistan	16. 5. 1963	Israel	19. 6. 1961
Bulgaria	22. 7. 1960	Italy	12. 8. 1963
Costa Rica	4. 5. 1959	Kuwait	21. 9. 1961
Cuba	2. 6. 1958	Mexico	1. 6. 1959
Denmark	17. 1. 1958	Pakistan	15. 2. 1960
Dominican Republic	23. 6. 1958	Portugal	24. 10. 1960
Ghana	15. 12. 1958	Syrian Arab Republic	23. 10. 1958
Guatemala	9. 12. 1959	Tunisia	28. 5. 1958
Haiti	4. 3. 1958	United Arab Republic	23. 10. 1958
Honduras	20. 6. 1960	Yugoslavia	13. 10. 1958
Iraq	5. 7. 1960		

CUBA

Act No. 962 of 1 August 1961 respecting industrial associations (*Gaceta Oficial (G.O.)*, 3 Aug. 1961, No. 12, p. 2) (*L.S.* 1961—Cuba 1).

Act No. 1022 of 27 April 1962 respecting the administration of justice in labour matters (*G.O.*, 4 May 1962, No. 86, p. 5384) (*L.S.* 1962—Cuba 1).

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

Under section 31 of the Act of 1962, workers and undertakings are entitled to bring about the conclusion, amendment, resiliation or annulment of collective agreements respecting conditions of employment which are not expressly provided for by law. Under section 33 of the same Act a collective agreement does not enter into force until it has been approved by the workers concerned. It then continues in force for the period for which it was made (section 47 of the Act of 1961).

Collective agreements are applicable without distinction to all employees at the workplace in question, whether or not they belong to a trade union.

Under section 72 of the Fundamental Law any clause in a contract of employment which implies the relinquishment or curtailment of rights afforded by the legislation is deemed to be null and void.

Failure to observe a collective agreement is a criminal offence punishable under section 575 of the Social Defence Code. The Ministry of Labour exercises strict supervision in order to ensure that the legislation which falls within its competence is complied with, under the terms of section 40 of the Act of 1962.

DOMINICAN REPUBLIC

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

Article 3, paragraph 1, of the Convention. Section 155 of the Labour Code, which provides for weekly rest, is applicable to all employees, including those in establishments of the types listed in this paragraph.

Paragraph 2. Members of a family working without remuneration in an establishment belonging to that family are not considered to be employees in the proper sense of the term, and are excluded from the scope of the Labour Code.

Article 7. No situations have arisen which would have necessitated the introduction of special weekly rest schemes of the type provided for in this Article.

Article 8, paragraph 1 (b) and (c). The Secretariat of State authorises exemptions from the provisions in regard to weekly rest in the circumstances referred to in these subparagraphs only after a thorough inquiry has been made by the Inspection Department. The most representative workers' organisations concerned are consulted in all cases of exemption. The Department of Labour ensures that workers are granted the compensatory rest to which they are entitled. Employers are required to furnish information in this respect.

Under the Constitution Conventions and international treaties have the force of law upon ratification.

ISRAEL (First Report)

Hours of Work and Rest Law of 15 May 1951 (*L.S.* 1951—Isr. 2).

The law applies to all employees, subject to the exceptions listed in section 30.

As regards the application of the Articles of the Convention see under Convention No. 14.

KUWAIT (First Report)

For legislation see under Convention No. 30.

Article 1 of the Convention. Effect is given to the provisions of the Convention by the legislation mentioned above.

Article 2. The Labour Acts define a "worker" in general, but establishes no clear definition as to the line which separates establishments, institutions or administrative services.

Article 3, paragraph 1 (a) and (d). The Labour Acts apply to persons employed in such establishments.

Article 6. Under section 36 of the Act of 1959 and section 15 of the Act of 1960 every worker is entitled to a weekly rest period—without pay—of one complete day. If the circumstances of the work require that he works on the weekly rest day, the worker must be paid not less than one-and-a-half times the current daily rate of remuneration. The established day of rest is Friday. The traditions and customs of religious minorities are respected.

Article 7, paragraphs 1 and 2. In some establishments where the nature of the work or services performed is such that the provisions of Article 6 of the Convention cannot be applied, special weekly rest schemes are applied to specified categories of persons or specified types of establishments, mainly under the shift system.

Article 8, paragraph 1 (a) and (c). Exemptions from the provisions of Articles 6 and 7 are provided for in section 36 of the Act of 1959 and section 15 of the Act of 1960.

Article 10. The Inspection Section of the Ministry of Social Affairs and Labour is in charge of the application of the Convention. Section 80 of the Act of 1959 prescribes penalties for those guilty of contravention of the Act.

Article 11. Special weekly rest schemes exist for undertakings whose work is such that it cannot be interrupted, and which operate a shift system.

SYRIAN ARAB REPUBLIC (First Report)

For legislation see under Convention No. 2.

Article 1 of the Convention. Effect is given to the Convention by the Labour Code.

Article 2. Under section 118 of the Labour Code all commercial establishments, except those outside the capitals of governorships, are required to close for one whole day each week.

Section 119 of the Code requires employers in establishments where the weekly closing day is not observed to grant their workers a weekly rest of not less than 24 consecutive hours.

Article 3, paragraph 1. Since the Labour Code is applicable to all employers, the establishments listed in this paragraph are all covered by the provisions on weekly rest.

Article 4. The statutory provisions respecting weekly rest apply to all employers. In consequence it is not necessary to define the line which separates the establishments to which the Convention applies from other establishments.

Article 5. There is no provision in the Labour Code for the exemption of members of the employer's family. Under section 123 of the Code the employer's legal representatives are excluded from the scope of the provisions concerning weekly rest.

Article 6, paragraph 1. Under sections 118 and 119 of the Labour Code workers are entitled to one day of rest per week.

Paragraph 2. In the majority of cases the weekly rest day is granted simultaneously to all the workers concerned, in virtue of agreements reached by representatives of the occupations in question or of works rules.

Paragraph 3. The rest period is granted on Friday or Sunday, depending on the worker's religion.

Paragraph 4. The traditions and customs of religious minorities are respected.

Article 7. Under section 119 of the Labour Code the employer is required to grant his workers a weekly day off of not less than 24 consecutive hours. In consequence this rest period must be given whatever the nature of the work. In the case of undertakings operating without interruption the weekly rest day is granted in rotation.

Article 8, paragraph 1. Section 120 of the Labour Code provides for exemptions from the provisions concerning weekly rest in the following cases: (a) work required to prevent a serious accident or to repair the damage caused by such an accident, or the taking of the annual inventory and similar operations; (b) abnormal pressure of work; (c) work required to avoid the certain loss of perishable goods. In all these cases the administrative authority concerned must be notified.

Paragraph 2. The representatives of the workers and of the employers were consulted before the Labour Code was promulgated.

Paragraph 3. Workers are not granted days off in compensation for extra days worked, but they do receive additional wages.

Article 9. No reduction of income or resources can take place as a result of the application of the Convention.

Article 10, paragraph 1. The labour inspectors ensure the application of the provisions of the Labour Code.

Paragraph 2. Section 222 of the Code lays down that any person contravening the provisions on weekly rest is liable to a fine.

Article 11, paragraph (a). See under Article 7.

Paragraph (b). In the case of exemptions for the taking of the annual inventory or similar operations the number of days which may be so employed may not exceed 15 in any year, unless the administrative authority concerned has authorised a longer period.

In the case of work required to prevent a serious accident, to repair the damage caused by such an accident or to deal with abnormal pressure of work, the administrative authority concerned must be notified within 24 hours, with an indication of the emergency that has arisen and the period required to complete the work. The written approval of the said authority is required.

Article 12. There is no provision in the legislation to prevent more favourable conditions than those provided for in the Labour Code from being offered to workers.

Article 13. No situations of the kind referred to in this Article have arisen. Measures would be taken, however, to suspend the provisions of the Convention if such events did occur.

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		

GHANA

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

Articles 4 and 5. The populations concerned enjoy civil liberties to the same extent as the more advanced sectors of the population and participate in electoral institutions provided for in the Constitution and the Electoral Provisions Ordinance, 1953.

Article 8. The use of special methods of social control in dealing with crimes committed by members of these populations is not feasible, but the courts take account of the customs of these populations in such cases.

Article 10. Members of the populations concerned are well informed about government policies and are aware of their civic rights and obligations. Consequently special account of the degree of cultural development does not have to be taken when imposing penalties.

Article 11. A copy of Chapter 13—"Main Principles of Rural Land Tenure"—from the book *Agriculture and Land Use in Ghana* is annexed to the Government's report.

Article 12. Under the Administration of Land Act, 1962, the occupation, for public purposes, of a land controlled by members of a stool, is subject to the payment of annual sums by the State or other public body. The amount of compensation is determined having regard to the open market value of the land and the benefits derived therefrom. Compensation is paid where any person suffers special loss by reason of the occupation of land for public purposes.

Special measures for the resettlement of displaced persons have been worked out to ensure that these persons enjoy security of tenure of their houses in the resettlement areas. To induce as many displaced persons as possible to opt to be resettled instead of receiving cash compensation, and to avoid disrupting the agricultural pattern of the country and causing a drift into urban areas, the Government provides houses the value of which is thrice the cash compensation. Every effort is being made to improve the standard of living of these persons in the new settlements.

Under the Frafra Resettlement Scheme, Frafras are encouraged by cash subsidies, grants of land and house-building assistance to leave their infertile lands and resettle in the fertile and sparsely populated Gonja District. Superstitious beliefs, etc., deter

Frafras from accepting such advantages, but literacy drives and adult education programmes are gradually helping to overcome traditional obstacles.

Article 13. The rules regulating the right of inheritance to land vary according to the various groups, but are fully recognised by the courts. Under the scheme of the Concessions Ordinances grants of land in Southern Ghana and Ashanti by a Native were subject to the scrutiny of the government administration and Courts. Since 1960 the rules for the administration of the various parts of the country have been assimilated. Now the administration of stool land is under the control of the Administrator of Stool Lands, who grants concurrence or approval to all land transactions.

Article 19. The National Pensions and Insurance Fund Scheme has not yet been established. The Government is giving consideration to the proposals of the I.L.O. expert.

Article 26. District commissioners living among the tribal populations ensure that the members of the populations concerned are well informed of their rights and duties. The radio, another source of information, can be listened to at market places and lorry parks.

PERU (First Report)

Constitution (ss. 207-212).

Penal Code (ss. 44 and 45).

Presidential Decree No. 011 of 2 May 1961 approving the Statute governing the indigenous communities in Peru.

Presidential Decree of 17 December 1959 respecting the Committee for the National Plan for the Integration of the Indigenous Population.

Presidential Decree No. 10 of 2 November 1960 to arrange co-ordination of the activities of the Committee responsible for the National Plan for the Integration of the Indigenous Population, the Land Reform and Settlement Institute and the Agricultural and Stock-Breeding Development Bank of Peru.

Plan of operations for the setting up and initial period of operation of a National Centre for the Training of Instructors, adopted jointly by the Government of Peru, the I.L.O. and the United Nations Special Fund on 25 November 1960.

Article 1 of the Convention. The Convention applies to all the indigenous communities, which represent about 50 per cent. of the population of Peru.

Article 2. There are a number of plans for the integration of the indigenous population into the social, cultural and economic life of the country, notably the Puno-Tambopata Plan, the Ancash Plan, the Cuzco Plan and the Ayacucho Plan.

The authorities responsible for the integration of the indigenous population work under the direction of the Ministry of Labour and Indigenous Affairs.

Article 3. The structure, rights and privileges of the indigenous communities are determined by the Statute governing the indigenous communities in Peru.

Article 4. The integration of the indigenous peoples is deemed to be necessary both for themselves and for the population as a whole. An attempt is being made to achieve integration while preserving the institutions and cultural values of these peoples. The practical measures taken to bring about the material and moral advancement of the indigenous peoples include, *inter alia*, agrarian reform with a view to a better distribution of land, moving populations to more salubrious areas, technical and financial assistance for agriculture, increased wages, the establishment of small rural industries and the adoption of specially adapted teaching methods, for use both in schools and for the purpose of disseminating information.

Article 5. The Statute mentioned above and the various publications annexed to the report explain the various aspects of the plans for the integration of the

indigenous population and specify to what extent the rights of the indigenous communities are safeguarded.

Article 6. The programmes undertaken within the framework of the general Plan meet the requirements of this Article.

Article 7. Under the terms of article 1 of the Statute governing the indigenous communities, these communities are deemed to be "collective corporate bodies governed by private law, formed by the association of individuals bound together by the traditions of their usage and customs and the collective ownership of their land".

Article 8. Minor offences committed by members of indigenous communities are dealt with within the community, in conformity with article 28 of the Statute. Offences are punishable in the manner prescribed by the Penal Code, regard being had to sections 44 and 45 of the Code.

Article 9. The Constitution guarantees the right to freedom of employment and prohibits any restriction of political, civil or social rights.

Article 10. The guarantees afforded by the Penal Code and by the Constitution, particularly as concerns detention, constitute fundamental rights which are enjoyed by all individuals without restriction, including the indigenous population.

Article 11. The right of indigenous persons to ownership of land may be individual or collective. No exact figures are available at present regarding the area covered by collectively owned land or the size of properties owned individually by indigenous persons. The fact is that, out of 1,586 indigenous communities registered, with 1,366,093 inhabitants, only 520 had been the subject of cadastral surveys up to 30 June 1961.

Under the Constitution the right of the indigenous communities to their land is imprescriptible, unattachable and inalienable, and the State must endeavour to allocate land to indigenous communities which do not possess enough to meet their members' needs.

For the indigenous communities the "habitual territories" consist of the land which belongs collectively to these communities. The term "habitual territories" is also used to cover land belonging to backward indigenous populations who have not formed communities.

Under article 9 of the Statute governing the indigenous communities in Peru, the fact of being an active member of a community entitles the person concerned to full rights over any land which has traditionally been his for his own use (whether he has inherited it from his family or the community has allocated it to him) as well as access to community-owned water, land and pasturage.

Article 13. Members of communities enjoy the usufruct of land which is collectively owned by the community.

Article 14. Not only does the legislation guarantee to indigenous peoples the same rights as to other members of the country's population; it also provides for the allocation of land to indigenous persons who do not possess enough to satisfy their needs, following the requisitioning of private property against payment of compensation.

The texts of the various agrarian programmes related with the integration of the indigenous population were annexed to the Government's report.

Article 15. The Constitution expressly stipulates that "the Constitution and the laws shall apply without distinction to all inhabitants of the Republic" (section 23). In consequence special legislation would be necessary only to meet some particular situation, and not for the purpose of establishing a differentiation between individuals.

Article 18. Those responsible for the integration programmes are well aware of the need for parallel action in the economic and educational field, particularly through literacy campaigns, general education and technical instruction. There exist three workers' training centres, at Chucuito, Camicachi and Taraco.

Articles 19 to 26. The publications annexed to the report contain the information requested in respect of these Articles.

Article 27. The agencies responsible for administering the integration programmes are as follows: (1) the Committee for the National Plan for the Integration of the Indigenous Population, presided over by the Minister of Labour and Indigenous Affairs and composed of members from the Peruvian Institute for Indigenous Affairs, the Ministry of Agriculture, the Ministry of Development and Public Works, the Ministry of Health and Social Assistance, the Ministry of Public Education and the Ministry for War; a representative of the Land Reform and Settlement Institute; representatives of the Agricultural and Stock-Breeding Development Bank of Peru; the Director for Indigenous Affairs; the Chief of the Bureau responsible for the implementation of the National Plan for the Integration of the Indigenous Population; and the Regional Director for the Andean Programme; (2) the Technical Assistance Subcommittee, composed of the heads of missions from the specialised agencies; (3) the Peruvian Institute for Indigenous Affairs, an advisory and research body attached to the National Committee; (4) the Bureau responsible for the implementation of the Plan at the Ministry of Labour and Indigenous Affairs; (5) various centres in the regions where integration programmes are under way.

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The report from *Peru* 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:

Cuba, Dominican Republic, El Salvador.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	5. 11. 1963	Italy	12. 8. 1963
Ghana	19. 2. 1960	Mexico	11. 9. 1961
Greece	9. 10. 1963	Tanganyika	26. 11. 1962
Guatemala	28. 11. 1960	Tunisia	26. 10. 1959
Honduras	20. 6. 1960	United Kingdom	18. 2. 1964
Ireland	17. 6. 1961		

GHANA

In reply to the direct request made by the Committee of Experts in 1963 the Government supplies the following information.

The Seaman's Certificate of Nationality and Identity is issued to Ghana nationals who are seafarers, on application supported by recommendation from a shipping company. It is not issued to foreign seafarers. The document remains in the possession of the seafarer at all times. Crew members arriving from abroad may be permitted to enter or re-enter on production of satisfactory proof of their identity.

Seamen arriving in Ghana for the purpose of joining ships or transferring ships and not in possession of identification papers or valid travel documents can enter only if the agents of the vessel concerned, resident in Ghana, accept full responsibility in writing for the repatriation of such seamen.

IRELAND (First Report)

Aliens Order, 1946 (*S.R. & O.*, 1946, No. 395).

The issue of seafarers' identity cards is governed by administrative arrangements.

All Irish seafarers are eligible for Irish seamen's identity cards. Foreign seafarers resident in Ireland who are unable to obtain national passports are issued with Irish travel documents. Seafarers are entitled to retain their identity document at all times.

The form and contents of the Irish seafarer's identity document were agreed by the Seamen's Union of Ireland and the Irish Shipowners' Association.

A seafarer who holds an Irish seaman's identity card is readmitted at any time.

A foreign seafarer desiring to land in Ireland to join a ship, transfer from one ship to another, or for discharge and repatriation, must produce evidence from the owner or agent concerned that all the necessary arrangements have been made.

The issue of seafarers' identity documents is administered by the Department of Transport and Power. The requirements of Article 2 (2) and Articles 5 and 6 of the Convention are administered by the Department of Justice.

MEXICO (First Report)

Constitution.

General Population Act.

Regulations for the Application of the General Population Act.

Regulations and Syllabuses for Examination of Merchant Marine Personnel.

Article 1 of the Convention. There have been no doubts as to the kind of persons to be considered as seafarers.

Article 2. All seafarers are issued with a seafarers' book ; no seafarers are issued a passport or other document. Under the Constitution and the Regulations concerning merchant marine personnel only Mexican citizens are permitted to be signed on a Mexican ship.

Article 4. A specimen of the seafarers' book has been forwarded to the Office.

Article 6. The General Population Act and the regulations for its application contain provisions concerning the entry and stay of foreigners in Mexico. Under section 54 of the Act the migration authorities may authorise the stay of foreigners in maritime ports and nearby towns. Section 59 contains a list of the requirements which foreigners must fulfil to be permitted to enter the territory of Mexico. Section 74 provides for certain exceptions in connection with the permission which can be given to foreigners to stay in the country. Section 76 lays down that foreign seafarers may stay in Mexico only for the authorised period of time, and that in case a foreign seafarer has to be sent back the relevant expenses must be borne by the shipping company employing him. Section 75 of the regulations lays down that seafarers can visit the country during the stay of their ship, provided they deposit their identity documents in the population office. If a seafarer wishes to stay for a longer period, he must satisfy the requirements of the Act and the regulations.

* * *

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

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		

LIBERIA (First Report)

Labour Law (*Liberian Code of Laws*, 1956, Title 19).

Penal Law (*ibid.*, Title 27).

Revenue and Finance Law (*ibid.*, Title 35).

Aborigines Law (*ibid.*, Title 1).

Foreign Relations Law (*ibid.*, Title 14).

Act to regulate recruitment of labour in Liberia (*Acts*, 1960-61, Cap. XLVII).

Act with reference to the determination of minimum wages (*ibid.*).

Act to provide for administration and enforcement of the Law governing labour practices (*ibid.*).

Act to regulate company stores and the method of wage payment (*ibid.*).

Act to provide annual leave for workers (*ibid.*).

Act to provide weekly rest days and public holidays for workers (*ibid.*).

Act to provide for workmen's compensation in the Republic of Liberia (*ibid.*).

Act to provide a procedure for conciliation of labour grievances (*ibid.*).

Association Law (*Liberian Code of Laws*, 1956).

PART I. GENERAL PROVISIONS

Article 1 of the Convention. The plantations concerned with production for commercial purposes in Liberia produce rubber, rice, palm-oil, coffee, cocoa, and citrus fruits. These employ most of the plantation labour in the country.

Article 2. No discrimination of any kind affects the rights of plantation workers under the Convention.

Article 3. No Part of the Convention has been excluded from ratification.

Article 4. Nothing in the Convention affects any law, award, custom, or agreement which ensures more favourable conditions to the workers concerned.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Articles 5 to 19. The labour law provides a system whereby only bona fide labour agents are authorised to recruit workers for employers. The Act to regulate recruitment of labour in Liberia establishes the conditions under which workers may be recruited and makes provisions for their proper care and treatment.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

Article 20. Under the legislation the maximum period of service for which workers not accompanied by families may be employed in distant areas is six months.

Article 23. The laws do not provide penal sanctions against plantation workers for breaches of contracts of employment.

PART IV. WAGES

Article 24. As the trade union movement is still in the early phases of its development, the determination of wages and other conditions of work by collective bargaining is not a widespread or usual practice. Minimum wage legislation, therefore, has been enacted by the Government to provide for living wages for plantation workers.

Article 25. Special powers granted to the Bureau of Labour and the Labour Practices Review Board provide for the proper supervision, inspection and enforcement of the Minimum Wage Law.

Articles 26, 27, 29 and 30. The Act to regulate company stores and the method of wage payment indicates the measures taken to ensure that payment to workers is made only in legal tender, and further makes provision for the freedom of the workers to dispose of their wages.

Article 28. Sections 34 and 35 of the Labour Law ensure that the wages shall be paid directly to the worker concerned.

Articles 31 and 32. Deductions from the wages of plantation workers are not permitted. The only deduction authorised by law is for income tax, but the earnings of plantation workers fall below the exemption limit, which is \$1,500 a year.

Article 33. National laws have prescribed that wages must be paid on a regular monthly or semi-monthly basis and payrolls submitted to labour agents.

Articles 34 and 35. Under section 20 of the Labour Law the conditions of employment shall be mutually agreed upon by employer and employee, and plantation workers are free to accept or reject the conditions of work or the work itself after recruitment without fear of a penal sanction.

PART V. ANNUAL HOLIDAYS WITH PAY

Articles 36 and 39. Annual holidays are provided for by the Act to provide annual leave for workers. The annual holidays do not include public and customary holidays, weekly rest periods and temporary interruptions of attendance at work due to such causes as sickness or accident.

PART VI. WEEKLY REST

Article 43, paragraph 1. Legislation has been enacted ensuring that plantation workers enjoy a weekly rest period.

PART VII. MATERNITY PROTECTION

Articles 46 and 47. Section 251 of the Aborigines Law restricts the quantity and nature of work to be performed by women. However, where women are employed on plantations they are entitled to three months of maternity leave, and this provision applies to all female workers within the Republic.

PART VIII. WORKMEN'S COMPENSATION

Articles 51 to 53. The Act to provide for workmen's compensation in the Republic of Liberia sets up a compensation system for workers in case of temporary or permanent injuries sustained during their work.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Articles 54 to 60. The trade union movement is in an early stage of development, especially with respect to plantation workers. An Act to provide a procedure

for conciliation of labour grievances has been promulgated, and progress has been made in the direction of voluntary negotiations between employees' and employers' organisations.

PART X. FREEDOM OF ASSOCIATION

Articles 62, 65, 69 and 70. Workers and employers are guaranteed the rights and privileges of organising and establishing organisations, and these organisations can join federations and confederations that will promote the welfare of labour and management and benefit the whole nation.

PART XI. LABOUR INSPECTION

Articles 71 to 84. The Act to provide for administration and enforcement of the Law governing labour practices establishes a suitable labour inspectorate. Effective steps have been taken to set up the labour inspection service and improve conditions of the workers relating to hours, wages, safety, health and welfare.

PART XII. HOUSING

PART XIII. MEDICAL CARE

Articles 85 to 91. With the development of industry and the increased demand for labour supply, the importance of providing special social services for the benefit of workers has come to be appreciated in increasing measure, for they are necessary to ensure a stable and efficient labour force. The workers and their families have to be properly housed, and medical care and educational facilities have to be provided for them. It would be misleading to suggest that these facilities exist in sufficient measure; however, substantial progress has been made in recent years in the provision of social services for workers which conform to the standards prescribed by the Convention.

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	Mali	2. 3. 1964
Costa Rica	1. 3. 1962	Mauritania	8. 11. 1963
Czechoslovakia	21. 1. 1964	Mexico	11. 9. 1961
Dahomey	22. 5. 1961	Morocco	27. 3. 1963
Denmark	22. 6. 1960	Niger	23. 3. 1962
Ecuador	10. 7. 1962	Norway	24. 9. 1959
Gabon	29. 5. 1961	Pakistan	24. 1. 1961
Federal Republic of Germany	15. 6. 1961	Philippines	17. 11. 1960
Ghana	4. 4. 1961	Poland	30. 5. 1961
Guatemala	11. 10. 1960	Portugal	19. 11. 1959
Guinea	1. 9. 1960	Somalia	8. 12. 1961
Honduras	20. 6. 1960	Sweden	20. 6. 1962
Hungary	20. 6. 1961	Switzerland	13. 7. 1961
Iceland	29. 7. 1963	Syrian Arab Republic	10. 5. 1960
India	3. 6. 1960	Tunisia	14. 9. 1959
Iraq	15. 6. 1959	Upper Volta	16. 4. 1962
Israel	12. 1. 1959	Ukraine	4. 8. 1961
Italy	12. 8. 1963	U.S.S.R.	4. 5. 1961
Ivory Coast	5. 5. 1961	United Arab Republic	10. 5. 1960
Jordan	4. 7. 1963	Viet-Nam	6. 1. 1964
Liberia	22. 7. 1959	Yugoslavia	2. 2. 1961

DAHOMÉY

Constitution.

Labour Code (Overseas Territories) Act, No. 52-1322, 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541) (L.S. 1952—Fr. 5).

Act No. 61-7 of 20 February 1961.

Article 1 of the Convention. All forms of discrimination are strictly forbidden.

Article 3. Section 91 of the Labour Code stipulates that 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.

Article 4. The Act of 1961 is primarily concerned with persons whose activities are a danger to public security.

Article 5. Sections 115 to 119 of the Labour Code prescribe special measures in respect of the employment of women and children.

The application of the legislation and regulations concerned with labour and manpower matters and social welfare is entrusted to the Inspectorate of Labour and Manpower (Title VII of the Labour Code).

No court of law has given any decision relating to the application of the Convention. There has been no difficulty in applying the Convention.

GHANA

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

The National Advisory Committee on Labour may bring any discriminatory practices in the private sector to the notice of the Government.

All trainees of vocational schools or in private undertakings have an equal opportunity to sit for the Labour Department Trade Test Certificate on completion of their training. This certificate gives them equal chances of employment both in the civil service and in private industry.

Considerations of race, colour, religion, political opinion, national extraction or social origin are not deemed to be inherent requirements for a particular job. All workers have equal access to employment and occupation provided they possess the required qualifications. Distinctions regarding sex are only made in cases where a particular job can be performed only by a male worker.

The Government seeks the advice of the National Advisory Committee on Labour on all legislation relating to labour. This body was appointed in 1958 and consists of an equal number of representatives of employers' and workers' organisations.

HUNGARY

In response to the direct request by the Committee of Experts the Government states that a specific prohibition against discrimination has not been included in recently enacted laws, because all the laws apply without discrimination to all those covered. Distinctions are provided by law only in exceptional cases where it is necessary to grant special rights or to establish special guarantees, for example the law of 1961 authorising children belonging to national minorities to be taught in their mother tongue. The Government directs attention to a 1961 amendment to the Penal Code making it a crime to commit acts, in the presence of others, capable of causing hatred against a nation, a national minority, a religion or a race.

The Government states that Decree 6660/1948 Korm. providing for the immediate discharge of persons demonstrating an anti-democratic attitude is no longer in force and that there are corresponding provisions of the Labour Code which regulate the problem.

IRAQ

Administrative Reform Act, No. 48, 16 June 1963 (*Weekly Gazette*, 30 Oct. 1963, No. 44).

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

There has been no complaint from any group of workers employed in the private sector which would have warranted any investigation or survey concerning discrimination. Discrimination on the basis of religion, sex, etc., does not exist. However, inherent requirements of certain jobs may make them unfit for women. Iraq has ratified Convention No. 100 and Recommendation No. 90; there is therefore no discrimination in remuneration on the basis of sex in the public or private sector.

The Labour Code and Employment Regulations govern the employment policy to be applied in all sectors without discrimination.

No statistics are available.

The Administrative Reform Act, No. 2, 1958, has already been repealed and replaced by the Act of 1963, section 3 of which gives the right of appeal to the persons mentioned in Article 4 of the Convention.

LIBERIA (First Report)

Constitution.

Education Law.

Labour Law (*Liberian Code of Laws*, 1956, Title 19).

Penal Law (*ibid.*, Title 27).

Act to establish the Bureau of Labour and Social Statistics.

Act requiring payment of retirement pensions to employees.

Articles 1 to 3 of the Convention. The Government does not subscribe to, promote or engage in any form of discrimination in employment, and the law provides adequate safeguards against all forms of discrimination described in the Convention.

Under section 262 of the Penal Law it is a misdemeanour for any person, in conduct of any educational enterprise, labour union, hospital, café, hotel, restaurant, transportation facility, place of business or public administration, to discriminate against another person because of race, colour, clan, tribe, national origin or religion. In addition, section 263 of the same law makes it an offence for an employer to terminate the services of an employee or change his job relationship or status because he marries a person of a different race from his own, or to perform any other act that can be construed as indicating an attitude of racial superiority or the promotion of racial segregation or discrimination; employers are required to file a declaration that they will not subscribe to any practice of racial segregation or discrimination, and to submit every contract of employment for verification of this point.

Admission to educational institutions is made on the basis of academic record, scholastic ability, moral character, physical fitness and similar qualities, and every citizen has adequate opportunity to pursue vocational training.

The unification policy of the Government aims at unifying the various elements of the population, and there is evidence of the representation of these groups in the public and private sectors of the economy.

Article 4. Any person suspected of activities prejudicial to security must first be indicted and then prosecuted; if convicted, he has the right to appeal to the Supreme Court.

MALAGASY REPUBLIC

Decree No. 58-378 of 8 April 1958 to regulate the employment of aliens in Madagascar.

Decree No. 62-152 of 28 March 1962 to prescribe the conditions of work of children, women and pregnant women (*L.S.* 1962—*Mad.* 2).

Article 1 of the Convention. Under the Decree of 1958 the employment of aliens is subject to the previous granting of a work permit. The decree does not apply to French nationals or to citizens of the former French Union. This is the only form of discrimination which exists under the labour legislation.

In practice it would appear that the preference of employers for employing their compatriots comes before any consideration of occupational qualifications. In some cases they will give preference when engaging workers to aliens whose names are put forward by the foreign companies which they represent.

An inquiry carried out by the Ministry of Labour has failed to produce any evidence that, as had been alleged, discrimination was being systematically practised by the banks in favour of European employees in the matter of wages.

The ban on the holding of public office by nationals of foreign origin who have been naturalised for less than five years is a measure dictated by the desire to preserve the sovereignty of the State, primarily by making sure of the loyalty of those who serve it.

Article 2. The only forms of discrimination in respect of employment and occupation authorised by the legislation are designed to benefit women and children (Decree No. 62-152 to prescribe the conditions of work of children, women and pregnant women).

Equality of opportunity and treatment is fully guaranteed by the Labour Code (section 56) and the enactments concerning minimum wages, as well as by the legislation as a whole, which provides for no discrimination in its application on grounds of sex, origin or any other consideration, apart from the exceptions cited.

Article 3. The employment of women in senior civil service posts is restricted to a specified proportion (generally 10 per cent.) in the case of positions involving the exercise of authority (as prefects or subprefects, for instance). These persons are outside the competence of the Ministry of Labour.

PHILIPPINES

Constitution of 8 February 1935, as amended (*Constitutions of Nations*, Vol. III).

Civil Code: Act No. 386 of 18 June 1949 (*Laws and Resolutions (L. & R.)*, Vol. IV).

Revised Administrative Code.

Act No. 37 of 1 October 1946 granting preference to Filipino citizens in the lease of public market stalls (*L. & R.*, 1949).

Act No. 270 of 15 June 1948 to amend Commonwealth Act No. 647 granting maternity leave to women who are in the service of the Government or of any of its instrumentalities under temporary appointments (*L. & R.*, 1949).

Retail Trade Act, No. 1180, 19 June 1954 (*L. & R.*, Vol. IX, 1955).

Act No. 1564 of 16 June 1956 granting maternity leave to women in government service under temporary appointments who have rendered less than two years of service, by amending Commonwealth Act No. 647 as amended (*L. & R.*, Vol. XI, 1957).

Act No. 1888 of 1957 to effectuate in a more rapid and complete manner the economic, social, moral and political advancement of the non-Christian Filipinos or national cultural minorities and to render real, complete and permanent the integration of all said national cultural minorities into the body politic, creating the Commission on National Integration charged with said functions (*L. & R.*, Vol. XII, 1958).

Articles 1 to 3 of the Convention. The Act of 1946 provided that from 1 January 1947 preference should be given to Filipino citizens in the award of leases of stalls in the public markets in the Philippines. All stalls and booths had become vacant at the above date.

The Director of Private Schools recently turned down the petitions of several Chinese teachers to be allowed to continue teaching in the English departments of various private Chinese schools on the ground that enough qualified Filipino teachers were available for the posts in question. Under existing regulations teachers of English must be Filipino citizens.

A form of discrimination against married women is practised by most private undertakings which usually assign married women to work in night shifts. Sooner or later, most of these women decide to resign.

The Act of 1954 is not the product of racial hostility, prejudice or discrimination but the expression of the legitimate desire to remedy a real threat and danger to the national economy caused by alien domination and control of the retail business. The Act aims to free citizens and the country from such control, and is therefore in the public interest.

Sometimes property qualifications are required on the grounds that ownership is deemed to be a guarantee of attachment to and interest in the community.

The qualifications for holding public office may include age, education, sex, citizenship, character and residence. Aliens are not eligible for holding public office, according to the present practices.

Public utilities, corporations or other entities organised under the laws of the Philippines, 60 per cent. of the capital of which is owned by Philippine citizens, can be run only by Philippine citizens.

To realise the objectives of the Act of 1957 mentioned above the Commission on National Integration was created, which has the following functions: (1) to assist in the education and training of national cultural minorities to help them secure employment in private establishments or in the Civil Service; (2) provide the opportunity for these minorities to acquire industrial and agricultural undertakings,

processing plants and cottage industries; (3) to further the agricultural, industrial and social development of these minorities and their progress in civilisation. The Act is designed to provide for the economic, social, moral and political advancement of the non-Christian Filipinos or national cultural minorities and to render real, complete and permanent their integration into the body politic.

Article 4. Under section 64 (b) of the Revised Administrative Code, the President may at any time on account of disloyalty remove a person from any position of trust and authority in the Government. Wrongful enforcement and execution of the laws entitles the persons affected to the right of appeal to the Executive Head or an action in court.

Article 5. Acts Nos. 679 and 1131 regulate the conditions of labour of women and minors and limit the hours of their employment, giving them certain privileges. The employment of children below the age specified is forbidden. Married women who are permanently or temporarily appointed in the government service and in corporations and undertakings owned or controlled by the Government are entitled to a special maternity leave of 60 days under the conditions specified in section 1 of Commonwealth Act No. 647, as amended by Acts Nos. 270 and 1564.

Paid maternity leave is also granted by employers of shops, factories, commercial, industrial or agricultural establishments or any other workplaces (section 8, Act No. 679).

PORTUGAL

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

Article 2 of the Convention. Portugal has for centuries made the principle of non-discrimination on grounds of race a rule of national life, and a declaration of national policy to that effect would be both inexpedient and incomprehensible to the public. Differentiation by ethnic origin is simply unknown in Portugal. Discrimination on the ground of religion does not exist. There is no deliberate tendency, either in the letter or spirit of the laws, or in real life, towards discrimination on the grounds of sex, social origin, or national extraction.

The question which faces the Portuguese authorities is not how to eliminate existing rules or prejudices but how to promote effective equality of opportunity for all; there is no doubt that the right way to reach this latter objective is by developing training facilities, and the Government has taken that course with redoubled energy in recent years.

The creation of large numbers of scholarships for workers' children is only one example of many which illustrate the action being taken. Another one was the decision to include a paper on vocational training to the Second National Conference on Labour, Corporative Organisation, and Social Welfare (Lisbon, October 1962). The discussions during the Conference led to the adoption by the Conference of eight important conclusions and recommendations. The first of these conclusions stressed in particular that "the more rapid development of vocational training, based on broad and widespread general education, is not only indispensable to a policy of economic growth but also to an improvement in the general standard of living".

In his closing speech, the Minister of Corporations and Social Welfare emphasised also the urgency of enhancing the qualifications of unskilled personnel, not only in order to meet the needs of incipient industries but also to give greater dignity to the workers themselves and to those who migrate overseas. This speech, like many others delivered by members of the Government, stressed the intention of ensuring that Portuguese who migrate shall have precisely the training which will

enable them to find opportunities equal to those of the workers of the countries of reception. The same Minister, on another occasion, announced to the nation on 7 August 1962 the establishment of an Institute of Accelerated Vocational Training.

The preamble to the instrument creating the Institute emphasises that it is not only the decisive importance of vocational training for economic development which merits attention. "Indeed", it is stated, "vocational training favours the social advancement of the workers and thereby makes a powerful contribution to their well-being and complete fulfilment." Texts relating to vocational training have recently been so numerous that it is impossible to mention them all. Inquiries and the collection of statistics permitting a better appreciation of the needs are developing at a very satisfactory pace.

Moreover, new measures of great importance tending to provide appropriate facilities for guidance and training increasingly available to all are in the course of preparation.

The training provided is not merely vocational. The importance of general training and the need to develop education at all levels is fully recognised. The country was recently informed that a National Educational Statute is to be introduced in the near future, which will lay down rules with which all plans for educational action must comply. Some of its directives will follow from the principles of the Constitution, which repudiates any form of discrimination.

The country is thus engaged in an intense effort so that all without distinction may be qualified to enter those employments and occupations in which they can make the most of themselves and best serve society. But, although this preoccupation and these efforts have taken on particular intensity in recent times, it should be pointed out that they are not of recent date.

Article 3. Subsisting exceptions to the rule of equality of treatment—all in the private sector—are not always really departures from the principle of "equal pay for equal work". Indeed identical titles may not in fact indicate equivalent jobs in agriculture, industry and perhaps other occupations. Moreover, although the State pays the same rates to public servants of both sexes it is impossible to require private undertakings to adopt the same policy if they are unwilling, or if conditions on the employment market do not oblige them to do so. Nor does the fixing of equal minimum wage rates achieve the objective, since wages exceed the minimum rate in most undertakings. However, attempts have been made to promote as far as possible equality of remuneration for workers of the two sexes. The principle has been reasserted by the State itself in the treatment accorded to its own servants, and employers' and workers' organisations have helped towards broad application of the rule. However, in an economy without full employment equalisation of women's pay may lead to replacement of female employees by males, which must be avoided. These difficulties are not confined to Portugal and must continue to receive full attention of the authorities.

Paragraph (d). Modification of previous policy was not necessary in order to make important progress recently in equality of participation by both sexes in public employment. Statistics are adduced to support this statement.

Differentiation by ethnic origin is unknown, and consequently the compilation of statistics on ethnic distinctions is impossible. Metropolitan Portugal is not a territory of immigration, and so the number of persons of other territorial and ethnic origins who come to the metropolis seeking employment is relatively small. Nevertheless, in the public professional services persons of widely different ethnic origins are found in high posts. Portuguese of the most diverse races and creeds have been instructors at Portuguese universities, have acted as Rector and Head of Faculty at the Lisbon Technical University and have been teachers at various educational levels. There have been several coloured judges and counsel at the Supreme

Administrative Tribunal and the Lisbon Court of Appeal as well as courts of first instance. Persons of all ethnic origins are assigned to the notarial and civil and land registry services and to the central services of the ministries, particularly that of Overseas Affairs.

Legislative Decree No. 25317 of 13 May 1935 excludes from the public service any person "who reveals or has revealed a spirit of opposition to the fundamental principle of the Political Constitution or cannot be relied upon to co-operate in the attainment of the higher aims of the State". Section 3 of Act No. 1901 of 21 May 1935 provides for the exclusion from public service of any person who does not declare in writing on his honour that "he does not belong and will never belong to any secret association". Legislative Decree No. 27003 of 14 September 1938 requires candidates for public posts to declare on their honour that they are integrated "in the social order established by the Political Constitution of 1933 and actively repudiate communism and all subversive ideas". Similar provisions exist in several other countries. These requirements do not establish discrimination based on political opinion.

SOMALIA (First Report)

Constitution.

Labour Code (*L.S.* 1958—It. Som. 1).

The basic principles are laid down in the Constitution (preamble and sections 3 and 36). The matter is governed by the Labour Code (sections 1, 31, 55, 116 and 119).

No decisions have ever been given by the courts involving questions of principle relating to the application of the Convention. No cases of infringement of the provisions of the Convention have been observed during the inspections carried out by the supervisory bodies. No workers' or employers' organisation has made observations of any kind regarding the practical application of the Convention.

SWITZERLAND (First Report)

Constitution.

Federal Act of 30 June 1927 respecting the conditions of service of federal employees (*L.S.* 1927—Switz. 2).

Report by the Federal Council to the Federal Assembly concerning the 42nd and 43rd Sessions of the International Labour Conference, dated 8 January 1960.

Federal Law on work in factories.

Ordinance concerning the carrying out of the Law on work in factories.

Ordinance of 11 January 1944 concerning work for which the employment of women and young persons in arts and crafts is prohibited.

Ordinance No. I of 12 August 1921 concerning the carrying out of the Federal Law on hours of work in railway and other transport and communications undertakings.

Section 4 of the Constitution guarantees citizens equality before the law. This fundamental provision applies to relations between the authorities (legislative, administrative and judicial) and citizens, but does not govern relations between individuals.

Article 55 of the Act of 1927 lays down that the marriage of a female public employee may be considered a just reason for termination of employment by the employing authority. Experience has shown that women workers are often completely absorbed in their maternal or domestic duties and are no longer able to devote their full time to office work. Married women do not generally intend to remain in their jobs indefinitely. In view of the social position of women, this provision is not considered to be discriminatory. It is applied with a great deal of flexibility and understanding for the woman's position.

Article 1 of the Convention. In practice, the State does not allow any discrimination in those spheres which are under its jurisdiction. As the policy it pursues is in conformity with the requirements of the Convention, its task is solely one of supervision, with a view to preventing any act of discrimination.

Articles 2 and 3. In view of the federal structure of the Constitution and the fact that there is no special federal law guaranteeing the application of the Convention, the central authority first approached the canton governments on this matter in March 1962, drawing their attention to the obligations arising out of the ratification of the Convention. The cantonal authorities were requested to find out whether, in their respective areas, there existed any discriminatory provisions or practices, and if so to take steps to remedy this state of affairs. In its second appeal to the cantons the federal authority reminded the latter of the need for their collaboration and requested them to supply any useful information concerning their legislation and practices regarding access to employment and to particular occupations. The cantons were asked to indicate the measures which they had taken to remove any form of discrimination, in the meaning of the Convention, which had come to light. In reply, the canton governments stated that they had no knowledge of any case of discrimination which was contrary to the provisions of the Convention, and they did not consider it necessary to take any special measures to ensure its application within their territory. The federal authority will continue to make inquiries, where necessary, concerning the actual situation existing in the different cantons.

The employers' and workers' organisations have been requested to co-operate in the application of the provisions of the Convention. These organisations have drawn the attention of their sections and associations to the importance of the Convention and will try, by the direct approach method, to remove any form of discrimination which is contrary to the provisions of the Convention. No decision could be considered to extend a collective agreement which countenanced discriminatory practices.

Access to vocational training is open to everyone, without distinction on the basis of race, colour, sex, religion, political opinion, national extraction or social origin. The same applies to access to employment and to particular occupations.

With regard to the public employment service, the policy adopted is in harmony with the provisions of Convention No. 88, which has been ratified.

Although the principle of equal remuneration is recognised, Convention No. 100 has not been ratified for reasons explained by the Federal Council in the above report.

Article 4. There are no legislative measures, administrative measures or national practices governing the employment or occupation of persons who are justifiably suspected of activities which are prejudicial to the security of the State.

Article 5. After consultation with the central employers' and workers' organisations, the federal authority has drawn up a list of the court decisions which represent special measures in the meaning of the Convention. These mainly concern distinctions based on sex, namely measures for the protection of female workers.

SYRIAN ARAB REPUBLIC (First Report)

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

Order No. 535 of 1960 concerning the employment of aliens.

Basic Public Administration Law, No. 135, 1945.

Ratification of the Convention gives it the force of a national law. It is the responsibility of the Ministry of Social Affairs and Labour to take all measures necessary for its application.

Article 1 of the Convention. There exists no discrimination as defined by the Convention. Employment of persons seeking work in private enterprises is effected on the basis of their ability and qualifications in accordance with the needs of the employers.

This applies also to the exercise of professional activities (doctors, pharmacists, engineers and lawyers). There exists no discrimination among citizens of the country as regards the conditions under which these professional activities are exercised. Aliens are also permitted to exercise the same professional activities within the context of reciprocal agreements.

Article 2. The principle of equality of opportunity for all citizens is applied without distinction. Considerable efforts are being made to apply this principle even more widely by granting positions and employment to the most competent applicants without any discrimination as defined by the Convention.

Article 3. There exists no legislative text authorising discrimination in the domain of employment and occupation.

Employment in the service of the State is based on qualifications with equal opportunities for all citizens. The Basic Public Administration Law permits aliens to be employed for technical or specialised work. Alien workers have the right to employment within the context of reciprocal agreements with the country of which they are nationals.

There is no obstacle or condition based on discrimination for the admission of students to vocational schools. This applies also to vocational guidance centres.

Since no law in force admits of any discrimination as defined by the Convention, it has not been necessary to adopt any new legislation in this respect.

Article 4. Legislative provisions and measures taken in the event of danger to state security are applicable to all persons without any distinction. If the need arises, any persons concerned may refer matters to the administrative and judicial authorities in all cases.

Article 5. Under the Labour Code employers are under the obligation to employ persons recommended to them by labour exchanges whose names are on the list of vocationally rehabilitated invalids, to the extent of 2 per cent. of all their employees.

War victims and persons incapacitated during military or civilian service have a right of priority of recruitment to positions or employment in the service of the Government or local authorities to the extent of 10 per cent. of all vacant posts in each profession.

All ministries are responsible for the application of the provisions of the Convention. Specialised inspectors working in the different ministries ensure that they are applied. At the Ministry of Social Affairs and Labour, labour inspectors are responsible for this task.

UNITED ARAB REPUBLIC (First Report)

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

Article 1, paragraph 1 (a), of the Convention. Discrimination as defined in this clause does not exist.

Article 2. A national policy which ensures equality of opportunity and treatment in respect of employment and occupation has been adopted. This has been reasserted by the National Charter, which vests every citizen with the right to obtain a job appropriate to his abilities, inclination and education.

Article 3, paragraph (a). Employers' and workers' organisations co-operate in implementing this policy.

Article 3, paragraph (e). Under the Labour Code, the employment service is responsible for placing every unemployed person according to his age and abilities; priority is by order of registration. In respect of vocational training, the competent departments of the Ministries of Industry and Education co-operate in carrying out the policy.

* * *

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

Dahomey, Ghana, Liberia, Philippines, Portugal.

112. Minimum Age (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	8. 5. 1963	Mauritania	8. 11. 1963
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

ISRAEL (First Report)

Youth Labour Law of 15 July 1953 (*L.S.* 1953—Isr. 2).

Regulations concerning employment of children and young persons (prohibited and restricted works), 1954 (*Kovetz Hatakanat*, No. 419, 1954), as amended (*ibid.*, No. 1147, 1961, p. 1746).

Sections 6 and 7 of the above law empower the Minister of Labour to prohibit or restrict by regulation the employment of children or adolescents (these terms are defined in the law as applying respectively to persons under the age of 16 years and between 16 and 18 years), or juveniles (defined as children or adolescents). Under the above regulations, as amended, work on fishing vessels is prohibited to children, and work on a coal-burning fishing vessel as a trimmer or stoker is prohibited to juveniles. The above-mentioned legislation applies to all fishing vessels.

The application of the above-mentioned legislation is entrusted to the Minister of Labour, who performs the task through the Labour Inspection Department.

LIBERIA (First Report)

Foreign Relations Law (*Liberian Code of Laws*, 1956, Title 14).

Labour Law (*ibid.*, Title 19).

Article 1 of the Convention. Only small boats are engaged in fishing; they are manned by small family or village groups ranging in number from two to ten fishermen; consequently the extent to which the industry has developed makes the Convention inapplicable.

Articles 2 to 4. In spite of the fact that the provisions of these Articles establish conditions for hired labour which are non-existent in the industry, they are, nevertheless, enforced by section 74 of the Labour Law, which prohibits the work of children under the age of 16 years during the hours of school attendance, and the constitutional provision of section 80 of the Foreign Relations Law relating to the ratification of treaties.

The Bureau of Labour and the Labour Practices Review Board are entrusted with the application of this legislation.

MEXICO (First Report)

Constitution of 1917.

Federal Labour Act of 18 August 1931.

Amendments to the Federal Labour Act (*Diario Oficial*, 31 Dec. 1962).

Article 1 of the Convention. According to section 133 of the Constitution the ratification of the Convention suffices to ensure that its provisions are in force.

Article 2. The said constitutional provision, as well as sections 110 G ff. of the Federal Labour Act, relating to the employment of young persons, apply this Article.

Articles 3 and 4. Section 133 of the Constitution applies.

The application of the legislation is entrusted to the Supreme Court of Justice, the Federal Boards and the Conciliation and Arbitration Centres. Sections 403 and 404 of the Federal Labour Act contain provisions relating to the activities of the labour inspectors.

SPAIN (First Report)

National Labour Regulations concerning trawling, dated 16 January 1961 (*Boletín Oficial del Estado*, 28 Jan. 1961).

National Labour Regulations concerning seine net and other fishing, dated 26 July 1963 (*ibid.*, 7 Aug. 1963).

Article 1 of the Convention. According to sections 4 and 7 of the 1961 and 1963 regulations respectively, the term "fishing boat" applies to all kinds of boats engaged in fishing.

Article 2. Section 35 of the 1961 regulations and section 40 of the 1963 regulations prohibit the employment of persons under 15 years of age on board a fishing boat except in the following cases: (a) young persons under 15 years of age can work on these boats during the school holidays, if such work is not harmful to their health, does not interfere with their attendance at school, and has not a commercial purpose; (b) young persons of 14 years of age can work, upon authorisation of the labour authorities in agreement with the school, if this work can be of prospective or immediate benefit to the young person.

Article 3. Section 36 of the 1961 regulations and section 41 of the 1963 regulations apply this Article in full.

Article 4. Sections 37 and 42 of the 1961 and 1963 regulations respectively fully apply this Article.

The application of the above-mentioned legislation is entrusted to the National Labour Inspectorate.

U.S.S.R.

Labour Code.

Merchant Navy Code, approved by the Central Executive Committee and by the Council of Peoples' Commissars on 14 June 1929.

Decree of the Presidium of the Supreme Soviet, dated 13 December 1956, strengthening the protection of young workers.

Decree No. 629 of 29 August 1959.

Article 1 of the Convention. Fishing vessels include all vessels used for various fishing operations, both in salt waters or rivers and lakes.

Articles 2 to 4. The age of admission of young persons to employment has been fixed at 16 years by a decree of the Presidium of the Supreme Soviet of 13 December 1956. According to the relevant legislation only male persons of 18 years of age and over are to be admitted to employment as fishermen. Young persons who have attained 15 years of age may be employed as apprentices or ship's boys in exceptional cases on fishing vessels, provided that the respective trade union committee approves their employment. It is also possible to admit pupils from seafaring schools for purposes of training on board ship.

The observance of the relevant laws and regulations is entrusted to the Public Prosecutor's Office and to various ministries and administrations; trade unions also have the right to supervise their application.

YUGOSLAVIA (First Report)

Employment Relationships Act (*Sluzbeni List*, No. 17/61).

General Safety and Hygiene Regulations (*ibid.*, No. 16/47).

Article 1 of the Convention. The regulations concerning minimum age are of a general nature and make no distinction between occupations.

Article 2. According to section 128, paragraph 1, of the above Act, children under the age of 15 years shall not be employed.

Article 3. The above regulations prescribe that young persons of less than 18 years of age shall not be employed as trimmers on coal-burning fishing vessels.

Article 4. This possibility is not used, since the eight-year period of school attendance makes it impossible for persons under 15 years to be employed on school-ships.

The application of the legislation is entrusted to the labour inspectorates.

* * *

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

Israel, Liberia, Mexico, Spain, U.S.S.R., Yugoslavia.

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

113. Medical Examination (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium.	8. 5. 1963	Liberia	16. 5. 1960
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 (First Report)

Foreign Relations Law (*Liberian Code of Laws*, 1956, Title 14).

The Convention is implemented by virtue of the provision contained in the above-mentioned text, which lays down that "all treaties to which the Republic of Liberia is a party shall be law from the date of their publication. . .".

Since the greater portion of the fishing industry is conducted by family groups, the Convention, which applies to hired labour, is not applicable to those groups.

Nevertheless, the Government plans an effective implementation of the provisions of the Convention by national legislation.

SPAIN (First Report)

For legislation see under Convention No. 112.

Article 1 of the Convention. Sections 4 and 34 of the Regulations of 1961 and sections 7 and 39 of the Regulations of 1963 contain provisions which implement this Article.

Articles 2 to 5. Section 34 of the Regulations of 1961 and section 39 of the Regulations of 1963 lay down that no fisherman shall be engaged unless he produces a medical certificate stating that he is fit for the work he is to do. This certificate shall contain indications concerning hearing and sight, and shall state that the fisherman concerned is not affected by any sickness likely to be aggravated by service at sea or to endanger the health of other persons on board. The certificate shall remain valid for five years, or for one year in the case of young persons under 21 years of age. Provisions exist for an appeal against the findings of the medical practitioner.

The enforcement of this legislation is entrusted to the National Labour Inspectorate.

114. Fishermen's Articles of Agreement Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	8. 5. 1963	Mauritania	8. 11. 1963
China	13. 2. 1962	Peru	4. 4. 1962
Guatemala	2. 8. 1961	Spain	7. 8. 1961
Guinea	7. 11. 1960	Tunisia	14. 1. 1963
Italy	10. 4. 1962	Yugoslavia	22. 12. 1961
Liberia	16. 5. 1960		

SPAIN (First Report)

For legislation see under Convention No. 112.

Articles 1 and 2 of the Convention. Section 4 of the Regulations of 1961 and section 7 of the Regulations of 1963 give effect to these Articles.

Article 3. Sections 27 and 28 of the Regulations of 1961 and sections 32 and 33 of the Regulations of 1963 lay down that conditions of employment of fishermen must be indicated in the articles of agreement. Articles of agreement must be made on special forms which are to be adopted by the labour authorities. The fisherman shall have all opportunities to examine the articles before signing. The shipowner, the fishermen's association and the competent authorities are under the obligation to put at the disposal of the fisherman, or of his adviser, the text of the articles, and of answering all questions he may ask.

Article 4. According to sections 29 and 34 of the Regulations of 1961 and 1963 respectively, articles of agreement shall be endorsed by the maritime authority, which shall ensure that they do not contain any clause which is contrary to the regulations.

Article 5. According to sections 25 and 30 of the Regulations of 1961 and 1963 respectively, the fisherman, upon engagement, shall present his personal seafarer's book wherein his service at sea is recorded.

Article 6, paragraph 3. Section 27 of the Regulations of 1961 and section 32 of the Regulations of 1963 lay down the particulars which shall be entered in the articles of agreement. These particulars are in conformity with those contained in this Article of the Convention.

Article 7. This Article is implemented by sections 29 and 34 of the Regulations of 1961 and 1963 respectively.

Article 8. The text of the Regulations, according to sections 30 and 35 of the Regulations of 1961 and 1963 respectively, shall be kept on board at the disposal of the fishermen.

Article 9. Sections 76 to 81 of the Regulations of 1961 lay down the different circumstances in which the articles of agreement may be terminated by the shipowner or the fisherman, by mutual agreement or for other reasons.

Articles 10 and 11. These Articles are implemented by section 27 of the Regulations of 1961 and section 32 of the Regulations of 1963.

Article 12. Effect is given to the provisions of the Convention by means of the regulations mentioned above.

The enforcement of the legislation mentioned above is entrusted to the National Labour Inspectorate.

* * *

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

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on	Countries	Ratification registered on
Czechoslovakia	21. 1. 1964	Sweden	12. 4. 1961
Ghana	7. 11. 1961	Switzerland	29. 5. 1963
Iraq	26. 10. 1962	Syrian Arab Republic	15. 1. 1964
Norway	17. 6. 1961	United Kingdom	9. 3. 1962
Spain	17. 7. 1962		

GHANA

Code of practice for the protection of persons exposed to ionising radiations.

Article 1 of the Convention. The above code of practice was compiled by the Health Physics and Radio-Isotope Unit (H.P.R.U.) which is under the direct supervision of the Ghana Atomic Energy Commission (G.A.E.C.) of the Ghana Academy of Science (G.A.S.); it has no legal force. Its application is entrusted to G.A.S., which consults the Labour Department and the Radiation Protection Board (R.P.B.), whose members include representatives of employers' and workers' organisations.

Article 2. The code of practice does not apply to the production of atomic energy and atomic weapons. There are no fixed low-dose limits of radiation.

Article 3. It is proposed to enforce the Convention by a law supplemented by a code of practice. For the time being the code of practice gives effect to the Convention. Inspection of radiation work is carried out, and personnel monitoring has been introduced.

Article 4. The code of practice contains detailed rules as regards safety officers, obligatory supervision, medical examinations, licensing, etc. (paragraphs 5.1 to 11.8).

Article 5. Personnel monitoring and surveys of departments are carried out. The workers are educated in safe practices.

Article 6. The maximum permissible values recommended by the International Commission on Radiological Protection are used; no modifications have been made.

Article 7. See Article 6. Workers under 16 years of age may not be engaged in radiation work (paragraph 2.4 (d)).

Article 8. The basic standards for radiation protection established by the International Atomic Energy Agency are used.

Article 9. Paragraphs 7.1 and 7.2 of the code of practice provide for adequate instruction to be given.

Article 10. Paragraph 6 of the code of practice provides for notification of use of radioactive substances.

Article 11. H.P.R.U. carries out the monitoring of all radiation workers.

Article 12. Medical examinations are obligatory at the beginning of employment in radiation work. Subsequent examination is requested by the supervisory medical officer (paragraph 5.2).

Article 13. This Article is applied by paragraphs 5.1 to 5.4 of the code of practice. A qualified physicist investigates the working conditions.

Article 14. No provision yet gives effect to this Article.

Article 15. The supervision of the application of the Convention is organised by H.P.R.U., the staff of which (qualified physicists) carry out the necessary inspections.

NORWAY

In reply to a direct request made in 1963 the Government has supplied the following information.

Article 1 of the Convention. Consultation takes place between experts from the State Institute of Radiation Hygiene and company managers, workers, and the person in charge of radiation protection measures when safety measures are to be taken.

Articles 6 to 8. The standards set by the International Commission on Radiological Protection are observed.

Article 11. The film supervision service for radiological workers will be extended. Continuous supervision of radiation hazards may not be considered where there exists only low radiation exposure.

Article 12. Extension of the medical services is being considered.

Article 15. The inspection service is provided by the National Laboratory for Radiological Physics.

SWEDEN (First Report)

Radiation Protection Law of 14 March 1958 (*Svensk Författningssamling (S.F.)*, 28 Mar. 1958, Vol. 1, No. 110, pp. 181-187), as amended by Law of 30 June 1960 (*ibid.*, 1960, No. 423).

Royal Order of 19 December 1958 embodying regulations for the application of the Radiation Protection Law (*ibid.*, 31 Dec. 1958, No. 652, pp. 1841-1842).

Circular of 19 December 1958 of the Radiation Protection Board of the National Board of Health, embodying instructions to prevent injury from X-rays (*Samling av författningar och cirkulär angående Medicinalväsendet*, 1958, No. 123).

Circular of 19 December 1958 of the Radiation Protection Board of the National Board of Health, concerning medical examinations, etc., under section 12 of the Radiation Protection Law (*ibid.*, 1958, No. 121).

Royal Order of 28 June 1941 concerning medical examinations (*S.F.*, No. 640, 1941), as amended by Royal Order of 9 December 1949 (*ibid.*, 1949, No. 639).

Circular of 12 October 1950 of the National Board of Health, on forms for medical examination (*Samling av författningar och cirkulär angående Medicinalväsendet*, 1950, No. 86).

Circular of 19 February 1959 of the Radiation Protection Board of the National Board of Health, concerning authorisation to possess and to use X-ray apparatus intended for odontological X-ray diagnosis (*ibid.*, 1959, No. 8).

Circular of 21 December 1961 of the Radiation Protection Board of the National Board of Health, on the medical use of radioactive isotopes (*ibid.*, 1961, No. 106).

Circular of 19 December 1958 of the Radiation Protection Board of the National Board of Health, on permission to possess and import radioactive substances (*ibid.*, 1958, No. 122).

Crown Letter of 28 July 1958 concerning the Radiation Protection Board of the National Board of Health (*ibid.*, 1958, No. 72).

Crown Letter of 28 June 1941 with instructions for the Institute of Radiophysics with regard to radiation protection supervision (*ibid.*, Ser. A, 1941, No. 136), as amended by Crown Letter of 30 October 1942 (*ibid.*, Ser. A, 1942, No. 122).

Crown Letter of 29 June 1945 (*ibid.*, Ser. A, 1945, No. 108).

Atomic Energy Law of 1 June 1956 (*S.F.*, 13 June 1956, No. 306, pp. 683-685).

Royal Order of 18 December 1959 granting certain exemptions to the Atomic Energy Law (*ibid.*, 10 Jan. 1960, No. 608), as amended by Royal Order of 8 December 1961 (*ibid.*, No. 604, 1961).

Law of 3 June 1960 on compensation in case of reactor accidents, etc. (*ibid.*, 17 June 1960, No. 246, pp. 643-646).

Royal Order of 3 June 1960 on certain decrees in accordance with Law No. 246 of 3 June 1960 (ibid., 17 June 1960, No. 247).

Royal Order of 17 May 1963 stating that Law No. 246 of 1960 continues to be in force (ibid., No. 157, 1960).

Law of 3 June 1960 with regard to the protective measures to be taken in the case of accidents in atomic installations, etc. (ibid., 27 June 1960, No. 331, pp. 867-869).

Royal Order of 30 June 1961 on remuneration for assistance in protection work in connection with atomic accidents (ibid., 1961, No. 457).

Law of 17 May 1963 on compensation for damage caused by the operation of nuclear ships (ibid., 1963, No. 158).

Law of 17 May 1963 on prolonged vacation in certain occupations (ibid., 1963, No. 115).

Various codes of practices, instructions, etc., issued by the Radiation Protection Board and the Institute of Radiophysics.

Article 1 of the Convention. The Radiation Protection Law, supplemented by royal orders and circulars of the Radiation Protection Board (R.P.B.), gives effect to the Convention. In accordance with current practice, R.P.B. consults representative organisations of employers and workers.

Article 2. Under section 30 of the Radiation Protection Law the Crown, or R.P.B. after Crown authorisation, may exempt radioactive substances, X-ray equipment and other technical devices from the law.

Section 1 of the Royal Order of 1958 lists conditions under which radiation sources are exempted owing to their low specific activity or the limited doses which they can emit. Under section 3 R.P.B. may make further exemptions. The order and R.P.B. circulars specify exemptions of substances and technical devices.

Article 3. The measures adopted are in conformity with the Convention.

Articles 4 and 5. The Radiation Protection Law applies to all radiological work. A licence from R.P.B. is obligatory for all such work, as well as for the possession of equipment producing ionising radiations, or for trade in radioactive substances. R.P.B. may inspect premises to ensure that such devices or equipment are inspected at the makers and at the sellers before delivery. The licence, which carries conditions laid down by R.P.B., may be rescinded if the conditions are not observed. R.P.B. must be informed when a licence holder ceases to hold or use radioactive substances. All legal provisions regarding the prevention of radioactive hazards must be observed.

Persons under 18 years of age or persons found, on medical examination, to be particularly exposed to health risks, may not be engaged in radiological work, except with the permission of R.P.B. Periodical examinations are required for persons in such work. Any case of presumed injury must be reported to R.P.B.

Application of the legislation and regulations is supervised by R.P.B., which may order special protective measures in certain cases.

Transport of radioactive substances and customs formalities are covered by special regulations. The import of such substances is controlled by the Director-General of Customs, in consultation with R.P.B.

Articles 6 to 8. No modifications have been made as regards the basic levels of maximum permissible doses.

Section 12 of the Radiation Protection Law prohibits the employment of persons under 18 years of age in radiological work. Exemptions may be authorised by R.P.B., but only where radiation work is part of an educational course. No exemptions are granted for those under 16 years of age.

No maximum permissible doses are prescribed, but R.P.B. specifies conditions under which radiation work may be performed. Maximum doses have been specified as regards X-rays; otherwise R.P.B. bases its deliberations on the recommendations of the International Commission on Radiological Protection. R.P.B. standards are

more rigid than I.C.R.P. recommendations and are sometimes stated in the form of requirements or protective arrangements rather than in terms of dosages.

In the few cases where exemptions have been permitted, it has been ascertained that the levels of exposure do not exceed those established for workers not directly engaged in radiation work.

Article 10. Before a licence is issued R.P.B. must be satisfied that appropriate protection will be achieved.

Article 12. Under section 12 of the Radiation Protection Law no person may be engaged in radiological work unless a medical examination has shown him not to be particularly exposed to health risks; persons so engaged shall undergo further medical examination at appropriate intervals. R.P.B. may exempt certain categories of work from this requirement, where the radiation sources are weak or exposure to radiation is limited. A further definition of the conditions under which exemptions can be made is being prepared.

Under the Royal Order of 1941 there is a standard form of medical examination, and periodic examinations are carried out annually. The Circular of 1950 defines the standard form for medical examinations.

Article 13. Under section 13 of the Radiation Protection Law the worker or person in charge shall notify R.P.B. in cases of suspected radiation injury. Section 12 provides that a medical examination shall be made if any worker appears affected by radiation. By Royal Order of 1949 further investigation and medical examination shall be made if harm from radiation is suspected as a result of observations and annual medical examinations. For major laboratories and atomic energy plants special notification requirements have been made. Working conditions are examined if personnel dose monitoring indicates overexposure. I.C.R.P. recommendations are followed with regard to cases of accidental exposure. The persons competent in radiation protection are R.P.B. inspectors.

Article 15. R.P.B., under the supervision of the National Board of Health, acts as the co-ordinating agency for the different aspects of radiation protection. The Institute of Radiophysics, under supervision of R.P.B., is responsible for supervision of radiation work and keeping of radioactive substances. Some decisions on radiation protection measures are delegated to the Institute of Radiophysics by R.P.B.

Under the Radiation Protection Law (sections 14 to 21) inspectors have access to every workplace and can order special protection measures if these do not entail heavy expenses.

Penalties are stipulated by the law in cases of contravention.

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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:

Ghana, Norway, Sweden.

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:

Algeria, Argentina, Australia, Austria, Belgium, Burma (Convention No. 26), Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Finland, France (Conventions Nos. 2, 6, 10, 12, 13, 16, 22, 23, 24, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 89, 92, 94, 95, 96 and 101), Gabon, Federal Republic of Germany, Ghana, Greece, Iceland, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Liberia, Luxembourg, Mali, Mauritania, Mexico, Morocco, New Zealand, Niger, Nigeria, Pakistan, Portugal, Senegal, Somalia, Republic of South Africa, Sudan (Conventions Nos. 19 and 26), Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Republic, United Kingdom, United States, Uruguay, Viet-Nam.

The Governments of the following countries state that copies of the reports will be communicated to the representative employers' and workers' organisations, indicating their names: *Brazil, Norway, Sudan (Convention No. 29).*

The Governments of the following countries state that copies of their reports have been communicated to the representative employers' and workers' organisations: *Dominican Republic, Malagasy Republic, Netherlands.*

The Governments of the following countries state that copies of the reports have been communicated to the Central Council of Trade Unions: *Bulgaria, Czechoslovakia, Poland, Rumania.*

The Governments of the following countries state that copies of the reports have been communicated to the Central Council of Trade Unions and to the directors of various undertakings: *Byelorussia, Ukraine, U.S.S.R.*

The Government of *Hungary* states that copies of the reports have been communicated to the National Council of Trade Unions.

The Government of *Malaya* states that copies of the reports have been communicated to the National Joint Labour Advisory Council which represents employers and workers at the national level.

The Government of *Rwanda* states that at present no occupational organisations exist, and that copies of the reports have been communicated to the employers and workers held to be representative by the Labour Services.

The Government of *Spain* states that copies of the reports have been communicated to the National Organisation of Spanish Trade Unions.

The Government of *Yugoslavia* states that copies of the reports have been communicated to the Central Council of the Confederation of Yugoslav Trade Unions and Federal Chamber of Economy.

APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (Articles 22 and 35 of the Constitution)

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Denmark. Ratification: 13 October 1921.
Not applicable;
Faroe Islands: 2 December 1957.
Greenland: 13 October 1921 and 31 May 1954.
France. Ratification: 25 August 1925.
No declaration.
Japan. Ratification: 23 November 1922.
Not applicable: Pacific Islands (League of Nations mandate): 23 November 1922.
Netherlands. Ratification: 6 February 1932.
Applicable with modification: Netherlands Antilles and Surinam: 13 July 1951.
New Zealand. Ratification: 29 March 1938.
No declaration.
Republic of South Africa. Ratification: 20 February 1924.
Not applicable: South West Africa: 15 June 1949.
United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 July 1921.
Applicable without modification:
Gibraltar: 7 March 1963.
Mauritius: 9 September 1963.

Applicable with modifications:
Bahamas: 3 April 1963.
Northern Rhodesia: 20 August 1963.
Decision reserved:
Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia: 4 February 1963.
Bechuanaland, Fiji, Gilbert and Ellice Islands, St. Vincent, Swaziland: 18 February 1963.
Falkland Islands: 8 May 1963.
Grenada: 27 June 1963.
Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.
Barbados, British Honduras, Dominica: 15 October 1963.

No declaration: all other territories.

¹ Up to 16 October 1950 Guernsey, Jersey and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in article 35 of the Constitution.

UNITED KINGDOM

Barbados.

Employment Exchanges (Registration and Recruitment of Workers) Regulations, 1963.

British Honduras.

See under Convention No. 88.

Mauritius.

Employment and Training Ordinance, No. 14, 1963.

The above ordinance incorporates the provisions of the Employment Exchange Ordinance of 1947, which it repeals. Under the new ordinance, the Minister of Labour and Social Security may refer such matters as he thinks fit to the Labour Advisory Board or to such other committees or boards as he may appoint.

Northern Rhodesia.

Youth employment liaison committees have been established at the main centres to assist with vocational guidance and the placing of school-leavers in employment.

An employment and training officer responsible to the Under-Secretary of the Ministry of Labour and Mines for the administration of the employment services has been appointed.

* * *

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

United Kingdom (Guernsey, Jersey).

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

Netherlands (Netherlands Antilles), *United Kingdom* (Bahamas, Gibraltar).

6. Night Work of Young Persons (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.
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. Ratification²: 17 March 1924.
No declaration.

United Kingdom. Ratification²: 14 July 1921.
No declaration.

¹ This Convention was revised by Convention No. 90 of 1948.

² Ratification denounced.

FRANCE

St. Pierre and Miquelon.

Order No. 445 of 14 August 1954 concerning the employment of children, as amended on 15 November 1963.

Article 3 of the Convention. Children aged under 18 years may not be employed on any night work between 10 o'clock in the evening and 7 o'clock in the morning.

Article 5. Only in cases of *force majeure* could any exception be allowed to the prohibition of the night work of children.

Article 7. This provision has been deleted.

* * *

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

Denmark (Greenland), *France* (St. Pierre and Miquelon).

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

Denmark (Faroe Islands), *France* (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion).

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.
Mauritius: 23 August 1962.
British Virgin Islands, Gambia, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.
Hong Kong: 20 August 1963.

Applicable with modifications:
Barbados: 26 June 1962.
British Guiana: 15 October 1963.

Decision reserved:

Antigua, Bahamas: 4 June 1962.
Gilbert and Ellice Islands: 15 October 1963.
Aden: 24 February 1964.

Not applicable:

Bechuanaland, Swaziland: 4 June 1962.
Basutoland: 26 November 1962.
Nyasaland: 7 December 1962.

Northern Rhodesia: 15 January 1963.
Southern Rhodesia: 15 October 1963.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

British Virgin Islands (First Report).

Merchant Shipping (International Labour Conventions) Act, 1925 (*L.S.* 1925—*G.B.* 5) (applied to Virgin Islands by *S.R. & O.*, 1942, No. 267).

The Act applies to the British Virgin Islands in the same way as to the United Kingdom. A few ships have been lost during the period covered by the report; however, no legal action had to be taken concerning indemnity.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.
Not applicable: Nauru: 8 July 1959.

France. Ratification: 7 June 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Japan. Ratification: 19 December 1923.
Not applicable: Pacific Islands (League of Nations mandate): 19 December 1923.

Netherlands. Ratification: 28 November 1956.
Applicable without modification: Netherlands Antilles: 11 April 1957.
No declaration: Surinam.

New Zealand. Ratification: 8 July 1947.
No declaration.

United Kingdom. Ratification: 11 July 1963.
Applicable without modification:
Isle of Man: 15 October 1963.
Guernsey: 20 November 1963.
British Honduras, Falkland Islands :
18 December 1963.
Gilbert and Ellice Islands, St. Helena, Seychelles: 24 February 1964.
Grenada, Malta: 13 April 1964.

Decision reserved:
Aden, Bahamas, Bechuanaland, Bermuda, Gambia, Hong Kong, Mauritius, St. Christopher-Nevis-Anguilla, Solomon Islands, Southern Rhodesia, Swaziland: 18 December 1963.
Barbados, St. Lucia: 24 February 1964.
Not applicable:
Gibraltar: 18 December 1963.

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

France (Guadeloupe, French Guiana, Martinique, Réunion).

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

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

This Convention came into force on 26 February 1923

Australia. Ratification: 7 June 1960.
No declaration.

Denmark. Ratification: 26 February 1923.
Applicable without modification: Faroe Islands: 28 September 1960.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 4 April 1928.
No declaration.

Netherlands. Ratification: 20 August 1926.
Applicable without modification: Netherlands Antilles: 15 December 1955.
No declaration: Surinam.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 6 August 1923.
Applicable *ipso jure* without modification¹: 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, Mauritius, Montserrat, St. Lucia, St. Vincent, Solomon Islands: 4 June 1962.

Fiji, Malta: 26 June 1962.

British Virgin Islands, Gambia, St. Helena: 5 October 1962.

Nyasaland: 7 December 1962.

Northern Rhodesia: 15 January 1963.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Decision reserved:

Bahamas, Bechuanaland: 4 June 1962.

Basutoland: 26 November 1962.

Bermuda: 3 April 1963.

Hong Kong: 20 August 1963.

Aden: 24 February 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

British Virgin Islands.

Workmen's Compensation Ordinance of 13 November 1962.

The above ordinance replaces the Workmen's Compensation Act of 1937. Except for the passage of the ordinance, there has been no change.

Hong Kong.

The population census of March 1961 has shown that about 8.6 per cent. of persons who are engaged in agriculture work as employees. The Government considers that the time is now approaching to extend the scope of the Workmen's Compensation Ordinance to the agricultural sector.

Malta.

National Insurance Act, 1956, as amended by Act No. IX of 1962.

The above-mentioned Act, as amended, provides for an increase in benefits of 20 per cent. and raises contribution rates by 6d. in the case of males over 19 years of age, by 3d. in the case of females over 19 years of age, and by 1½d. in the case of boys and girls between 14 and 19 years of age. This increased contribution is shared equally by worker, employer and Government.

Mauritius (First Report).

Workmen's Compensation Ordinance (*Revised Laws of Mauritius*, 1945, Cap. 220) as amended by Order No. 69 of 28 December 1961.

Article 1 of the Convention. Agricultural workers are included in the field of application of the above ordinance, with the same rights as other workers.

The Ministry of Labour and Social Security is responsible for the application of the above legislation. Disputes fall within the competence of the Labour Tribunal. The Tribunal has made no ruling on a matter of principle relative to the application of the Convention.

St. Christopher-Nevis-Anguilla.

Workmen's Compensation (Amendment) Ordinance, No. 15, 1961.

The purpose of the above enactment is to carry out certain amendments consequential on the recent establishment of a Court of Appeal to hear, instead of a single judge, appeals under the principal ordinance.

Southern Rhodesia.

Law No. 52 of 1959 on compensation for industrial accidents.

Law No. 27 of 1962 modifying the industrial accidents compensation scheme.

Government Notification No. 597 of 1959.

Government Notification No. 612 of 1959.

Government Notification No. 388 of 1960.

Agricultural workers, who are not covered unless their annual wages do not exceed £1,500 per annum, are subject to the same scheme as that applicable to workers in industry and commerce.

Swaziland.

Proclamation No. 4 of 1963 on compensation for industrial accidents.

By virtue of the new legislation agricultural workers are within the scope of the law on compensation for industrial accidents.

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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), *United Kingdom* (Bechuanaland, Guernsey, Jersey, Mauritius, Northern Rhodesia, St. Lucia, Solomon Islands).

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, British Honduras, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Montserrat, St. Helena, St. Vincent, Seychelles).

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, Marti-
 nique, 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 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).

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

France (French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion), *Netherlands* (Netherlands Antilles).

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, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 27 March 1950.

Brunei²: 11 September 1961.

Montserrat²: 5 July 1962.

Applicable with modifications²:

Fiji: 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 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

FRANCE

St. Pierre and Miquelon.

Decree No. 60-865 of 6 August 1960 promulgated in the territory by a decree of 23 August 1960.

The enrolment of a seaman in a crew is subject to the presentation of a medical certificate. This certificate must state in particular that hearing and sight and, for seamen on deck service, perception of colours, are normal and that the bearer suffers from no disability likely to be aggravated by service at sea or which would involve risks for the health of other persons on board.

Such certificates are valid for a year; for seamen of less than 18 years of age validity is for six months.

NETHERLANDS

Netherlands Antilles.

Ministerial Ordinance of 1 December 1960.

The stipulations of the above-mentioned ordinance apply to all boats except those with a displacement of 50 cubic metres or more and which navigate along the coast. Articles 2 to 4 of the Convention are fully applied.

UNITED KINGDOM

British Honduras.

A decision has been taken to provide legislation under Part XV of the Labour Ordinance, No. 15, 1959, to ensure the requirement of medical examination of young persons engaged at sea, even though the existing law prohibits altogether the

employment of persons under 15 years and existing practice precludes even employment of young persons under 18 years on any vessel.

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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* (Fiji, Gibraltar).

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 Somaliland, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Dominica, Falkland Islands, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

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:
Mauritius, Northern Rhodesia: 27 March 1950.

Gibraltar²: 29 December 1958.
Montserrat²: 5 July 1962.

Applicable with modifications²:
Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Malta, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia, Swaziland: 27 March 1950.
Solomon Islands: 27 February 1959.

Decision reserved²: Bermuda, Brunei, Gilbert and Ellice Islands, Hong Kong, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

UNITED KINGDOM

Bechuanaland.

The Workmen's Compensation Proclamation, 1959, applies to all workers in the private sector, with the exceptions of—(a) non-manual workers whose annual wages exceed £500; (b) casual workers; (c) outworkers; (d) members of the employer's family living in his house and (e) workers whose services are rewarded in kind according to custom.

Only lump-sum benefits are provided for in case of permanent incapacity or death. Provisional payments or lump-sum benefits are provided for in case of temporary incapacity. The waiting period is seven days. No additional compensation exists for a victim needing constant help.

The employer must defray the reasonable expenses in respect of medical aid for a period not exceeding one year and up to an amount not exceeding £100. The employer may be required to defray the cost of special medical aid to a maximum of £200 if this is deemed necessary by a District Commissioner.

Guernsey.

Contributory Pensions (Usual Earnings) (Increase of Limit) Ordinance, 1962.

The earnings limit for compulsory insurance has been raised to £14 a week.

Malta.

The National Insurance Act, 1956, which governs the application of these Conventions, was substantially amended by Act No. IX of 1962, which came into effect on 2 January 1963. Both benefit and contribution rates were increased, and the Act also did away with the waiting period which was previously applied. The pensionable age was reduced from 65 to 63 for males.

Mauritius.

For legislation see under Convention No. 12.

The amendments made concern the waiting period and the scope of the ordinance. In respect of the latter, the modifications concern only—(a) workers whose annual remuneration exceeds a fixed amount; under the terms of the new text only non-manual workers whose annual wages exceed 8,000 rupees are longer excluded from the scheme, whereas in the old text this applied to both manual and non-manual workers; (b) domestic servants who are at present protected, whatever the nature of their activity.

Southern Rhodesia.

Law No. 27 of 1962 modifying the Law on compensation for industrial accidents.

Government Notification No. 127 of 1963 modifying contribution rates to the Industrial Accident Indemnification Scheme.

The modifications made are intended only to provide, apart from articles already provided for by previous legislation, for the supply, maintenance, repair and renewal of dental prosthetic appliances, acoustic appliances, artificial limbs, crutches and other appliances used by invalids. Moreover, under the terms of the same texts, all damage to these appliances is considered as an injury giving entitlement to compensation.

Swaziland.

For legislation see under Convention No. 12.

By virtue of the new provisions all manual and non-manual workers and apprentices are covered, and not only mineworkers as before. In respect of non-manual workers, they are covered only if their annual remuneration does not exceed £750, instead of £500 as previously. Apart from the categories mentioned in paragraph 2 of Article 2 of the Convention, domestic servants and young shepherds paid customarily in kind are not protected.

The waiting period previously fixed at six days has been abolished; however, the accident must cause at least three days' absence from work.

The increase for constant attendance of a third party has been raised from 20 to 25 per cent. of the total of the indemnification.

Medical assistance has been introduced and also the provision, maintenance, repair and renewal of prosthetic and orthopaedic appliances, up to a maximum value of £200.

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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 Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *United Kingdom* (Antigua, Barbados, British Honduras, Fiji, Gambia, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, Solomon Islands).

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Bahamas, Bermuda, Dominica, Falkland Islands, Gibraltar, St. Helena, St. Vincent, Seychelles).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

This Convention came into force on 1 April 1927

Australia. Ratification: 22 April 1959.
Applicable without modification: Nauru, New Guinea, Papua: 8 February 1961.
Decision reserved: Norfolk Island: 8 February 1961.

Denmark. Ratification: 18 June 1934.
Applicable without modification: Faroe Islands: 18 June 1934.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 13 August 1931.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 15 March 1938.

No declaration: all other territories.

Japan. Ratification: 8 October 1928.
Not applicable: Pacific Islands (League of Nations mandate): 8 October 1928.

Netherlands. Ratification²: 1 November 1928.
No declaration.

United Kingdom. Ratification²: 6 October 1926.
No declaration.

¹ This Convention was revised in 1934. See Convention No. 42.

² Ratification denounced.

DENMARK

Faroe Islands.

Royal Order of 5 November 1962 amending the Ordinance for the Faroe Islands concerning industrial accidents and occupational diseases.

In reply to the request by the Committee of Experts concerning the application in the Faroe Islands of the metropolitan Law of 25 March 1959 the Government confirms that this law has introduced certain changes into the legislation on employment injury compensation, but that it has not modified the list of occupational diseases contained in the Royal Decree of 22 December 1955 applicable to the Faroe Islands. Accordingly, the said list continues in force.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 42 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 (French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion).

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

Australia (Norfolk Island), *Denmark* (Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon).

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

This Convention came into force on 8 September 1926

Australia. Ratification: 12 June 1959.
Applicable without modification: Nauru, New Guinea, Papua: 8 February 1961.
Decision reserved: Norfolk Island: 8 February 1961.

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, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia, Swaziland: 27 March 1950.

Gibraltar: 29 December 1958.

Solomon Islands: 27 February 1959.

Brunei: 1 June 1960.

Applicable with modifications²: Nyasaland: 27 March 1950.

Decision reserved²: Bermuda, Gilbert and Ellice Islands, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

DENMARK

Greenland.

Royal Order of 2 February 1962 making regulations for Greenland respecting insurance against the consequences of accidents.

In reply to a request by the Committee of Experts the report states that the above royal order makes regulations for accident insurance.

FRANCE

New Caledonia.

Order No. 1258 of 20 November 1961 giving executive force to Decision No. 349 of 9 November 1961 and setting up the Guarantee Fund.

Order No. 1321 of 4 December 1961 laying down the attributions and operation of the Labour Tribunal in respect of the Guarantee Fund.

Order No. 62-098 of 9 February 1962 fixing, for the year 1962, the coefficient applicable to the calculation of contribution rates in respect of industrial accidents and occupational diseases payable by employers to the Compensation, Family Allowance and Industrial Accident Fund.

UNITED KINGDOM

Bechuanaland.

Workmen's Compensation Proclamation, 1959 (Cap. 149).

The provisions of the above proclamation apply to nationals of other territories as well as to those of Bechuanaland. Section 39 provides for arrangements to be made for the transfer of moneys to beneficiaries in other parts of Her Majesty's dominions.

Hong Kong.

No special arrangements have been made with any territory for payment of compensation to workers or their dependants resident outside Hong Kong. The majority of workers in Hong Kong who would be affected by Article 2 are those resident in China or Macao, and in these cases individual arrangements are made to suit each case.

Jersey.

Insular Insurance (Reciprocal Agreement with Great Britain, Northern Ireland and the Isle of Man) (Jersey) Act, 1962.

Mauritius.

For legislation see under Convention No. 12.

Foreign workers are covered by the legislation on compensation for industrial accidents with the same rights as Mauritians.

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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 (Greenland), *France* (Comoro Islands, French Polynesia, St. Pierre and Miquelon), *United Kingdom* (Barbados, Gilbert and Ellice Islands, St. Lucia, St. Vincent, Southern Rhodesia).

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

Australia (Nauru, New Guinea, Papua), *Denmark* (Faroe Islands), *France* (French Guiana, French Somaliland, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bermuda, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Guernsey, Malta, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Swaziland).

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: 18 February 1963.

Gibraltar: 7 March 1963.

Falkland Islands: 8 May 1963.

Antigua, Grenada: 20 August 1963.

Dominica: 15 October 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.

Nyasaland: 8 May 1963.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

British Honduras.

Harbours and Merchant Shipping Ordinance (*Laws of British Honduras*, 1958, Cap. 149).
United Kingdom Merchant Shipping Acts, 1894 and 1906.

Section 75 of the above-mentioned ordinance provides that all matters for which provision has not been made therein shall be dealt with under the provisions of the Merchant Shipping Act, 1894, and subsequent amendments.

The application of the Convention is enforced by the Harbour Master.

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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 Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Bermuda, Hong Kong).

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Netherlands* (Netherlands Antilles), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Virgin Islands, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

France. Ratification: 4 March 1929.
No declaration.

Netherlands. Ratification: 5 May 1948.

Applicable without modification: Netherlands
Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

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),
Netherlands (Netherlands Antilles).

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

France. Ratification: 17 May 1948.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.
United Kingdom. Ratification: 20 February 1931.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 20 February 1931.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia: 4 February 1963.

Bechuanaland, Fiji, Gambia, Gilbert and Ellice Islands, Mauritius, St. Vincent, Swaziland: 18 February 1963.
Gibraltar, Northern Rhodesia: 7 March 1963.
Falkland Islands: 8 May 1963.
Grenada: 27 June 1963.
Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.
Barbados, British Honduras, Dominica: 15 October 1963.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

Decree No. 62-185 of 17 February 1962 respecting the social insurance scheme applicable in the departments of Guadeloupe, French Guiana, Martinique and Réunion.

Decree No. 62-532 of 21 April 1962 modifying section 3 of Decree No. 56-1292 of 19 December 1956 regulating public administration for the application of Book XI of the Social Security Code.

Daily indemnification in the event of sickness is provided as from the fourth day of incapacitation.

The period of time required for entitlement to benefits in kind has been reduced; insured persons are entitled to benefits if they have worked 30 days in the course of the six months preceding the date of medical care or if they have worked 130 days in the course of the 12 months preceding the said date.

New Caledonia.

Labour Code (Overseas Territories) Act, No. 52-1322 of 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1962, No. 298, p. 11541) (L.S. 1952—Fr. 5).

Order No. 792 of 22 July 1961 carrying into execution Deliberation No. 300 of 17 July 1961 bringing into effect in New Caledonia and its dependencies a Provident and Retirement Scheme for the benefit of wage earners.

Collective agreements for the territory.

The provisions of the Labour Code and the Provident and Retirement Scheme are obligatory for all wage earners in the private sector, apart from seamen, who are subject to the Maritime Registration Scheme.

The Scheme lays down no conditions as to length of employment, extent of wages or income, to distinction between categories of workers or to age limit.

In the event of sickness lasting for a short period the employer must pay the worker benefit equal in extent to the latter's wages for the duration of absence within the normal limits, that is 15 days for all occupations not covered by collective agreements.

Workers and their wives and children resident with them at the expense of the enterprise have a right to all necessary medical care and medicine at the cost of the employer. The employer is also under obligation to provide nourishment free of charge for all sick workers receiving medical care on the premises. Moreover, wives and children of workers of an enterprise may, on request, receive medical examination and, if necessary, receive the appropriate care and treatment.

In the event of sickness of long duration due to cancer, poliomyelitis, leprosy, tuberculosis or mental disorder, the Provident and Retirement Scheme allows for benefits, including in particular the payment of costs of all kinds necessary for the cure of the sick person and for the restoration of his working capacity, if the wage earner has been affiliated to the Scheme for a year and insured for at least three months before he becomes incapacitated, on condition that he abstains from all unauthorised activity and submits to treatment and medical attention. He is also entitled to a monthly benefit paid without a waiting period and equal to half his wages, or, when the person insured has three or more dependent children, two-thirds of his wages.

Insurance for long-term sickness is financed by contributions made by employers and workers. It is administered by the New Caledonia and Dependencies Compensation Fund for Workers' Family Allowances, Industrial Accidents and Social Welfare.

St. Pierre and Miquelon.

The obligatory sickness insurance scheme was extended to domestic servants and personnel as from 1 January 1959. Benefits in kind are provided for beneficiaries of allowances, old workers, officials and also to state pensioners who do not exercise any occupational activity and are beneficiaries of civil pensions, military retirement pensions or pensions paid by the Overseas France Retirement Fund, and to widows with war pensions.

UNITED KINGDOM

Guernsey.

In reply to the direct request made by the Committee of Experts in 1962 the Government states that in May 1963 the States of Guernsey agreed to the introduction of an extended scheme of social insurance which it is planned to introduce in January 1965. Sickness benefit is one of the new benefits and will be available irrespective of the nature of incapacity. A comprehensive medical benefit will be available to industrial accident victims.

Jersey.

In reply to a direct request by the Committee of Experts the Government states that free hospitalisation was established in Jersey in November 1960. The introduction of a scheme relating to medical, ophthalmic, dental and pharmaceutical services is contemplated, but the relevant Bill has not yet been debated.

Malta.

See under Convention No. 17.

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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* (Fiji, Guernsey, Jersey, Malta).

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

France (Comoro Islands, French Polynesia), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

United Kingdom. Ratification: 20 February 1931.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 20 February 1931.

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Bechuanaland, Fiji, Gambia, Gilbert and
Ellice Islands, Mauritius, St. Vincent, Swaziland:
18 February 1963.

Northern Rhodesia: 7 March 1963.

Falkland Islands: 8 May 1963.

Grenada: 27 June 1963.

Antigua, St. Christopher-Nevis-Anguilla :
20 August 1963.

Barbados, British Honduras, Dominica :
15 October 1963.

Not applicable:

Gibraltar: 7 March 1963.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Malta.

See under Convention No. 17.

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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 (Fiji, Guernsey, Malta).

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

United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jersey, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 2 January 1932.

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 July 1954.

Japan. Ratification: 21 November 1932.
Applicable without modification: Pacific Islands (League of Nations mandate): 21 November 1932.

Netherlands. Ratification: 31 March 1933.
Applicable without modification:
Netherlands Antilles¹, Surinam¹: 31 March 1933.

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, Malta, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 3 June 1931.

Southern Rhodesia: 20 March 1933.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

UNITED KINGDOM

Antigua.

In reply to a direct request by the Committee of Experts the Government states that no special rules have been issued under section 205 (5) of the Prison Rules, 1956, since no prisoners have been employed for the private benefit of any person.

Bechuanaland.

Employment Law, No. 10, 1963.

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

The Employment Law was expected to be brought into operation early in 1964. It applies the Convention (sections 113 to 116) and in particular repeals provisions in section 33 of the African Administration Proclamation which permitted the exaction of personal services for chiefs.

Section 25 of the African Administration Proclamation, which authorises certain compulsory work to prevent famine, is now subject to the overriding provisions of sections 113 to 116 of the Employment Law and can therefore be invoked only in times of national emergency.

Bermuda.

In reply to a direct request by the Committee of Experts the Government states that there have been no cases in recent years of prisoners working for the private

benefit of any person. An appropriate amendment of the Prison Rules is contemplated.

Dominica.

In reply to a direct request by the Committee of Experts the Government has stated that prisoners cannot be employed for the private benefit of any person.

Fiji.

Fijian Affairs (Repeal) Regulation, 1961 (*Fiji Royal Gazette Supplement*, No. 16, 1961).

Fijian Affairs (Amendment) Regulation, 1962 (*ibid.*, No. 47, 1962).

The Regulation relating to the provisions of family food crops (No. 12 of 1948) and the Regulation relating to personal services to chiefs (No. 13 of 1948) were repealed by the Regulation of 1961.

The Regulation of 1962 deleted provisions relating to requisition of members of the community to carry out house-building or the planting of crops for food or for profit, and of persons between the ages of 14 and 60 to perform such communal services as the making and maintaining of unproclaimed roads, the building and repairing of houses and the planting and cultivation of food crops.

It has not yet been possible to repeal the provisions of Fijian Affairs Regulation No. 6 permitting compulsory portage, though it is not the practice to exact such compulsory labour. The Regulation is at present under review.

Montserrat, St. Christopher-Nevis-Anguilla.

In reply to a direct request by the Committee of Experts the Government states that the need to issue special rules under section 193 (5) of the Prison Rules, 1956, has not arisen, as in practice the employment of prisoners for the private benefit of any person is not authorised.

Northern Rhodesia.

Natural Resources Ordinance, No. 21, 1962.

Native Authority (Amendment) Ordinance, No. 33, 1962.

Barotse Native Authority (Amendment) Ordinance, No. 34, 1962.

Collective Punishment (Repeal) Ordinance, No. 51, 1962.

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

Following amendments to the Native Authority and Barotse Native Authority Ordinances, the compulsory engagement of paid labour for essential public works is now provided for only in cases of calamity or threatened calamity.

Provisions in the previous Natural Resources Ordinance for call-up of able-bodied men to perform labour for conservation purposes have not been re-enacted in the new ordinance.

The Collective Punishment Ordinance (section 5 of which permitted the Governor to commit Natives to prison by way of collective punishment) has been repealed.

Solomon Islands.

Local Government Ordinance, 1963.

In reply to a direct request by the Committee of Experts the Government states that the above-mentioned ordinance, which was expected to come into effect early in 1964,

repeals provisions of the Native Administration Ordinance, 1953, relating to the power of local councils to impose communal labour. Section 74, paragraphs (c) and (d), of the Labour Ordinance, 1960—relating to services exacted under the Native Administration Ordinance or under Native law and custom—will be repealed when convenient.

Swaziland.

Employment Proclamation, No. 51 of 8 August 1962 (*Official Gazette of the High Commissioner*, 7 Sep. 1962, No. 3323, p. 814).

Part VI (Forced Labour) of the above proclamation was enacted to ensure the application of the Convention.

The proclamation contains provisions which forbid the exaction of forced labour, subject to clearly worded exceptions, e.g. for minor communal services. Compulsory labour for private individuals is prohibited.

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

Details of the practical application of section 9 of the Swazi Administration Proclamation, under which certain forms of compulsory labour may be imposed by chiefs, are not available. A general appreciation based on the experience of field officers indicates that no orders are issued for compulsory cultivation, and that other orders are limited to minor communal services performed in the direct interest of the community.

Section 10 of the Proclamation, which permits the exaction of compulsory labour to avert the danger of famine, has never been invoked.

In practice, chiefs consult their people before issuing such orders as mentioned above, and are now required to do so by a provision of the Employment Proclamation. Whilst the practice, therefore, does not contravene the Convention, the extent to which the powers conferred by sections 9 and 10 of the Swazi Administration Proclamation need be retained, and the question of enacting safeguards (Article 23 of the Convention), will be re-examined.

The provisions of the Swazi Land Settlement Proclamation which empower the authorities to issue instructions concerning compulsory cultivation have never been invoked. The areas of land concerned are gradually being handed over to the Swazi Nation.

The provisions of the Juvenile Offenders' Removal and Apprenticeship Ordinance, which authorised administrative authorities to direct compulsory apprenticeship for juvenile delinquents, have never been invoked. All apprenticeships are now subject to detailed control under the Industrial Training Proclamation, 1962.

* * *

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).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

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.

The following report refers to the information previously supplied:

France (French Polynesia).

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.
Decision reserved: Bahamas, Bermuda, Hong Kong: 13 April 1964.

No declaration: all other territories.

¹ This Convention revises Convention No. 18 of 1925.

² See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 42 concerning *France*.

NETHERLANDS

Netherlands Antilles.

In reply to the observations made by the Committee of Experts concerning amendments to be made in the national legislation containing the list of occupational diseases the Government states that the legislation which was to take full account of the provisions of the Convention has not yet entered into force, but that it is expected to do so in the very near future.

REPUBLIC OF SOUTH AFRICA

South West Africa.

See under Convention No. 42 concerning *Republic of South Africa*.

UNITED KINGDOM

British Honduras.

An amendment to the Workmen's Compensation Ordinance, No. 9, 1959, is to be made shortly in order to bring the latter into full conformity with the schedule to Article 2 of the Convention.

Hong Kong.

A draft Bill amending the Workmen's Compensation Ordinance of 1953 provides for compensation in favour of any workman who contracts any scheduled occupational disease resulting in incapacity or death and arising out of the course

of any employment undertaken during the 12 months immediately preceding such incapacity or death.

Mauritius.

For legislation see under Convention No. 12.

The provisions of the Convention are applied by the Workmen's Compensation Ordinance, as amended.

Northern Rhodesia.

A draft Bill to repeal the Workmen's Compensation Ordinance and replace it by a state scheme for workmen's compensation will considerably extend the schedule of industrial diseases and will continue to apply substantially the provisions of the Convention.

St. Lucia.

A draft Workmen's Compensation Bill provides for the payment of compensation to any workman suffering from one or more of a specified number of diseases arising out of the course of employment.

Southern Rhodesia.

Workmen's Compensation Amendment Act, No. 27, 1962 (amends Act No. 52 of 1959).

Swaziland.

For legislation see under Convention No. 12.

The Proclamation of 1963 contains the same general principles as the former legislation, with the following new features: general application (section 2); medical aid (sections 30 to 35); more generous benefits for permanent partial incapacity (second schedule); compulsory insurance by employer (section 26); and a wider range of industrial diseases (first schedule).

Compensation for occupational disease is payable under section 36 of the proclamation as read with the first schedule, which lists anthrax and industrial dermatitis in addition to those included in the former legislation.

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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), *New Zealand* (Cook Islands and Niue), *United Kingdom* (British Honduras, Malta).

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

Australia (Norfolk Island), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Seychelles, Solomon Islands).

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

France. Ratification: 21 February 1949.
 Not applicable:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.

New Zealand. Ratification: 29 March 1938.
 No declaration.

United Kingdom. Ratification: 29 April 1936.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 29 April 1936.
 Decision reserved:
 Bahamas, Solomon Islands: 15 January 1963.
 Bermuda, Hong Kong, Montserrat, St. Lucia:
 4 February 1963.

Bechuanaland, Fiji, Gambia, Gilbert and Ellice Islands, Mauritius, St. Vincent, Seychelles, Swaziland: 18 February 1963.
 Gibraltar, Northern Rhodesia: 7 March 1963.
 Falkland Islands: 8 May 1963.
 Grenada: 27 June 1963.
 Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.
 Barbados, British Honduras, Dominica: 15 October 1963.
 No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Malta.

See under Convention No. 17.

* * *

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

France (French Guiana, French Somaliland, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon).

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

France (Comoro Islands, French Polynesia, New Caledonia), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Australia. Ratification: 7 October 1953.
Applicable without modification: New Guinea, Papua: 14 December 1954.
Not applicable: Nauru, Norfolk Island: 14 December 1954.

France. Ratification: 25 January 1938.
No declaration.

Netherlands. Ratification: 20 February 1937.
Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 25 June 1936.

Applicable without modification: South West Africa: 15 June 1949.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification²: Bahamas, Basutoland, Bechuanaland, British Guiana, Falkland Islands, Fiji, Gibraltar, Hong Kong, Northern Rhodesia, Nyasaland, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

Decision reserved³: Brunei, Gilbert and Ellice Islands, Malta: 27 March 1950.

Not applicable⁴: Aden, Antigua, Barbados, Bermuda, British Honduras, British Virgin Islands, Dominica, Gambia, Grenada, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

UNITED KINGDOM

Bechuanaland.

For legislation see under Convention No. 29.

The Government states that the provisions of the Convention are fully applied by sections 69, 70 and 71 of the Law of 1963. The Women and Boys Underground Work Proclamation has accordingly been repealed.

Swaziland.

For legislation see under Convention No. 29.

The wording of section 44 of the Proclamation of 1962 follows precisely that of Articles 1 to 3 of the Convention.

* * *

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

United Kingdom (Hong Kong, Northern Rhodesia).

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands

Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *Republic of South Africa* (South West Africa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia).

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, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 22 May 1939.

Southern Rhodesia: 11 March 1940.

Bahamas: 30 September 1944.

Swaziland: 3 April 1958.

Applicable with modifications: Basutoland, Bechuanaland: 3 April 1958.

Not applicable: Aden, Bermuda, Falkland Islands, Gibraltar, Malta, St. Helena: 22 May 1939.

¹ See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention:

United Kingdom (British Virgin Islands).

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Denmark. Ratification: 22 June 1939.
 Applicable without modification:
 Faroe Islands: 15 June 1961.
 Not applicable: Greenland: 31 May 1954.
France. Ratification: 23 August 1939.
 No declaration.

New Zealand. Ratification: 10 November 1950.
 Decision reserved: Cook Islands and Niue: 10 November 1950.
 Not applicable: Tokelau Islands: 10 November 1950.

DENMARK

Greenland.

The Government states that further considerations as to the applicability to Greenland of the Conventions ratified by Denmark awaits the report of the Committee which was set up in 1960 to examine the political, economic and administrative conditions in Greenland. It was expected that the Committee would submit its recommendations in the course of 1964.

* * *

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

Denmark (Faroe Islands, Greenland).

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).

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.

UNITED STATES

Trust Territory of Pacific Islands.

Regulations of the Board of Marine Inspectors, approved by the High Commissioner of the Trust Territory of the Pacific Islands on 28 June 1963 (Cap. IV).

The above legislation requires the certification of competency of masters and officers on board merchant vessels. Prerequisites for obtaining certificates are minimum age, minimum term of service experience, and the successful completion of an examination given by the Board of Marine Inspectors. Wilful violations are punishable.

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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), *United States* (American Samoa, Guam, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands).

The following report refers to the information previously supplied:

Denmark (Faroe Islands).

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

France. Ratification: 19 June 1947.
 Applicable without modification:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
United States. Ratification: 29 October 1938.

Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands : 29 October 1938.
 No declaration: Trust Territory of Pacific Islands.

UNITED STATES

American Samoa.

Although the territory of American Samoa is within the legislative jurisdiction of the United States, the Government prefers to request the local authorities to adopt legislation giving effect to the provisions of the Convention.

* * *

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *United States* (Guam, Puerto Rico, Virgin Islands).

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

United Kingdom. Ratification: 30 September 1944.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 30 September 1944.

Applicable with modifications: Malta: 29 December 1958.

Decision reserved: Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 30 September 1944.

Not applicable: Basutoland, Bechuanaland, Gambia, Northern Rhodesia, Nyasaland, St. Helena, Swaziland: 30 September 1944.
Southern Rhodesia: 7 March 1963.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Jersey.

Insular Insurance (Amendment No. 8) (Jersey) Law, 1961.

Article 3 of the Convention. In reply to a direct request by the Committee of Experts the Government states that any seaman requiring medical or hospital treatment whilst in Jersey would be entitled to receive it free of charge at any hospital under the administration of the States of Jersey in virtue of an administrative Act of the States of November 1960.

Articles 5 and 6. Maternity benefit and death grants were introduced on 11 September 1961.

Malta.

The National Insurance Act, 1956, was amended by Act No. IX of 1962, which became effective on 2 January 1963 and which increased both contribution and benefit rates. The Act also did away with the waiting period which was originally applied in case of sickness benefit.

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

Article 4, paragraph 1, of the Convention. Sickness benefit is only payable to the insured person while resident in Malta. It is also, however, payable to the insured person when abroad in the United Kingdom by virtue of the reciprocal arrangement between Malta and the United Kingdom.

Article 10, paragraph 2. The procedures for dealing with disputes are inexpensive, although the rapidity with which the cases are dealt with depends on the number of appeals in hand.

Article 11. No information is available on any previous agreements that may have existed between shipowners and seamen ensuring more favourable conditions than those provided under the National Insurance Act.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Malta).

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification ¹: 5 September 1939.
No declaration.

Denmark. Ratification ²: 22 June 1939.
Not applicable: Greenland: 31 May 1954.
No declaration: Faroe Islands.

France. Ratification: 28 June 1951.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 9 March 1940.
No declaration.

New Zealand. Ratification ¹: 18 January 1940.
Not applicable: Cook Islands and Niue, Tokelau Islands: 18 January 1940.

Republic of South Africa. Ratification ³:
8 August 1939.
Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 26 May 1947.
Applicable *ipso jure* without modification ⁴:
Guernsey, Jersey, Isle of Man: 26 May 1947.
Applicable with modifications:
Hong Kong ³, Malta ³: 15 October 1963.
Northern Rhodesia ¹: 20 November 1963.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Montserrat: 4 February 1963.
Bechuanaland, Mauritius, St. Vincent, Seychelles, Swaziland: 18 February 1963.
Falkland Islands: 8 May 1963.
Antigua, St. Christopher-Nevis-Anguilla :
20 August 1963.
British Honduras, Dominica: 15 October 1963.
No declaration: all other territories.

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bechuanaland.

The Government states that, following the establishment of a specialised labour administration, it will be possible, in 1964, to undertake compiling of the statistics provided for under the Convention except for those concerning wages and hours of work in agriculture (Part IV of the Convention).

* * *

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

United Kingdom (Guernsey, Jersey).

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 Hon-
duras, British Virgin Islands, Brunei, Dominica,

Fiji, Gambia, Gilbert and Ellice Islands,
Grenada, Hong Kong, Mauritius, Montserrat,
Northern Rhodesia, Nyasaland, St. Christopher-
Nevis-Anguilla, St. Helena, St. Lucia, St. Vin-
cent, Seychelles, Solomon Islands, Swaziland:
24 August 1943.

Bahamas, Bermuda: 30 September 1944.

Not applicable: Falkland Islands, Gibraltar,
Malta: 24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bechuanaland.

For legislation see under Convention No. 29.

In reply to observations by the Committee of Experts the Government states that the Masters and Servants Act and the African Labour Proclamation, which contained sections providing for penal sanctions, were repealed by the Law of 1963.

Hong Kong.

Employers and Servants Ordinance, No. 46, 1961.

Mauritius.

In reply to a direct request by the Committee of Experts the Government states that the Municipality Ordinance, 1903, which provided for penalties for breach of contract, has been repealed by the Local Government Ordinance, 1962, which contains no such provisions.

Northern Rhodesia.

Employment of Natives (Amendment) Ordinance, No. 10, 1963.

In reply to a direct request by the Committee of Experts the Government states that sections 74, 75 and 89 of the Employment of Natives Ordinance, which permitted the imposition of penal sanctions for certain offences by servants, were repealed by the Ordinance of 1963. Section 301 A of the Penal Code, which provides for penal sanctions for breach of contract by agricultural workers in certain circumstances likely to cause loss or damage, is not considered to fall within the Convention; although this section has not been involved in recent years it is a necessary safeguard against malicious damage.

* * *

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).

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

United Kingdom (Aden, Antigua, Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jersey, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland).

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

France. Ratification: 9 December 1948.
 Applicable without modification:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.

Netherlands. Ratification: 23 February 1951.
 Applicable without modification: Netherlands Antilles: 7 September 1951.
 Decision reserved: Surinam: 7 September 1951.

United Kingdom. Ratification: 29 July 1949.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 29 July 1949.
 Not applicable:

Basutoland, Bechuanaland, Swaziland: 3 November 1958.

Northern Rhodesia, Nyasaland, Southern Rhodesia: 7 July 1959.

Decision reserved:

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, Malta, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹ See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Gibraltar).

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

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: 27 August 1957.
 Decision reserved: Netherlands Antilles, Surinam: 14 January 1958.

FRANCE

Comoro Islands (First Report).

Owing to the characteristics of their ships and equipment, the Islands do not come within the scope of application of the Convention.

French Guiana, Guadeloupe, Martinique, Réunion (First Report).

The metropolitan legislation respecting this question is applicable in the Overseas Departments.

However, it has not been possible to isolate the statistical details regarding the conditions of operation of the sickness insurance of seafarers for the Overseas Departments.

French Polynesia (First Report).

Registered seafarers enjoy a retirement pension provided by the Seafarers' Retirement Fund, which is administered by the National Maritime Invalidity Institute. This pension is provided under the same condition as for metropolitan seafarers.

French Somaliland (First Report).

Seafarers embarking at Djibouti are subject to the provisions of the Overseas Labour Code of 15 December 1952 which does not provide for a pension scheme.

Those embarking in the mother country are covered by the pension scheme for registered French seafarers.

New Caledonia (First Report).

The provisions of the Convention are applied by the Act of 12 April 1941, as amended, which provides for the establishment of a retirement pension scheme for seafarers and general service personnel on board commercial, fishing or pleasure vessels.

The chief of the Merchant Marine Service is responsible for the application of the Act.

No legal or other decision has been made in application of the Convention. The provisions of the above Act are applicable to ships registered in New Caledonia.

St. Pierre and Miquelon (First Report).

Seafarers' pensions are regulated—(1) in respect of the Seafarers' Retirement Fund, by the Act of 12 April 1941, as amended; (2) in respect of the General Provident Fund for French Seafarers, by the Legislative Decree of 17 June 1936, as amended.

NETHERLANDS

Netherlands Antilles (First Report).

General Old-Age Regulations of 14 May 1960 (*Publicatieblad*, 1960, No. 83).

The scheme comprises all residents between the ages of 15 and 65, and consequently all seafarers. A pension may be claimed by insured persons who have reached the age of 65. There is no special pension for seafarers.

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

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.

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 14 July 1950.
Applicable without modification: Netherlands Antilles: 7 September 1951.
Not applicable: Surinam: 7 September 1951.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

United Kingdom. Ratification: 13 May 1952.
Applicable without modification: Guernsey, Jersey, Isle of Man: 3 December 1956.
Mauritius: 20 August 1963.
Barbados: 13 April 1964.

Not applicable: Basutoland, Bechuanaland, Swaziland: 3 November 1958.
Northern Rhodesia, Nyasaland, Southern Rhodesia: 7 July 1959.

Decision reserved: Aden, Antigua, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Malta, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

United States. Ratification: 9 April 1953.
Applicable without modification: Guam, Puerto Rico, Virgin Islands: 7 June 1961.

Decision reserved: American Samoa, Trust Territory of Pacific Islands: 7 June 1961.

UNITED KINGDOM

Barbados.

The Merchant Shipping Act, 1948 (Barbados), Order, 1957.

The Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1961.

Section 5 of the order applies Article 1 of the Convention. Regulation 4 and the first schedule of the regulations apply Article 2. Regulations 5 and 6 apply Article 3. Regulation 2 applies Article 4.

Mauritius.

Government Notice No. 38 of 1959 (incorporating the Merchant Shipping Act, 1948 (Mauritius), Order, 1959) (S.R. & O., No. 865, 1959).

Ordinance No. 28 of 1959.

Government Notices Nos. 12, 13 and 90 of 1960.

Statutory Instrument No. 1662 of 1960.

Article 1 of the Convention. According to Government Notice No. 38 of 1959, the Administration is empowered not to sign on any seaman as able seaman unless he holds a certificate of competency as such.

Article 2, paragraph 1. Government Notice No. 12 of 1960 provides for examinations for certificates of competency as able seaman.

Paragraph 2. Legislation establishes minimum age and experience requirements for obtaining a certificate of qualification.

Article 3. The provisions of this Article are incorporated in section 5 of Government Notice No. 12 of 1960.

Article 4. Certificates of competency issued in other territories (e.g. United Kingdom, Trinidad and Tobago, New Zealand, Canada and Ireland) are recognised by the competent authority in Mauritius.

The application of the above-mentioned legislation is entrusted to the Harbour Master.

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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).

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

Netherlands (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey), *United States* (Guam, Puerto Rico, Virgin Islands).

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 modification²:
Guernsey¹, Jersey¹, Isle of Man¹: 28 June 1949.

Applicable without modification: Antigua¹, Barbados¹, Brunei¹, Gibraltar³, Grenada¹, Malta¹, Mauritius³, St. Vincent¹: 22 March 1958.

British Guiana¹: 15 April 1958.
British Honduras¹: 20 November 1963.
Applicable with modifications:
Hong Kong¹: 22 March 1958.
Southern Rhodesia¹: 11 April 1960.
Solomon Islands¹: 18 December 1963.
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, Swaziland: 22 March 1958.
Dominica: 16 December 1958.
Nyasaland: 8 March 1960.
Northern Rhodesia: 13 February 1961.

¹ Excluding Part II.

² See footnote 1 to Convention No. 2.

³ Including Part II.

NETHERLANDS

Netherlands Antilles.

In reply to a request by the Committee of Experts the Government announces that administrative instructions are to be issued expressly prohibiting labour inspectors from having any direct or indirect interest in the undertakings under their supervision.

NEW ZEALAND

Cook Islands.

The application of the Convention is considered inappropriate at the present stage of development. Moreover, the Government is not yet in a position to consider application of Convention No. 85.

UNITED KINGDOM

Barbados.

Wages Regulation (Shop Assistants) Order, 1963.

In reply to a direct request by the Committee of Experts the Government states that the Labour Department (Amendment) Act, No. 12, 1961, which gives effect to the provisions of Article 15 (including paragraph (c)) of the Convention, came into force on 28 April 1961.

Bechuanaland.

For legislation see under Convention No. 29.

The Employment Law was expected to come into force early in 1964.

Articles 1 and 2 of the Convention. No undertakings have been exempted.

Article 3. The inspection duties are set out in section 8 of the law.

Article 4, paragraph 1. Labour inspection is under the control of the Commissioner of Labour.

Article 5. Unofficial inspections have taken place. Effective co-operation with other departments and with employers and workers already exists.

Article 6. Inspectors will be permanent officers and will not be affected by any changes of government.

Article 7. One officer has had labour training. The degree of industrialisation justifies the employment and training of only a few officers. The policy is to train an indigenous officer in all spheres of labour administration and to use district officers as part-time labour officers under the guidance of the two officers at headquarters.

Articles 8 and 9. The experience and advice of technical officers are used whenever this is necessary.

Article 10. The Labour Branch consists of a Commissioner of Labour, an Assistant Labour Officer and 12 part-time labour officers.

Article 11. Offices and transport facilities will be provided, and full travel and incidental expenses will be paid by the Government.

Articles 12 and 13. There is as yet no law concerning the safety, health and welfare of workers generally.

Article 14. Section 140 enables regulations to be made requiring employers to report accidents involving death or injury. These will be made shortly.

Article 16. No regular inspection system has yet been evolved.

Article 18. Persons delaying or obstructing labour officers are liable to a fine of £100 or to three months' imprisonment. There is also a general penalty section in the Employment Law.

Articles 20 and 21. An annual report will be compiled and published as soon as regular inspections begin; it would include the subjects mentioned.

Articles 22 to 24. All industrial and commercial undertakings will be inspected.

British Honduras.

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

Article 13 of the Convention. Under section 146 of the Labour Ordinance appropriate steps have been taken to cancel the amendment in respect of the application of this Article.

Article 21. Statistics of workplaces, workers employed therein, violations and occupational diseases are contained in the annual reports of the Labour Department for 1960 and 1961; future reports will contain more details about violations and penalties imposed.

British Virgin Islands.

In reply to a direct request made by the Committee of Experts the Government states that a Labour Commissioner was appointed in February 1961.

Fiji.

The new Control of Employment Bill now awaiting discussion by the Labour Advisory Board will give effect to most of the provisions of the Convention.

Gambia.

Owing to limited staff it has not been possible to undertake routine inspections of establishments, but a considerable number of ad hoc visits to investigate complaints were made during the period of reference.

Gibraltar.

Part II of the Convention is now applicable.

Articles 22 to 24 of the Convention. The Regulation of Wages and Conditions of Employment Ordinance and the Conditions of Employment (Annual and Public Holidays) Order made thereunder apply to commercial as well as industrial workplaces, while the Shop Hours Ordinance and the Conditions of Employment (Retail Distributive Trade) Order apply specifically to commercial workplaces.

Guernsey.

Poisonous Substances Ordinance, 1962 (ss. 30 and 31).

Hong Kong.

Boilers and Pressure Receivers Ordinance, No. 38, 1962, to repeal the Steam Boilers Ordinance (*Laws of Hong Kong*, Revised Edition, 1950, Cap. 56).

Article 14 of the Convention. A draft Bill to amend the Workmen's Compensation Ordinance to cover occupational diseases and regulations prescribing compulsory notification of occupational diseases is at an advanced stage.

Malta.

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

Article 12, paragraph 1 (a) and (b), of the Convention. Section 3 of the Factories (Powers of Inspectors) Regulations, 1960, gives effect to these provisions.

Paragraph 1 (c) (i) and (ii). The necessary powers are given to inspectors by subsection 2 (b) (i) and (ii) of section 28 of the Conditions of Employment (Regulation) Act.

Paragraph 1 (c) (iii). Any employer who does not put up notices or regulations he is required by law to post up may be required by the inspector to comply with the law.

Article 13, paragraph 2 (b). The need for immediate executory force of inspectors' orders in view of imminent danger is unlikely, but the suggestion will be considered.

Article 15. Since the requirement of this Article is covered by section 28, paragraph 5, of the Conditions of Employment (Regulation) Act, any similar provision in the Regulations of 1960 would be superfluous.

The Building (Safety) Regulations, 1952, were issued under the Factories Ordinance, and they are covered by that ordinance for purposes of inspection. Section 19 of the Industrial Training Act and section 10 of the Employment of Children (Regulation) Ordinance respectively relate to their enforcement.

Mauritius.

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

Article 12 of the Convention. The new Employment Ordinance dealing with paragraph 1 (c) (iv) of this Article is still in draft.

Article 21. The annual reports of the Labour Department for 1960 and 1961 contain all the required information. No case of industrial disease was reported during these years.

Northern Rhodesia.

Minimum Wages, Wages Councils and Conditions of Employment (Amendment) Ordinance, No. 13, 1962.

Mining (Amendment) Ordinance, No. 14, 1962.

Wages Regulation Order for the Motor Trading Industry: Government Notice No. 173 of 1961.

Article 2 of the Convention. Labour inspection applies to all workplaces, and no special exemptions are granted to mining and transport undertakings. Specific provisions for the inspection of mines are, however, provided for in the Mining Ordinance.

Article 5. A Labour Consultative Council at which representatives of employers, workers and the Government meet to advise the Minister on important matters of policy and to examine new legislation was formed in 1962.

Articles 22 to 24. The relevant provisions of Articles 3 to 21 are applied to commercial workplaces by the Minimum Wages, Wages Councils and Conditions of Employment Ordinance, the Employment of Natives Ordinance, and the Employment of Women, Young Persons and Children Ordinance.

Southern Rhodesia.

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

Article 2 of the Convention. Inspectors of the Government's Public Services Board are responsible for the enforcement of provisions relating to government employees. Industrial officers and factories and works inspectors of the Ministry of Labour are responsible for supervision of general working conditions in explosives factories. The work of the labour inspectorate is co-ordinated with that of the mines inspectorate by constant liaison.

Article 3. Section 27 (b) and (d) of the Native Labour Regulations Act has not yet been repealed, but all industrial officers have written administrative instructions not to use them.

Article 6. All inspectors now in service are covered by the Public Services Act in respect of employment stability and other conditions of service.

Articles 20 and 21. Arrangements have been made for the collection of statistics relating to occupational diseases as from 1 January 1963. These and other statistics will appear in the annual report of the Commissioner for Workmen's Compensation for 1963.

Swaziland.

See under Convention No. 85.

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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, French Somaliland, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *United Kingdom* (Jersey).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, Guadeloupe, French Polynesia), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Bahamas, Bermuda, British Virgin Islands, Dominica, Falkland Islands, Gilbert and Ellice Islands, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon 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 modifications: 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 modifications:
Barbados, Basutoland, Bechuanaland, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Nyasaland, Seychelles, Solomon Islands, Swaziland: 27 March 1950.
No declaration: Guernsey, Jersey, Isle of Man.

FRANCE

Comoro Islands.

The Government refers to the existence of a system of family allowances, a free medical assistance scheme and the development of an education service and, in particular, of rural education.

Article 14 of the Convention. The collective agreement of 23 November 1961 negotiated by the public authority and the civil servants' staff association is a first step towards the application of this Article.

Article 19, paragraph 2. In reply to the direct request by the Committee of Experts the Government states that it is still premature to prescribe a minimum school-leaving age because of the small percentage of children attending school.

French Guiana, Guadeloupe, Martinique, Réunion.

French Labour Code.
Law of 2 August 1961.

Apart from subsidies regularly granted by each of the competent technical ministries, particularly in the fields of agriculture and education, Overseas Departments receive aid from the Investment Fund with a view to promoting their economic development.

Considerable efforts for urban construction and modernisation are being deployed in most of the towns in these departments. Furthermore, the Law of 2 August 1961 constitutes an improvement in the situation of agricultural communities, making it easier in particular for cultivators to obtain property.

The French Labour Code guarantees the same advantages to alien workers as to nationals, and wage earners are not subject to any discrimination in any field whatsoever.

The provisions relating to minimum guaranteed wages are applicable in Overseas Departments, and the Labour Inspectorate is responsible for the control of the payment of wages under the same conditions as in metropolitan France.

The provisions applicable in metropolitan France with regard to education and vocational training are equally valid in Overseas Departments.

French Polynesia.

Article 19, paragraph 2, of the Convention. In reply to a direct request by the Committee of Experts the Government states that by virtue of Decree No. 88/IT of 1 February 1943 primary education is compulsory for all children between 6 and 14 years of age in the islands where schools exist.

French Somaliland.

Article 19, paragraph 2, of the Convention. In reply to a direct request by the Committee of Experts the Government states that the nomadic character of the population militates against the prescription of a minimum school-leaving age. The Five-Year Educational Development Plan, however, promises a progressive expansion of school education.

UNITED KINGDOM

General.

Article 3 of the Convention. The special Department of Technical Co-operation set up by the Government of the United Kingdom in 1961 provides direct technical advice and assistance to non-metropolitan territories. The principal aid for social and economic development is provided under the Colonial Development and Welfare Act and consists of grants or loans for specific colonial development and welfare schemes (section 1 of the Act) and Exchequer loans for approved development programmes (section 2).

Aden.

Article 19, paragraph 2, of the Convention. In reply to a request made by the Committee of Experts the Government states that until sufficient schools and teachers in the primary and intermediate grades are available no compulsory school-leaving age can be prescribed.

Barbados.

Wages Regulation (Shop Assistants) Order, 1963.

Co-operative Societies (Amendment) Act, No. 32, 1962.

Barbados Marketing Corporation Act, No. 40, 1961.

Town and Country Development Planning (Interim Control) Act, 1959.

Housing Act, No. 40, 1955.

Barbados Development Act, No. 36, 1955.

Barbados Development (Amendment) Act, No. 29, 1958.

Pioneer Industries (Encouragement) Act, 1958.

Rate of Interest Act, No. 52, 1961.

Article 7, paragraph 2, of the Convention. The basic principles guiding the Town and Country Planning Officer in the exercise of his powers under the Act of 1959 are the promotion of the best design and layout of buildings and use of land, the protection of underground water resources against pollution, the preservation of good agricultural land, the discouragement of ribbon development along the highways and the introduction of minimum standards of layout for different classes of development. The Government intends soon to introduce town planning legislation which will provide for the preparation of development plans for the whole island and to provide for better housing through the Barbados Housing Authority set up under Act No. 40 of 1955. The Barbados Development Board was established under Act No. 36 of 1955 to develop local industries.

Article 8, paragraph (e). The Barbados Marketing Corporation established under Act No. 40 of 1961 is charged with the duties of improving the growing and marketing of produce.

Article 14, paragraph 2. The Order of 1963 prescribes increased minimum wage rates for shop assistants.

Article 18. The Government has now accepted the principle of equal pay for members of either sex for work of equal value.

Article 19, paragraph 1. Measures for the progressive development of education include the construction and extension of primary and secondary schools, free tuition in certain government-aided secondary schools and establishment of a constituent college of arts and sciences of the University of the West Indies. The introduction of a comprehensive Education Act in place of the Education Act of 1890 is being considered.

Paragraphs 2 and 3. In reply to an observation by the Committee of Experts the Government states that, although no regulations have been made under sections 22 and 23 of the Education Act of 1890 to prohibit the employment of children under 12 and to compel attendance at school of children under 12, the Education Act is under review and consideration will be given to implementing the provisions of the Convention. Prescription of minimum age for certain employments will be further examined.

Bechuanaland.

For legislation see under Convention No. 29.

Articles 3 and 4 of the Convention. Application is being made for sums to be spent over the next three years on social and economic development and to be realised from bank loans, international loans and grants from the United Kingdom and United Nations agencies. A National Development Bank is to be established to provide loan funds for developing industry, agriculture and low-cost housing.

Article 5. All social and economic planning must be approved by elected representatives in the Executive and Legislative Councils.

Article 7, paragraph 2 (a). Migrant labour continues to be necessary to the economy; and the Law of 1963 gives effect to international labour Conventions in this respect.

Paragraph 2 (d). Officials and local representatives are supervising the opening up of unused agricultural areas and the development of agricultural co-operatives in rural areas.

Article 8, paragraph (e). A department of co-operatives is to be set up with the aid of I.L.O. experts.

Article 12. Migrant labour going to the Republic of South Africa to work in the mines is controlled by the Law of 1963. All such labour has to be repatriated, and provision is made for the deferment of pay and for savings to be sent to the workers' homes. Migrant labour going to the Republic of South Africa to work on farms is in practice remunerated with a percentage in kind of the crop reaped, which is transported by the employer or at his cost to the nearest point on the border from the workers' homes.

Article 13. Migrant mineworkers in the Republic of South Africa are paid at the local rates applicable in the Republic.

Articles 15 and 16. The Law of 1963 gives effect to these Articles.

Article 18. In reply to a direct request by the Committee of Experts the Government refers to the appointment of a select committee of the Legislative Council

to make recommendations on the abolition of all racial discrimination in the territory and to report in November 1963. It is expected that legislation will be made to prevent such discrimination. Penal sanctions for breaches of contract have been abolished.

Article 19. In reply to the request by the Committee of Experts the Government states that the minimum age for and conditions of employment are laid down in the Law of 1963. The territory's financial resources do not, however, yet permit the prescription of a compulsory school-leaving age, although it is hoped that the carrying out of educational plans over the next three years, and subsequent development, will make it possible. The employment of children attending school is not prohibited but is controlled by the Law of 1963.

Bermuda.

Fisheries Regulations, 1963.

Parliamentary Election Act, No. 10, 1963.

Article 5 of the Convention. By the Act of 1963 persons over the age of 25 years were given the right to vote, owners of property retaining an extra vote. The franchise was thus trebled.

A Labour Relations Advisory Committee, comprising six persons appointed after consulting employers' organisations and six after consulting workers' organisations, was set up in February 1963 to advise the Governor on any labour matter.

Article 19. In reply to an observation by the Committee of Experts the Government states that the Bill which is to fix the minimum age of employment and prohibit employment during school hours has been forwarded to the competent authority.

British Honduras.

Belize City Building Ordinance, No. 21, 1962.

Reconstruction and Development Corporation Ordinance, No. 17, 1962.

Land Acquisition (Public Purposes) (Amendment) Ordinance, No. 15, 1962.

Credit Unions (Amendment) Ordinance, No. 5, 1963.

Education Ordinance, No. 3, 1962.

Wages Councils (Amendment) Ordinance, No. 5, 1962.

Intoxicating Liquor (Amendment) Ordinances, No. 13, 1962, and No. 8, 1963.

Development Incentives Ordinance, No. 14, 1960.

Land Reform Security of Tenure Ordinance, No. 9, 1962.

Article 6 of the Convention. A seven-year development plan aimed principally at the improvement of standards of living has been prepared and is due for publication.

Article 7. The Reconstruction and Development Corporation set up by Ordinance No. 17 of 1962 is to plan and carry out the reconstruction and rehabilitation programme necessitated by the devastation caused by hurricane in October 1961. The Government seeks to encourage various new industries by means of Ordinance No. 14 of 1960.

Article 8. Under the Land Reform Security of Tenure Ordinance of 1962 machinery is set up to ensure security of tenure for agricultural tenants, control of rent increases and compensation for land improvements.

Article 10. The United States Farm Labor Program, under which agricultural workers emigrated to Florida in 1961, provided for regular family allotments from compulsory savings, and many workers sent regular voluntary remittances from their earnings.

Article 19. Under Ordinance No. 3 of 1962 primary education has been made free, and compulsory school attendance for children aged 6 to 14 years has been extended to the whole territory. Of the total number of children of primary-school age 95 per cent. are enrolled in primary schools. Vocational training for school-leavers and accelerated training for adults in certain trades, mostly in building and construction, have been planned for implementation with I.L.O. and other international assistance during 1964.

Dominica.

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

Article 19, paragraph 2, of the Convention. No further areas have been declared compulsory school attendance areas and between 23 and 25 per cent. of all children of school age are resident in the areas which have been so declared. The building of more schools with adequate accommodation and staff is planned.

Fiji.

Drainage Ordinance, 1961.

Land Development Ordinance, 1961.

Native Forest Regeneration Fund Ordinance, 1961.

Native Land Trust (Amendment) Ordinances, 1961 and 1962.

Sugar Industry Ordinance, 1961.

Wages Councils (Amendment) Ordinance, 1961.

Workmen's Compensation (Amendment) Ordinances, 1961 and 1962.

Apprenticeship (Form of Contract) Regulations, 1962.

Co-operative Societies (Amendment) Ordinance, 1962.

Drainage (Amendment) Ordinance, 1962.

Fijian Development Fund (Amendment) Ordinance, 1962.

Industrial Associations (Amendment) Ordinance, 1962.

Labour (Amendment) Ordinance, 1962.

Labour (Amendment) (No. 2) Ordinance, 1962.

Sugar Industry (Amendment) Ordinance, 1962.

Sugar Industry (Amendment) (No. 2) Ordinance, 1962.

Wages Council Regulations, 1962.

Wages Regulation (Wholesale and Retail Trades) (Viti Levu) Order: Legal Notice 27/1963.

Wages Council (Meetings and Procedure) Rules, 1963.

Wages Council (Building and Civil Engineering Trades) (Viti Levu) Order: Legal Notice 68/1963.

Article 2 of the Convention. Increased priority is being given to agricultural and industrial production, marketing and tourism. Despite the rapid expansion of population the living conditions of most workers have shown a small but significant improvement.

The Government has begun a review of labour legislation and investigation of the possibility of a limited social security scheme.

Article 4. Medical curative services are provided at divisional and rural hospitals and at dispensaries, and medical treatment is available to all persons at a nominal fee.

Further, environmental and personal health services, including maternal and child health services, are provided by local authorities and medical department staff respectively.

Late in 1962 a company financed by the Government and by the Commonwealth Development Corporation was established to make limited long-term housing loans

to persons other than wage earners in the lower income brackets for whom the housing authority provides housing.

All locally trained health officers receive instruction in nutrition, and the Medical Department works in close co-operation with the nutrition section of the South Pacific Health Service.

Articles 8 and 17. In addition to investigating the problem of rural indebtedness the Government is making credit available for agricultural development through its land development programme.

The Department of Co-operatives is also carrying out a programme of establishing credit co-operative societies, which will make loans to members for approved purposes.

Article 8, paragraph (d). In 1961 a Committee was set up to examine the law governing agricultural tenancies, and appropriate legislation is being prepared in the light of its report.

Article 9. In 1961 the Government initiated an intensive land development programme undertaken with the aid of colonial development and welfare grants. The land development authority is responsible for undertaking major settlement schemes, and the Agricultural and Industrial Loans Board makes loan funds available for approved agricultural and other development schemes.

Under the Drainage Ordinance of 1961 drainage boards were established to finance and carry out drainage works.

Articles 15 and 16. Legislation is to be enacted to require employers to keep registers of wage payments, and the enactment of legislation to give effect to these Articles is being considered by the Labour Advisory Board.

Gambia.

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

Article 15, paragraph 1, of the Convention. The Labour Advisory Board is considering a draft Protection of Wages Ordinance, which may provide for the issue to workers of statements of wage claims.

Article 16. Provision to give effect to this Article is envisaged in the draft ordinance.

Article 19. As a result of additions to and improvements in school buildings in pursuance of the 1961-65 Education Programme the total number of pupils in provincial schools increased in 1962 by almost a quarter over 1961.

A minimum school-leaving age cannot be prescribed since births are rarely registered. Government policy aims at six years' primary school from about the age of six followed by four years' selective secondary school.

Gilbert and Ellice Islands.

Advisory Council Ordinance, No. 1, 1963.

Article 8, paragraph (c), of the Convention. The need has not arisen to sell neglected land compulsorily under the Neglected Land Ordinance, 1959, but some owners have voluntarily sold such land.

Paragraph (e). Co-operative societies have received loans from the Agricultural and Industrial Loans Board.

Article 14. The first trade union has been registered, although with small representation.

Hong Kong.

Post-Secondary College (Amendment) Ordinance, 1962.

Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance, 1961.

Article 15 of the Convention. Since the Ordinance of 1961 came into effect in April 1962 industrial employers are required to keep registers of wage payments and details of work done by individual workers and to notify workers other than daily-paid workers of their earnings during the preceding month.

Article 19. Although the aim of providing a primary-school place for every child received a setback with the large influx of immigrants in 1962, the provision of primary-school places was examined in the light of the 1961 census with a view to supplying local deficiencies in new population centres and in densely populated areas where sites are available.

Between July 1961 and June 1963 the numbers of secondary-school places increased by almost one-half.

A scheme for the reorganisation of primary and secondary education is being introduced, beginning in September 1963: the normal age of entry into government and aided primary schools will be raised from six to seven years; a special five-year course of primary education will be provided; and at least one, and later two, years of secondary education will be available so that pupils may remain at school up to the age of 14, the statutory minimum age for industrial employment. A large increase in the number of secondary technical schools is proposed, and the conversion of the five existing government secondary schools into technical schools will begin in September 1963.

The report of a commission placed before the Legislative Council in April 1963 recommended the establishment of a Chinese university not later than 30 September 1963.

The difficulty of assimilating the immigrants who have continued to enter the territory since 1949, the strain they impose on social, professional and administrative sources, particularly in respect of education and housing, the rapid change of the economy from an *entrepôt* to a light industrial export economy, and shortage of level land, have militated against full application of the Convention.

Mauritius.

Ordinances No. 1 of 1961, No. 8 of 1962, No. 18 of 1962 and No. 12 of 1963 to amend the Central Housing Authority Ordinance, No. 32, 1960.

Regulation of Wages and Conditions of Employment Ordinance, No. 71, 1961.

Transcription and Mortgage Ordinance, No. 3, 1962.

Ordinance No. 58 of 1961 to amend the Co-operative Societies Ordinance, No. 51, 1945.

Wages Regulation Orders (Workers in the Sugar Industry) dated 12 July 1963.

Government Notices Nos. 59 and 60 of 1963.

Article 9, paragraphs 1 and 2, of the Convention. An I.L.O. expert organised a family budget inquiry between June 1961 and May 1962 to determine consumer expenditure patterns of urban and rural families and to establish a consumer price index.

Article 14, paragraph 2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, wages councils can be set up in accordance with Ordinance No. 71 of 1961, which repealed the Minimum Wages Ordinance, No. 36, 1950. Such wages councils are appointed by the Minister, who usually, in making any appointment, consults any organisations appearing to him to represent employers or workers.

Paragraph 4. Section 11 of Ordinance No. 71 of 1961 provides for the recovery of statutory remuneration underpaid and, where necessary, labour inspectors take action on the workers' behalf in the Industrial Court.

Article 16. In reply to a direct request by the Committee of Experts the Government states that provision will be inserted in new labour legislation to implement this Article.

Article 19, paragraph 2. In reply to a further request the Government states that compulsory attendance at school for children aged 5 to 12 years has not yet been introduced, but 90 per cent. of children of school age are estimated to attend school, which in practice they leave at the age of 12.

Increase in population and considerable damage caused to school buildings by cyclones in 1960 and 1961 have prevented recourse to section 37 of the Education Ordinance of 1957, which empowers the Governor to proclaim compulsory school attendance areas.

Paragraph 3. The problem of providing education for all children is becoming more acute, and although it has so far been possible to admit children seeking admission to primary schools it would not be practicable to introduce compulsory education at present. When it is, employment below the minimum school-leaving age will be prohibited.

Northern Rhodesia.

Town and Country Planning Ordinance (Cap. 123).

Town and Country Planning (Amendment) Ordinance, No. 25, 1962.

Local Government (Elections) (Amendment) Ordinances, Nos. 21 and 23, 1963.

Government Notices Nos. 233 and 174 of 1963.

Native Reserves and Native Trust Land (Adjudication and Titles) Ordinance (Cap. 267), No. 32, 1962.

Native Registration (Repeal) Ordinance, No. 20, 1963.

Employment of Natives (Amendment) Ordinance, No. 10 of 1963.

Local Government (Elections) Ordinance (Cap. 127).

Article 3, paragraph 1, of the Convention. An Exchequer loan was made in April 1962 under the Colonial Development and Welfare Act to assist in the financing of the 1961-65 development plan. Furthermore, financial and technical assistance has been supplied by the United States Agency for International Development, the Colonial Development Corporation and through the negotiation of various non-market loans.

Articles 4 and 5. The rural population is represented on district development teams, district education authorities and local authorities. Local government elections in municipal areas are to be held on the basis of Ordinance No. 23 of 1963.

Article 6. The 1961-65 Territorial Development Plan accepted by the Legislative Council in July 1962 seeks to provide for the detailed planning and execution of capital works and development, rapid expansion of African education and improvement of the road system. Allocations of expenditure under the Plan relate mainly to rural and urban economic development, African education and communications.

Article 7. In reply to a direct request by the Committee of Experts the Government states that the Luapula Impact Scheme has been incorporated into the 1961-65 development plan and that separate account is no longer taken of developments in the Northern and Luapula provinces. Since adoption of the development plan the Rural Economic Development Working Party has been disbanded, and action is now co-ordinated by the Ministry of Finance. Further developments since the last report include two censuses relating to non-Africans and Africans in employment

and to all Africans respectively and the provision of a comprehensive town and country planning service under the Town and Country Planning Ordinances.

Article 8, paragraph (c). Ordinance No. 32 of 1962 permits acquisition by Africans of title to land in African reserves and trust areas in areas to which the ordinance is applied, at the request of the Local Native Authorities.

Article 10. Ordinance No. 10 of 1963 lays down new provisions relating to migrant workers.

Article 16, paragraphs 1 and 2. Section 71 A of the Employment of Natives Ordinance limits the advance or wages that may be made by an employer in the course of a servant's employment or in consideration of his taking up employment.

Article 18. In reply to an observation by the Committee of Experts the Government states that a Bill to provide for a new non-racial scheme of workmen's compensation is being considered in the Legislative Council. The first draft of a non-racial Employment Bill has been considered by a subcommittee of the Labour Consultative Council. Sections 74 and 75 of the Employment of Natives Ordinance have been repealed by Ordinance No. 10 of 1963.

Article 19. In reply to a direct request by the Committee of Experts the Government states that it does not intend to prescribe a school-leaving age. Provision is being made for all children in more important urban areas to receive at least six years' primary education; 40 per cent. will have a further two years' education and thus complete the full primary course. Compulsory attendance has already been started with children aged seven to eight years, and those children will leave school at 13 or 14 on the completion of their six years' course or at 15 or 16 on the completion of the full primary school course. The Government intends to extend these facilities until there is a universal system of primary education giving eight years of schooling to every child.

St. Lucia.

In reply to a direct request by the Committee of Experts the Government states that there is no legal regulation of the maximum amounts of advances on wages, although in practice such amounts are strictly related to the amount of earnings and to the nature and tenure of the worker's employment. The Government undertakes to reconsider existing legislation in this regard.

Solomon Islands.

Labour Ordinance, 1960.

Proclamation No. 1 of 1963 to implement the Land and Titles Ordinance, 1959.

Article 19 of the Convention. Young persons are going abroad for three to five years' training in various trades, and the Government and missions also undertake to provide various kinds of technical training in courses lasting up to three years.

Southern Rhodesia.

Article 19, paragraph 2. In reply to a direct request by the Committee of Experts the Government states that at the lower primary stage 95 per cent. of African children of school-going age are attending school.

Swaziland.

Industrial Training Proclamation, No. 26, 1962.

Trade Union and Trade Disputes (Amendment) Proclamation, No. 21, 1963.

Employment Proclamation, No. 51, 1962.

Articles 2 and 3 of the Convention. Schemes financed out of Colonial Development and Welfare Funds from the United Kingdom included educational facilities, agricultural and rural development, medical services and development of communications. Extensive development of communications, power and other projects was financed by grants and loans from various international, national and private sources.

Article 5. The new Constitution announced in March 1963 after consultation with the inhabitants of the territory provides for a Legislative Council of 24 elected seats, eight allocated to the Swazi National Council for election by traditional tribal methods, eight for Europeans (four for election on a European and four on a national roll) and eight open to any candidate for election on a national roll based on universal adult suffrage.

Article 8, paragraph (e). A Registrar of Co-operatives, appointed in 1962, has the task of encouraging and assisting the development of producers' and consumers' co-operatives.

Article 14. Seven trade unions had been registered at the end of the period under review and one of these had been recognised by one employer.

Article 15. This Article is now applied by virtue of Part III of Proclamation No. 51 of 1962.

Article 16. The maximum amounts of loans by an employer to an employee and the manner of their repayment will soon be prescribed by regulation under section 24 (2) of Proclamation No. 51 of 1962.

Article 18, paragraph 1. Section 11 of the Proclamation of 1963 prohibits anti-trade union discrimination by employers.

Paragraph 2. In reply to a direct request made by the Committee of Experts the Government states that the African Labour Proclamation of 1954 is designed to protect the indigenous inhabitants and that it is not discriminatory to impose an obligation corresponding to this privilege, even under penalty.

Article 19. The Government supplies information on the progressive development of education and vocational training.

* * *

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), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Mauritius, Northern Rhodesia, St. Lucia, Solomon Islands, Southern Rhodesia, Swaziland).

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

France (St. Pierre and Miquelon), *United Kingdom* (Bahamas, Falkland Islands, Malta, Montserrat, St. Helena).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947¹

This Convention came into force on 26 July 1955

Australia. Ratification: 30 September 1954.
Applicable with modification: New Guinea
and Papua: 30 September 1954.

Not applicable: Norfolk Island: 30 September 1954.

Decision reserved: Nauru: 30 September 1954.

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

Honduras, British Virgin Islands, Dominica,
Gambia, Gibraltar, Grenada, Hong Kong,
Malta, Mauritius, Montserrat, Northern Rhodesia,
St. Christopher-Nevis-Anguilla, St. Helena,
St. Lucia, St. Vincent, Seychelles, Southern
Rhodesia: 27 March 1950.

Swaziland: 13 April 1964.

Applicable with modification: Barbados,
Brunei, Fiji, Nyasaland: 27 March 1950.

Decision reserved: Basutoland, Bechuanaland,
Bermuda, Falkland Islands, Gilbert and Ellice
Islands, Solomon Islands: 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

Aden.

Article 4 of the Convention. In reply to a direct request made by the Committee of Experts in 1962 the Government reports that provisions giving effect to paragraph 2 (c) (iv) of this Article have been included in the Factories Bill (section 59).

Bechuanaland.

For legislation see under Convention No. 29.

Article 2 of the Convention. A Labour Branch of the Government was set up in April 1963 consisting of a trained Labour Commissioner, 12 part-time labour officers and an assistant labour officer. Inspection will mainly be carried out by an officer seconded to the Branch from another department who has been trained as an inspector. This is considered to be sufficient for the immediate future.

Articles 3 and 4. Section 8 of the Law of 1963 applies.

Article 5. Section 11 of the Law of 1963 applies.

British Virgin Islands.

See under Convention No. 81.

Dominica.

In reply to a request made by the Committee of Experts in 1963 the Government indicates that the text which describes the duties of the inspectors is of the nature of an administrative order.

Fiji.

Labour (Amendment) Ordinance, No. 5, 1962.

Labour (Amendment) (No. 2) Ordinance, No. 44, 1962.

Wages Councils (Amendment) Ordinance, No. 60, 1961.

Wages Regulation (Wholesale and Retail Trades) (Viti Levu) Order: Legal Notice 27/1963.

Wages Councils Regulations: Legal Notice 130/1962.

Wages Council (Building and Civil Engineering Trades) (Viti Levu) Order: Legal Notice 68/1963.

Northern Rhodesia.

Article 5, paragraph (c), of the Convention. In reply to an observation by the Committee of Experts the Government states that section 13 of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance has been amended by Ordinance No. 13 of 1962 so as to make it mandatory on any officer to treat as confidential any complaint made to him, unless the disclosure is for legal proceedings or with the consent of the person making the complaint.

See also under Convention No. 81.

St. Helena.

In reply to a direct request of the Committee of Experts the Government repeats that, having regard to the small scale and nature of the industrial operations in the island, it is considered that the provisions in force dealing with the enforcement of the factory inspectors' requirements are adequate in local circumstances, and it is not intended to modify them at present.

St. Lucia.

Article 4, paragraph 2 (c) (i) and (iii), of the Convention. In reply to a direct request by the Committee of Experts the Government states that the Labour Ordinance, 1959, and the Labour Regulations, 1960, are likely to be reviewed shortly, and consideration will be given to the points raised by the Committee.

Swaziland.

For legislation see under Convention No. 29.

Article 2 of the Convention. The inspection staff now consists of a labour officer and an assistant labour officer, both of whom have received training.

Articles 3 and 4. Section 8 of the Proclamation of 1962 gives effect to these Articles.

Article 5, paragraph (a). Officers appointed under section 4 of the Proclamation of 1962 are subject to the rules governing the Civil Service, which prohibit officers from participating in trade and from acquiring or possessing investments without permission.

Paragraphs (b) and (c). These provisions are applied administratively.

Article 8. The Convention will be applied as soon as labour inspection staff can be increased.

* * *

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

Australia (New Guinea, Papua), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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

Australia (Nauru, Norfolk Island), *France* (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Bermuda, Falkland Islands, Gilbert and Ellice Islands, Montserrat, Seychelles, Solomon Islands).

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification: 27 March 1950.
 Applicable *ipso jure* without modification ¹:
 Guernsey, Jersey, Isle of Man: 27 March 1950.
 Applicable without modification:
 Aden, Antigua, Bahamas, Barbados, British
 Guiana, British Honduras, British Virgin Islands,
 Dominica, Fiji, Gambia, Gibraltar, Grenada,
 Mauritius, Montserrat, Northern Rhodesia,
 St. Christopher-Nevis-Anguilla, St. Lucia, St.
 Vincent, Seychelles, Southern Rhodesia :
 27 March 1950.
 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.
 Nyasaland: 27 June 1963.
 Applicable with modifications:
 Hong Kong: 27 March 1950.
 Brunei: 5 January 1961.
 Decision reserved: Basutoland, Bermuda:
 27 March 1950.
 Not applicable : Falkland Islands, Malta :
 27 March 1950.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Southern Rhodesia.

In reply to an observation by the Committee of Experts the Government states that a draft Bill to implement the Convention was found, after consultation with the I.L.O., to be deficient in certain respects. A new Bill is being prepared; when it is clear that this Bill meets the requirements of the Convention, it will be presented to Parliament at the earliest opportunity.

* * *

The following report refers to the information previously supplied:

United Kingdom (Southern Rhodesia).

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Denmark. Ratification: 13 June 1951.

Applicable without modification:

Greenland: 31 May 1954.

Faroe Islands: 28 September 1960.

France. Ratification: 28 June 1951.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

Netherlands. Ratification: 7 March 1950.

Applicable without modification: Netherlands Antilles, Surinam: 25 June 1951.

United Kingdom. Ratification: 27 June 1949.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 27 June 1949.

Applicable without modification:

Aden, Malta: 19 June 1958.

Dominica, St. Lucia: 29 December 1958.

Bermuda: 10 January 1962.

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.

Bechuanaland, British Honduras: 20 November 1963.

Basutoland: 14 January 1964.

Barbados: 13 April 1964.

Applicable with modifications:

British Guiana, Gibraltar: 19 June 1958.

Grenada, Mauritius, St. Vincent: 29 December 1958.

Nyasaland: 23 February 1959.

Bahamas: 3 April 1963.

Hong Kong: 15 October 1963.

Decision reserved:

Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands: 19 June 1958.

British Virgin Islands, Fiji, Seychelles: 29 December 1958.

Southern Rhodesia: 23 February 1959.

Northern Rhodesia: 7 July 1959.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Aden.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that any appeal against notice of cancellation of registration of a trade union can be lodged on receipt of the notice of cancellation. The lodging of an appeal against cancellation of registration automatically defers the cancellation of the registration until the appellate proceedings have been concluded.

Bechuanaland.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that it seems clear that an appeal can be lodged only when a decision to cancel has been taken and cannot be lodged before such decision was made (e.g. when notice of the proposed cancellation was given). It also appears that the decision to cancel cannot be deferred in any way and stands firm unless revoked by appeal in the High Court. However, no cancellations have ever been made, and these points have never arisen for interpretation by the courts.

British Honduras.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that the Registrar of Trade Unions is also Registrar of the Supreme Court and therefore a quasi-judicial officer who, it must be inferred, will act judicially in the exercise of all the powers conferred on him by the Trade Unions Ordinance (Chapter 142). Section 19 (2) of the ordinance provides that unless registration

has become void the Registrar must give not less than two months' previous notice in writing stating the ground for cancellation before he can proceed to cancel a trade union's certificate of registration. If the ground is wilful violation of the ordinance, then the Registrar must also have given the union notice of the violation and a reasonable opportunity of remedying the breach before serving further notice of the intention to cancel registration. During the period of two months' notice there is further opportunity for remedying the breach or otherwise making representations to the Registrar which it would be the Registrar's duty to consider and decide on before serving a final cancellation of registration. There has never been an appeal to the Supreme Court against a decision of the Registrar of Trade Unions and consequently no opportunity to test the particular points raised. It would seem that, on a strict interpretation of section 16 (1) (e) of the ordinance and the Rules made by the Chief Justice thereunder, an appeal is to be lodged only after cancellation has taken effect, and this would not defer the consequences of cancellation of registration unless the Court so directed. The time limits of eight days for appeal and 14 days for a hearing mean, in effect, that little progress towards dissolution of a trade union could be made before the Court could, if it so wished, make an order.

Dominica.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that there is no record of any union (either of employers or of workers) being dissolved by the Registrar under section 11 of Ordinance No. 12 of 1952; consequently there has been no appeal to the Courts which could form the basis on which a dogmatic statement on this aspect of the application of this section could be made. Informed local opinion is, however, that a trade union which had received notice of proposed cancellation of its registration would not necessarily have to await the cancellation's taking effect before bringing the matter before the Courts; and that lodging of the appeal would have the effect of deferring implementation of the Registrar's decision until the appellate proceedings had been concluded.

Falkland Islands.

In reply to the direct request by the Committee of Experts the Government states that it is considered that the term "decision" in subsection 3 of section 11 of the Trade Unions and Trades Disputes Ordinance would normally be construed to mean the original decision to cancel of which two months' notice is required to be given under subsection 2, and that therefore an appeal could be lodged as soon as notice of the proposed cancellation was received. At least two months must elapse from the date of the notification of the Registrar's decision to cancel before he can give effect to that decision. It is thought that the Supreme Court's decision on any appeal would normally be given before the expiration of that period, but that if for any reason the decision were delayed beyond such expiration the Registrar would have to wait until the decision was given before taking any further action in the matter.

Fiji.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that new trade union legislation is now under consideration. This is likely to contain provision whereby the Registrar of Trade Unions may, in certain circumstances, give two months' notice of intention to cancel the registration of a trade union. The trade union in question may show cause in writing to the Registrar why its registration should not be cancelled or suspended, at any time

within the period of notice given. If the registration of a trade union is cancelled by the Registrar following the expiry of the two months' notice referred to above, the union concerned may within one month of such cancellation appeal to the Supreme Court against the Registrar's decision. In the latter event, the union is not dissolved until the determination of the appeal by the Supreme Court.

Gambia.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that an appeal can be filed only after the certificate is cancelled. The filing of an appeal does not, of itself, suspend the cancellation, but the Court can, on the motion of the trade union affected, grant the equivalent of a stay of execution until the final decision of the Supreme Court is known.

Gibraltar.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that the appeal may be lodged within one month of the date of the notice of cancellation, but the Chief Justice may on the application of the appellant extend this time on such terms as to costs or otherwise as the justice of the case may require, and any such extension may be ordered although the application for the same is not made until after the expiration of the said time (Rule 36 of the Supreme Court Rules). There is no provision under which notice of an appeal may in itself defer either the decision as to the cancellation of registration, or the application of the ensuing statutory obligation to dissolve the trade union, until the appellate proceedings have been concluded. The aggrieved party may seek a stay of execution from the Supreme Court on reasonable cause shown if the matter is not decided before the date of cancellation.

Gilbert and Ellice Islands.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that an appeal may be lodged as soon as notice of the proposed cancellation is received. An appeal against the decision of the Registrar may be made within 28 days of the receipt of this notice. At least two months must elapse from the date of the notification of the Registrar's decision to cancel before he can give effect to that decision. It is thought that the High Commissioner's decision on any appeal would normally be given before the expiration of that period, but that if for any reason his decision were delayed beyond such expiration the Registrar would have to wait until the decision was given before taking any further action in the matter.

Hong Kong.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that appeals may be lodged in the Full Court within 28 days of receipt of the Registrar's two months' notice of intended cancellation, except that where a trade union has ceased to exist or has requested cancellation (in which case no notice of cancellation is required), any voting member may lodge an appeal within 14 days after cancellation of registration. Cancellation of registration and invocation of statutory provisions relating to dissolution and liquidation are deferred until the appellate proceedings have been determined. In cases where a trade union's registration has been cancelled on the grounds that it has ceased to exist or has requested cancellation of registration, cancellation and statutory provisions relating

to dissolution are not effective until the expiry of the 14-day appeal period, or the conclusion of any appeal lodged in that period.

Malta.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that it would be logical to assume that an appeal can be made only against a decision of the Registrar. A notice of cancellation is not a final decision, as the trade union concerned has the chance to take such measures as would satisfy the Registrar and cancellation would not be proceeded with. In terms of the Trade Unions and Trade Disputes Ordinance, 1945, Her Majesty's Court of Appeal is empowered to make rules relating to and in respect of appeals from refusals and cancellations. To date these rules have not been published. It is normal practice in law that a decision which is appealed against is stayed pending the outcome of the appeal. The same procedure would apply in the case of an appeal against a decision to cancel the registration of a trade union.

Montserrat.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that an aggrieved party would have the right of recourse before the courts as from the date of receipt of notice of cancellation, in which case the Registrar's decision would be deferred until the proceedings of the court were concluded.

St. Christopher-Nevis-Anguilla.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that there are no rules dealing with appeals to the Supreme Court from the decision of the Registrar of Trade Unions as to matters dealt with in sections 12 and 13 of the Trade Unions Act, 1939.

St. Helena.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that it would appear from section 11 (2) read in conjunction with section 10 (4) of the Trade Unions and Trade Disputes Ordinance, 1959, that the time within which an appeal may be lodged against the Registrar's decision to cancel the registration of a trade union is to be governed by rules of court. As no trade union has as yet had its registration cancelled, the need for such rules has not arisen and none has yet been made. The ordinance is silent on the effect which the lodging of an appeal would have on the Registrar's decision. Presumably this is a matter for judicial interpretation, but as the point has never arisen it has never been tested in the courts. In practice, the Registrar would probably regard this decision as suspended until the appeal had been disposed of.

Swaziland.

In reply to the direct request made by the Committee of Experts the Government states that section 11 A of the Trade Unions Proclamation, as amended by Proclamation No. 21 of 1963, provides for appeal against refusal or cancellation of registration. The appeal can be lodged only after the cancellation has taken place, and the lodging of an appeal does not operate to defer the cancellation of registration.

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 modifications: 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, Malta: 22 March 1958.

Applicable with modifications:
British Guiana: 22 March 1958.

Mauritius: 3 March 1964.

Decision reserved:

Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Brunei, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Northern Rhodesia, Nyasaland, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland: 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 1 to Convention No. 2.

UNITED KINGDOM

Aden.

Special arrangements have been made for the registering and placing of women in employment.

Bahamas.

A free public employment service established under the Labour Department registers and places in employment unemployed workers of all grades and in all sectors.

Barbados.

See under Convention No. 2.

British Honduras.

Labour (Employment Office) (Belize) Order, 1961 (*S.I.*, No. 58, 1961).

Labour (Registration of Employers) (Belize) Order, 1961 (*ibid.*, No. 57, 1961).

Labour (Employment Office) (Corozal) Order, 1962 (*ibid.*, No. 31, 1962).

Labour (Employment Office) (Stann Creek) Order, 1962 (*ibid.*, No. 32, 1962).

Labour (Registration of Employers) (Corozal) Order, 1962 (*ibid.*, No. 33, 1962).

Labour (Registration of Employers) (Stann Creek) Order, 1962 (*ibid.*, No. 34, 1962).

Labour (Employment Office) (Belize) (Amendment) Order, 1962 (*ibid.*, No. 35, 1962).

Employment offices have been established in Belize and in the Corozal and Stann Creek districts.

Mauritius.

Employment and Training Ordinance, No. 14, 1963.

Articles 1 and 2 of the Convention. The above ordinance includes authority to maintain an employment service to help place workers, provide vocational guidance and collect employment information; provide vocational training courses; assist in the promotion of employment regularity; and help in the removal and other expenses of applicants for employment.

Article 4. The former Employment Committee has been wound up following the establishment of a Labour Advisory Board to which employers and workers are appointed in equal numbers and to which the Minister may refer such matters as he thinks fit; he may also appoint other advisory committees.

Article 5. The Labour Advisory Board is regularly consulted in all matters in the employment field.

Article 6. The Employment Service has been extensively reorganised under the guidance of an adviser from the United Kingdom Ministry of Labour. New procedures have been introduced for the registration of applicants seeking employment, whether unemployed or in employment; persons over 60 now have free access to the service under the ordinance. The procedure for obtaining information from employers about vacancies has been improved. The Minister has powers under the ordinance to assist by grants or loans workers transferring from place to place. The service is responsible for the issue of employment vouchers to persons wishing to take up employment in Great Britain and for dealing with applications for training in nursing in Great Britain.

Employment offices now render more detailed statistical information, non-statistical employment information is collected and critically analysed, and monthly reports concerning the activities of the Employment Service and the employment situation are furnished to organisations represented on the Labour Advisory Board. An employment information section has been created and has been engaged on compilation of a comprehensive register of all establishments employing more than ten workers.

During periods of heavy unemployment (e.g. after a cyclone or during periods of drought or the intercrop season) the service may be empowered to issue food vouchers to unemployed applicants.

Article 7, paragraph (a). It is not considered necessary to establish separate sections in employment offices specialising by occupation or industry; the introduction of an occupational classification code permits proper attention to be given to the degree of skill required in various industries.

Article 8. A post of Youth Employment Officer has been created as a nucleus of a special youth service within the framework of the Employment Service.

Article 9, paragraph 4. The controller and adviser have concentrated on more advanced training of senior staff; a post of Staff Training Officer has been created.

Northern Rhodesia.

Following a review of the employment services, a senior officer has been appointed to supervise their operation.

An employment services manual has been issued, laying down new procedures to be adopted in operating these services.

Voluntary youth employment liaison committees representing industry, commerce, schools, Government and various civic groups have been established in the

larger towns to assist with vocational guidance and the placing of school-leavers in employment.

A Youth Development Council was set up in 1962.

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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, Malta, Mauritius).

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

Netherlands (Netherlands Antilles), *United Kingdom* (Gibraltar, Jersey).

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, Malta, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland: 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. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when that Convention comes into force.

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *Republic of South Africa* (South West Africa).

90. Night Work of Young Persons (Industry) Convention (Revised), 1948¹

This Convention came into force on 12 June 1951

Netherlands. Ratification: 22 October 1954.
Applicable without modification: Netherlands Antilles: 15 December 1955.
No declaration: Surinam.

*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, Malta, Mauritius,

Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises the Convention of 1919. See Convention No. 6.

² Unratified Convention. See footnote 2 to Convention No. 3.

The following report refers to the information previously supplied:

Netherlands (Netherlands Antilles).

92. Accommodation of Crews Convention (Revised), 1949¹

This Convention came into force on 29 January 1953

Denmark. Ratification: 30 September 1950.
Applicable without modification: Faroe Islands: 28 September 1960.
No declaration: Greenland.

France. Ratification: 26 October 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.
Not applicable:
Surinam: 14 November 1958.
Netherlands Antilles: 15 May 1959.

United Kingdom. Ratification: 6 August 1953.
Applicable without modification: Isle of Man: 13 February 1961.

Not applicable:
Basutoland, Bechuanaland, Swaziland: 3 November 1958.

Northern Rhodesia, Nyasaland, Southern Rhodesia: 7 July 1959.

Decision reserved: Guernsey, Jersey: 8 March 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, Malta, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹ This Convention revises Convention No. 75 of 1946.

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* (Gibraltar).

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

Denmark (Faroe Islands, Greenland), *France* (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

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,

Gibraltar, Gilbert and Ellice Islands, Grenada, Mauritius, St. Lucia, St. Vincent, Solomon Islands: 22 March 1958.

British Virgin Islands: 15 April 1958.

British Honduras: 20 November 1963.

Applicable with modification:

Malta: 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 1 to Convention No. 2.

FRANCE

Comoro Islands.

As a general rule, all contracts made between a public authority and an enterprise include wage clauses with reference to rates and regulatory provisions.

French Polynesia.

The Ministerial Order of 16 October 1946 fixing clauses and general conditions to which contractors engaged in public works are subject was brought into force in the territory by a local order of 22 March 1947.

French Somaliland.

Article 3 of the Convention. The provisions of this Article are applied by local decrees of 26 March 1956 (health services in the undertaking) of 2 July 1963 (health services common to a number of undertakings, and of 29 July 1963 (general health and safety measures for workers in establishments of all kinds and specific health and safety measures applicable to construction sites and public works).

NETHERLANDS

Netherlands Antilles.

Article 4, paragraph (a) (iii), of the Convention. The Government states that every effort will be made to give effect to this provision in individual cases.

UNITED KINGDOM

Aden.

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

Article 2, paragraph 1 (a), of the Convention. Wage rates for government-employed workers, to which the current labour clauses refer, are subject to the decisions of the Joint Industrial Council, which consists of representatives of the Government, employers, and the government and local government employees' union.

Article 3. Almost all industrial workers come within the scope of the Factories Ordinance, 1963, in which fair and reasonable conditions concerning health, safety and welfare of workers are ensured.

Bechuanaland.

Consideration is being given to the insertion of appropriate labour clauses in public contracts. The terms of the clauses are likely to be those of the Convention.

Bermuda.

In reply to a direct request by the Committee of Experts the Government has stated that revised administrative instructions to implement the Convention were issued on 29 December 1962. These instructions have reduced from £15,000 to £5,000 the limit for contracts exempted from application of the Convention, and also include new provisions to implement Articles 3 and 5.

The Bermuda Employers' Council has requested that it be consulted with regard to any legislation and sanctions in accordance with Articles 3 and 5 of the Convention and has expressed the view that the Government should set an example in the field of safety.

British Honduras.

Article 1, paragraph 2, and Article 2, paragraph 3, of the Convention. In reply to a direct request by the Committee of Experts the Government has stated that full consultation with representative organisations of employers and workers was undertaken prior to the framing of the Labour Ordinance, 1959, which gives effect to the Convention.

Dominica.

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

Article 3 of the Convention. Workers engaged on public contracts are protected by the same laws, collective agreements, etc., as other workers.

Article 4, paragraph (a) (iii). The Committee's comments concerning provision for the posting of appropriate notices have been noted.

Fiji.

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

Article 1, paragraph 1 (c), of the Convention. The Standard Conditions and General Conditions of Contract cover contracts of the kind enumerated in this provision.

Article 2, paragraphs 1 and 2. The Standard Conditions are expressly included in all public contracts valued at £1,000 or more.

Paragraph 3. In the absence of collective bargaining machinery in the building and civil engineering industry, the labour clauses in public contracts provide for wage

rates of not less than 1s. 9d. per hour, which was the minimum wage for building workers of the Public Works Department until 1 June 1963. The Labour Advisory Board, representing equally workers' and employers' organisations, has been fully consulted on the application of the fair wages clause in public contracts.

Article 4, paragraph (b) (i). The Register of Wage Payments Regulations, 1963, ensure the application of this provision.

Representations have been made by employers' organisations concerning the insertion of a clause in building and civil engineering contracts requiring wages of not less than 1s. 9d. per hour to be paid. Workers' organisations have at the same time made representations that clauses in public contracts relating to conditions of employment other than wage rates should be identical to those in the agreement between the Public Works and Allied Workers' Union and the Public Works Department.

Mauritius.

Article 4, paragraph (a) (iii), of the Convention. In reply to a direct request by the Committee of Experts the Government states that there is no clause in the General Conditions of Contract, issued to tenderers for public building projects by a government tender board, requiring the contractor to display a copy of the laws affecting labourers. It is proposed to amend the conditions of contract accordingly. Such a clause is contained in the conditions of contract for the major road and sewerage schemes.

St. Lucia.

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

Article 2, paragraph 3, of the Convention. To date no organisations of workers and employers have been consulted on the terms of labour clauses in public contracts. Since 1959, however, only a limited number of wage-earning occupations have been involved in public contracts. These were performed by workers who were not members of a trade union recognised by employers for collective bargaining purposes, and the contractor was not a member of any employers' organisation. In practice the wages paid by the Government set the standard for determining wage rates in the private sector. It is hoped that appropriate consultations can be arranged on the terms of labour clauses in future public contracts.

Article 4, paragraph (a) (iii). Directives, in the form of correspondence, have been given to public contractors by the Labour Commissioner requesting that workers be informed of conditions of employment by notices posted in appropriate places.

Solomon Islands.

In reply to a direct request made by the Committee of Experts the Government states that no rules have yet been promulgated to give effect to the Convention. As previously reported, all building contracts continue to include a clause. The matter is under active consideration, and rules will be made as soon as possible.

Swaziland.

Circular No. 55 of 1963.

Article 1 of the Convention. The above circular applies to contracts, including subcontracts but not service and supply contracts.

Article 2. Since collective bargaining and statutory wage fixing are only just developing it is preferable to specify in detail minimum conditions for unskilled labour and to leave higher categories of employees to be determined by the market levels.

Article 3. Although statutory provisions relating to the health, safety and welfare of workers exist in the legislation, the above circular lays down specific requirements.

Article 4, paragraph (a) (iii). The posting of notices is not necessary, as enforcement is ensured by employing departments and labour inspection services.

Article 5. Contractors who do not comply and who withhold payments are "black-listed".

To a large extent practical effect is given to the Convention. Some three major government contracts employing over 2,000 unskilled workers at present fall within the scope of the circular.

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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 Kingdom* (Aden, Barbados, Bermuda, British Honduras, British Virgin Islands, Dominica, Fiji, Gibraltar, Gilbert and Ellice Islands, Mauritius, St. Lucia, Solomon Islands).

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Antigua, British Guiana, Guernsey, Jersey, Malta).

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, St. Lucia, St. Vincent: 22 March 1958.

British Honduras: 5 January 1961.

Solomon Islands: 1 August 1961.

Swaziland: 13 April 1964.

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: 10 June 1958.

Southern Rhodesia: 8 March 1960.

Guernsey: 1 June 1960.

Nyasaland: 8 March 1961.

Northern Rhodesia: 29 March 1961.

FRANCE

Comoro Islands.

Article 6 of the Convention. In reply to a direct inquiry by the Committee of Experts the Government states that the employers in no way prevent the freedom of the worker to dispose of his wages and that, moreover, such action would not be tolerated.

French Polynesia, St. Pierre and Miquelon.

Article 6 of the Convention. In reply to a direct request by the Committee of Experts the Government refers to section 107 of the Overseas Labour Code as applying this Article.

French Somaliland.

Article 6 of the Convention. In reply to a direct inquiry by the Committee of Experts the Government states that there have been no difficulties to report during the time referred to with regard to the absolute freedom of the worker to dispose of his wages as he wishes.

UNITED KINGDOM

Aden.

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

Article 2, paragraph 2, of the Convention. No trade is excluded from the application of the Minimum Wage and Wages Regulation Ordinance.

Articles 6 and 13, paragraph 2. Owing to recent constitutional changes and the drafting of new Bills, it has not been possible to codify the labour legislation. Codification will, however, be effected as early as possible.

Article 14. No notices have yet been prescribed for display under section 34 of the Minimum Wage and Wages Regulation Ordinance.

Barbados.

Article 2, paragraph 2, and Articles 4 and 10 of the Convention. In reply to a direct request by the Committee of Experts the Government states that it has not yet been found possible to consider further legislation with respect to these provisions.

Article 14. Shop assistants are the only workers for whom the posting of notices concerning wages has been prescribed.

Under the Wages Council (Shops) Order, 1958, the definition of "shop assistant" includes many employees whose work is of a manual nature, e.g. porters "employed in or about a shop, etc."

Bechuanaland.

For legislation see under Convention No. 29.

The Law of 1963, in so far as it relates to the protection of wages, has been enacted to permit acceptance of the Convention. It was expected that it would be brought into operation on 1 January 1964.

Article 1 of the Convention. Under section 2 of the law, "wages" are defined as remuneration or earnings payable to the employee in terms of his contract which, however designated or calculated, are capable of being expressed in terms of money.

Article 2. Section 48 provides for the exclusion of the categories of workers referred to in paragraph 2, with the exception of domestic servants.

Article 3. By section 49 (3) wages must be paid in legal tender, or, with agreement and subject to possible prescribed limitations, into a bank account, or by cheque, postal or money order.

Article 4. Under section 53 partial payment may be made in kind in conditions corresponding to those of this Article.

Article 7, paragraph 1. Section 55 provides that no worker may be compelled to use shops opened by an employer.

Paragraph 2. No legislative provision provides that goods shall be sold at fair and reasonable prices where access to other shops is not possible, but, if necessary, action could be taken under the Price Control Law.

Article 8, paragraph 1. Section 52 specifies the deductions which may be made from wages.

Paragraph 2. Workers will be informed of these provisions directly or through trade unions.

Article 10. Under section 59, up to two months' wages shall be paid before attachment operates. Any balance due can be claimed by the employee.

Article 11. The payment of two months' wages is a first priority on the proceeds of attachment.

Article 12. By section 15 wages shall be paid at intervals of not more than one month, or at lesser intervals where wages are calculated by reference to shorter periods. Section 20 provides that final settlement of wages must be made when a contract terminates.

Articles 14 and 15. Where necessary, a summary of the law shall be made available to employers and employees (section 9). It is proposed to require employers to post summaries in conspicuous places. Adequate records must be kept.

Article 17. A number of indigenous workers working for indigenous employers, by custom, are paid only in kind. This practice is gradually disappearing. Encouragement to pay cash wages in these cases will, in time, achieve the desired effect. Compulsion to do so would result in difficulties of enforcement and possible unemployment.

The Commissioner of Labour and Labour Officers will supervise the application of the law.

British Honduras.

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

Article 3 of the Convention. To date no employer has been exempted under section 93 (4) of the Labour Ordinance, 1959, from the provisions of section 92 (1) requiring wages to be paid in legal tender. The power would be exercised to allow an employer, where proper facilities are available, to pay wages through a bank on condition that any worker who objects must be paid in legal tender. No such arrangements are contemplated at present.

Article 4. In practice employers and workers agree on cash wages according to the prevailing rates established by major employers. Food, dwellings or other allowances or privileges in kind are provided only as an additional inducement to workers in remote places where accommodation would not otherwise be available and similarly under circumstances in which there is no doubt about the remuneration in kind being strictly in addition to normal wages in cash. No malpractices are known. If abuses did occur consideration would be given to amending the law, but meanwhile the Government is satisfied that law and practice are in conformity with the Convention.

Fiji.

The new Control of Employment Bill now awaiting discussion by the Labour Advisory Board will, if approved, give effect to almost all of the provisions of the Convention.

Gibraltar.

The consolidation of the Truck Ordinance with the Regulation of Wages and Conditions of Employment Ordinance has been deferred pending action in the United Kingdom to replace the Truck Acts on which the Gibraltar Truck Ordinance is based. The matter will in due course be considered by the Labour Advisory Board.

Hong Kong.

Employers and Servants Ordinance, No. 46, 1961.

Proposals for further legislation have been under consideration for some time, but recent experience has shown that the abuses which the Convention is designed to restrict are largely non-existent.

Article 1 of the Convention. Wages are defined in the above ordinance to include any remuneration in cash which is of a constant nature and any cash allowance and the cash value of food, fuel or accommodation of a constant nature supplied by the employer to the servant.

Article 3. This Article is applied by the provisions of the United Kingdom Truck Act, 1831. However, no case of payment other than in legal tender has

come to light for five years; in the only known case before that payment of wages was enforced administratively, without recourse to the courts.

Article 12. Section 6 of the ordinance provides that, in the absence of any agreement to the contrary, the maximum interval for the payment of wages is one month.

Article 14. Workers are usually in no doubt as to wage rates and in many cases have individual wage books or cards. Under the ordinance the period of notice for contracts, other than for one day, job or journey, is one month. Workers proceeding abroad on contracts of employment have their wages and other conditions of service explained to them by the Labour Department before departure, in accordance with the terms of the Asiatic Emigration Ordinance, 1915.

Jersey.

Payment of Wages (Jersey) Law, 1962.

The Convention is, to a large extent, implemented by the above-mentioned law. The Social Security Committee is giving full consideration to the question of complete implementation of the Convention in accordance with the comments made by the Committee of Experts in 1962.

Montserrat.

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

Article 4, paragraph 1, of the Convention. Sections 3 and 5 of the Protection of Wages Ordinance, 1962, prohibit the payment of wages in any form other than legal tender except as otherwise authorised by the ordinance. Section 13 authorises payment in kind (food, dwelling place or other allowances or privileges) in addition to money by agreement with the worker. This provision allows for the long-standing custom whereby certain categories of workers, mainly domestic servants, household staff and certain agricultural workers, receive, by agreement, food and lodging or use of land in addition to money as payment for their services.

Although the possibility of payment of wages in the form of noxious drugs is extremely remote, an amendment to the ordinance is contemplated in order to prohibit such payment.

Paragraph 2. Under the ordinance payment in kind in any form requires the worker's agreement. The wages of the large majority of workers are determined by collective bargaining, and consequently workers can decide whether or not allowances offered as payment are fair, reasonable and appropriate for the personal use and benefit of themselves and their families and can reject them if they are unsuitable.

Article 8, paragraph 2. The provisions of the ordinance have been brought to the attention of employees' representatives. These representatives and the Labour Commissioner have, from time to time, disseminated to the employees information regarding such provisions.

Article 10. The legislation prescribing the powers of the courts is being revised in order to give effect to this Article.

Article 12, paragraph 2. Section 6 of the ordinance provides a remedy where representations by the worker, his representative, or the Labour Commissioner have failed to make an employer effect the settlement of wages.

St. Lucia.

Article 2, paragraph 2, of the Convention. The Government is reviewing the legislation affecting commercial employees, and provisions to restrict deductions from remuneration and to regulate the maximum rate of repayment of advances made to them in anticipation of their regular period of remuneration are being considered.

Formal consultations between the Government and organisations of workers and employers now take place on all matters, including legislation relating to the workers' conditions and welfare.

Article 4, paragraph 1. Inspections by the Labour Inspectorate of employers' records and interviews with workers confirm that this provision is not abused.

Paragraph 2. Inspections of records of employers not affected by minimum wage legislation have revealed compliance with this provision.

Article 13, paragraph 1. No legal provision prohibits payment of wages on a Sunday, but the practice is to pay wages on working days, and express provision is made for this in most collective agreements.

Solomon Islands.

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

Article 2 of the Convention. It is not intended to exclude apprentices, and the Labour Ordinance may be amended accordingly.

Article 4, paragraph 2 (a). Rules are under consideration to prescribe what items may be issued as rations, together with the maximum cash value to be deducted.

Article 10. Consideration will be given to inserting an appropriate provision when the Labour Ordinance is amended.

Article 11. Section 15 of the Western Pacific (Courts) Order in Council, 1961, applies United Kingdom law to the Protectorate.

Articles 12, paragraph 1, and 13, paragraph 1. Voluntary negotiations provide the best method of giving effect to these paragraphs.

Article 14, paragraph (b). Consideration will be given to making rules to give effect to this paragraph.

Swaziland.

For legislation see under Convention No. 29.

Article 2 of the Convention. Section 3 of the Employment Proclamation excludes government employees from the application of certain provisions, including Part III which deals with protection of wages. This exclusion is at present under review.

Articles 3 to 13. These Articles are covered by sections 21, 22, 24 to 27 and 29 of the Proclamation.

Article 15. A simple outline of the Employment Proclamation has been prepared for distribution to workers' and employers' organisations, and a vernacular translation will be issued shortly.

The Convention now appears to be fully applied apart from the restriction on application to government employees (see Article 2 above).

* * *

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* (Aden, Barbados, British Honduras, Gibraltar, Jersey, Malta, Mauritius, Montserrat, St. Lucia, Solomon Islands).

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (Grenada).

97. Migration for Employment Convention (Revised), 1949¹

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:
Guernsey², Jersey², Isle of Man²: 10 March 1956.

Gambia³, Mauritius³: 16 December 1958.

Barbados⁴, British Guiana⁴, Dominica⁴,

Grenada⁴, St. Lucia⁴, St. Vincent⁴: 22 September 1960.

Bahamas²: 13 February 1961.

Northern Rhodesia²: 15 January 1963.

Applicable with modification:

Antigua⁴, British Virgin Islands⁴, Montserrat⁴, St. Christopher-Nevis-Anguilla⁴: 22 September 1960.

Decision reserved:

Aden, Bermuda, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Malta, St. Helena, Seychelles, Solomon Islands: 16 December 1958.

Basutoland, Bechuanaland, Swaziland: 23 February 1959.

British Honduras: 5 January 1961.

Nyasaland, Southern Rhodesia: 29 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.

UNITED KINGDOM

Barbados (First Report).

Emigration Act, No. 2, 1904 (*Laws of Barbados*, Vol. II, pp. 443-451) and amendment thereto, No. 18, 1943 (*ibid.*, 1943 and 1944, p. 61).

Recruiting of Workers Act, No. 12, 1938 (*ibid.*, Vol. V, pp. 415-419).

Recruiting of Workers Regulations, 1941 (*Proclamations, Orders and Regulations*, 1941, pp. 414-419) and 1942 and 1949 amendments thereto (*ibid.*, 1942, pp. 519 and 557 and 1949, pp. 209-210).

Immigration Act, No. 26, 1952 (*Laws of Barbados*, Vol. VII, Part III, pp. 576-600).

Immigration Regulations, 1952.

Employment Exchanges Act, No. 43, 1955 (*ibid.*, 1955, Vol. VIII, Part II, p. 644).

Defence (Finance) Regulations, 1940 (*Proclamations, Orders and Regulations*, 1940, pp. 311-323).

Defence (Finance) Regulations (Re-enactment and Validation Act), No. 8, 1959 (*Laws of Barbados*, 1959).

Article 1 of the Convention. Although the Government is promoting rapid industrialisation there is as yet insufficient employment, and emigration of workers is therefore encouraged.

The Barbadian Immigrants' Liaison Service in the United Kingdom explores employment possibilities in that country for Barbadians. Barbados also participates in the scheme for temporary migration of West Indian workers to the United States under the United States Farm Labor Program. Under an arrangement with the Government of Canada, a few Barbadian girls migrate to that country each year for employment as domestic servants.

Article 2. The Labour Department, the Barbadian Immigrants' Liaison Service in the United Kingdom and the British West Indies Central Labour Organisation in Washington provide a free service to migrants for employment.

Article 3. There is no legislation against misleading propaganda, but the Labour Department advises migrants fully on all matters relating to emigration. Barbadian workers recruited for emigration to the United States under the government-sponsored scheme receive written contracts covering conditions of employment and are advised on matters relating to emigration by the British West Indies Central Labour Organisation.

Article 4. The Labour Department and the other above-mentioned agencies make arrangements for the departure, journey and reception of government-sponsored migrants, who normally travel by air and whose accommodation is usually arranged in advance. In the United States they are met by officials of the British West Indies Central Labour Organisation, in the United Kingdom by representatives of the Barbadian Immigrants' Liaison Service and in Canada by representatives of the Immigration Department.

Un-sponsored migrants make their own travel arrangements. In the United Kingdom their welfare is the responsibility of the British Caribbean Welfare Service.

Any person who can produce evidence of a firm offer of employment overseas is eligible for a government loan to assist him to emigrate.

Article 5. Section 10 of the Recruiting of Workers Act, 1939, provides for medical examination of migrants before departure. In practice, all migrant workers are medically examined. There is no provision for examination of families as there is no organised family movement.

Article 6. There is no organised immigration. The only immigrants are a few transient workers from neighbouring islands, in respect of whom there is no discrimination.

Article 7, paragraph 1. This paragraph is applied when necessary.

Paragraph 2. The services of the Employment Exchange and of the Emigration Section of the Labour Department are rendered free to migrants.

Article 8. This situation does not arise (see under Article 6).

Article 9. Immigrants employed in Barbados may remit any part of their earnings or savings to any part of the British Commonwealth. Remittances to other countries are subject to the Regulations of 1940 and the Act of 1959 mentioned above.

Article 10. There are no such agreements.

Article 11. The terms "frontier workers" and "short-term entry" have no significance in Barbados.

ANNEX II

Article 3, paragraphs 2 (a), 3 (a), 4 and 5. The scheme for the employment of Barbadian farm workers in the United States, which is a government-sponsored arrangement, is regulated in accordance with these paragraphs.

Article 4. The service rendered by the Labour Department to migrants for employment is free.

Article 5. The only cases of collective transport of migrants in transit are those of West Indians from neighbouring islands who are sent to Barbados to await transport to the United States together with Barbadian workers.

Article 6. Migrants recruited for farm employment in the United States receive written contracts setting out their conditions of employment which are signed by the employers' agents and by the Labour Commissioner. Migrants to the United Kingdom are informed in advance of their conditions of employment but receive no written contract.

Articles 7 and 8. These provisions are applied where appropriate.

Article 9. This Article is applied in the case of migration to the United States. In the case of migration to Canada and the United Kingdom there is no provision for compliance with its terms, and the need for such a provision has never arisen.

Articles 10 and 11. The situation described in these Articles does not arise.

Article 12. This Article is excluded from the scope of application of the Convention.

Article 13. There are sections providing for penalties in the relevant laws.

Dominica (First Report).

Recruiting of Workers Ordinance, No. 3, 1943 (*Ordinances and Statutory Rules and Orders for the Year 1943*).

Recruiting of Workers Regulations (No. 2), 1944 and amendment thereto (No. 33), 1944 (*Ordinances and Statutory Rules and Orders for the Year 1944*).

ANNEX II

Article 3 of the Convention. The scheme for recruitment of agricultural workers for the United States is administered in accordance with paragraph 1, and the provisions of paragraphs 2 (a), 3 (a), 4 and 5 are applied.

Article 4. Public employment services are provided free of charge. Under certain schemes recruitment and introduction are free, but placing and general welfare are facilitated by an official organisation (the British West Indies Central Labour Organisation) supported in part by migrants' contributions.

Article 5. There have been no migrants in transit during the period under review.

Article 6. Copies of contracts are available at the recruiting centre, and their terms are explained to intending migrants. The general conditions of life and work in the territory are well known to all concerned.

Articles 7 and 8. The British West Indies Central Labour Organisation, whose assistance is available until the migrant's return to Dominica, undertakes all the functions mentioned.

Article 9. This provision is included in the United States contract of service.

Articles 10 and 11. As regards the United States scheme, these provisions are not within the purview of the Government of Dominica.

Article 12. The Government of the United States is not a party to any agreement.

Article 13. Penalties for breach of the immigration law are laid down in section 9 of the above ordinance.

* * *

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, St. Pierre and Miquelon), *United Kingdom* (British Virgin Islands).

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

France (French Polynesia, New Caledonia), *United Kingdom* (St. Christopher-Nevis-Anguilla).

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.
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, Montserrat, St. Helena, Seychelles, Solomon Islands: 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.

UNITED KINGDOM

Bechuanaland.

Section 16 of the Employment Law, 1963, which was expected to come into operation on 1 January 1964, provides that every employee shall be granted a minimum of six days' paid leave in respect of 12 months' continuous service in addition to public or customary holidays or agreed or customary weekly rest periods, and that on termination of contract the employees must be paid for holidays earned but not granted at the rate of one day for two months' service.

British Honduras.

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

Article 5, paragraph (a), of the Convention. The possibility of securing more favourable treatment for young workers will be kept in mind (for example, in the course of negotiations for collective agreements), and employers in a position to do so will be urged to grant longer holidays to their young employees and apprentices.

Paragraph (b). Increase in the length of the holiday in proportion to the length of service in the sugar and citrus industries has been a matter for inclusion in collective agreements. In other branches of agriculture there are no collective agreements, and it has not been considered appropriate to legislate for any general increases in the duration of the annual paid holiday with the length of service.

Paragraph (d). Under government workers' rules to be promulgated shortly, temporary interruptions due to sickness are excluded from the annual holiday. In general, there is as yet no legislative provision to oblige employers to continue wages during any temporary interruption of employment due to sickness, and such measures are not considered appropriate under present circumstances.

Mauritius.

The Wages Regulation (Agricultural Workers Employed in the Sugar Industry) Order, 1963: Government Notice No. 59 of 1963.

The Wages Regulation (Workers in the Tea Industry) Order, 1960: Government Notice No. 65 of 1960.

Workers employed in the tea and sugar industries are now entitled to an annual holiday with pay after a period of continuous service with the same employer, by virtue of the orders mentioned above.

At present the only employees in agriculture who are not entitled to annual holidays with pay are: those employed in the production of aloe fibre and tobacco; those whose employers do not cultivate more than 25 arpents of sugar cane; and those whose annual earnings exceed 6,000 rupees, unless such leave is provided for in their terms of service.

St. Lucia.

Article 5, paragraph (d), of the Convention. In reply to the direct request by the Committee of Experts the Government indicates that consideration is at the moment being given to amending the existing legislation on the subject of holidays with pay. Included in the proposed amendments are provisions to ensure full legal and practical application of the provisions of this and other Articles of the Convention.

Swaziland.

For legislation see under Convention No. 29.

Section 20 of the Employment Proclamation lays down that any worker who has worked for not less than 288 days in the preceding period of 12 months for an employer is entitled once in every year to six days' holiday with full pay, in the absence of any agreement to the contrary.

* * *

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* (Bechuanaland, St. Lucia, Swaziland).

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

France (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Aden, Antigua, Barbados, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Solomon Islands, Southern Rhodesia).

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

New Zealand. Ratification: 28 June 1956.
Applicable without modification:

Cook Islands and Niue, Tokelau Islands :
28 June 1956.

The following reports 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).

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, St. Helena, St. Vincent: 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: 7 July 1959.

Hong Kong: 25 November 1959.

Gambia: 11 April 1960.

Nyasaland: 5 January 1961.

British Honduras: 27 April 1961.

Fiji: 18 February 1964.

Applicable with modification: Basutoland, Bechuanaland, Swaziland: 31 October 1958.

Solomon Islands: 8 March 1960.

Northern Rhodesia: 24 October 1960.

DENMARK

Greenland.

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

The Penal Code of 1954 was brought into force on 1 July 1954. No royal order has been issued under section 122 (2) of the Code to extend its provisions to Northern or Eastern Greenland. The Code was amended by Act No. 67 of 1960 and Act No. 105 of 1963.

Statistical data are not available as regards the number of sentences under section 16 (contempt of public authorities) and section 44 (2) (unlawful idleness) of the Penal Code. Court practice regarding these provisions is indicated in the report reviewing the Code by the Greenland Community Research Committee.

The Seamen's Act of 7 June 1952 has not been applied to Greenland, but provisional regulations were issued on 22 February 1956 relating to employment of children at sea and issue of certificates of service.

UNITED KINGDOM

Aden.

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

The provisions of the Merchant Shipping Ordinance relating to the employment and discipline of seamen will be considered when the results of the review of United Kingdom merchant shipping legislation, upon which the ordinance is based, are available.

Urgent consideration is being given to the replacement of the Industrial Relations (Conciliation and Arbitration) Ordinance, 1960, by new legislation. The Committee's comments on the restrictions imposed by sections 25 and 26 on termination of

employment and on strikes in certain industries will be taken into consideration when drafting the new ordinance.

Administrative steps have already been taken to ensure that no prisoner convicted under section 24 of this ordinance (for participation in strikes) shall perform any other work than cleaning and tidying his place of confinement.

During the reporting period there were two convictions under section 124 A of the Penal Code, one for distribution of a seditious pamphlet and one for making a seditious speech.

Section 7 of the Vagrants and Undesirable Persons Ordinance is used to deport to their countries of origin vagrants, beggars, etc., who have entered the territory illegally, and no question of forced or any other sort of labour arises.

Bechuanaland.

For legislation see under Convention No. 29.

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

The Masters and Servants Act (which provided for penal sanctions for breach of contract) has been repealed by the Employment Law, which was expected to come into force on 1 January 1964.

Particulars of orders issued under section 24 of the African Administration Proclamation (compulsory labour by Africans) are not available, but can be obtained. No orders were made under section 27 of the Proclamation.

No African prisons have been established pursuant to section 42 of the African Courts Proclamation, nor have any rules been made regarding employment in such prisons.

Copies of the Cape Statutes (Acts Nos. 23 of 1879 and 27 of 1889) concerning vagrancy are not available. These provisions will be repealed shortly by a Penal Code.

No persons have been convicted under the Sedition Proclamation and the Riotous Assemblies Proclamation.

Bermuda.

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

When the results of the review of United Kingdom merchant shipping legislation relating to the conditions of employment and discipline of seamen are available the corresponding provisions in Bermuda will be reconsidered.

The trade union legislation (which prohibits strikes in certain circumstances) is under review in consultation with employers' and workers' organisations.

British Honduras.

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

There are no regulations now in force under the Public Safety Ordinance (under which the movement of persons may be restricted and meetings and gatherings in certain circumstances prohibited).

A worker in the services specified in section 35 (2) of the Trade Union Ordinance may terminate his contract by giving the notice required (from three days to four weeks, according to section 40 of the Labour Ordinance). The principles of the Labour Ordinance are currently applied to government workers, and will be embodied

in the revised Government Workers' Rules. There has been no prosecution under section 35 (2) of the Trade Union Ordinance. The public services specified in this section are similar to those in the Schedule to the Settlement of Disputes (Essential Services) Ordinance. The procedure for settlement of trade disputes established by the latter ordinance would be considered more appropriate than prosecution under section 35 (2) of the Trade Union Ordinance.

Public emergencies have been declared under section 41 of the British Honduras Constitution Ordinance only on the occasion of two very severe hurricanes which devastated large parts of the territory in 1955 and 1961 (the Government gives detailed particulars of the regulations made on the latter occasion).

British Virgin Islands.

In reply to a direct request by the Committee of Experts the Government states that the results of review of the provisions of the United Kingdom shipping legislation relating to conditions of employment and discipline of seamen are awaited, since the territory's legislation is based thereon.

Fiji.

See under Convention No. 29.

Gilbert and Ellice Islands.

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

The provisions of the Seamen's Discipline (Admiralty Transport) Ordinance are being reviewed in the light of the Committee's comments in its study of forced labour in the report of 1962.

Copies of the provisions of the Gilbert and Phoenix Islands Regulations, 1953, and the Ellice Islands Regulations, 1954, relating to peace, order and public safety, were appended to the Government's report.

There is no legislation relating to vagrancy, emergencies or strikes in particular classes of undertakings or employment.

Prisoners are employed only on government work. The law on this subject is under review.

Guernsey.

Defence (General) (Guernsey) Regulations Continuance Order, 1960.

National Service (Guernsey) Law, 1954.

National Service (Guernsey) (Amendment) Law, 1955.

United Kingdom Official Secrets Act, 1911.

Prison Administration (Guernsey) Ordinance, 1959.

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

Only provisions relating to the general control of industry and some general and supplementary provisions are still in force under the Defence Regulations.

No day was ever appointed for the coming into force of the National Service Laws.

The United Kingdom Official Secrets Act, 1911, applies to Guernsey; there is no local legislation relating to official secrets.

Under the Ordinance of 1959 every prisoner is required to engage in useful work for not more than ten hours a day.

Hong Kong.

Prison (Amendment) Rules, 1963 (Legal Notice No. 44 of 1963).

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

Forced or compulsory labour has never been used as a form of punishment for participation in strikes. An amendment to the Prison Rules ensures that prisoners convicted for participation in illegal strikes are not required to work.

The number of persons convicted for offences under the Societies Ordinance was 451; without exception, their cases involved membership of unlawful societies. There were no convictions under the Sedition Ordinance in 1961-63.

Full details of the grounds for refusing registration of societies under the Societies Ordinance cannot be given for security reasons. Of the 31 applications refused during the 1960-61 period, three were made by pseudo-charitable organisations and 28 by bodies linked with organisations calculated to constitute a risk to the security of the State.

Jersey.

In reply to a direct request by the Committee of Experts the Government states that United Kingdom criminal law does not expressly apply to Jersey. However, the criminal law of Jersey, being largely customary law, is in most respects similar to that of the United Kingdom.

Sentences to imprisonment involve an obligation to work.

Malta.

In reply to a direct request by the Committee of Experts the Government has stated that, although federations and confederations are not trade unions within the Trade Union and Industrial Disputes Ordinance, they do not take action themselves but advise the member unions. Such advice would not involve the federation or confederation in criminal liability.

Montserrat.

In reply to a direct request by the Committee of Experts the Government states that the position with regard to certain provisions of the Merchant Seamen's Discipline Act and the United Kingdom Merchant Shipping Act, 1894 (relating to discipline of seamen), and the Trade Unions Act, 1939 (relating to punishment for participation in certain strikes), is being re-examined.

Northern Rhodesia.

See under Conventions Nos. 29 and 65.

St. Christopher-Nevis-Anguilla.

In reply to a direct request by the Committee of Experts the Government states that when the results of the review of the United Kingdom's merchant shipping legislation relating to the conditions of employment and discipline of seamen are available the corresponding provisions in this territory will be considered.

St. Lucia.

In reply to a direct request by the Committee of Experts the Government states that no prosecutions relating to sedition, prohibited publications and vagrants under

the Seditious Publications Ordinance and the Criminal Code, respectively, have been instituted against any person or group of persons since the Convention was declared applicable in 1958.

Solomon Islands.

Local Government Ordinance, 1963.

The above-mentioned ordinance repeals sections in the Native Administration Ordinance concerning communal labour. Corresponding provisions in the Labour Ordinance will be repealed at a suitable opportunity.

The resolutions now in force concerning the maintenance of peace, order and public safety, adopted by native councils under the Native Administration Regulation, 1953, relate to offences such as making rows or other disturbances, spreading false news tending to create or foster public alarm, public anxiety or disaffection or to produce public detriment, etc.

Since the penalty for certain disciplinary offences under the Seamen's Discipline (Admiralty Transport) Regulation is laid down by section 221 of the United Kingdom Merchant Shipping Act, 1894, it is not considered appropriate for the Government to initiate action in the matter.

The Native Tax Ordinance and the Residential Tax Ordinance (under which Natives were liable to longer terms of imprisonment than non-Natives in case of non-payment of tax) have been repealed. Rates under the Local Government Ordinance, 1963, are payable by all persons irrespective of race.

Section 31 of the Native Administration Ordinance, 1953 (under which restrictions may be imposed upon Natives as regards absence from their district of residence), is applied only to ensure adequate maintenance of dependants.

During the reporting period there were no cases under sections 3 and 4 of the Sedition Regulation and only two convictions for vagrancy under sections 16 and 19 of the Preservation of Order Regulation.

Swaziland.

Employment Proclamation, No. 51, 8 August 1962 (*Official Gazette of the High Commissioner*, 7 Sep. 1962, No. 3323, p. 814).

Industrial Conciliation and Settlement Proclamation, No. 12, 1963.

Part VI (Forced Labour) of the Proclamation of 1962 has been enacted to effect the fuller application of the Convention.

The Proclamation of 1963 permits imprisonment for participation in strikes if a report of the dispute has not been made to the competent authorities, in advance, and in essential services also, if the dispute has been referred to arbitration. It is proposed to amend the law to ensure that imprisonment under the Proclamation will not involve compulsory labour.

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

The Masters and Servants Law, which provided that certain labour contracts should continue in force during times of "public commotion", is repealed by the Proclamation of 1962, which has no similar provisions.

The tax legislation is under review. Pending adoption of a consolidated law applicable to all races without distinction, consideration will be given to bringing into line the penalties in the Poll Tax Proclamation and the African Tax Proclamation.

During the period under review there were no convictions under section 4 of the Sedition Proclamation or under section 13 (1) of the Swazi Administration Proclamation (undermining or subversion of the authority of chiefs). There are too many

cases of convictions under section 3 of the Crimes Proclamation (vagrancy and similar offences) for an exhaustive analysis to be made, but the Government states categorically that this law is not applied in a manner contrary to the spirit of the Convention.

* * *

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

Denmark (Greenland), *United Kingdom* (Aden, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Malta, Mauritius, Montserrat, Solomon Islands, Swaziland).

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

Denmark (Faroe Islands), *Netherlands* (Netherlands Antilles), *United Kingdom* (Barbados, Falkland Islands, Guernsey, Jersey, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia).

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Denmark. Ratification: 17 January 1958.
Applicable without modification:

Faroe Islands: 2 June 1958.
Greenland: 17 January 1958.

DENMARK

Faroe Islands.

Act No. 29 of 12 October 1954 concerning apprenticeship.

Agreement of 27 October 1961 between the Autonomous Local Government of the Faroe Islands and the Faroese Union of Salaried Employees.

Agreement of 4 August 1961 between the Treasury and the Danish National Union of Commercial and Clerical Employees.

Administrative Order No. 11 issued by the Treasury on 30 January 1961 respecting hours of work, etc., of civil servants employed by the National Government.

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

Article 2 of the Convention. Section 1 of Act No. 442 of 21 November 1923 applies to trading establishments. The agreement of 27 October 1961 covers the clerical staff of the autonomous local government. The clerical staff and civil servants employed by agencies of the metropolitan Government are covered, respectively, by the collective agreement of 4 August 1961 and the above administrative order.

Article 4, paragraph 1. No arrangements have been made pursuant to this paragraph.

Article 5. No exclusions have been made in accordance with this Article.

Article 6, paragraph 1. Section 1 of Act No. 442 of 1954 lays down the closing hours for trading establishments; they must close on Sundays and other holidays. The collective agreement of 27 October 1961 provides for a 42-hour week. Overtime is permissible only in exceptional circumstances. The collective agreement of 4 August 1961 contains similar provisions. Under section 17 of the Act of 1954 the weekly working hours for apprentices shall not exceed those fixed for the trade or establishment in question. The Administrative Order of 1961 grants civil servants 52 annual holidays, each comprising not less than 40 hours.

Article 8, paragraphs 1 and 3. Temporary exemptions are granted in case of abnormal pressure of work during the summer holidays in the telecommunication services, but full compensatory rest is granted in all cases.

Greenland.

Regulations of 10 November 1959 issued by the Ministry for Greenland Affairs.

Administrative Order No. 11 issued by the Treasury on 30 January 1961.

Collective Agreement of 4 August 1961.

Collective Agreement of 14 August 1961.

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

Under section 1 (1) and (11) of the Regulations of 1959 civil servants permanently resident in Greenland are entitled to a weekly rest.

The above administrative order grants civil servants assigned to Greenland, but permanently resident in the Danish metropolitan territory, 52 annual holidays, each comprising not less than 30 hours.

Employees in commerce and offices not covered by the above administrative order and not permanently resident in Greenland have a working week of 42 hours in accordance with a collective agreement of 4 August 1961. Overtime may be worked only in exceptional circumstances.

Pursuant to a collective agreement of 14 August 1961 employees in commerce and offices permanently resident in Greenland and not covered by the above regulation have a working week of 48 hours, equally divided into six days. Compensatory rest is provided for in case of overtime.

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 on Conventions Nos. 2, 6, 10, 13, 16, 22, 23, 24, 29, 44, 45, 52, 53, 55, 63, 69, 73, 74, 77, 78, 89, 92, 94, 95 and 101 have been communicated to the local employers' and workers' organisations in the Overseas Departments (*French Guiana, Guadeloupe, Martinique, Réunion*). Copies of the reports relating to the Overseas Territories (*Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon*) have also been communicated to the local employers' and workers' organisations.

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, British Guiana, Dominica, Falkland Islands, Gambia, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, 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.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *Bahamas, Basutoland, Bechuanaland, British Virgin Islands, 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.



REPORT III
(PART II)

International Labour Conference

FORTY-EIGHTH SESSION
GENEVA, 1964

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)

**Holidays with Pay
Weekly Rest**

GENEVA
International Labour Office
1964

09661



The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made ; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion

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Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103).	
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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall “report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body” on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations, and paragraph 7 (*a*) and (*b*) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the Conventions and Recommendations on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the following instruments dealing with holidays with pay and weekly rest:

Holidays with Pay:

- Holidays with Pay Convention, 1936 (No. 52);
- Holidays with Pay Recommendation, 1936 (No. 47);
- Holidays with Pay Recommendation, 1954 (No. 98);
- Holidays with Pay (Agriculture) Convention, 1952 (No. 101).

Weekly Rest:

- Weekly Rest (Industry) Convention, 1921 (No. 14);
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106);
- Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1963. 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 15 November 1963.

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 Conventions are presented to the Conference each year.¹

¹ These summaries have been submitted to the Conference, in the case of the Holidays with Pay Convention, 1936 (No. 52), from the 25th Session (1939) onwards; in the case of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), from the 39th Session (1956) onwards; in the case of the Weekly Rest (Industry) Convention, 1921 (No. 14), from the 7th Session (1925) onwards; and in the case of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), from the 45th Session (1961) 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)*.

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 48th Session (1964), will include general conclusions made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

INSTRUMENTS ON HOLIDAYS WITH PAY

Holidays with Pay Convention, 1936 (No. 52); Holidays with Pay Recommendation, 1936 (No. 47); Holidays with Pay Recommendation, 1954 (No. 98); Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

Argentina

RECOMMENDATION No. 47

Agreements between employers' and workers' organisations are continually improving the statutory provisions on this subject and granting the workers greater benefits in advance of the law according to the needs of their particular occupations.

In interpreting the law the courts have also specified that the holiday period is suspended if the worker falls ill.

See also under Recommendation No. 98.

RECOMMENDATION No. 98

Decree No. 1740 of 1945 and Act No. 12921.

Decree No. 6666 of 1957 (Public Service Rules).

Legislative Decree No. 326 of 1956 (Holidays of Domestic Servants).

The worker is entitled to a minimum of ten days' holiday when he has been in a job for less than five years and 15 days if he has held the job for more than five years. To exercise this right the worker must have worked on at least half the working days in the year (157). During his holidays the worker is to receive for each day the equivalent of a normal day's wage.

Public servants have holidays of a length that varies according to length of service, with a maximum of 25 days.

Domestic servants have a continuous annual rest period of ten, 15 or 20 days according to whether their length of service with the particular employer amounts to less than five, five to ten or more than ten years respectively.

The supervision and inspection of the application of the legal provisions derived from Decree No. 1740 of 1945 are entrusted to the Ministry of Labour and Social Security in the federal capital and places subject to the jurisdiction of the national authorities and to the provincial departments at the local level.

CONVENTION No. 101

Decree No. 28169-44, to approve the Agricultural Workers' Code. Dated 17 October 1944 (*L.S.*¹ 1944—Arg. 3).

Decree No. 1740 concerning annual holidays with pay. Dated 24 January 1945 (*L.S.* 1945—Arg. 1).

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

The provision of the Agricultural Workers' Code granting this category of worker eight days' annual holiday after one year's continuous service was amended by Decree No. 1740/45, which established a general scheme applicable to all workers. The minimum length of the holidays was thus raised to ten days. After five years' service the holiday is 15 days.

The right to holidays cannot be renounced, nor can it be waived against monetary compensation.

The Ministry of Labour and Social Security, directly or through its regional delegations, is responsible for supervising the application of the above-mentioned standards.

Austria

CONVENTION NO. 52

Federal Government Notice of 13 January 1959 to promulgate a codified text of the Act respecting workers' annual holidays (*Bundesgesetzblatt (BGBl.)*, 6 Feb. 1959).

Federal Act of 21 May 1958 to amend and further supplement the provisions concerning holidays (*BGBl.*, 6 June 1958).

Federal Act of 15 November 1961 to further amend the Building Workers' Leave Act, 1957 (*BGBl.*, 24 Nov. 1961) (*L.S.* 1961—Aus. 1).

Employees' Act of 11 May 1921 (*Ämtliche Nachrichten (A.N.)* III, 1921) (*L.S.* 1921—Aus. 1), as amended in 1958.

Journalists' Act of 11 February 1920 (*Staatsgesetzblatt*, No. 88), as amended in 1921, 1955 and 1958.

Actors' Act of 13 July 1922 (*A.N.*, No. 7/8, 1922) (*L.S.* 1922—Aus. 3), as amended in 1958.

Federal Act of 1 July 1948 respecting the employment of children and young persons (*BGBl.*, 19 Aug. 1948) (*L.S.* 1948—Aus. 3).

Article 1 of the Convention. The Act of 1959 is of general application, except for workers in the building trade, agricultural and forestry workers and homeworkers, whose holidays are governed by special legislation.

Article 2. Workers are entitled to a minimum holiday of 12 working days after one year of employment. In the first year of service entitlement to a holiday is acquired after nine continuous months of work (six for salaried employees). In the building and kindred industries entitlement to a holiday is acquired after 46 weeks of work.

The duration of the holiday is raised to 18 working days after five years of service (after 230 weeks of employment in the building and kindred industries) and to 24 working days after 15 years of service (after 690 weeks of employment in the building and kindred industries). For salaried employees the duration of the holiday is raised to 24 working days after ten years of service and 30 working days after 25 years of service. The editorial staff of newspapers is entitled to an annual paid holiday of not less than one month. The duration of this holiday increases to one-and-a-half months when the employment relationship has been in existence for over ten years. Actors with a contract for more than one year have a holiday of not less than four weeks (or a proportionate period if they have a contract for at least six months), which increases by two days for each additional year of validity of the contract, up to a total of six weeks.

Persons under 18 years of age have a holiday amounting to 24 working days.

Interruptions of employment due to sickness or accidents are not deducted from the length of the holiday.

The holiday may be divided into two parts, neither of which may amount to less than six working days. Except with regard to young workers, these provisions do not apply to workers employed in the building and kindred industries.

In these industries the holiday must be taken within a specified period, failing which the right to a holiday lapses, as does the right to holiday remuneration.

Article 3. The worker retains his right to remuneration for the holiday period. For building workers holiday remuneration is paid through holiday stamps which the employer buys from the holidays fund and which are stuck in a holiday book. When the prescribed conditions are fulfilled the worker may claim either holiday remuneration corresponding to his entitlement in terms of holiday stamps or a compensatory payment equal to the amount of his accrued rights. After one year reckoned from the end of any two consecutive years in which holiday stamps corresponding to less than 46 weeks of employment have been affixed to the holiday book, a building worker forfeits his entitlement to compensation in respect of holiday stamps for the first of those two years. The right to compensation is also forfeited if the worker leaves his particular trade for good or dies.

Article 4. The statutory right to a holiday is indefeasible. Collective agreements may alter these rights only as permitted by law.

Article 6. If the worker's employment terminates before the worker has taken his holiday, he is entitled to compensation amounting for each week's holiday not taken to one-fifty-second of the holiday remuneration he would have received if he had taken his holiday in the normal way. If the worker is dismissed for breach or neglect of duty he loses his right to holiday but retains the right to compensation. A worker who leaves his employment prematurely without a valid reason is not entitled either to a holiday or to compensation.

Article 7. Employers are required by law to keep a register of holidays showing the duration of each worker's holiday and the remuneration paid.

The application of the legislation concerning holidays with pay is supervised by the Labour Inspection Service, and by the Transport Labour Inspection Services in undertakings coming within the scope of the latter. In mines supervision is the responsibility of the appropriate local office of the Mines Inspection Service. In welfare establishments, hospitals and other establishments providing medical care the authorities entrusted with the supervision of the application of the relevant legislation are the competent local authorities of the district administration. Under the legislation in force the chambers of labour are empowered to request the appropriate local branches of the Labour Inspection Service to carry out inspections; the chambers are similarly empowered to negotiate with the owners of undertakings to eliminate conditions that are contrary to the law.

The Convention has not been ratified as yet owing to a number of divergences still remaining, in the opinion of certain government and employers' circles, between the international standards and the national legislation. These divergences are due in most cases to the interpretation given to various provisions of the Convention, namely those relating to—(a) the calculation of the periods giving entitlement to holidays; (b) the compensation to be paid to a worker whose employment is terminated for a reason for which the employer is responsible, before the worker has taken a holiday to which he is entitled (Article 6 of the Convention); (c) the non-deduction of customary public holidays from the duration of the holiday (Article 2, paragraph 3 (a)); (d) renunciation of the right to a holiday (Article 4); and (e) the interpretation of the term "sanctions" (Article 8). It has not been possible to reconcile these divergences of interpretation between the various government departments on the one hand and employers and workers on the other.

RECOMMENDATION NO. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. The continuity of service required for entitlement to holiday is not affected by interruptions of work due to sickness or accident, family events, military service, the exercise of civic rights, a change in the management of the undertaking or involuntary intermittent unemployment not exceeding 60 days.

In the building and kindred industries each period of 46 weeks of employment gives entitlement to holiday.

For wage earners and salaried employees in general the period of employment giving entitlement to a holiday must be spent with one and the same employer. The expenses resulting from the granting of holidays to building workers are distributed proportionately among the various employers in whose employment the workers have completed the prescribed 46 weeks of employment, through a system of holiday stamps introduced specially for such workers.

Paragraph 2. The holiday may be divided into two parts, neither of which may amount to less than six working days. These provisions do not apply to workers employed in the building and kindred industries, where the lack of provisions in this respect does not preclude the possibility of dividing up the holiday by agreement with the employer.

Paragraph 3. The duration of the holiday increases gradually with length of service. For example, wage earners are entitled to 18 days after five years of service and 24 days after 15 years. Salaried employees receive 18 days' holiday after five years of service, 24 days after ten years and 30 days after 25 years. For workers employed in the building and kindred industries who can prove that they have worked for 230 weeks the duration of the holiday is raised to 18 working days, and to 24 working days after the total number of weeks worked reaches or exceeds 690. Annual holidays with pay for actors and editorial staff of newspapers also increase with length of service. The former have two days' holiday for each year under contract after the first, up to a total of six weeks; for the latter the duration of the holiday is increased to a month-and-a-half after more than ten years of service.

Paragraph 4. For workers paid by the task, piece or job, the holiday remuneration is generally based, subject to contrary provisions in collective agreements, on the average for the previous 13 weeks.

Paragraph 5. The duration of holidays for persons below the age of 18 is 24 working days in every case.

With regard to the supervision of the application of the relevant provisions, see under Convention No. 52.

The Government is not contemplating any amendment to the legislation for the moment.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

Paragraphs 1 and 2 of the Recommendation. The subject of holidays with pay is covered by legislative provisions. More favourable conditions are provided for by collective agreements.

Paragraph 3. The legislation on the subject also covers agriculture and forestry. There are no exceptions with regard to establishments where only members of the employer's family are employed.

Paragraph 4. Subject to a few exceptions, the national system does not provide for proportionate holidays. Instead of a proportionate holiday cash compensation is granted. When, on the termination of his employment, the worker has not completed the period of service required for entitlement to a holiday, he is entitled to compensation (see also under Convention No. 52).

Paragraph 5. Official public holidays, weekly rest days, absence due to occupational accidents or sickness and periods of prenatal and postnatal leave may not be deducted from the duration of the holiday. There are no provisions on this subject with regard to customary public holidays.

Paragraph 6. The length of the holiday increases with length of service (see under Convention No. 52).

Paragraph 7. See under Recommendation No. 47.

Paragraph 8. Interruptions of work due to pregnancy and confinement do not affect entitlement to or the duration of the holiday.

Paragraph 9. The date of the beginning of each holiday is fixed by agreement between the employer and the worker in the light of the undertaking's needs and the worker's opportunities for relaxation.

Paragraph 10. Workers below 18 years of age have a holiday of 24 working days.

Paragraph 11. See under Convention No. 52 and Recommendation No. 47. Many collective agreements provide for the grant of a holiday bonus.

Paragraph 12. See under Convention No. 52.

Paragraph 13. The associations which are statutorily responsible for representing the interests of workers and of employers are entitled under the legislation now in force to receive copies of draft legislation and regulations and to comment on them.

Paragraph 14. Holidays with pay are a statutory matter. More favourable provisions are often included in collective agreements. Only certain legislation, such as the Building Workers' Leave Act, provides for the participation in applying the provisions concerning holidays of the organisations responsible for representing the interests of employers and workers.

For the supervision of the application of holiday provisions see under Convention No. 52.

The report states that the provisions of the Recommendation are most fully applied, except for Paragraph 5.

Belgium

CONVENTION No. 52

Laws respecting the annual vacations of employees, consolidated on 9 March 1951 (*Moniteur belge* (M.B.), 29 Mar. 1951, No. 88) (L.S. 1951—Bel. 1B).

Royal Order of 5 April 1958 to prescribe the general manner of administering the laws respecting the annual vacations of employees (M.B., 21-22 Apr. 1958).

Royal Order of 6 April 1959 to amend the Royal Order of 5 April 1958 (*M.B.*, 10 Apr. 1959).

Ministerial Order of 30 March 1954 to fix the theoretical wage payable in respect of days not worked which are treated as days of actual work, as amended (*M.B.*, 15 Feb. 1958 and 17 Feb. 1962).

Royal Order of 3 August 1959 to prescribe the method of calculating the amount of vacation pay due to certain workers employed in department stores (*M.B.*, 21 Aug. 1959).

Act of 18 December 1962 respecting the granting of additional holiday pay to wage earners in 1962 and 1963 (*M.B.*, 17 Jan. 1963).

Article 1 of the Convention. The national regulations are applicable to all employed persons, with the exception of domestic servants, members of family undertakings and certain employees of the Belgian National Railway Company (section 1 of the Consolidated Laws of 9 March 1951).

Article 2. The length of the annual holiday to which a worker is entitled varies according to the service completed during the year preceding the holiday. The minimum duration of the holiday is 12 working days after one year's service. For workers under 18 years of age it is 18 days (section 4 of the Consolidated Laws).

Public or customary holidays and absences from work due to sickness are not counted as annual leave except, in the latter case, where the sickness occurs while the worker is on leave. The same applies to certain other instances of interruption of work which are treated as days of actual work (sections 65 and 66 of the Royal Order of 5 April 1958).

If the holiday is divided into parts the main portion thereof must equal at least half the duration of leave to which the worker is entitled, and may not be less than six working days. This maximum may be reduced to five working days if the holiday period includes a public holiday or a day when work is not customarily done.

The legislation does not provide for a progressive increase in the duration of leave as the length of service increases. In some sectors, however, as a result of the decisions of joint committees, provision is made for holidays to be increased by up to a week by reason of length of service.

Article 3. Both wage earners and salaried employees receive double pay for each of the two holiday weeks (sections 13 and 39 of the Royal Order of 5 April 1958 and the Act of 18 December 1962).

Article 4. Employees may not forgo holidays to which they are entitled (section 3 of the Consolidated Laws).

Article 5. Penalties are prescribed for employees who during their annual vacation engage in employment in agriculture, handicrafts, industry or commerce, whether remunerated or not, or in paid artistic work.

Article 6. A worker remains entitled to all leave which has accrued to him, subject to his not having availed himself of it while still in the service of his former employer. In the case of salaried employees who leave their employment before taking the leave to which they are entitled the employer must pay them a compensatory allowance (sections 16 and 17 of the Consolidated Laws).

Article 7. In addition to keeping a register of personnel and an industrial record for each worker, every employer is required to forward to the National Social Security Office, for transmission to the holiday funds through which the holiday allowance is paid, quarterly returns giving the requisite data in respect of each worker (sections 4, 5 and 6 of the Royal Order of 5 April 1958).

Article 8. Penal sanctions are prescribed for failure, either by employers or by workers, to observe the statutory provisions in respect of annual holidays (sections 59 to 64 of the Consolidated Laws).

The authority responsible for supervising the application of the national legislation and regulations is the Social Inspectorate of the Ministry of Social Welfare, this without prejudice to the duties incumbent upon the civil police authorities, the National Fund for Annual Vacations and the joint committees appointed to supervise the vacation funds, which are composed of representatives of the most representative organisations of employers and workers. The employers' and workers' organisations co-operate in the application of the legislation by virtue of their participation in the joint supervisory committees of the vacation funds, in the board of management of the National Fund for Annual Vacations, which is constituted on a joint basis, and on the National Labour Council, which also is composed of delegates of the most representative employers' and workers' organisations. In the event of dispute the worker, furthermore, can bring his case before the courts, and in particular before the probiviral councils, which are also composed of representatives of the trade unions and the employers' organisations.

The difficulties which are delaying ratification of the Convention are due to certain divergences which seem to exist between the provisions of the national legislation and regulations and those of the Convention as regards the consideration of periods of sickness as part of leave, the division of leave into parts and the increase in the duration of leave with increasing length of service.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. Under the legislation in force certain interruptions of work are regarded as days actually worked. This applies in particular to interruptions resulting from an employment injury, maternity leave, compulsory military service, civic duties, public duties, time devoted to welfare bodies, membership of a trade union delegation, participation in workers' education or trade union training courses, participation in strikes or lockouts and absences due to family contingencies. Paid public holidays are also regarded as days actually worked in calculating the duration of the annual holiday.

The workers are entitled to annual holidays corresponding to the amount of work they do during the year. Once he has worked for 276 days a worker is entitled to the whole of the holidays laid down by law.

Holidays are granted in proportion to the work done in the past calendar year for one or more employers (sections 21 and 21*bis* of the Consolidated Laws of 9 March 1951 and sections 16 to 22 and 41 to 45 of the Royal Order of 5 April 1958).

Paragraph 2. The holiday may not be divided except at the worker's request. If such a request is made the national legislation provides for a period of at least one week of uninterrupted rest (section 66 of the Royal Order of 5 April 1958).

Paragraph 3. The legislation provides that the 12-day holiday suggested in the Recommendation after a specified period of service shall be granted after one year of employment. The Government emphasises that this legislation is more favourable than the provisions of the Recommendation.

Paragraph 4. The holiday remuneration is based on the wages earned over the last calendar year. If a worker is paid wholly or partly in tips or through a share in the profits or output, his holiday remuneration is based on the notional daily wage rate used for the purpose of applying the social security laws (section 15 of the Royal Order of 5 April 1958).

Paragraph 5. Workers under 18 years of age have a holiday lasting 18 days instead of 12 (sections 36 to 59 of the Royal Order of 5 April 1958). Moreover, subject to certain conditions, the last months or weeks of schooling or apprenticeship are regarded as periods actually worked for the purpose of entitlement to holidays in respect of young workers entering employment for the first time (sections 27, 28 and 50 of the above-mentioned order).

With regard to the authorities entrusted with the application of the national legislation on this subject see under Convention No. 52.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. Annual holidays are governed by the Consolidated Laws of 9 March 1951 and by orders issued thereunder.

Paragraph 2. Holidays with pay are laid down by law. Joint committees of representatives of employers and workers in particular sectors of the economy decide the dates of the holidays (section 63 of the Royal Order of 5 April 1958). The holiday funds are at the disposal of employers' and workers' organisations to provide them with all the information required. The National Labour Council is competent to give an opinion on statutory orders issued with regard to holidays with pay.

Paragraph 3. The national legislation is of general application, except for domestic servants, persons employed in family undertakings and certain members of the personnel of the Belgian National Railway Company (sections 1 and 2 of the Consolidated Laws).

Paragraph 4. Workers are entitled to annual holidays corresponding to the work they have done, irrespective of whether they have been employed by one employer or by several. The length of the holidays laid down is 12 days for wage earners who can prove they have spent more than 275 days at work or in an equivalent manner. For salaried employees the duration of the holidays amounts to one day per month actually worked or regarded as such for this purpose (section 3 of the Consolidated Laws and section 36 of the Royal Order of 5 April 1958).

Paragraph 5. Certain interruptions of work regarded as days actually worked may not be deducted from holidays. They include interruptions due to an employment injury or military service and days of rest laid down by the legislation concerning hours of work and Sunday rest (section 65 of the Royal Order of 5 April 1958).

Paragraph 6. In general the legislation does not provide that the duration of the holiday shall increase with length of service. In certain sectors, however (such as mining), long-service leave is granted by decision of certain joint committees, or by the employer acting on his own initiative.

Paragraph 7. Interruptions of work during which the worker is in receipt of a wage and those which do not involve a termination of employment (employment injury, periods of rest occasioned by confinement, compulsory military service, performance of civic duties, discharge of public duties, membership of welfare bodies or trade union delegations and participation in workers' education or trade union training courses, strikes and lockouts, and family events) are regarded as days actually worked for the purposes of entitlement to and the duration of holidays (sections 16 to 45 of the Royal Order of 5 April 1958).

Paragraph 8. Interruptions of work occasioned by pregnancy and confinement (six weeks before and six weeks after confinement) are regarded as days actually worked for the purpose of annual holidays (sections 18 and 43 of the Royal Order of 5 April 1958).

Paragraph 9. The date of the holidays is fixed each year by the appropriate joint committee. If no such decision is taken the date of the holidays is decided by the works council or by agreement between the employer and the workers. Any disputes are settled by the Conciliation Board or a justice of the peace. The employer is required to communicate the date of the holidays to the holiday fund at least one month before the date on which the holiday begins, so that the workers are notified within the same period (sections 24 and 63 of the above-mentioned order).

Paragraph 10. Workers below 18 years of age have 18 days' holiday instead of 12 (sections 36 and 59 of the above-mentioned order).

Paragraph 11. The holiday remuneration is calculated so that for the holiday period workers (both wage earners and salaried employees) receive twice their usual remuneration (sections 13 and 39 of the above-mentioned order and Act of 18 December 1962).

Paragraph 12. The employer has to be affiliated to a holiday fund and is required to forward quarterly returns to the National Social Security Bureau. These returns go to the holiday funds, through which the holiday remuneration is paid (section 5 of the above-mentioned order).

Paragraph 13. The representative organisations of employers and workers co-operate with the representatives of the Government in drafting legislation on holidays with pay.

Paragraph 14. The national annual holiday fund and the joint supervisory committees consist of representatives of the most representative employers' and workers' organisations. The principal regulations made under the legislation concerning holidays involve action by the National Labour Council, which also includes representatives of the most representative organisations of employers and workers (sections 31 and 58 of the Consolidated Laws and section 63 of the Royal Order of 5 April 1958).

With regard to the authorities responsible for supervising the application of the national legislation on this subject see under Convention No. 52.

Bulgaria

RECOMMENDATION NO. 47

Labour Code (*Izvestiya*, 13 Nov. 1951) (*L.S.* 1951—Bul. 2), as amended in 1957 (*Izvestiya*, 15 Nov. 1957) (*L.S.* 1957—Bul. 2).

Ordinance No. 36 respecting leave for wage and salary earners (*Izvestiya*, 11 Mar. 1958) (*L.S.* 1958—Bul. 4), as amended in 1960 (*Izvestiya*, 13 May 1960) (*L.S.* 1960—Bul. 2).

Any wage earner or salaried employee who has been employed for eight months or more in the same or several undertakings is entitled to an annual holiday with pay of not less than 14 working days. After ten to 15 years of service the length of the holiday is increased to 16 working days, and after more than 15 years of service it amounts to 18 working days.

Annual holidays may not be divided save in exceptional cases, when they may be taken in two parts.

The length of service giving entitlement to a holiday includes—(a) time actually worked, including paid holidays already taken, weekly rest days and public holidays; (b) sickness, maternity and isolation leave; (c) periods of compulsory military service; (d) leave granted to answer a court summons or to take part in a congress; (e) any period during which the worker has been without work—from the date of his dismissal to the date of his reinstatement where he was wrongfully dismissed, or from the date of his detention to the date on which he was cleared of liability, where he was detained by the authorities; and (f) leave without pay that is granted for personal reasons (weddings, care of members of the family, burial of relatives, etc.).

For supplementary holidays, holiday remuneration and the system applying to young workers see under Convention No. 101.

RECOMMENDATION NO. 98

For legislation see under Recommendation No. 47.

Annual holidays with pay are governed by the legislation which covers all wage earners and salaried employees in all branches of the national economy.

Holidays are granted during the year in accordance with a prearranged plan which takes account of production needs and the worker's wishes. Workers below 18 years of age and mothers with children below three years of age are as a rule granted their holidays in summer. A worker is notified at least ten days in advance of the date on which his holiday will begin.

The legislation on holidays, like labour legislation in general, is drawn up with the active participation of the trade unions.

For the provisions relating to holiday duration and remuneration see under Recommendation No. 47 and Convention No. 101.

CONVENTION NO. 101

For legislation see under Recommendation No. 47.

Young wage earners and salaried employees are entitled to an annual holiday with pay of 26 working days up to and including the calendar year in which they reach the age of 16. Workers engaged in unhealthy or dangerous work are entitled to a supplementary holiday of 22 days at the maximum.

Any renunciation of the right to the holiday or the pay relating to it is void.

When a wage earner or salaried employee becomes entitled to a full annual holiday with pay, holiday pay is calculated on the basis of the average remuneration for his work during the preceding eight months; when he has not yet become so entitled, it is calculated on the basis of the average remuneration for his work during the period that he has served.

If the wage earner or salaried employee is dismissed for a reason other than an offence on his own part before he has become entitled to the holiday, he is entitled to compensation in cash corresponding to the number of months he has worked. The wage earner or salaried employee who became entitled to the holiday the previous year, has worked for one or more months of the current year and has been dismissed before taking his holiday is entitled to the same compensation.

The labour inspectorates attached to the trade unions and the trade union committees within the undertakings are responsible for supervising the observance of the legislative provisions.

See also under Recommendations Nos. 47 and 98.

Burma**RECOMMENDATION No. 47**

Leave and Holidays Act, 1951.

It is provided under section 4 of the above Act that the continuity of service required in order to become entitled to an annual holiday should not be affected by interruptions occasioned by sickness, accidents, the exercise of civic rights, changes in management or intermittent involuntary unemployment. An employee is deemed to have completed a period of 12 months' continuous service notwithstanding any periods of interruption during these 12 months brought about by sickness, accident or absence duly authorised under the Act which counted together do not exceed 90 days, or by a lockout or lawful strike or intermittent involuntary unemployment amounting to a total of not more than 30 days.

Normally, wages for an annual holiday are calculated at a rate equivalent to the daily average of the wages received by an employee for the days on which he had worked during the 30 days immediately preceding the annual holiday.

As regards subparagraph 3 of Paragraph 1 of the Recommendation, it is considered that the cost arising from the granting of holiday should fall on the last employer only in the case of change of ownership.

The Chief Inspector of Factories and General Labour Laws has been entrusted with the enforcement of the Act.

Legislation is being considered authorising the division of an annual holiday into more than two parts, one of which should not be less than the prescribed minimum; it is therefore suggested that Paragraph 2 of the Recommendation be modified so as to permit division in this manner.

RECOMMENDATION No. 98

Provisions on annual holidays with pay are contained in two minimum wages orders covering workers in rice milling and in the cigar and cheroot industry, and in the Leave and Holidays Act, 1951. These provide for a paid annual leave of six to ten days—a privilege which the Government intends to extend to more workers and trades.

The Chief Inspector of Factories and General Labour Laws is responsible for the enforcement of the Act and of the wages orders.

Matters in regard to the provisions of the Recommendation are under consideration by the Government.

Byelorussia**RECOMMENDATION No. 47**

For legislation see under Convention No. 52, Report III (I).

Section 94 of the Constitution stipulates that all citizens of the Republic are entitled to rest.

Labour legislation applies to wage earners in all branches of the economy.

Wage and salary earners become entitled to regular holidays with pay after 11 months' continuous service. Apart from the time actually worked in a particular undertaking, the following are also reckoned as working time: (a) time during which—whether or not an individual has actually worked—the employer is required

by law or collective agreement to keep open his job and pay his wage; (b) time during which an individual has kept his or her job while drawing social security benefits (during sickness or pregnancy or while looking after a sick relative); (c) time spent in attendance at an industrial training school.

Transfer to another undertaking does not interrupt continuity of employment for the purpose of holidays.

The law specifies certain cases in which holidays may be granted before 11 continuous months have been worked (e.g. expectant mothers and teachers).

For adults the annual paid holiday is 12 working days, while for young workers under the age of 18 it is one calendar month.

Some classes of workers are entitled to longer holidays with pay ranging from 24 to 48 working days (forestry workers, research workers, teachers and blind persons).

Additional holidays are granted to individuals working in unhealthy conditions (from six to 36 working days), to those who do not work normal hours (12 working days), and to those directly engaged in production in the mining, metallurgical, chemical, textile, building and transport industries after two years' service in the same undertaking (three working days or equivalent compensation).

The law also provides for special extra holidays on full pay to be given to workers who take study courses without leaving their jobs.

During the first year of employment a holiday is granted only after 11 months' continuous service in the same undertaking. During the following years the holiday may be taken in advance. Payment in respect of the holiday is based on the average wage during the preceding 12 months. All forms of remuneration are taken into account, irrespective of the intervals at which they are paid; temporary disability allowances are likewise reckoned.

The report states that the labour legislation on the granting, use and remuneration of annual holidays is more advanced than provided for in international labour Recommendations. It is quite common for holidays to be taken in advance, and no worker may be dismissed while absent on holiday.

In addition to the regular annual holiday of not less than 15 days, several classes of wage and salary earners are entitled to extra or longer holidays. When allowance is made for this, the average length of holidays with pay is very much greater than the standards of the Recommendation.

The state inspectors and trade unions between them enforce the laws and regulations on annual holidays with pay.

RECOMMENDATION No. 98

See under Recommendation No. 47.

CONVENTION No. 101

The legislation on annual holidays with pay applies to all wage earners, including agricultural workers (see under Recommendation No. 47).

Annual holidays for those who work on a kolkhoz as collective farmers (and not as wage earners) are regulated by the rules approved by the general meeting of the kolkhoz concerned.

In many kolkhozes, holidays are longer than the minimum required by the Convention; usually they depend on the type of work performed.

Sickness, weekly days off and public holidays are not reckoned in calculating the annual holidays of kolkhoz members. Young people and women belonging to a kolkhoz are entitled to longer holidays. Additional holidays are also granted to workers of agricultural artels who are taking specialised courses of training.

Cameroon
Eastern Cameroon

CONVENTION NO. 52

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5).

Act No. 56-332 of 27 March 1956 to amend the scheme for annual leave with pay, promulgated in Cameroon by Order No. 7440 of 10 November 1956.

Order No. 7302 of 5 November 1956 to make detailed provision for the application of the aforementioned Act No. 56-332.

Article 1 of the Convention. The legislation concerning holidays with pay applies to all employed persons covered by the Labour Code.

Article 2, paragraphs 1 and 2. Under Order No. 7302 of 5 November 1956 workers become entitled to leave at the employer's expense at the rate of a minimum of one-and-a-half working days for each month of service. Young persons under 18 years of age are entitled to two working days.

Paragraph 3. Interruptions of attendance at work due to sickness are not included in the annual holiday with pay, but are taken into account for the calculation of the length of service giving entitlement to leave, up to a limit of six months.

Paragraph 4. It is possible for the holiday to be divided into parts when its duration exceeds 12 working days, in which case one of the parts must equal at least 12 consecutive working days, comprised between two days of weekly rest.

Paragraph 5. The duration of leave thus established is increased to take account of the length of service of the worker in the undertaking at the rate of a minimum of two working days after 20 years of service, whether continuous or not, with the same undertaking, four days after 25 years and six days after 30 years.

Articles 3 and 4. The provisions of the Convention concerning the entitlement of the worker to his usual remuneration during leave and the prohibition of the relinquishment of the right to an annual holiday with pay are embodied respectively in section 124, first paragraph, and section 122, last paragraph, of the Labour Code.

Article 5. There is no provision in the legislation for a worker to be deprived of his remuneration if he engages in paid employment during the course of his annual holiday.

Article 6. If the contract is broken off or expires before the worker has become entitled to leave, compensation based on the rights which have accrued under section 121 of the Code must be granted in lieu of leave (section 122 of the Code).

Article 7. Order No. 4914 of 5 October 1953 lays down that the "employer's register" must contain information as to the duration and dates of holidays and the allocation of leave.

Article 8. A system of penalties is provided for under section 225 of the Labour Code.

The Government states that the Convention was ratified on 26 October 1961 in respect of the territory of the Federated State of Eastern Cameroon, but that it has not been possible for the International Labour Office to take this ratification as applying to the Federal Republic.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5).

Act No. 56-332 of 27 March 1956 to amend the scheme for annual leave with pay, promulgated in Cameroon by Order No. 7440 of 10 November 1956.

The legislation concerning holidays with pay applies to all wage earners coming under the Labour Code, without discrimination as to the sector in which they carry on their activities.

See also under Convention No. 52.

Canada

CONVENTION No. 52

Federal Legislation.

Federal Annual Vacations Act, 1958, and Regulations (*P.C.*, 1958-1320).

*Provincial Legislation.**Alberta.*

Alberta Labour Act, Part III, and Orders No. 5 (1951), No. 6 (1958, as amended) and No. 32 (1959) concerning construction industries, and No. 15 (1948) concerning the coal mining industry.

British Columbia.

British Columbia Annual Holidays Act.

Manitoba.

Manitoba Vacations with Pay Act, and Regulation 19/61 and 35/47.

New Brunswick.

New Brunswick Vacation Pay Act.

Nova Scotia.

Nova Scotia Vacation Pay Act.

Ontario.

Ontario Hours of Work and Vacations with Pay Act, and Regulation 241 (*Rules and Regulations of Ontario*, 1960).

Quebec.

Quebec Minimum Wage Act, and Ordinance No. 3, 1962: Annual Vacation with Pay.

Saskatchewan.

Saskatchewan Annual Holidays Act, 1960 (*L.S.* 1960—Can. 1), and Regulations, Order in Council 795/60.

Yukon.

Yukon Annual Vacations Ordinance.

In the provinces of Newfoundland and Prince Edward Island and in the North-West Territories employers in some cases grant annual paid holidays in accordance with personnel policy or the terms of a collective agreement; where legislation is applicable, agreements frequently provide for longer paid holidays than the legislative minimum, particularly for employees with long periods of service.

Article 1 of the Convention. Except in the case of New Brunswick, the legislation listed above covers the undertakings to which the Convention refers. Federal and

provincial public servants are generally governed by special legislation which grants more favourable annual holiday provision.

Article 2. The length of holiday prescribed by the federal Act is one week, and two weeks after two years of service. Under the provincial legislation it is two weeks in Alberta, British Columbia, Manitoba and the Yukon and also in Saskatchewan, where, however, it is three weeks after five years of service; in New Brunswick, Nova Scotia, Ontario and Quebec the length of annual holiday is one week. Although the legislation does not require the holiday to be increased with length of service, the holidays granted in practice are generally more liberal than those required by law. The minimum of one week may not be taken in parts; where the legislative provision is for more than two weeks, however, the employee may, if he chooses, take it in periods of not less than one week. If a public holiday occurs during the annual holiday, most jurisdictions require the annual period of holiday to be increased by one day. Generally, paid sick leave to which an employee is entitled under his individual contract or under a collective agreement cannot take the place of an annual holiday to which he is entitled under legislation.

Article 3. The holiday pay, where the minimum annual holiday after one year of service is one week, is 2 per cent. of annual earnings, except that in Quebec it is either 2 per cent. of annual earnings or regular pay if the worker is paid by the week or longer periods. In the provinces where the basic minimum is two weeks, the pay is 4 per cent. of annual earnings in British Columbia, regular pay in Alberta and Manitoba, and one-twenty-sixth of annual earnings in Saskatchewan and the Yukon. Most Acts require the value of board and lodging provided by the employer to be taken into account in calculating the holiday pay.

Article 4. Under the federal and Saskatchewan Acts the administrator may, in exceptional circumstances, approve a joint application by an employer and employee to waive the annual holiday for a particular year, in which case the employee receives his holiday pay.

Article 5. Only the Saskatchewan Act makes a provision concerning a worker who engages in paid employment during holiday.

Article 6. On termination of employment, whether by the employer or employee, the general rule under Canadian law is that the employee is entitled to pro rata pay for any holiday earned and not taken, differences in the Acts being with regard to the minimum service necessary for entitlement to holiday pay on termination of employment.

Article 7. All the Acts require the keeping of records either in precisely the terms of the Convention or in terms with similar intent.

Article 8. A system of fines is in force under all the legislation for failure to comply with the Acts or regulations.

Article 9. The principle that the legislation shall not affect more favourable arrangements between employers and workers is common to all the legislation.

The Minister of Labour is responsible for the administration of the legislation in each jurisdiction.

Since the Convention would require to be implemented by provincial as well as federal legislation, there are difficulties in the way of ratification. One difficulty is that the requirement to provide longer holidays for young workers has not been accepted in any legislative measure to date.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. The legislation of only two provinces deals with absences from work in relation to annual holiday entitlement. In Quebec, duration of continuous service means the period of the employee's labour contract with his employer, and the following do not interrupt that duration: absence through illness, days on which the establishment is closed, the annual holiday, strikes, the term of notice and authorised days of absence provided the employee does not hold other paid employment on such days. In Manitoba, to qualify for the annual holiday a worker must work at least 95 per cent. of the regular working hours during 12 months, and the following are not to be included in computing the regular working hours: the annual holiday, authorised absences up to a maximum of 30 days including absence through illness, and a period during which workmen's compensation has been paid in respect of a work injury. Under the legislation of five other provinces and the federal Act continuity of service is maintained in the event of changes in ownership of a business. For the three weeks of annual holiday after five years of service provided for in the Saskatchewan legislation, an employee may accumulate his service with one employer in the event of this having been interrupted, provided that no two periods of service have been separated by more than 182 days. Paragraph 1 (2) of the Recommendation is applied under some collective agreements, and Paragraph 1 (3) by a holiday credit system in the construction industry in five of the provinces.

Paragraph 2. See under Convention No. 52.

Paragraph 3. Apart from the provisions of the federal and Saskatchewan Acts for an increase in the holiday with length of service mentioned in the report on Convention No. 52, such provisions are common practice in industry. For example, according to the situation in 1961, almost 70 per cent. of the plant workers in manufacturing become entitled to a two weeks' paid holiday after three years or less of service.

Paragraph 4. Rules for calculating holiday pay for workers paid on an output or piece-work basis are not necessary under the Acts, which prescribe holiday pay as a percentage of annual earnings. Of the two provinces where the holiday pay is a worker's regular pay, the legislation in Manitoba requires the pay of such employees to be calculated on his average weekly production during the six months preceding his holiday; and in Alberta it is based on the average for the term of employment or the 12 months preceding the holiday, whichever is the shorter. No legislation provides more advantageous vacation systems for young workers, and no other such systems are known to exist.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Paragraphs 1, 2, 3, 4, subparagraph (1), 5, 6, 10, 11 and 12 of the Recommendation. See under Convention No. 52 and Recommendation No. 47 and the publication *Vacations with Pay 1951-1961*, Department of Labour, 1963.

Paragraph 4, subparagraph (2). The legislation of four provinces specifies the work service for annual holiday entitlement. In Alberta the requirement is 90 per cent. of the regular working days in the establishment during the year, and similarly

in Nova Scotia; it is not less than 225 working days in British Columbia and New Brunswick.

Subparagraph (3). The usual practice on termination of employment is for the worker to be paid in respect of any holiday due, excepting where the stamp system of holiday credits is in effect.

Paragraphs 7 and 8. See Convention No. 52 and Recommendation No. 47. The practice varies, but neither the matter covered by Paragraph 7 nor that covered by Paragraph 8—which is not dealt with by the legislation—has been surveyed.

Paragraph 9. All the Acts set periods, ranging from four months in New Brunswick to 12 months in Alberta and Quebec, within which the holiday must be given. The provisions also vary as to the advance notice which the employee should give of the date on which he wishes to take his holiday; such provisions do not, however, apply where a plant shut-down for the vacation period has been approved.

Paragraphs 13 and 14. There is regular communication between workers' and employers' groups and the federal and provincial governments. Representative boards play a part in the determination and administration of annual holiday provisions in certain provinces.

Entitlement to an annual holiday is checked by inspectors and is enforced by public authorities.

CONVENTION No. 101

Agricultural workers are excluded from the coverage of the legislation requiring annual holidays with pay to be given. Since agricultural workers have not formed labour organisations to represent them in negotiations on wages and working conditions, there are no collective agreements. Whether or not a worker employed in an agricultural undertaking is given an annual holiday with pay depends on the policy of the employer.

The number of agricultural undertakings employing year-round workers is relatively small, and no survey has been made of the practice followed.

Central African Republic

CONVENTION No. 52

Labour Code: Act No. 61/221 of 2 June 1961 (ss. 128-131).

All workers are entitled to annual leave with pay in virtue of the above-mentioned Act. Except in agriculture, where there are no collective agreements, the majority of collective agreements reaffirm this right and provide for longer leave for persons recruited elsewhere than in the place of employment.

Unless there is an individual contract providing for more favourable conditions, paid leave accrues to a worker after one year of service at the rate of one-and-a-half working days per month of effective service. Account is not taken in calculating leave of public holidays or Sundays or days of sickness. Workers under 18 years of age are entitled to two working days' leave per month of service, and older workers are entitled to an allowance of from two to six working days' leave. The division into parts of leave in excess of 12 days is authorised, but only with the consent of the worker.

The worker is entitled to holiday pay equal to the daily, weekly or monthly average of the wages, allowances and commission he has received during the 12 months preceding his departure on leave. However, expatriate workers (who are entitled to various allowances) must receive a sum equal to at least 70 per cent. of their total remuneration.

If the contract is broken off the worker is entitled to compensation in respect of a period of leave calculated on the basis of his length of service. Apart from this case, any agreement providing for compensation in lieu of leave is null and void.

Employers are required to record in a special register, the " employer's register ", all the information listed in Article 7 of the Convention.

The authorities entrusted with the application of the legislation and administrative regulations are the labour inspectors, labour supervision officers, prefects and sub-prefects.

The Minister of Labour intends to propose to the Government that Conventions Nos. 52 and 101 be ratified.

RECOMMENDATION NO. 47

For legislation see under Convention No. 52.

Section 51 of the Labour Code provides that if a change occurs in the legal position of the employer, for example by inheritance, sale, merger, etc., all contracts of employment shall continue to bind the new employer and the workers. A change in the management of the undertaking therefore has no repercussions on the workers' entitlement to holidays with pay.

Section 128 of the Code states that " when calculating the length of the holiday no deduction shall be made for absence due to employment injuries or caused by illness duly certified by an approved medical practitioner (up to a limit of six months), or for special leave of absence granted on the occasion of family events (up to a limit of ten days) ".

The holiday accrues after one year of employment. Except in the case of a conversion of the undertaking, if the employer changes during the year the worker receives a payment in lieu of a holiday. The division of holidays is subject to the approval of the representatives of the personnel and to the agreement of the workers.

The Minister of Labour intends to propose the adoption of the Recommendation to the Government.

See also under Convention No. 52.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

Under section 79 of the Labour Code collective agreements must compulsorily contain provisions with regard to holidays with pay; these provisions may be more favourable than the legal requirement.

The Government states that new legislation is to be adopted in the near future and that it will be based on the provisions of the Recommendation.

The Minister of Labour intends to propose to the Government the adoption of the Recommendation.

See also under Convention No. 52.

CONVENTION NO. 101

See under Convention No. 52.

Ceylon

CONVENTION No. 52

Leave to Public Employees: Regulations made by the Secretary to the Treasury.

Wages Boards Ordinance (*Legislative Enactments of Ceylon*, Cap. 136), as amended up to 1957.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19, 1954, as amended in 1957 (*ibid.*, Cap. 129).

In regard to the matters dealt with in the Convention, the existing legislative, administrative or other provisions cover three broad categories: persons employed in the public service; persons employed in the local government service (municipal councils, urban councils and other such local authorities); and persons employed in the private sector as well as in the nationalised undertakings and state-owned corporations.

Annual holiday entitlement of employees in the public service is governed by regulations made by the Secretary to the Treasury (of which a copy was appended to the Government's report), the Head of the Public Service of Ceylon. These regulations grant 24 days of paid annual leave to the clerical, technical and subordinate grades other than peons, labourers, watchers and cycle orderlies. Skilled industrial workers employed in government establishments such as factories, railways, the Public Works Department and the Department of Electrical Undertakings, who are monthly paid and in permanent establishment, are similarly given 24 days of paid annual leave. Similar leave arrangements are applicable to local government employees.

The annual holiday entitlement of the workers in the private sector, nationalised undertakings, state-owned industrial, commercial and agricultural corporations, etc., is regulated by the above-mentioned ordinance and Act.

Under section 25 of the ordinance, a wages board established in respect of a trade may declare for the workers, subject to the fulfilment of conditions and the payment of such remuneration as may be determined by that board, annual holidays up to a maximum of 21 days. Where such annual holiday rules have been made by a wages board, these holidays must be taken by the workers and granted by the employers to whom the rules apply. Where the employment of a worker who has become entitled to any holidays in any year is terminated, either by the employer or the worker, without these holidays having been allowed, the employer shall be liable to pay the remuneration in respect of such annual holidays. If the worker dies either before receiving such remuneration, or without having taken the holiday, the employer shall pay such remuneration to his legal heirs. Where a change of employment occurs, in the computation of service for the annual holidays the service rendered by the worker under the old employer is deemed to be service under the new employer. The "work qualification" for the purpose of annual holidays is the number of days worked (as determined by the board) in the previous year. A "year" has been defined as a period of 12 months commencing on the first day of such month as the board may determine or, if not so determined, 1 January.

Under section 25 of the ordinance 19 wages boards have made decisions prescribing annual holidays for the workers of 20 trades. Several of these trades are mainly agricultural trades and outside the scope of the Convention, although the wages boards set up for these trades cover the workers engaged in the manufacturing, as well as the growing, of such products as cocoa, cardamom and pepper, copra, rubber and tea.

An analysis of these decisions reveals that the work qualification for the annual holiday varies between 180 and 248 days. The remuneration is generally calculated

on the average daily wage of a worker during the last six months in the previous year. Days of absence, days on which the employer fails to provide work, days allowed as annual holidays earlier, etc., are treated as days worked (i.e. national credit) in computing the work qualification. The number of days a worker could obtain as annual holidays for a year varies from 13 to 21.

Most of the wages boards have prescribed a certain minimum number of days (varying from five to seven) which shall be given on consecutive days out of the days earned by a worker. None of the boards has prescribed an increase of the annual holiday with the length of service.

Under section 6 of the Shop and Office Employees Act every employee is entitled to 14 days of annual holidays, with full pay, to be given on days arranged with the employee. Of the 14 days not less than seven should be given consecutively. A worker will not be entitled to any annual holidays before the end of the first year of service; in the following year, however, his holiday entitlement will depend on the time when he took up employment in the previous year. If a person took up employment between 1 January and 31 March, he is entitled in the next year to 14 days of annual holidays; after 31 March but before 1 July, ten days; after 30 June but before 1 October, seven days; and after 30 September, four days. When a person leaves employment he is entitled to take all the holidays due to him for service during the previous year and for service during the year he leaves, at the rate of one day's holiday for each completed month served, if he leaves before the end of October. If he leaves thereafter, he can take the full period of 14 days before leaving. If a person is dismissed without notice the employer must pay him a day's wage in respect of each holiday due. Holidays do not increase with the length of service.

The application of the national legislation is supervised by the Secretary to the Treasury as regards the public service of Ceylon, the Chairman of the Local Government Service Commission as regards the Ceylon Local Government Service, and the Commissioner of Labour as regards the private sector. Owing to the lack of proper workers' educational programmes and organisational difficulties and problems, the workers' organisations in Ceylon have not been able to make a positive contribution to supplement the efforts of the enforcement authority. The employers' organisations have generally co-operated with the enforcement authority.

Certain modifications have been made to section 25 of the ordinance, which deals with annual holidays, under section 12 of the Wages Boards (Amendment) Act, No. 5, 1953, and section 7 of the Wages Boards (Amendment) Act, No. 27, 1957. Similar modifications have been made to the Shop and Office Employees (Regulation of Employment and Remuneration) (Amendment) Act, No. 60, 1957. Generally, it is the practice in enacting new social legislation or making amendments thereto to give consideration to the provisions of the I.L.O. instruments.

The possibility of ratification of the Convention is being examined. No measures are contemplated at present to give effect to those provisions of the Convention not yet covered by the national legislation or practice. The need for rapid economic development is of paramount importance in the present state of the national economy, and it is imperative that annual leave privileges should be limited to the minimum necessary to help an employee to maintain his health and efficiency.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Wages Boards Ordinance (*Legislative Enactments of Ceylon*, Cap. 136).

Consolidated Decisions and Orders of Wages Boards (*Ceylon Labour Gazette*, Vol. X, No. 12, Dec. 1959, and *Ceylon Government Gazette*, Nos. 9224, Jan. 1944; 9564, Apr. 1946; and 10035, Oct. 1949).

Under section 25 of the above ordinance a wages board established in respect of a trade may declare for workers covered by that trade, subject to fulfilment of conditions and the payment of such remuneration as may be determined or specified by that board, annual holidays up to a maximum of 21 days. Where such annual holiday decisions have been made by a wages board established in respect of a trade under the ordinance, every worker to whom the decisions apply must take such holiday or holidays and the employer of every such worker must grant the holidays. Where the employment of a worker who has become entitled to any holiday or holidays in any year is terminated by the employer of that worker or terminated by that worker, then, if the employer has not allowed such holiday or holidays, the employer shall be liable to pay the remuneration payable in respect of such annual holiday or holidays. If a worker who has become entitled to any holiday or holidays dies while employed without having taken such holiday or holidays, the employer shall be liable to pay remuneration due for such holidays to the legal heirs of such worker.

The work qualification for the purpose of annual holidays is the number of days worked (this has to be determined by the respective board) in the previous year. A year has been defined in the ordinance as a period of 12 months commencing on the first day of such month as the board may determine or, where the board does not so determine, the first day of January.

Where a change of employment occurs in the computation of days worked by a worker, the service rendered by the worker under the old employer is deemed to be days worked under the new employer.

In accordance with the provisions of section 25 of the ordinance the wages boards set up for tea growing, rubber growing and coconut growing have made decisions prescribing annual holidays for workers covered by them. The powers, duties and functions of the wages board for the tea growing and manufacturing trade were extended to the cocoa, cardamom and pepper growing and manufacturing trades, and annual holiday decisions have been made for these trades too.

Under the decisions made by the boards, the minimum number of days that a male worker should work to qualify for annual holidays is 228; the minimum number of days that a female or child worker should work to qualify for annual holidays is 204. In computing the minimum number of days worked national credit is given for days of authorised absence, days of absence due to any injury to the worker arising out of and in the course of employment, days of absence due to occupational diseases, days on which the employer fails to provide work, etc.

The maximum number of days which a worker can obtain as annual holiday varies from 12 to 15. Remuneration payable in respect of the holidays is calculated on the average daily wages earned by a worker.

Tea and rubber wages boards have prescribed that out of the annual holidays earned by a worker at least seven shall be given on consecutive days.

None of these boards has prescribed that the duration of the annual holiday with pay shall increase with the length of service.

Contracting out of these rights is prohibited under the ordinance itself.

The Commissioner of Labour is responsible for the effective enforcement of the provisions of the national labour legislation.

In view of the wide scope of the Convention it is not possible to ratify this instrument at present, and no new measures to amend the law relating to annual holidays with pay are contemplated at present.

Chile

CONVENTION NO. 52

Labour Code, regulations issued in administration thereof and special Acts.

Section 98 of the Labour Code provides that wage earners who have been employed for 288 days in a year shall be entitled to 15 days' annual leave with full pay. Those who have been employed for more than 220 but fewer than 288 days are entitled to seven days' annual leave. For mineworkers in these two categories the leave period is 25 days and 15 days respectively.

Section 83 (2) of the Labour Code lays down that section 98 of the Code shall apply to coastal and river workers.

Regulations No. 545 of 24 May 1932 respecting general living and working conditions in industrial undertakings, as amended by Decree No. 426 of 30 October 1932, contain a number of provisions governing the right to annual leave, stipulating, *inter alia*, that it is necessary to draw up a written statement in triplicate indicating the period of leave to be taken, signed by the employer and by the worker, and declaring unlawful the payment of cash compensation in lieu of leave except where the worker is leaving the service of the undertaking.

In the case of workers employed by a number of different undertakings, the time spent in the service of each undertaking during the year is computed, and each undertaking contributes towards the holiday pay in proportion to the time the worker has spent in its employ.

Wage earners who, owing to the non-continuous nature of their work, are unable to perform 288 days' work in a year are entitled to one day's leave for every 20 days of work.

Section 65 of the Labour Code provides that domestic servants who have been employed for more than a year without interruption shall be entitled to 15 days' annual leave with full pay.

As far as salaried employees in private employment are concerned, section 158 of the Labour Code lays down that those with more than one year's service shall be entitled to 15 working days' leave annually with full pay. The leave period is 25 days for salaried employees who are resident in the provinces of Tarapacá, Antofagasta, Atacama, Chiloé, Aisén and Magallanes, and for salaried employees working for mining undertakings. State and municipal employees, employees of autonomous public institutions and employees of state undertakings with autonomous or independent administration are entitled to the same leave period.

With regard to salaried employees on the coast, both maritime and land-based, and those employed by navigation undertakings, section 158*bis* of the Labour Code provides that the provisions of the third and following paragraphs of section 83 of the Labour Code shall apply to them in so far as is consistent with the nature of their work.

Section 159 of the Labour Code states that salaried employees in undertakings or establishments which cease work at a certain period of the year owing to their special nature shall not be entitled to annual leave, provided that the duration of the interruption of work is not less than a fortnight and that they have duly received the salary stipulated in the contract of employment during the said period.

Regulations No. 969 of 18 December 1932 contain various provisions in respect of annual leave for salaried employees in private employment, allowing for leave to be accumulated by agreement between the parties for up to two years and prohibiting the payment of cash compensation, except where an employee leaves the service of the undertaking. Section 25 of these regulations stipulates that undertakings must furnish to the Labour Inspectorate at the end of each year an account of the manner in which they have complied with the provisions respecting annual leave, signed by the employer and by the staff representative.

Section 3 of Act No. 7295 of 22 October 1942 provides that teachers and salaried employees in private educational establishments shall be entitled to their monthly salary in full during the holiday months.

The statutory provisions mentioned above are applicable to all the undertakings to which reference is made in Article 1 of the Convention. Collective agreements also exist which provide for more favourable arrangements than those prescribed by the legislation.

The General Directorate of Labour, through the labour inspectors, supervises the application of the legislation and administrative regulations on the subject. As regards the collaboration of employers' and workers' organisations in ensuring that these provisions are observed, attention is drawn in respect of wage earners to the provisions of Regulations No. 545 of 24 May 1932 concerning attestations in triplicate in regard to annual leave, and in respect of salaried employees in private employment to the provisions of Regulations No. 969 of 18 December 1932 concerning the statements regarding leave to be sent annually to the Labour Inspectorate.

No modifications have been made in the provisions referring to matters dealt with in the Convention.

The national legislation is not fully in agreement with Article 2, paragraphs 2 to 4, and Articles 6 and 7 of the Convention, and this prevents ratification.

RECOMMENDATION NO. 47

There is no intention of adopting measures in accordance with the provisions of the Recommendation. The national legislation does not correspond to the provisions of Paragraphs 1, 2 and 5 of the Recommendation.

See also under Convention No. 52.

RECOMMENDATION NO. 98

No measures are contemplated for the application of the provisions of the Recommendation. The national legislation does not apply Paragraphs 2, 4 and 6 to 10 of the Recommendation.

See also under Convention No. 52.

CONVENTION NO. 101

There are no special provisions concerning holidays with pay in agriculture. The holidays of agricultural workers are governed by the general provisions of the Labour Code and of the regulations issued thereunder (see under Convention No. 52).

The labour inspectors are responsible for supervising the application of the relevant laws and regulations.

The legislation contains no provisions applying Articles 5 and 9 of the Convention, and it is not considered advisable to make suggestions with a view to their application.

China

CONVENTION No. 52

Factory Act, as amended on 30 December 1932 (*Asian Labour Laws* (Geneva, I.L.O., 1951)).

Regulations governing the leave of absence of public officials, as amended on 11 May 1956.

Administrative Management Regulations, as amended on 17 March 1961.

Regulations governing the leave of absence of employees in communications undertakings, issued by the Ministry of Communications on 10 March 1962.

Under section 17 of the above Act all workers employed uninterruptedly in factories for a certain period shall be granted annual leave as follows: 1. every worker employed uninterruptedly for more than one year but less than three years shall be granted seven days' annual leave; 2. every worker employed uninterruptedly for more than three years but less than five years shall be granted ten days' annual leave; 3. every worker employed uninterruptedly for more than five years but less than ten years shall be granted 14 days' annual leave; 4. every worker employed uninterruptedly for more than ten years shall be granted annual leave of one additional day for each additional year, provided that the total annual leave shall not in any case exceed 30 days.

Under section 18 workers shall be paid their regular wages for the public holidays, days of rest and annual leave provided for under sections 15 to 17; additional wages shall be paid if the workers do not wish to utilise the leave to which they are entitled.

Under section 19 the public holidays, days of rest and annual leave of persons engaged in work of a military nature or in the public service may be suspended if the competent authority considers it necessary.

Under section 71 an employer who contravenes any of the provisions of sections 14 to 19 of this Act shall be liable to a fine not exceeding 100 yuan.

Under section 14 of the regulations governing the leave of absence of public officials, public officials who by the end of a year have completed three years' service with a government agency shall be entitled, from the fourth year of service, to an uninterrupted annual leave of two weeks; those who have completed six years' service shall be entitled, from the seventh year of service, to an uninterrupted leave of three weeks. Four weeks of uninterrupted annual leave shall be granted to those who have completed nine years' service, while an additional week may be accorded in cases where an official's service has been especially meritorious during the preceding year. The years of service are counted from 2 August 1947, when these rules came into effect. When leave is requested by more than one person this may be arranged on a staggered basis, taking into consideration the seniority and the work records of the persons concerned. However, when the public official is prevented from taking his leave because of the exigencies of the service and no replacement can be found to release him from his job, he shall be entitled to a bonus equal to the salary for the number of days of leave due to him.

Section 15 provides that in case of emergency an employee on leave may be recalled without affecting his right to the remaining days of leave.

Under section 16 the entitlement to leave shall be suppressed if in the year preceding the official's record of service he was rated below the "C" level or he had received a sanction of censure or grave reprimand.

Section 35 of the Administrative Management Regulations provides that workers employed in government agencies for more than three consecutive years shall be entitled to one week of annual leave.

Under section 15 of the Regulations governing the leave of absence of employees in communications undertakings employees of communications undertakings having completed three years' service by the end of a year shall be entitled from the fourth year to an uninterrupted annual leave of two weeks, and those who have completed six years' service shall be entitled from the seventh year to an uninterrupted annual leave of three weeks. An uninterrupted annual leave of four weeks shall be given from the tenth year to those employees who have completed nine years' service. Salaries shall be paid as usual during the leave period. However, when for the exigencies of the service or for lack of replacement an employee cannot take his leave, he shall be paid a bonus equivalent to the salaries for the number of days of leave due to him.

Section 16 provides that in case of emergency an employee on leave may be recalled at any time without affecting his entitlement to the remaining days of leave. When leave is requested by more than one person it may be arranged on a rotation basis.

Under section 17 the entitlement to leave shall be suppressed if in the year preceding an employee's year-end record of service he was rated below the "C" level or a sanction of censure or grave reprimand had been applied to him.

The revision of labour laws and regulations is still under examination. The scope of the existing laws and regulations relating to annual leave is not in full conformity with the Convention, and they must be revised in order to ensure its application; the Government is not yet in a position to ratify the Convention.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Except for annual leave in respect of workers in government agencies as provided for under section 35 of the Administrative Management Regulations, the length of leave provided for by laws or regulations increases with the number of working years. During the period of annual leave wages shall be paid as usual.

Under Order (46) Nei-Lou 114441 of the Ministry of the Interior the annual leave of a female worker shall not be affected by interruptions occasioned by confinement. Under Order (47) Nei-Lou 9991 of the Ministry, where a worker had extended sick leave in the previous year but his employment continues in the current year, his entitlement to annual leave shall not be affected.

By virtue of telegraphic letter (45) Nei-Lou 87258, issued by the above-mentioned Ministry, the period a worker spends in military service shall be considered as part of his service in the factory and should be included in his years of service in the factory. By virtue of another telegraphic letter, (46) Nei-Lou 113309, the factory or mineworkers whose wages are calculated on a piece-rate basis shall, during their annual leave, be paid according to the average daily wages received by them in the month preceding their leave.

The competent authorities dealing with the various laws and regulations, unless otherwise specified, are the municipal government at the municipal level and the county government at the county level, in respect of the Factory Act ; the Executive Yuan and the Examination Yuan in respect of the Regulations governing the leave of absence of public officials ; the Executive Yuan in respect of the Administrative Management Regulations ; and the Ministry of Communications in respect of the Regulations governing leave of absence of employees in communications undertakings. The various competent authorities will take the Recommendation into consideration when making any supplementary provisions to, or interpretations of, the laws and regulations concerning annual leave.

RECOMMENDATION No. 98

The Government states that by virtue of telegraphic letter (45) Nei-Lou 97837, issued by the Ministry of the Interior, annual leave for workers shall be arranged between the employers and the workers; wages for the period of leave shall be paid during the leave. Telegraphic letter (45) Nei-Lou 86765, issued by the same Ministry, provides that in factories where work is really seasonal in character the timing of annual leave should be adjusted through consultation between the employers and the workers.

In a document entitled "How to Conclude Collective Agreements", approved by the Ministry of the Interior on 7 September 1955, it is stipulated that provisions for vacation leave should invariably be included in all collective agreements.

Annual holiday provisions constitute part of the "model contract" appended to a document entitled "How to Conclude Work Contracts", published by the Ministry of the Interior on 12 April 1961.

The Government states that it does not find the Recommendation to be unsuitable.

See also under Recommendation No. 47.

CONVENTION No. 101

It will be difficult to enact and enforce regulations granting annual leave to agricultural workers before it has been granted to all industrial workers.

The Government intends improving the relevant legislation and administration with a view to implementing the provisions of the Convention, but the revision of labour laws is still in its study and research stage.

Colombia

CONVENTION No. 52

Labour Code (*L.S.* 1950—Col. 3).

Act No. 188 of 1959 respecting apprenticeship (private employment).

Act No. 72 of 1931.

Decrees Nos. 1054 of 1938, 484 of 1944 and 2939 of 1944 respecting public employment.

Every worker who has been employed for one year is entitled to a holiday with pay for 15 consecutive working days. Professional employees and their assistants who are employed in private undertakings engaged in the campaign against tuberculosis, and employees who handle X-ray equipment, are entitled to 15 days' holiday with pay for every period of six months in employment (section 186 of the Code).

The holiday period must be indicated by the employer not later than the following year, and he is bound to inform each employee 15 days beforehand of the date on which his holiday will be granted to him (section 187 of the Code). Any employee who is obliged to interrupt his holiday for any valid reason does not lose the right to any holiday period remaining over (section 188 of the Code).

Under section 189 of the Code (as amended by section 7 of Decree No. 617 of 1954), it is forbidden to pay cash in lieu of holidays, except in particular cases where prejudice would otherwise be caused to the national economy, and then only with the authorisation of the Ministry of Labour.

Holidays may be accumulated for up to two years. In the case of workers with special qualifications or aliens working elsewhere than in the place where the members

of their family are resident, holidays may be accumulated for up to four years (section 190 of the Code).

During the holiday period the employee receives his ordinary wage as of the date on which he began his holiday. Where the employee's wage is variable, the calculation is made on the basis of the average wage earned by him over the preceding year (section 192 of the Code, as amended by section 8 of Decree No. 617 of 1954). Under section 10, subsection 5, of the Act of 1959, contracts of apprenticeship are governed by the provisions of the Labour Code except where these are in conflict with the special provisions of the Act.

Section 2 of Act No. 72 of 1931 provides that every wage-earning or salaried employee in official establishments or departments shall be entitled to a fortnight's leave with pay after one year's service. Decree No. 1054 of 1938 (sections 1 and 5) lays down that such workers shall be entitled to 15 consecutive working days of leave with pay after one year's uninterrupted service. The said leave must be granted as soon as possible within a one-year period beginning on the date on which the employee becomes entitled to it.

It is unlawful for an employee to forgo his holiday in return for the payment of compensation. A worker who leaves his employment before taking his leave is entitled to remuneration for the period covered by the leave (section 4 of Decree No. 484 of 1944).

Section 3 of Decree No. 2939 of 1944 provides that the remuneration payable to an employee while on leave shall be the remuneration he was receiving at the time when he began his leave, and that where compensation is necessary it shall be calculated on the basis of the wage the employee was receiving at the time when he became entitled to the leave.

Responsibility for the enforcement of the social legislation is in the hands of the labour inspectors.

RECOMMENDATION No. 47

With regard to workers in private employment section 186 of the Labour Code does not require continuous service, but the section has always been interpreted as follows: "employed for one year" means "employed by the one employer under a single contract of employment".

With regard to public services section 2 of Decree No. 1054 states: "service shall not be [deemed to be] interrupted by . . . the worker's illness . . . provided that such interruption does not exceed 15 days."

The Government is not contemplating the adoption of measures to give effect to the provisions of the Recommendation that are not covered by the national legislation.

See also under Convention No. 52.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Workers in the building trade are entitled to proportionate holidays. The provisions on this subject are section 322 of the Labour Code for workers in private employment, and section 2 of Act No. 38 of 1946 for workers in the public service.

Sections 50 and 52 of the Labour Code deal with the suspension of the contract of employment. According to the usual practice for workers in private employment, days of absence on account of illness or accident and periods of rest before and after childbirth do not affect continuity of employment and are not counted as paid holidays; the legislation does not, however, cover this point.

Teachers in official and private educational establishments and employees in the judicial branch of government have special conditions with regard to holidays (section 100 of the Labour Code and Decrees Nos. 2512 of 1960 and 3664 of 1950), as have employees in the postal and telecommunications services (under the above-mentioned decrees).

A certain number of collective agreements provide that the worker shall be entitled to a proportionate holiday after a minimum period of service.

The Government does not propose to take any action to give effect to the provisions of the Recommendation that are not covered by the national legislation.

See also under Convention No. 52.

CONVENTION No. 101

Labour Code (L.S. 1950—Col. 3).

The provisions of the 1950 Labour Code on annual holidays with pay are applicable to all workers, including agricultural workers.

The Ministry of Labour inspectors of peasant affairs are responsible for the implementation of the provisions concerning the holidays of agricultural workers.

The Government has for the present no intention of taking measures to apply the provisions of the Convention that are not covered by the existing legislation.

Congo (Brazzaville)

CONVENTION No. 52

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (L.S. 1952—Fr. 5).

Order No. 960/IGT-AEF of 11 March 1957.

In addition to the legislative enactments mentioned above, collective agreements are in force covering, *inter alia*, contracting agents in the public sector, banking employees and transport employees.

The legislation is applicable without distinction to workers in all branches of activity.

Two different systems are followed with respect to leave: one applicable to nationals and workers recruited locally and the other for workers from abroad.

After 24 months in the country, workers from abroad who satisfy the requirements of section 94 of the Labour Code are entitled to four months' leave, i.e. five days per month of effective service. Nationals and workers recruited locally whose normal place of residence is considered as being the Congo (Brazzaville) are entitled after one year's effective service to an annual holiday with pay of 18 working days, i.e. one-and-a-half working days per month of effective service.

The duration of annual leave for workers under 18 years of age is fixed at two working days per month of effective service.

The duration of the annual holiday with pay increases with the length of service at the rate of two working days after 20 years, four working days after 25 years and six working days after 30 years of service with the same undertaking.

Under collective agreements provision is generally made for the duration of the annual holiday to be increased immediately following the fifth year of service.

The use of the term "working day" excludes public holidays from the computation of annual leave. The leave may be divided into parts, but one of these parts must comprise at least 12 consecutive working days.

When the accrued leave is calculated, no deduction may be made for absence due to illness up to a limit of six months, or for absence due to an employment accident or occupational disease, or for periods of special leave of absence granted on the occasion of family events, up to a maximum of ten days.

During the whole period of leave the worker is entitled to an allowance the amount of which may not be less than the remuneration he would have received if he had remained at work. The holiday pay for a worker entitled to one-and-a-half working days' leave per month of effective service is equal to one-sixteenth of the total remuneration (excluding output bonuses and the expatriation allowance) received during the 12 months preceding his departure on leave.

It is strictly unlawful for compensation to be paid in lieu of leave except in cases where a contract is broken off or expires before the worker has become entitled to leave.

Provision is made for an " employer's register " to be kept giving the information relating to leave required by Article 7 of the Convention. A system of penalties is prescribed for infringement of the statutory provisions and regulations respecting paid leave (sections 222, 225 and 232 of the Labour Code).

Enforcement of the enactments relating to leave is the responsibility of the labour inspector.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

See under Convention No. 52.

Costa Rica

CONVENTION No. 52

Constitution (s. 59).

Labour Code: Act No. 2 of 27 August 1943 (*L.S.* 1943—*C.R.* 1) (s. 153).

Civil Service Regulations (s. 37 (B)).

Regulations issued in administration of the Civil Service Regulations (s. 28).

Annual leave with pay amounts to two weeks, which may in exceptional circumstances be divided into not more than two parts.

Cash compensation may be given in lieu of leave only in cases where the contract of employment of a worker who has become entitled to leave is terminated before he has been able to take the said leave. It is also permitted for an employee to work during his leave so long as the work is not heavy, dangerous or unhealthy, and provided that the worker agrees and that his services are remunerated at twice the normal rate of pay.

Leave without pay, rest periods granted by the labour legislation, periods of duly certified sickness, the prolongation or immediate renewal of the contract of employment, or other similar circumstances, are not deemed to interrupt the continuity of the employment.

Civil servants have an arrangement whereby leave increases with length of service.

The General Inspectorate of Labour, which is attached to the Ministry of Labour and Social Welfare, is responsible for the enforcement of the above-mentioned provisions.

Section 153 of the Labour Code was amended by Act No. 1948 of 4 October 1955 to extend the right to annual leave to employees who leave the service of their undertaking before the completion of 50 weeks' service. Such workers are entitled to one day's wages in lieu of leave for every month's service.

There are no difficulties of a juridical nature to prevent ratification of the Convention; ratification has been delayed, however, by difficulties of a material character.

The legislation is entirely in conformity with the provisions of the Convention.

RECOMMENDATION No. 47

Under section 154 of the Labour Code the workers are entitled to holidays even if they are not required by the terms of their employment to work every hour of the working day or every day of the week. The worker's holiday remuneration is based on the average of his ordinary and overtime earnings during the last week, or over such longer period as may be determined by the regulations, in the case of an agricultural or stock-raising undertaking; or over the last 50 weeks in the case of a commercial, industrial or other undertaking.

The provisions of the Recommendation form part of the law of the country.

See also under Convention No. 52.

RECOMMENDATION No. 98

The employer is required to fix the time at which the worker shall take his holiday; this must be within 15 weeks of the day on which the worker completes 50 weeks of continuous service. Section 161 of the Labour Code requires a record to be kept in writing for consultation by employers or workers of the holidays granted and any carrying over of holidays that may be agreed to under section 159. In the absence of proof to the contrary it is assumed that the holidays have not been granted if the employer, when requested to do so by the labour authorities, fails to produce the relevant record signed personally by the person concerned, or by two fellow workers if he himself is unable to do so.

The provisions of the Recommendation are embodied in the national legislation.

See also under Convention No. 52.

CONVENTION No. 101

Labour Code: Act No. 2 of 27 August 1943 (*L.S.* 1943—*C.R.* 1).

Section 153 of the Labour Code recognises the right of workers in general to annual holidays with pay. For agricultural workers, however, this right is replaced by the right to rest with pay on the 15 public holidays listed in article 147 of the Labour Code.

The General Labour Inspectorate of the Ministry of Labour and Social Welfare supervises the implementation of the provisions relating to holidays with pay.

There are difficulties of a legal nature in the way of ratifying the Convention, since the labour legislation grants public holidays with pay instead of annual holidays in agricultural or cattle-raising activities, which is contrary to Article 5 of the Convention.

A Bill is being drawn up to reduce the number of public holidays and grant agricultural workers one week's annual holiday in compensation.

Cyprus

CONVENTION No. 52

Hotels (Conditions of Service) Regulations, 1953 and 1956.
Children and Young Persons (Employment) Law.

Legislation is of limited scope, but in actual practice a large number of employers grant annual holidays with pay to their employees. Nearly all collective agreements provide for such holidays, the duration of which in most cases exceeds the minimum established in the Convention.

The above regulations provide that every hotel worker shall have one whole day's holiday in every four weeks of service; these holidays may be accumulated and taken at intervals of one year.

The above law provides that at least 14 days' holiday in every year shall be granted to all employees who are under 18 years of age. Whether these are paid holidays or not is a moot point.

Practice is not in conformity with the provisions of Article 2 (3) of the Convention (exclusion of public holidays and sick leave from the annual holiday). However, in most cases the duration of the annual paid holiday is substantially longer than the minimum of six working days prescribed in the Convention.

In introducing labour legislation account has always been taken of the provisions of international labour standards.

It is not considered possible to ratify the Convention, since this would necessitate the enactment of further legislation. However, as the practice of granting annual holidays with pay is already observed by the vast majority of employers and as the introduction of legislation would be against the government policy of leaving the parties concerned to regulate conditions of employment through collective bargaining, it is not intended for the time being to introduce the kind of legislation envisaged by the Convention in order to protect isolated cases.

Officers of the Ministry of Labour and Social Insurance are entrusted with the supervision of the application of the legislation and regulations.

RECOMMENDATION No. 47

No legislative or administrative provisions exist in regard to the matters dealt with in the Recommendation. However, a large number of collective agreements make provision for some of the matters dealt with in the Recommendation.

Paragraph 1 of the Recommendation. There are no provisions in collective agreements concerning Paragraph 1 (1) and (2), nor is practice in conformity with them. In regard to Paragraph 1 (3), however, manual workers, particularly in the building industry, enjoy annual leave based on their length of service with one or more employers under a system of "leave stamps" paid to the unions by each employer each week.

Paragraph 2. The possibility of division of holidays is never provided for in collective agreements, and in practice the holiday is usually continuous.

Paragraph 3. Practice is in conformity with this provision in certain big establishments, particularly in respect of non-industrial workers.

Paragraph 4. The practice of payment by results is very limited.

Paragraph 5. No consideration has been given to the establishment of a more advantageous system of holidays for young persons under 18 years of age.

Representative organisations of employers and workers have been requested to give effect to as many of the provisions of the Recommendation as possible through voluntarily concluded collective agreements.

See also under Convention No. 52.

RECOMMENDATION No. 98

The only way in which some of the matters dealt with in the Recommendation are provided for is by means of collective agreements. The Ministry of Labour and Social Insurance is active in regard to the provisions of Paragraph 2 (a), (b) and (d) of the Recommendation. Practice generally is in conformity with the provisions of Paragraphs 9 and 11 to 14.

In practice, a substantial proportion of the weekly-paid manual workers (including some 20,000 construction workers) are entitled to one week's annual holiday with pay, as compared with 15 to 30 days' annual paid holiday enjoyed by monthly-paid non-manual workers.

No provision is made in collective agreements with regard to the effect of interruptions occasioned by pregnancy and confinement on entitlement to annual holiday and the duration of such holiday. In government service, however, female employees are entitled to leave with half pay for one month both before and after childbirth.

Representative organisations of employers and workers have been requested to give effect to as many of the provisions of the Recommendation as possible through voluntarily concluded collective agreements.

See also under Convention No. 52.

CONVENTION No. 101

No legislative or other provisions exist in regard to the matters dealt with in the Convention, although a few collective agreements are in force in the big undertakings where a substantial number of workers are employed. It is not considered appropriate to enact legislation, since the agricultural establishments are small and of a seasonal nature, and also since it has been proposed to introduce wages councils with powers in the field of annual holidays. In any event the policy of the Ministry of Labour and Social Insurance is to refrain from introducing employment legislation without very special cause.

Czechoslovakia

RECOMMENDATION No. 47

Act of 18 December 1959 respecting vacation leave with pay (*Sbírka Zákonů* (S.Z.), 31 Dec. 1959, No. 38, Text 81) (L.S. 1959—Cz. 3A).

Notification of the Central Council of Trade Unions dated 28 December 1959 to apply certain provisions of the above Act (S.Z., 31 Dec. 1959, No. 38, Text 82) (L.S. 1959—Cz. 3B).

Ordinance No. 28 1960.

Paragraph 1 of the Recommendation. If due to military service, the exercise of civic rights, sickness, accident, family events, etc., absence from work for not more than 75 days in the calendar year in respect of which the holiday is granted does not affect the duration of the holiday. If the absence from work in these cases exceeds 75 days the duration of the holiday is reduced by one-twelfth for every additional 25 days of absence.

The right to a holiday is acquired after a period of 11 months of employment with the one employer. If the worker concerned changes his job owing to the reorganisation of the establishment, on medical advice, for important family reasons or on the expiry of a contract of employment concluded for a specific period, he is entitled to a proportionate holiday according to the time worked for both his former and his new employer. In the event of a change of job without a valid reason, however, the worker concerned must, if he is to be entitled to a holiday, once more complete a full qualifying period.

Paragraph 2. The holiday must be granted in one stretch. If this is not possible for important reasons, no part of the holiday may be shorter than one week.

Paragraph 3. The minimum duration of the holiday (two weeks) is raised after five years of service with the same employer to three weeks, and after 15 years of service to four weeks. Miners employed in underground work and workers employed on dangerous work are entitled to a holiday of one additional week (Ordinance of 1960).

Paragraph 4. During his holiday a worker is entitled to remuneration equivalent to the wage he would have earned had he remained at work. If the worker is not in receipt of a fixed wage his holiday remuneration is based on his average earnings during the 12 months preceding his holiday.

Paragraph 5. Persons under 18 or over 50 years of age are entitled to a holiday of three weeks. For students who enter employment on the conclusion of their studies the waiting period required for entitlement to the holiday is five months.

Changes in the legislation are now being prepared.

The application of the above Act is supervised by the Public Prosecutor and by the trade unions at the level of the undertaking. Any person who considers that his rights to a holiday with pay have been infringed may go to arbitration within the establishment or bring the dispute before a court.

The Government states that all the provisions of the Recommendation are covered by the national legislation.

RECOMMENDATION No. 98

For legislation see under Recommendation No. 47.

Paragraphs 1 and 2 of the Recommendation. The subject of annual holidays with pay is governed by the Act of 1959 and orders made thereunder.

Paragraph 3. The legislation mentioned above is of general application, there being no exceptions. It also covers seamen and persons employed in agriculture.

Paragraph 4. The minimum length of the holiday is two weeks; for persons under 18 or over 50 years of age it is three weeks. If there is a change of employer for important reasons listed in the legislation in force the entitlement to a holiday is maintained. The qualifying period for a holiday is normally 11 months; for women with family responsibilities and students who have completed their studies and are entering employment for the first time it is five months.

To be entitled to a holiday a worker must have completed at least 75 days of work during the year. This prerequisite need not be met in the case of changes of employment that are "privileged" or recognised by law, in which case the employee

is entitled to a proportionate holiday according to the period of employment completed with his former and his new employer respectively. Absences from work not exceeding 75 days do not affect the holiday entitlement. In the event of long absences the duration of the holiday is reduced by one-twelfth for every additional period of 25 days of absence.

If it is not possible to grant the worker a proportionate holiday before the expiry of his period of employment he is entitled to cash compensation based on his average earnings over the last 12 months.

Paragraph 5. Public holidays and days of absence due to sickness or occupational accidents are not counted in the duration of the holiday.

Paragraph 6. See under Paragraph 3 of Recommendation No. 47.

Paragraph 7. Interruptions of work during which the worker receives wages or which do not give rise to a termination of the employment relationship do not affect entitlement to or the duration of the annual holiday with pay.

Paragraph 8. See under Paragraph 5.

Paragraph 9. The date and the duration of the holiday are determined in advance for each worker. The holiday schedule is drawn up in consultation with the trade union committee of the undertaking. The wishes of the personnel in this connection are taken into account as far as possible, subject to the requirements of the work and operations of the undertaking.

Paragraph 10. Persons under 18 years of age have three weeks' holiday.

Paragraph 11. See under Paragraph 4 of Recommendation No. 47.

Paragraph 12. Records are kept.

Paragraphs 13 and 14. No step affecting the workers is taken before the Central Council of Trade Unions has been consulted. The 1959 Act is applied by a notification of the same year.

The application of the legislation is ensured by the Director of Public Prosecutions and his subordinates. The trade unions for their part supervise the preparation of holiday schedules.

The Government considers that the national legislation is in accordance with the Recommendation.

CONVENTION NO. 101

Act of 18 December 1959 respecting vacation leave with pay (*Sbirka Zákonů (S.Z.)*, 31 Dec. 1959, No. 38, Text 81) (*L.S. 1959—Cz. 3A*).

Notification of the Central Council of Trade Unions dated 28 December 1959 to apply certain provisions of the Act respecting vacation leave with pay (*S.Z.*, 31 Dec. 1959, No. 38, Text 82) (*L.S. 1959—Cz. 3B*).

The granting of holidays with pay is regulated uniformly for all employed persons in all branches by the above Act and notification. Both these texts fully cover persons employed in agriculture. Workers employed temporarily for seasonal and campaign work are paid for every 25 days of work performed a monetary compensation in the amount of one-twelfth of emoluments due to them for the period of holidays in respect of permanent employment. These employees are not, therefore, subject to a qualifying period.

Dahomey

CONVENTION No. 52

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (L.S. 1952—Fr. 5) (ss. 121-124).

Order No. 10844 IGTL/AOF of 17 December 1956 (*Journal officiel de l'Afrique occidentale française*, 29 Dec. 1956).

Paid leave at the expense of the employer accrues to the worker at the rate of a minimum of 18 working days per year.

Young workers under 18 years of age are entitled to 24 working days' leave per year.

The duration of the 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.

Mothers with families, if under 21 years of age, are entitled to two additional days for each dependent child; those over 21 years of age are entitled to the same privilege in respect of each dependent child as from the fourth.

The application of the legislation is entrusted to the Labour Inspectorate.

The employers and the workers are able to assist in the application of the legislation through the election of staff representatives.

No modifications have been made in the legislation, the provisions of which, according to the report, are more favourable to the workers than those of the Convention.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

In determining the length of the holiday no deduction is made for absences due to employment injuries, maternity leave, or, subject to a limit of six months, absences caused by illness duly certified by an approved medical practitioner.

Special leave of absence in connection with family events may not be deducted from the holiday, provided such leave does not exceed ten days a year.

Workers laid off when work on a particular site is concluded, for example in the building trade, receive pay in lieu of their holidays if they are not taken on again. If they are taken on again when work starts on another site, they acquire a right to a holiday as soon as they have completed 12 months' service.

Section 11 of Order No. 10844 lays down how holidays may be divided.

Under section 13 of the order the holiday remuneration is to amount to one-sixteenth or one-twelfth (according to the particular case) of the total earnings over the corresponding period of employment.

The report states that national law and practice cover all the provisions of the Recommendation.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

All workers except civil servants are entitled to one-and-a-half days' holiday a month, or 18 working days a year.

Twenty-four days of actual work a month suffice for entitlement to one-and-a-half days' holiday.

A worker who is dismissed or who himself leaves his employment before the expiry of the period of service required for entitlement to an annual holiday with pay is entitled to payment in lieu of a holiday.

Public holidays, days of weekly rest and absences due to occupational accidents, sickness or confinement are not counted as part of the annual holidays, since it is laid down that the 18 days of annual holiday shall be working days.

The duration of annual holidays with pay increases with length of service and, for women, with the number of dependent children.

According to the report the national law and practice cover all the provisions of the Recommendation.

CONVENTION NO. 101

See under Convention No. 52.

Denmark

RECOMMENDATION NO. 47

Act No. 65 of 31 March 1953 respecting paid leave (*Lovtidende A*, 1 Apr. 1953, No. VIII, p. 121) (*L.S.* 1953—Den. 2).

Order of the Minister of Finance of 13 January 1959.

Apprenticeship Act, No. 261, 2 October 1956 (*Lovtidende A*, 9 Oct. 1956, No. XXVIII, p. 571) (*L.S.* 1956—Den. 2).

Act No. 156 of 31 May 1961 respecting agricultural and domestic workers (*Lovtidende A*, No. XI, p. 284) (*L.S.* 1961—Den. 2).

Paragraph 1 of the Recommendation. Persons covered by the 1953 Act are entitled to holidays with pay at the rate of one-and-a-half days for every month worked in the undertaking during the preceding year or 1 April to 31 March. Where less than one month is worked, leave proportionate to the duration of employment is given.

The right to holidays with pay is not dependent on continuity of work, although interruptions caused by sickness or accident may affect the amount of holiday pay. Remuneration is payable in respect of absences due to sickness lasting more than three days but not more than three months in any leave year, and only on condition that the worker has been employed for one year or more in the undertaking before the onset of the sickness. Remuneration is payable for any period or periods not exceeding three months when injury is sustained in the undertaking, on condition that at the time of the injury the worker had been employed with the employer for six consecutive days. When the worker receives wages in whole or in part during military service he is also entitled to leave pay.

When different employers are involved, leave remuneration is shared in proportion to the amount of remuneration which the employee has received from each employer.

Paragraph 2. Section 4 of the 1953 Act provides that leave of 12 days or less shall be taken undivided between 2 May and 30 September (the "leave period"); when the leave amounts to more than 12 days, the days in excess of 12 shall be taken undivided but may be taken outside the "leave period". The part in excess of 12 days may be taken on separate days to be determined by the employer where production requirements render this desirable. Section 4 (4) provides that for persons employed in agriculture not less than six days shall be taken at once during the "leave period". Six of the remaining days must be taken together.

Paid leave to civil servants shall be given as far as possible undivided within the "leave period" (section 4, Order of 1959).

Twelve of the 18 days of paid leave to which apprentices are entitled for each year of apprenticeship shall be taken during the "leave period". The excess may be taken outside this period but shall normally be granted consecutively.

Section 11 of the 1931 Act provides that at least half of the 18 week-days to which agricultural and domestic workers are entitled shall be given within the "leave period"; the rest may be consecutive or divided as the worker may wish.

Paragraph 3. No provision is made for increase in length of annual leave according to length of service.

Paragraph 4. According to the 1953 Act every person is entitled to leave remuneration amounting to 6½ per cent. of the wage paid to him in respect of the work on which his right to leave is based. Provision is not made for methods of calculating leave remuneration of a person paid wholly or partly on an output or piece-work basis.

Paragraph 5. The Act of 1956 (section 5 (4)) provides that a contract of apprenticeship shall guarantee a leave allowance to the apprentice to be drawn during the first leave after the period of apprenticeship.

RECOMMENDATION NO. 98

For legislation see under Recommendation No. 47.

Paragraphs 1 and 2 of the Recommendation. Provisions respecting the Recommendation are contained in the 1953 Act respecting paid leave. Section 6, however, provides that the competent authority may direct that the Act shall not apply in particular trades or occupations where the employees receive no less favourable terms than provided for by the Act.

Paragraph 3. The 1953 Act applies to all employees, whether employed in public or private undertakings. Persons exempted under the Act are those in the service of the State, the National Church, or national schools, who are covered by special legislation or rules, apprentices, agricultural and domestic workers and persons employed on board ship. No exemption exists for persons employed in an undertaking in which only members of the employer's family are engaged.

Paragraph 5. The 1953 Act provides that the leave shall include only week-days. According to section 5 the Minister of Labour and Social Affairs may make exceptions concerning leave remuneration for persons who, for certain reasons, are prevented from taking their leave during the "leave period" (2 May to 30 September).

Paragraph 9. Notification of not less than one month must be given to the employee of the date on which the leave is due to begin, unless circumstances render such notification impossible.

Paragraph 10. The 1953 Act contains no special provisions for persons under 18 years of age.

Paragraph 11. According to section 5 (2) of the 1953 Act a worker entitled to leave may be allowed leave with pay plus the value of board, when appropriate, in a case where he was engaged on a monthly basis or longer and no deduction is made from salary in respect of holidays falling on weekends, days of sickness, etc.

Paragraph 14. The 1953 Act, section 1 (3), provides that questions as to the extent to which a person is covered by the Act shall be determined by the Directorate of Factory and Labour Inspection, when possible, after consultation with the appro-

priate organisation. Appeals against the decision of the Director may be made to the Minister of Labour and Social Affairs, whose decision can be brought before the ordinary courts.

CONVENTION No. 101

Act No. 65 of 31 March 1953 respecting paid leave (*Lovtidende A*, 1 Apr. 1953, No. 8, p. 121) (*L.S.*, 1953—Den. 2).

Act No. 156 of 31 May 1961 respecting agricultural and domestic workers (*Lovtidende A*, No. XI, p. 284) (*L.S.*, 1961—Den. 2).

Articles 1, 2 and 3 of the Convention. Holidays with pay in agriculture are covered by the above Acts. When employment is not covered by the 1961 Act, the 1953 Act is applicable.

The 1961 Act entitles the worker to paid leave of 18 week-days if he has entered into a contract for one full year, or if he has worked for a full year. If the worker has entered into a contract of employment for six months, or if he has worked for six months, he is entitled to a period of leave of nine week-days. If the worker covered by the 1961 Act terminates his contract of employment which, on account of its duration, does not entitle him to the leave thus prescribed he is entitled to one-and-a-half days' leave in respect of each month completed during the period of employment. The leave shall be granted before the expiry of the contract of employment.

If the employment is covered by the 1953 Act the worker is likewise entitled to one-and-a-half days' leave for each month he has been employed during the "leave year" (1 April-31 March).

Article 4. The legislation makes no exception from the provisions respecting paid leave for members of the family of the employer.

Article 5. Leave pursuant to the 1961 Act includes week-days only, and no deduction is made in the leave for absence from work due to sickness or accident. If the contract of employment is terminated because of the worker's incapacity for work due to sickness or injury, and if the worker has been unable, prior to the expiry of the contract, to take any leave accruing to him, he is entitled by way of compensation to his wages and to payment in lieu of meals for each day's leave lost.

It is to be noted that, where the employment is covered by the 1953 Act, the right to paid leave is not contingent upon continuity of work. Days of absence from work due to sickness or injury may, however, be of consequence in calculating the amount of leave remuneration to which the employee is entitled. Leave remuneration is payable in respect of sickness lasting more than three days, but not more than three months, in any one leave year, but only on condition that the person has been employed for one year or more in the undertaking before the onset of the sickness. Where such absence is due to injury received in the undertaking, leave remuneration is payable for any period or periods not exceeding three months in all, on condition that at the time of the injury the person had been employed with the employer for a period of six consecutive days.

Article 6. According to section 11 of the 1961 Act at least half of the leave to which the worker is entitled must be given at once and in conjunction with a Sunday; and, if the period during which the contract is being executed permits, the said half of the leave must be granted to the worker during the period 2 May to 30 September, the rest of his leave being granted to him, at his option, in one or more instalments.

Where the employment is covered by the 1953 Act agricultural workers are entitled to paid leave of not less than six days at once during the "leave period"

(2 May to 30 September). The remaining days to which the person is entitled may be given in the part of the leave year falling outside the leave period, but six of them must be given consecutively.

Article 7. According to section 11 of the 1961 Act an agricultural worker covered by the Act is entitled for the duration of his leave to his wages and to payment in lieu of meals. Where the employment is covered by the 1953 Act, the worker is entitled to receive from the employer leave remuneration amounting to 6½ per cent. of the wages or salary paid to him in respect of the work on which his right to leave is based, including 6½ per cent. of the value of board and lodging. Where such payment in kind forms part of the remuneration of the worker, the employment will, however, be covered by the 1961 Act.

Article 8. According to section 11 of the 1961 Act no exception to the provisions of the Act with regard to paid leave can be made by direct agreement or contract to the detriment of the worker's interests. This is also the case according to the 1953 Act.

Article 9. The 1961 Act also provides that termination of a contract of employment shall, except in case of misconduct, take place sufficiently early to enable the worker to take all leave which has accrued to him before the expiry of the contract. In case of termination due to incapacity for work—which must, however, be of more than one month's duration—exception is made to the provision just cited, but in such cases the worker is entitled by way of compensation to his wages and to payment in lieu of meals for each day's leave lost.

Article 10. Disputes concerning demands for paid leave pursuant to the provisions of the 1961 Act are under the jurisdiction of the ordinary courts; no administrative inspection or supervision of the application of the provisions of the Act has been established.

The question as to whether a person is covered by the 1953 Act is decided by the Directorate of Factory and Labour Inspection, against whose decision an appeal may be made to the Ministry of Labour and Social Affairs. The final decision of all disputes concerning the 1961 Act belongs to the ordinary courts. The 1961 Act removed all existing obstacles to ratification of the Convention.

Dominican Republic

RECOMMENDATION No. 47

Labour Code: Act No. 2920 of 11 June 1951 (*L.S.* 1951—Dom. 1) (ss. 46, 57 (as amended in 1955 (*L.S.* 1955—Dom. 2)), 10 and 170).

Section 46 of the Labour Code, which states that “During the suspension of the contract of employment, the employee shall be freed from the obligation of giving his services and the employer from the obligation of paying the agreed remuneration save where the law or the contract provides otherwise”, has been interpreted as meaning that only the aspect of the relationship specifically laid down in the contract is interrupted, all other aspects, and especially those referred to in Paragraph 1 of the Recommendation, remaining in force. Section 57 of the Code adds that, on the transfer of an undertaking or any branch of it, all the rights and obligations arising from contracts of employment applying to the transferred establishment are thereby acquired by the transferee, and in no circumstances may a worker's rights be forfeited as a result.

A worker with an indefinite contract of employment who is laid off through no fault of his own is entitled to a holiday in proportion to the length of time worked, provided the latter is longer than six months.

There is no legislation specifying, in cases where a worker has served a number of employers during the year, which of the latter must bear the cost of his holidays. Nor is there any legislation allowing holidays to be split up or requiring them to increase progressively with length of service, although there are collective agreements which do so.

The Government considers that there is no conflict between the legislation and the terms of the Recommendation.

RECOMMENDATION NO. 98

Labour Code: Act No. 2920 of 11 June 1951 (*L.S.* 1951—Dom. 1) (ss. 168-183 inclusive, 38 and 39).

There are no enactments or collective agreements containing all the principles of the Recommendation, but most of its provisions, including the most important, are in fact observed.

A worker is entitled to take all the holidays specified by section 168 of the Labour Code, although there is no legislative provision dealing with intermittent involuntary unemployment.

Workers with intermediate contracts of employment, who are employed for less than one year but more than six months, are entitled to holidays as follows: more than six months—seven days; more than seven months—eight days; more than eight months—nine days; more than nine months—ten days; more than ten months—11 days; more than 11 months—12 days. The Department of Labour enforces the relevant laws and collective agreements in order to ensure that workers are granted the holidays to which they are entitled.

Employers are required by law to inform their employees of their holiday entitlement during the first 15 days of each year and to send a copy of the list to the Department of Labour or to post up a copy in a prominent place in their workshops or establishments, in order to facilitate inspection and inform their workers how and when they can take their holidays. Some days before the holidays are due an inspector visits each establishment to check whether the law is being obeyed.

The legislation on the subject is now being revised to provide two working weeks' holiday for persons under the age of 18 and to implement Paragraph 4 of the Recommendation.

The Government takes the view that this instrument can serve as a basis for legislation without amendment.

CONVENTION NO. 101

Labour Code: Act No. 2920 of 11 June 1951 (*L.S.* 1951—Dom. 1).

Regulations No. 7676 of 6 October 1951 (s. 67).

The provisions of the Labour Code respecting paid holidays do not apply to agricultural workers (section 67 of the above regulations).

Nevertheless, agricultural workers have been granted the right to holidays with pay in most of the collective agreements concluded in the past two years.

The Department of Labour, in co-operation with the workers' organisations, is responsible for ensuring that the provisions of collective agreements are effectively applied.

With the assistance of an I.L.O. expert, the competent authorities are revising the entire labour legislation of the country to bring it more into line with current international standards.

Ethiopia

CONVENTION No. 52

Civil Code Proclamation, 1960.

Labour Relations Decree, 1962.

Legislation exists in respect of the main items covered by the Convention. An annual leave with pay of at least ten consecutive days is granted to every employee under sections 2561 and 2562 of the above Proclamation.

At present the courts supervise the application of the above legislation, but it is hoped that labour inspection services may be established shortly under labour inspection legislation which is now under way. The 1962 Decree encourages the establishment of employers' and workers' organisations with right to bargain collectively on labour conditions.

No modifications have been made in the national legislation or practice with a view to giving effect to the provisions of the Convention, but subsidiary legislation designed to cover paragraphs 3, 4 and 5 of Article 2 is in the course of preparation.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Legislation exists in respect of some of the provisions of the Recommendation. Under section 2564 (2) of the Civil Code Proclamation deductions from annual leave for reasons other than for days of leave taken in advance on the initiative of the employee are not permissible.

Regulations relating to Paragraphs 2 and 3 of the Recommendation are under consideration.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

The Labour Relations Decree, 1962, is relatively new, and the system of collective bargaining is just beginning. Some initial effect to the Recommendation may be given by supplementary legislation on holidays with pay which is now under consideration, and, in particular, measures will be taken to give effect to the provisions of Paragraphs 4, 5, 6, 8 and 13 of the Recommendation.

CONVENTION No. 101

For legislation see under Convention No. 52.

Under sections 2561 and 2562 of the Proclamation of 1960 annual holidays with pay of at least ten consecutive days are granted to every employee. The establishment of employers' and workers' organisations is encouraged by the 1962 Decree.

Finland

RECOMMENDATION No. 47

Act respecting annual holidays for workers, No. 199, 30 April 1960, as amended by Act No. 305 of 20 June 1960 (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1960, p. 483) (L.S. 1960—Fin. 2).

Paragraph 1 of the Recommendation. For the calculation of the length of the annual holiday the qualifying period of service includes periods of training in the

reserve and periods of exceptional military service; absence from work due to sickness or accident, not exceeding 75 days in the year in respect of which the holiday is granted; up to six weeks of absence from work caused by pregnancy or confinement; absence connected with work for the district or confidential duties which the worker is by law unable to decline; and up to one month of leave granted for a reason beyond the worker's control (section 3 of the 1960 Act). Employment is not deemed to be terminated if there is a change in the ownership of the undertaking.

A worker who under his contract of employment actually works, during the year on the basis of which the annual holiday is fixed, for fewer days per calendar month than provide entitlement to an annual holiday, receives compensation amounting to 6 per cent. of his earnings during the year, provided he has worked for at least 16 days in the course of the year in question (section 10 of the Act).

Paragraph 4. Homeworkers who have a contract with only one employer receive a sum amounting to 6 per cent. of their cash earnings as compensation for their holiday, in addition to the remuneration due to them (section 13, subsection 3, of the Act of 1960).

If their employers change during the year giving entitlement to a holiday, the workers concerned do not have their full holidays, but only compensation.

The holiday may be divided up into several periods; this possibility is not limited to exceptional cases, although at least one part of the holiday must cover six working days, or 12 working days in the case of persons under 16 years of age.

There are no special holiday rules for young persons.

No change in the legislation concerning holidays with pay is under consideration for the moment.

RECOMMENDATION NO. 98

Paragraph 5 of the Recommendation. If on the date when the holiday or part of the holiday begins the worker is unfit for work owing to sickness, confinement or an accident, the holiday may, at the worker's request, be postponed to a later date (section 6, subsection 2, of the 1960 Act).

Paragraph 9, subparagraphs (1) and (2). The holiday is granted on a date fixed by the employer but falling within the holiday period, i.e. between 2 May and 30 September inclusive. Subject to the worker's consent the holiday may be granted at some other time in the same calendar year (section 5, subsection 1, of the above-mentioned Act).

The employer is required to inform the workers of their annual holidays at least two weeks before the beginning of the holiday or of the part of the holiday in question (section 6, subsection 3, of the Act).

Paragraph 14. The Labour Council, on which employers' and workers' organisations are represented, is empowered, *inter alia*, to deal with matters connected with the application of the 1960 Act, and to submit proposals for the development of labour legislation in general.

The report states that the law concerning workers' holidays seems in the main to cover the provisions of the Recommendation.

See also under Recommendation No. 47.

CONVENTION NO. 101

Under section 5 of the Act the annual holiday must be granted at a time appointed by the employer during the holiday season (2 May to 30 September). With the

worker's consent the annual holiday may be allowed at any other time during the same calendar year. As regards agriculture and related occupations, if granting of the annual holiday in the summer were to hamper the activity of the undertaking the holiday may be granted at any time during the same calendar year. Again, with the worker's consent, the annual holiday may also be postponed until the following year, in which case it must be taken before the end of April.

Under section 6 of the Act the holiday must be allowed in one continuous period. The employer may allow such portion of the holiday as exceeds nine working days—or, in the case of a worker covered by the second paragraph of section 5 (including agriculture) six working days—to be taken in more than one period, but only if this is necessary in order to prevent an interruption of the work, or if the worker so consents.

Section 14 of the Act provides that it shall not be lawful for an employer to keep a worker at work during the annual holiday to which he is entitled, with the exception that in agriculture or related occupations a worker may, with his consent, be kept at work during such portion of the annual holiday as exceeds the continuous holiday period (six working days).

Under section 21 of the Act it is the duty of the public prosecutor to take legal proceedings in respect of offences against the Act.

See also under Recommendation No. 47.

France

RECOMMENDATION No. 47

Labour Code, Book II, Title 1, Chapter IV^{ter}.

The annual holiday prescribed by the law is three weeks, calculated at the rate of one-and-a-half working days a month, the right to an annual holiday being established after one month of service. After 20 years of service, whether continuous or not, but in one establishment, the annual holiday is increased by two working days, after 25 years by four days and after 30 years by six days. The annual holiday of young workers and apprentices under 18 years of age is four weeks (two working days a month). The length of a worker's annual holiday is not affected by absence from work on account of paid leave, maternity leave, employment injury, military service or leave for educational purposes. As the legislation also provides that four weeks' work counts as one month of service a worker's absences for any reason up to a total absence of four weeks a year do not affect his holiday entitlement.

The holiday may be divided into parts only with the consent of the worker, but one part must be for a period of at least two weeks. The pay for the basic annual holiday may not be less than one-sixteenth of the worker's remuneration during the qualifying year (one-twelfth for those under 18 years of age) or less than he would have received had he worked for the period of his holiday, taking into account the pay rates and the worker's timetable in force at the time.

The application of the legislation is supervised by the Labour and Manpower Inspectorate.

RECOMMENDATION No. 98

For legislation see under Recommendation No. 47.

Section 31 (g) of Book I of the Labour Code makes it obligatory for collective agreements to contain clauses concerning annual holidays, and agreements may provide better provisions than those of the law. If a worker's contract is terminated,

and it is not on account of gross misconduct, he is entitled to pay for any holiday still due to him. Holiday dates are arranged well ahead in consultation between the employer and his staff representatives, and in any case a worker must be notified at least 15 days in advance. The keeping of a register showing details of paid holidays is covered by section 9 of the Decree of 1 August 1936.

Federal Republic of Germany

CONVENTION NO. 52

Federal Act of 9 August 1960 to protect young persons in employment (*Bundesgesetzblatt (BGBl.)*, Part I, 13 Aug. 1960, No. 45, p. 665) (*L.S.* 1960—Ger. F.R. 2), as amended by the Federal Act of 8 January 1963 respecting paid leave (*BGBl.*, Part I, 12 Jan. 1963, No. 1, p. 2).

Until the end of 1962 annual holidays with pay were governed by the laws of the individual *Länder*.

Under the *Länder* legislation the minimum duration of leave was 12 working days per year. The Federal Act respecting paid leave, which came into force on 1 January 1963, raised this minimum to 15 working days, and 18 days for employees over 35 years of age. Many collective agreements provide for longer holidays.

Young workers under 18 years of age are entitled to an annual holiday of 24 working days. In the case of young persons employed on work underground the leave period is 28 days.

To establish their entitlement to leave, workers may apply to the probiviral courts. Furthermore, under the Act respecting the status of undertakings, works councils are responsible for ensuring that employees are granted the leave to which they are entitled in virtue of the legislation or of collective agreements. The parties to collective agreements are likewise required to bring pressure to bear on their members to ensure that they acquit themselves of the obligations devolving upon them from the said agreements.

The Convention has served as a basis for the drafting of the federal legislation on holidays and the Federal Act to protect young persons in employment. There are none the less difficulties which stand in the way of ratification of the Convention, namely the requirements of the Convention as regards—(a) the division of leave into parts (Article 2, paragraph 4); (b) the obligation to increase leave progressively with the length of service (Article 2, paragraph 5); and (c) the nullity of any agreement to relinquish the right to leave (Article 4), which the Government considers to be too stringent. Moreover, the Government feels that the existing methods of enforcement are sufficient and there is no need to order that records be kept as required by the Convention (Article 7).

Since 1 January 1963 the question of leave has come under federal legislation. As from that date, the *Länder* legislative measures have remained in force only in so far as concerns one or two special aspects, such as the extra leave accorded to those who have been the victims of political persecution and to certain categories of persons whose capacity for work is reduced.

The Government does not have in mind any measures to give effect to those provisions of the Convention which are not yet covered by national legislation or practice.

RECOMMENDATION NO. 47

For legislation see under Convention No. 52.

In the main, the existing federal laws and the collective agreements cover the points dealt with in the Recommendation in accordance with the spirit of the instru-

ment. This is so in particular with regard to the calculation of the period of continuous service with one or several employers which is required for entitlement to a holiday, and with regard to the calculation of holiday remuneration.

The Federal Act respecting paid leave and the Federal Act to protect young persons in employment are based on the Recommendation.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

In the main, the existing statutory provisions and collective agreements give effect to the provisions of the Recommendation. This is so in particular with regard to the granting of a proportionate holiday if the employment is terminated prematurely, the deduction of public holidays from annual holidays, interruptions of work which are not allowed to affect entitlement to or the duration of annual holidays, the determination of the period when the holiday is to be taken and holiday remuneration.

Employers' and workers' organisations have taken part in the drafting of legislation on holidays.

The Federal Act respecting paid leave and the Federal Act to protect young persons in employment are based on the Recommendation.

Ghana

CONVENTION NO. 52

Labour (Catering Trade Workers) (Minimum Remuneration) (No. 2) Order, 1961, Executive Instrument 90.

Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1962, Executive Instrument 49.

All persons employed in any of the undertakings or establishments specified in Article 1 of the Convention are entitled to annual holidays with pay. In the civil service annual leave is governed by the Establishment Secretary's office circulars, in private undertakings by collective agreements, and in the retail and catering establishments by collective agreements and the above wages boards orders. Collective agreements generally provide more favourable conditions than those laid down by the wages boards orders.

An extract from the Establishment Secretary's circular letter containing current regulations relating to annual leave entitlement of civil servants was attached to the Government's report. After one year's continuous service, and after each subsequent year of continuous service, every daily-rated employee is entitled either to 14 days' paid leave—which includes all paid public holidays—or to 14 consecutive days' leave with pay; in either case, should the days include National Founder's Day or Ghana Independence Day, an additional day's holiday with pay is given for each of these two days. Should the employee leave government employment, or his services be terminated for reasons other than misconduct, he shall be entitled to proportionate payment in lieu of leave for the number of months' service rendered, provided that he has completed at least six months' continuous service. A daily-rated employee may also be allowed the travelling time granted to salaried employees.

A specimen copy of the collective agreement between the Educational Institution Workers' Union of the Ghana Trades Union Congress and the British School of Careers, Ghana, containing provisions about leave, was attached to the report.

The Labour Commissioner supervises the application of the legislation, while heads of departments supervise the application of civil service regulations. The enforcement of collective agreements is the responsibility of the parties in industry.

National legislation and practice give effect to some of the provisions of the Convention, for which no modification is contemplated.

The rules governing leave in respect of civil servants appointed before 1 July 1957 take as a basis salary, as follows: £G401 or above—26 working days' leave; £G250 to £G400—24 working days' leave; below £G250—13 working days' leave.

Although leave for civil servants appointed after 1 July 1957 is based on salary *and* length of service, it is not proposed to alter the leave conditions of the categories of officers mentioned above.

Daily-rated employees in government service are entitled, after a year's service, to 14 days' leave with pay as well as nine paid public holidays. The period of leave does not increase with length of service.

It is considered that the phrase "including the cash equivalent of his remuneration in kind, if any" in Article 3 (a) may raise some difficulties, since there is in practice a condition (for which no change is contemplated) for the withdrawal of certain allowances while an employee is on leave.

Government rules and also some collective agreements provide that an employee who, without prior approval from his employer, does not take his leave before the end of a calendar year forfeits it.

RECOMMENDATION No. 47

Civil service regulations, collective agreements and Executive Instruments 90 of 1961 and 49 of 1962 all provide for grant of leave in case of sickness or accident and for the purpose of enabling an employee to attend to his personal affairs. Such leave does not affect an employee's annual leave entitlement.

An extract of the Establishment Secretary's circular was attached to the Government's report. Regulations relating to daily-rated employees are as follows: (1) a daily-rated employee may be granted sick leave at the same rate as a salaried employee with similar length of service; (2) no daily-rated employee can be appointed to a salaried post while on sick leave; (3) the appointment of a daily-rated employee may be terminated on medical grounds on the certificate of a medical officer; (4) a daily-rated employee who has performed more than one year's service and whose appointment is terminated on medical grounds may also be granted sick leave in accordance with General Order 362, in paragraph (iii) of which the words "two months" should be read as "one month" for this purpose. A daily-rated employee who has performed more than one year's continuous and satisfactory service may be granted paid casual leave, in accordance with General Order 730, as if he were an officer.

The Labour Commissioner, heads of government departments and parties to collective agreements in industry are responsible for supervising the application of the relevant legislation and regulations. The National Advisory Committee on Labour will discuss questions relating to the application of the Recommendation should the Government decide to adopt it.

The national legislation and practice give effect to all the provisions of the Recommendation save those of Paragraph 1 (3), which may have to be modified so as to enable the Recommendation to be adopted or applied.

RECOMMENDATION No. 98

Civil service regulations, executive instruments and collective agreements contain provisions in regard to matters dealt with in the Recommendation.

Extracts from the civil service regulations and specimen copies of collective agreements containing provisions on annual leave were forwarded with the Government's report.

The Labour Commissioner, heads of government departments and parties to collective agreements in industry supervise the application of the relevant legislation and regulations.

If it is proposed to adopt the Recommendation, the National Advisory Committee on Labour will be called upon to discuss questions relating to its application.

It is not intended to adopt new measures giving effect to all the provisions of the Recommendation, as they are to a large extent covered by national legislation and practice.

Modifications enabling the Recommendation to be adopted may be necessary in respect of the provision in Paragraph 4 requiring the annual holiday with pay to be made "proportionate to the length of service performed with one or more employers" and also as regards the provisions of Paragraphs 10 and 11 (b).

CONVENTION No. 101

Provision concerning annual holidays with pay for agricultural workers is made by means of collective agreement. A collective agreement between the Planters Association and the Union of General Agricultural Workers assures such workers of holidays with pay.

In the civil service provisions have been made by general orders and administrative circulars in respect of persons employed in the Agricultural Department.

Although no measures have been proposed to give effect to those provisions of the Convention not yet covered by national practice, no difficulties are generally anticipated which may prevent or delay ratification of the Convention.

Greece

RECOMMENDATION No. 47

Act No. 539 respecting the granting of annual holidays with pay to employees. Dated 5 September 1945 (*Ephemeris tes Kyberneseos*, Part I, 6 Sep. 1945, No. 229, p. 1096) (*L.S.* 1945—Gr. 2).

After 12 months' service salaried employees are entitled to a holiday of 12 working days and wage earners and apprentices to one of eight working days.

For workers below the age of 18 the minimum length of the holiday is fixed at 12 working days.

See also under Convention No. 52, Report III (I).

RECOMMENDATION No. 98

See under Recommendation No. 47.

CONVENTION No. 101

Civil Code (s. 666).

See also under Recommendation No. 47.

Although the provisions of the 1945 Act do not meet the requirements of the Convention, they can nevertheless be extended to agricultural undertakings in accordance with section 1, subsection 2.

Section 666 of the Civil Code prescribes the granting of a holiday to every worker who is not protected by a specific law. Under this section the full-time or principal employer of a wage earner must grant him a holiday of at least ten consecutive days per year if the employment contract has been maintained without interruption for one year, of 15 days if it has been maintained for five years, and of 20 days if it has been maintained for 15 years. The wage earner receives a wage during the holiday.

Haiti

CONVENTION No. 52

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961, Extraordinary, Nos. 1-A, 1-B, 1-C, 1-D) (L.S. 1961—Hai. 1).

The Labour Code contains the following provisions concerning leave with pay. Every worker is entitled after one year's service to at least 15 consecutive days' leave with pay consisting of 13 working days and two Sundays. Official public holidays and interruptions of work due to sickness are not included in the leave period (section 123).

A worker who is entitled to annual leave but ceases his employment for any reason before taking it is to be given the cash equivalent for 15 days' work. Where a worker is suspended or dismissed or resigns for any reason before he has been in employment for one year, he is entitled to a twelfth part of the annual leave for each month's employment (section 124). In the event of termination of the contract of employment, annual leave shall be granted and taken separately from the period of notice (section 126).

Every person taking annual leave is to be paid in respect of such leave his usual remuneration calculated in the manner prescribed by law or collective agreement, including the cash equivalent of his remuneration in kind, if any (section 128).

Any agreement to relinquish the right to annual leave with pay or to forgo such leave shall be void (section 129).

Annual leave may not be carried over from one year to another. However, in cases of *force majeure* the parties may, if the General Directorate of Labour expressly permits, agree in writing that such leave will be accumulated over a period not exceeding two years in any circumstances (section 130).

Every employer is required to keep records in conformity with the provisions of Article 7 of the Convention.

Employers who violate the provisions of the Code relating to holidays with pay are liable to a fine or a term of imprisonment.

The Labour Inspectorate is charged with the supervision of the application of the above legislation.

RECOMMENDATION No. 47

In the case of jobs where the work does not proceed regularly throughout the year, such as those in coffee exporting establishments and cottage industry workshops, etc., the worker's annual leave is to be calculated on the basis of the number of days actually worked, including Sundays and public holidays, the total being divided by 30. This calculation is to be made in order to determine the number of units of one-twelfth to which the worker is entitled, i.e. one-and-a-quarter days' leave for every period of 30 days. In carrying out these calculations, months in the course of which the worker was employed for less than eight days are to be disregarded.

There is no legal provision prescribing an increase in the duration of annual leave with length of service. Nevertheless some collective agreements contain such provisions.

In calculating the wages to be paid in respect of leave, periods of notice and bonuses to persons remunerated at job or piece rates, the following procedure is observed : total earnings for the period in question are divided by the number of days worked in the course of a month. The figure thus obtained is deemed to be the average daily wage and is multiplied by the number of days in respect of which payment is due.

Employers must allow their apprentices a half-yearly holiday of at least 15 days. See also under Convention No. 52.

RECOMMENDATION No. 98

National legislation provides for the functioning of the different types of machinery referred to in Paragraph 1 of the Recommendation: General Directorate of Labour, Higher Wage Board, collective agreements, arbitration boards, etc. Every worker, through the intermediary of his representatives, is entitled to participate in the drawing up of collective agreements regulating conditions of work. The State encourages collective bargaining.

Every worker is entitled to at least 15 consecutive days' leave with pay after one year's service. This provision applies to farming, livestock breeding and forestry undertakings (with the exception of purely family agricultural undertakings) as well as to industrial and commercial establishments.

Official public holidays and interruptions of attendance at work due to sickness are not included in the leave period, but must be added to it.

There are no legal provisions under which the duration of a leave period increases with length of service, but some collective agreements contain such provisions.

Every woman, on production of a medical certificate indicating the probable date of confinement, is entitled to 12 weeks' maternity leave on full pay. The employer is bound to keep her job open for a woman worker who is away on maternity leave or suffering from incapacity arising out of ill health due to pregnancy.

Apprentices are accorded 15 days' leave in every six-month period.

Every person going on annual leave must be paid his normal remuneration in respect of such leave, calculated in accordance with the legislation or collective agreements in force and in addition the cash equivalent of his remuneration in kind, if any.

In order to facilitate the effective application of the paid leave provisions laid down in the Code, every employer is required to keep records showing—(a) the date of entry into service of each employee and the duration of paid leave to which he is entitled; (b) the dates at which the paid leave is taken by each employee; (c) the remuneration paid to each employee in respect of paid leave; and (d) the dates on which sick leave and maternity leave, if any, are taken by each employee and the remuneration received in respect thereof.

See also under Convention No. 52.

CONVENTION No. 101

For legislation see under Convention No. 52.

Agricultural workers are entitled to an annual holiday with pay in the circumstances prescribed by the Labour Code (section 464).

Responsibility for the implementation of the legal provisions rests with the General Inspectorate of Labour of the Secretariat of State for Labour and Social Welfare.

See also under Convention No. 52.

Iceland**CONVENTION No. 52**

Act No. 16 of 1943 respecting holidays with pay (*Stjórnartíðindi*, 1943, A. 3) (L.S. 1943—Ice. 1), as amended by Act No. 8 of 1957.

Regulations No. 101 of 1943, as amended by Regulations No. 48 of 1957.

Act No. 38 of 1954.

Regulations No. 87 of 1954.

Under the Act of 1943 all employed persons are entitled to an annual holiday with pay accruing at the rate of one-and-a-half days for every month worked during the preceding year. For the purpose of calculating the duration of the holiday, periods during which the worker was absent from work owing to sickness or an accident but continued to receive his remuneration are reckoned as periods of employment. These provisions are without prejudice to any more favourable provisions which may be made in collective agreements or individual contracts of employment.

Employees in the service of the Government are entitled to 18 days' leave during the first ten years of service, increasing to 21 days after ten years of service and to 27 days after 15 years of service.

Employees in permanent employment are entitled to their usual remuneration throughout the holiday period. Other employees receive with each pay packet a holiday allowance in the form of holiday stamps equal to 6 per cent. of their wages. These stamps are affixed in a holiday book and cashed at any post office at the time the holiday is taken.

With very few exceptions, holidays are generally granted between 1 June and 1 September.

It is unlawful for an employee on holiday to engage in work for remuneration in his own occupation or in any similar occupation. The transfer of holiday stamps to another person or the carrying over thereof from one year to another is prohibited.

Any contravention of the statutory provisions in this respect is punishable by a fine.

The Ministry of Social Affairs is responsible for enforcing the legislation on holidays. The trade unions, for their part, ensure that the rights of their members are respected.

No modifications have been made in national legislation to give effect to the provisions of the Convention.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Act No. 16 of 1943 respecting holidays with pay (*Stjórnartíðindi*, 1943, A. 3) (L.S. 1943—Ice. 1), as amended by Act No. 8 of 1957.

According to the 1943 Act all those engaged in the services of others shall have the right to and be obliged to take annual holidays of one-and-a-half week-days in respect of each calendar month during which work was discharged in the preceding year. For the purpose of calculating holiday allowance working time includes

periods of absence from work on account of sickness or accident. This provision does not prejudice the right to a more extended period of holiday which may be allowed by agreement with employers.

Holiday allowance is granted in two ways. Persons in permanent employment receive the usual salary from their employer while on vacation. Other employees, upon receipt of wages, receive payment of holiday allowance by means of stamps amounting to 6 per cent. of the wages. They have holiday allowance books in which the stamps are affixed. Payment of these stamps can be obtained at a post office.

Holiday allowance is generally granted during the period 1 June to 1 September except for those engaged in farm work or in herring fisheries. These workers are granted vacation at other times of the year, or in accordance with special regulations.

It is not permissible to work for pay during vacation. Neither is endorsement of holiday allowance stamps, nor the carrying of these forward between years, permissible.

Violations of the provisions of the law are punishable by fines. Trade unions safeguard the rights of their members in cases relating to holiday allowance, but the execution of the law is supervised by the Minister of Social Affairs.

The provisions of the law would appear to conform generally with the provisions of the Convention, and no decisions have been taken to amend the Act.

India

CONVENTION No. 52

Factories (Amendment) Act, 1954 (*L.S.* 1954—Ind. 1).

Mines (Amendment) Act, 1959 (*L.S.* 1959—Ind. 2).

Motor Transport Workers Act, 1961 (*India Code*, Vol. 5).

State Shops and Commercial Establishments Acts.

Dock Workers (Regulation of Employment) Act, 1948 (*L.S.* 1948—Ind. 1).

Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (*India Code*, Vol. 5).

Apprentices Act, 1961 (*L.S.* 1961—Ind. 1).

As regards apprentices, annual leave is governed by the Apprentices Act, 1961, which provides that an apprentice should be entitled to such leave as may be prescribed and to such holidays as are observed in the establishment in which he is training. The amount of leave as prescribed in the rules framed under the Act to which an apprentice is entitled under certain prescribed conditions consists of a maximum of 12 days of casual leave per year; a maximum of 15 days of medical leave in respect of each year of training; and a maximum of ten days of extraordinary leave in a year. These benefits compare favourably with the Convention.

Articles 4 and 9 of the Convention. The legislation generally provides that the benefits available to the workers therein are without prejudice to any more favourable conditions to which a worker may be entitled under any other law, award or agreement, etc.

Article 7. As regards the maintenance of records, the various enactments generally require the employers to maintain registers in the prescribed form showing the leave granted, wages, etc., in respect of each employee. The bodies responsible for the administration of the Apprentices Act are the National Council, the Central Apprenticeship Council, the State Council and the State Apprenticeship Advisers.

The Apprenticeship Advisers appointed under the Act are entrusted with the supervision of the application of the provisions of the Act.

Besides satisfying the requirements of the Convention, the various enactments at times are more liberal as regards holidays with pay. State inspectorates have been set up to ensure the implementation of the legislation. The Chief Inspector of Mines, Dhanbad, is responsible for the enforcement of the Mines Act, and tripartite dock labour boards along with officers of the central industrial relations machinery administer and ensure compliance with the schemes framed under the Dock Workers (Regulation of Employment) Act, 1948.

Co-operation between workers' and employers' organisations is secured through tripartite implementation and evaluation committees at central and state level, which deal, *inter alia*, with non-implementation of awards, labour laws, etc. Some states have tripartite labour advisory boards to review from time to time the position concerning the implementation of the various enactments.

There are certain occupations listed in the Convention with regard to which it is at present impracticable to modify the national law to bring them within its purview. Accordingly, since the immediate adoption of such measures is not intended, ratification of the Convention presents difficulty.

See also under Recommendation No. 98.

RECOMMENDATION No. 47

See under Recommendation No. 98 for information about the position in law and practice respecting annual leave with pay, the supervision of the application of the national legislation of paid annual leave and the co-operation of employers' and workers' organisations in the application of the relevant legislation; and under Convention No. 52 for information on holidays with pay in respect of young persons, including apprentices.

Paragraph 1, subparagraph (1), of the Recommendation. As regards the requirements of this Paragraph most of the enactments prescribe a qualifying period of duty for the purpose of eligibility for leave. The minimum periods prescribed generally make sufficient allowance for interruptions due to various causes. Both the Factories Act and the Mines Act provide that any days of leave by agreement or contract, and maternity leave not exceeding 12 weeks, should be deemed to be periods of duty for the purpose of computation of the qualifying period for eligibility for leave. There is, however, no specific provision in these enactments concerning interruptions occasioned by sickness, accident, family events, military service, etc. Nor do the State Shops and Commercial Establishments Acts contain specific provisions concerning such interruptions.

Paragraph 2. With regard to division of holidays, both the Factories Act and the Mines Act provide that a worker may divide the leave due to him into more than one but not more than three periods in a calendar year. The Industrial Tribunal (Bank Disputes) Award restricts these periods to two. The employees concerned are, however, not prevented under these enactments and the award from taking leave, if due, in one stretch.

While it is admitted that care should be taken to ensure that arrangements concerning division of holidays do not run counter to the periods of the holiday, a worker might generally prefer paid leave on several occasions in connection with his social and religious obligations, and any restriction on the division of holidays might cause hardship in certain cases.

Paragraph 4. The calculation of average earnings for the purpose of remuneration during the leave period is usually done over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings. For instance, under the Factories, Mines and Motor Transport Workers Acts, a worker is entitled to wages for the leave period at a rate equal to the daily average of his total full-time earnings calculated over the month immediately preceding the leave. The corresponding rate is prescribed in some of the State Shops and Commercial Establishments Acts as the daily average of a worker's wages calculated over the preceding three months.

Under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957, a working journalist is entitled during the leave period to wages equal to his average monthly wages earned during the preceding 12 months.

Action on the lines recommended in the instrument has already been taken to the extent practicable.

It has not been considered necessary to make any modifications in the legislation.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

The enactments provide for annual leave with pay to workers employed in undertakings and establishments covered by them. The duration of holidays prescribed in these enactments generally conforms with the requirements of the Recommendation.

Under the Factories Act, 1948, a worker who has worked for a period of at least 240 days during a calendar year is entitled to paid leave at the rate of one for every 20 days of duty in the case of an adult and one day for every 15 days' work in the case of a child. This leave is exclusive of weekly days of rest and other holidays, whether accruing during or at either end of the period of leave. The Act also provides for leave with wages at the above rates for a worker who is discharged or dismissed before he has completed the prescribed qualifying period of duty. Normal accumulation of leave is permissible to the extent of 30 days in the case of adults and 40 days in the case of children. On termination of employment workers are entitled to pay for the period of leave due to them.

The Mines Act, 1952, provides that workers employed below ground are entitled to leave at the rate of one day for every 16 days of work provided they have put in at least 190 attendances during a calendar year. The rate prescribed for other workers is one day for every 20 days of work provided they have worked for at least 240 days during the calendar year. Unlike the Factories Act, the Mines Act does not contain any provision for young workers as regards the amount of leave, because there are various restrictions on the employment of young workers in mines, and there is also provision for adolescent workers to rest for at least 30 minutes after every four-and-a-half hours of continuous work.

The leave granted under the Act does not include the weekly days of rest, public holidays or other similar occasions, whether they fall during or at either end of the period of leave. Nor does it include periods of rest occasioned by prenatal and postnatal care and days of absence due to accident or sickness. Accumulation of leave is permissible up to 30 days. Upon termination of employment or leaving the service workers are entitled to pay for the period of leave due to them.

Annual leave with wages in respect of workers employed in shops and commercial establishments is governed by various State Shops and Commercial Establishments Acts, which at present cover mainly urban areas. The provisions relating to paid annual leave in the relevant state Acts vary from state to state. The period generally ranges from 12 to 16 days. Most state laws also grant casual leave with pay ranging from ten to 14 days in a year. In a few states employees are entitled to paid sick

leave and public holidays. In the event of termination of employment, employees are entitled under most of the State Shops and Commercial Establishments Acts to wages for the period of leave due to them.

Under the Motor Transport Workers Act, 1961, a motor transport worker employed in a transport undertaking covered by the Act, who has worked for a minimum period of 240 days during the calendar year, is entitled to paid leave at the rate of one day for every 20 days of work if an adult, and one day for every 15 days of duty if an adolescent. In the event of discharge or dismissal from service, the worker concerned is entitled to paid leave at the above rates even if he has not completed the prescribed qualifying period. The annual leave with wages is granted exclusive of weekly holidays, holidays for festivals or other similar occasions, whether they fall during or at either end of the period of leave. Accumulation of leave is permissible up to 30 days in the case of an adult and 40 days in the case of an adolescent.

The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, provides that every working journalist is entitled to earned leave with full wages for not less than one-fourth of the period spent on duty. Under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957, framed under the Act, a working journalist is also entitled to ten days' holiday and 15 days' casual leave with pay during a calendar year. The holiday, including the weekly day of rest intervening in leave granted under these rules, forms part of the period of leave.

In the event of termination of employment for reasons other than disciplinary action, a working journalist is entitled to cash compensation for the earned leave due to him, up to a maximum of 90 days. Accumulation of earned leave is permissible to the extent of 90 days.

Annual leave in the case of dockworkers is regulated by the schemes framed under the Dock Workers (Regulations of Employment) Act, 1948. At present, such schemes exist for stevedore labour in the ports of Bombay, Calcutta, Madras, Cochin and Vishakhapatnam. The schemes which seek to regulate the employment of dockworkers generally provide for eight days' holiday with pay in a year. In addition, dockworkers are also entitled to privilege leave, casual leave, etc., with pay at rates prescribed by the dock labour boards. Except for casual leave, all leave is exclusive of holidays.

The granting of annual leave with wages in the case of industrial employees in defence establishments is governed by departmental rules under which the amount of leave varies from seven to 20 days with the length of service; no leave is granted in respect of service under one year.

Industrial employees in establishments defined as factories under the Factories Acts are entitled to annual leave with wages as provided for under the Acts or in accordance with the departmental rules, whichever is more beneficial to them.

Holidays falling in between leave are not counted in cases where a worker is granted leave under the Factories Acts. In the case of leave granted under the departmental rules, however, the annual leave is inclusive of public and customary holidays occurring during the leave period. Accumulation of leave under the departmental rules is permissible to the extent of 30 days.

The granting of annual leave in the case of employees in government offices and persons employed in the Life Insurance Corporation of India is also governed by the relevant departmental rules and regulations. The benefits available to the staff under these rules and regulations with regard to the amount of leave compare favourably with those provided for in the Recommendation.

The amount of annual leave, etc., and the conditions governing this are also regulated at times by the awards of industrial tribunals. One such recent award

(1962) is the award of the National Industrial Tribunal on the industrial disputes between certain banking companies and corporations and their workmen. The amount of leave recommended by the Tribunal compares favourably with the requirements of the Recommendation in this regard.

As regards the requirement in Paragraph 4 (1) of the Recommendation concerning the reckoning of service with one or more employers, the labour enactments do not take into account the service put in with more than one employer during a year for eligibility for leave. There are practical difficulties in complying with this requirement.

It has not been found practicable to comply with all the requirements of Paragraph 7 (3) of the Recommendation concerning interruptions of work.

The duration of annual leave or holidays with pay, as prescribed in the various enactments and regulations, generally conforms with the requirements of the Recommendation.

Action on the lines recommended in the instrument in respect of other methods is also being taken to the extent practicable. The coverage of the various State Shops and Commercial Establishments Acts, which at present apply principally to urban areas, is also being progressively extended to bring more employees within their scope. Apart from the progressive extension of the scope of these enactments, it is not proposed to take any specific measures to give effect to the provisions of the Recommendation.

CONVENTION No. 101

There is no legislation regulating the grant of annual holidays with pay in agriculture. As employment is of an intermittent and seasonal character, the workers are mostly employed on a casual basis and are paid only for the days they work. Employers having sizable holdings engage "attached labour", usually on an annual basis, and the days on which they do not work may, in a broad sense, be considered as holidays with pay. In certain cases the grant of annual holidays with pay is determined by agreement between the employer and the workers.

Iraq

RECOMMENDATION No. 47

Labour Law No. 1, 1958, as amended (*Al-Waqayi' u al'Iraqiya*, 12 Apr. 1961, No. 511) (*L.S.* 1961—Iraq 1).

Sections 13, 14 (3-4), 15, 16, 18, 19, 23, 28 and 30 of the above-mentioned law contain provisions relating to holidays with pay. The Directorate-General of Labour is responsible for ensuring the allocation of these provisions. Recommendations Nos. 47 and 98 are being translated into Arabic and will be submitted to the competent authorities for consideration.

RECOMMENDATION No. 98

See under Recommendation No. 47.

CONVENTION No. 101

For legislation see under Recommendation No. 47.

Workers engaged in operating agricultural machinery driven by mechanical power enjoy holidays with pay under the Labour Law.

A special law regulating employment conditions will be drafted shortly, and measures will be taken to ratify the Convention.

Ireland

CONVENTION No. 52

Holidays (Employees) Act, 1961 (L.S. 1961—Ire. 1).

Article 1 of the Convention. The above legislation applies to all employees, except for those defined in section 3 (1) of the Act, including members of an employer's family who are maintained by the employer in his own house, and state employees, who are entitled to an annual holiday with pay at least equal to that prescribed by the Convention.

Article 2. Workers, including apprentices, are entitled to 14 consecutive whole days of holiday with pay in each employment year, provided they have worked for the qualifying period set out in section 10 (1). There is no provision for the non-inclusion of sick leave as part of the holiday, since this is not practical. No provision exists for increasing the holiday with length of service. The Act gives entitlement also to six public holidays with pay each year, but it does not provide for an increase in the annual leave with length of service.

Article 3. The holiday remuneration is twice the normal weekly wage. Section 11 of the Act provides that an employer who fails to allow annual leave shall be guilty of an offence.

Article 5. Section 12 provides that it is an offence for a worker to work for reward during his annual leave.

Article 6. The rate of holiday pay due to a worker whose employment has been terminated before the end of his employment year is one-sixth of a week's pay for each month of service.

Article 7. The Act provides for the making of an order requiring employers to keep records necessary for the enforcement of the legislation and for the prosecution of an employer guilty of an offence.

Article 8. An employer who fails to comply with the provisions of the Act may be prosecuted.

Inspectors appointed by the Ministry of Industry and Commerce supervise the application of the legislation.

Generally, the legislation provides for more favourable conditions than are envisaged by the Convention. It is not proposed to introduce legislation to give effect to those provisions of the Convention not yet covered by legislation (particularly Article 2, paragraph 5) since it is considered that this is a matter for agreement between employers and workers or their organisations.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. Leave must be allowed if a prescribed number of hours has been worked (1,600 hours, or 1,500 in the case of certain workers under 18 years of age).

Paragraph 2. Certain exceptions are provided for in sections 16 and 17 of the Act.

Paragraph 4. The holiday pay for a worker not remunerated by reference to time is based on his average weekly earnings, exclusive of overtime pay, for the six months immediately preceding the leave period.

The legislation is in conformity with the Recommendation, apart from Paragraphs 3 and 5.

RECOMMENDATION NO. 98

Under the Industrial Relations Act, 1946, the Labour Court may make orders giving effect to conditions of work which have been settled by Joint Labour Committees. However, the 1961 Act brought the annual leave entitlement of all workers up to the levels prescribed in existing orders.

See also under Convention No. 52 and Recommendation No. 47.

CONVENTION NO. 101

Agricultural Workers (Holidays) Act, 1950 (*L.S.* 1950—Ire. 1), as amended by the Agricultural Workers (Holidays) (Amendment) Act, 1961.

Agricultural Workers (Holiday Remuneration) Order, 1950.

Article 1 of the Convention. The legislation applies to all agricultural workers.

Article 2. The legislation is administered by the Agricultural Wages Board, on which employers and workers are represented.

Article 3. Section 2 of the 1961 Act provides for 12 days' annual holiday.

Article 4. The 1950 Act defines "agricultural worker", "agricultural employer" and "agriculture".

Article 5. The legislation does not distinguish between young workers and adult workers, nor does it provide for an increase in the annual holiday with length of service. Where a worker does not qualify for a full annual holiday he is entitled to receive one day for each month of employment. Sundays and such public holidays as may be allowed by the employer are not reckoned as holidays for the purpose of the legislation.

Article 6. Where it is the practice for a worker to be allowed "free days" with full pay to attend certain events, up to six of these days may be regarded as part of the annual holiday.

Article 7. Holiday remuneration must be in accordance with the minimum wage rates and other conditions fixed by the Agricultural Wages Board.

Article 8. The worker has the option of remaining at work, provided he receives holiday remuneration in addition to his ordinary wages.

Article 9. The worker receives any holiday remuneration due to him on the termination of his employment.

Article 10. Inspectors of the Wages Board supervise the application of the legislation.

The Convention is substantially met by the legislation, but ratification is not possible since certain provisions are not covered by the enactments, and the legislation is in direct conflict with Article 8 of the Convention.

The possibility of ratification will be kept in mind if the legislation is reviewed.

Israel

RECOMMENDATION No. 47

See under Convention No. 52, Report III (I).

RECOMMENDATION No. 98

See under Convention No. 52, Report III (I).

Italy

RECOMMENDATION No. 47

Constitution (s. 36).

Civil Code.

Act No. 1305 of 2 August 1952 to implement the Holidays with Pay Convention, 1936.

Act No. 562 of 18 March 1926 respecting employment in privately owned establishments.

Act No. 25 of 19 January 1955 to lay down rules respecting apprenticeship (*L.S.* 1955—It. 1).

Act No. 264 of 13 March 1958 respecting protection of home work (*L.S.* 1958—It. 1).

Act No. 339 of 2 April 1958 to provide for the employment relationships of domestic workers (*L.S.* 1958—It. 2).

Continuity of service for purposes of entitlement to holiday is not affected by interruptions caused by sickness, injury, pregnancy or confinement. During such interruptions, any worker is entitled, by virtue of special legislation, collective agreement, custom and the principles of equity, to remuneration or the equivalent forms of benefit or assistance. Continuity is not affected either by any change in management (sections 2110 and 2112 of the Civil Code).

In the case of seasonal employment where work is not continuous throughout the year, the holiday is proportionate to the number of months worked.

Entitlement to a holiday depends on length of service in the same establishment. The duration is calculated on the basis of each individual's length of service and grade, and is determined by special legislation, the contract of employment, custom or the principles of equity. It is usual for collective agreements to contain clauses on annual holidays, and these are sometimes more advanced than the statutory standards. Under the Act of 2 April 1958, manual workers are entitled to between 15 and 20 days, and domestic workers to between 15 and 25 days, depending on their length of service. Homeworkers are entitled to a percentage of their over-all earnings to compensate them for their holidays. This percentage is laid down in the collective agreement for each occupation (section 11 of the Act of 13 March 1958).

Under the Act of 19 January 1955, an employer is required, under pain of prosecution, to grant an apprentice an annual holiday with pay of not less than 30 days if the apprentice is under the age of 16, and of not less than 20 days if he is over that age (sections 11 (*e*) and 14 of the Act).

Under some collective agreements, local public holidays are not taken into account in calculating the annual holiday.

Annual holidays may be taken in more than one instalment at the request of the worker or if in the interests of the establishment employing him. Collective agreements, nevertheless, restrict this practice in order to ensure that workers are not deprived of the benefit of their annual rest.

It is for each employer to decide when the holiday may be taken, having regard to the needs of the business and the interests of the workers (who must be notified in advance).

A worker who for reasons beyond his own and his employer's control is unable to take his holiday is entitled to an allowance equal to his normal wage. If his contract of employment is terminated before the end of the year, he is entitled to a holiday in proportion to his length of service.

Exceptions to these general principles are allowed only if they represent an improvement. No worker may waive his entitlement to a holiday.

The provisions of the law and collective agreements on holidays are enforced by the Labour Inspectorate.

The Government considers that, in view of national law and in particular of practice, the Recommendation can be accepted. As regards certain points of detail, it states that whenever any new regulations on the subject are introduced they will, in so far as is compatible with national methods, be based on the principles of the Recommendation.

RECOMMENDATION No. 98

See under Recommendation No. 47.

Ivory Coast

RECOMMENDATION No. 47

See under Convention No. 52, Report III (I).

RECOMMENDATION No. 98

With regard to Paragraphs 1 and 2 of the Recommendation the Government states that the workers are encouraged by the Ministry of Labour and Social Affairs to meet together in joint committees for the purpose of concluding collective agreements containing special clauses concerning holidays with pay.

With regard to consultations between employers and workers (Paragraph 9 of the Recommendation) the Government states that such consultations are held regularly in order to decide when holidays shall be taken and the order in which they are to be taken, in accordance with both the requirements of the undertaking and the workers' wishes.

See also under Convention No. 52, Report III (I).

CONVENTION No. 101

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5), as amended on 29 January 1953.

Act No. 56-332 of 27 March 1956 to amend the scheme for annual leave with pay (*Journal officiel de la République française*, 31 Mar. 1956, No. 78, p. 3120).

General Order No. 10844 IGTL/AOF of 17 December 1956 (*Journal officiel de la Côte d'Ivoire*, No. 1, 1 Jan. 1957).

Article 1 of the Convention. Every worker is entitled to a holiday after one year's service (section 122 of the Labour Code).

Section 3 of the above order states the methods of assessing the holiday right. Section 4 of the order specifies that the holiday right is due to every worker who

can show at the beginning of the annual holiday period that he has worked for his employer for a period equivalent to at least one month's actual work.

Article 2. The employers' and workers' organisations, represented equally on the labour advisory board, have been called upon to give their opinion on the implementation of the provisions of the Labour Code (original version) read in conjunction with those of the Act of 1956, which was extended to the Ivory Coast by the order.

Article 3. The Act of 1956, whose relevant provisions are restated in the general order, expresses the holiday in working days. The minimum duration of the holiday is one-and-a-half working days for each month of actual service.

Article 4. The legal and statutory provisions relating to holidays with pay apply to all agricultural workers so far as they fit the definition of section 1 of the Labour Code.

Article 5, paragraph (a). Young workers and apprentices receive two days' holiday for each month of work carried out during the reference period and before their eighteenth birthday.

Paragraph *(b)*. For workers with 20 years' continuous service in the undertaking, the normal duration of the holiday with pay is increased by two working days after 20 years' service, by four working days after 25 years' service, and by six working days after 30 years' service. This increase cannot result in a holiday exceeding 24 working days for 12 months of service.

Paragraph *(c)*. Under sections 3 and 4 of General Order No. 10844 every worker who has worked for his employer for a period equivalent to at least one month's actual work is entitled to a holiday. The holiday is thus proportional to the number of months' work carried out, rounded off to the whole number of working days immediately above. Payment of compensation is prohibited for holidays with pay that are not taken, except in the event of the breach or expiration of the contract (section 122 of the Labour Code).

Paragraph *(d)*. Public holidays, the weekly period of rest, absences resulting from sickness or employment injuries and periods of maternity leave are the subject of separate regulations and are in no circumstances counted as days of holiday with pay for the purposes of the present provisions.

Article 6. Under section 11 of the general order a holiday not exceeding 12 working days must be taken without interruption. Under the same section a holiday exceeding 12 working days can be divided up by the employer with the consent of the employed person.

The manner of division may be determined by collective agreements, subject to the provision that one part must consist of at least 12 working days without interruption included between two days of weekly rest.

Article 7. Every employed person going on holiday is entitled to a holiday allowance equivalent, for a worker coming under the general scheme, to one-sixteenth of the total remuneration that he has drawn during the reference period (on an average 24 working days in the month).

The total remuneration consists of all the sums that the persons concerned would have received in accordance with the contract wage if the employer had not made deductions for board and lodging. To this must be added the cash equivalent of benefits in kind regularly granted free of charge by the employer (section 17 of the general order).

For young persons of under 18 years of age, who are entitled to two working days' holiday with pay for each month of service, the holiday allowance is equal to one-twelfth of the remuneration gained during the period of work giving the right to the holiday (section 14 of the general order).

Article 8. Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, is null and void *ipso jure*; the right to the holiday with pay is enshrined in the law; infringements of the legal and statutory provisions governing it involve liability to the penalties prescribed in section 225 of the Labour Code.

Article 9. If the labour contract expires, or is terminated through dismissal or resignation before the worker has become entitled to the holiday, he is paid compensation on the basis of the rights he has acquired under the provisions of section 122 of the Labour Code and section 18 of the general order.

The report gives details of the methods of paying this compensation and states that failure to pay, which is considered an infringement of the provisions of section 122 of the Code, involves liability to the penalties prescribed in section 225 of the Code.

Article 10. The implementation of the Convention is supervised by the inspectors of labour and social legislation.

The Government observes that implementation of the Convention has not given rise to difficulties.

Japan

CONVENTION NO. 52

Law No. 49: Labor Standard. Dated 5 April 1947 (*Official Gazette*, 7 Apr. 1947, No. 303, p. 1) (*L.S.* 1947—Jap. 3).

Ministry of Welfare Ordinance No. 23 of 1947, enforcing the Labor Standard Law.

Cabinet Order No. 6 of 1922 concerning working hours and leave in government offices.

Rule 15-6 of the National Personnel Authority (Leave of Absence).

Article 1 of the Convention. The above Law applies in principle to all private enterprises other than those employing only the employer's relations who live with him; it is also inapplicable to domestic servants. National public employees are covered by the above cabinet order and rule; local public employees are covered by the Labor Standard Law and by local authority by-laws issued under section 24 of the Local Public Service Law.

Article 2, paragraph 1. Under section 39 (1) of the Labor Standard Law an employer is required to grant an annual holiday with pay of six working days to any worker who has been employed continuously for a year and present at work for over 80 per cent. of the total number of working days during the period.

National public employees are granted, under paragraph 5 of the above cabinet order and under Rule 15-6, an annual paid holiday of 20 days if they were in government service on 1 January "without regard to their record of continued employment". Persons employed in the course of the year are granted proportionate leave.

Local public employees are covered by systems similar to that applied to national public employees.

Paragraph 2. Under section 72 of the Law minors receiving vocational training recognised under the Vocational Training Law are granted an annual holiday of 12 working days.

Special provisions for persons under 16 years of age are not made for national and local public employees.

Paragraph 3. There are no provisions stipulating, in respect of private employees, that public and customary holidays shall not be included in the annual holiday. With regard to national and local public employees, holidays recognised under the law concerning national holidays are not included in the annual holiday.

Interruptions of attendance at work due to sickness may be included in the annual holiday if the worker so chooses, irrespective of whether he is a private or public employee.

Paragraph 4. Section 39 (1) of the Labor Standard Law allows the granting of the annual holiday in instalments even in the case of an annual holiday of six working days, if the worker so requests. In making this division, one day is the minimum permissible unit. With regard to national and local public employees units varying from one day to one hour are permissible.

Paragraph 5. Under section 39 (2) of the Law, a worker with two years' service or more is entitled to an annual holiday with pay calculated by adding one day for every year worked beyond one year of continuous service up to a maximum of 20 days. The duration of the annual holiday for national and local public employees is already 20 days, and this does not increase with length of service.

Article 3. Under section 39 (4) of the Law an employee is paid during the period of his annual holiday an amount equivalent to—(a) the average wage provided for in section 12 of the Law; or (b) the normal wage payable to him for the fixed number of hours worked; or (c) the standard daily remuneration provided for in section 3 of the Health Insurance Law (Law No. 70 of 1922).

National and local public employees receive their normal pay.

Article 4. Employees in general are not allowed to relinquish the right to an annual holiday guaranteed by law.

Articles 5 and 6. There are no provisions covering these Articles.

Article 7, paragraph (a). Under section 107 of the Labor Standard Law an employer is required to keep a workers' roster containing the date of entry into his service of each worker. An employer who regularly employs ten workers or more is required under section 89 (1) to submit his rules governing holidays to the competent administrative office.

Paragraph (b). Under section 39 (3) of the Law an employer is required to grant the annual holiday in the season requested by the worker, as long as this does not interfere with the normal operation of the enterprise.

National and local public employees are also granted an annual holiday at the time requested by them, as long as this does not interfere with the execution of business.

Paragraph (c). An employer is required under section 108 of the Law to make an entry in the wage book each time payment of holiday wages is made.

Article 8. Under section 119 of the Law, any person violating sections 39 and 72 of the Law is liable to imprisonment not exceeding six months or to a fine not exceeding 5,000 yen.

The enforcement and supervision of the Labor Standard Law and other related laws and regulations is the responsibility of labour standards inspectors. Matters concerning the enforcement and revision of the Labor Standard Law are discussed in labour standards councils on which employers, workers and the public interest are equally represented. The Personnel Commission or the member of the Commission to whom it delegates its power supervises the working conditions of local public employees.

No modification has been made in the national legislation with a view to giving effect to the provisions of the Convention.

Though generally in line with the Convention, the legislation contains several provisions differing in content from those of the Convention.

The question of adopting measures to give effect to those provisions not yet covered by the national legislation or practice is not receiving any special consideration.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. Under section 39 (5) of the Labor Standard Law, in calculating days of attendance, periods of absence due to sickness or injury arising from work and periods of maternity leave under section 65 of the Law are treated as periods of attendance.

See also under Article 2, paragraph 1, of Convention No. 52.

Paragraphs 2 to 5. See under Article 2, paragraphs 4 and 5, Article 3, and Article 2, paragraph 2, of Convention No. 52.

For the Government's reply to the rest of the questionnaire see under Convention No. 52.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Paragraphs 1 and 2 of the Recommendation. See under Convention No. 52.

Paragraph 3. See under Article 1 of Convention No. 52.

Paragraph 4, subparagraphs (1) and (2). No provision exists in the legislation.

Paragraph 5. In the case of national and local public employees, national holidays, weekly rest days, periods of absence from work due to sickness and childbirth, etc., are not counted as days of annual leave.

Paragraph 6. See under Article 2, paragraph 5, of Convention No. 52.

Paragraphs 7 and 8. See under Paragraph 1 of Recommendation No. 47.

Paragraphs 9 to 12. See under Article 7, paragraph (b), Article 2, paragraph 2, Article 3 and Article 7 of Convention No. 52.

Paragraphs 13 and 14. Section 113 of the Labor Standard Law provides that an order shall be issued under the said law only after consultation with representatives of workers, employers and the public interest. Furthermore, labour standards councils on which workers, employers and the public interest are equally represented discuss matters relating to the enforcement and revision of the Law.

See also under Convention No. 52 in general.

CONVENTION NO. 101

Law No. 49: Labor Standard. Dated 5 April 1947 (*Official Gazette*, 7 Apr. 1947, No. 303, p. 1) (L.S. 1947—Jap. 3).

Ministry of Welfare Ordinance No. 23 of 1947, enforcing the Labor Standard Law.

Article 1 of the Convention. Under the Labor Standard Law (section 39 (1)) the employer is required to grant an annual holiday with pay of six working days to a worker who has been employed continuously for a year and present at work for over 80 per cent. of the total number of working days. This provision is also applied to workers engaged in agriculture.

Article 2. The annual holiday with pay in agriculture is granted under the legislation.

Article 3. See under Article 1.

Article 4. By virtue of section 8 the Labor Standard Law applies to agricultural undertakings except those employing only relations of the employer who live with him; it does not apply to domestic employees.

Article 5, paragraph (a). Under section 72 of the Labor Standard Law, certain categories of young workers receiving vocational training under the Vocational Training Law are granted an annual holiday of 12 working days.

Paragraph (b). Under section 39 (2) of the Labor Standard Law the employer is required to give a worker with two years' service or longer an annual holiday with pay calculated by adding one day for every year worked beyond one year of continuous service (if the annual holiday thus calculated exceeds 20 days, the employer is not obliged to give holidays with pay in excess of this period).

Paragraph (c). No provision exists in the legislation with regard to proportionate holidays.

Article 6. Section 39 (1) of the Labor Standard Law allows the division of the six working days' holiday if so requested by the worker, the minimum unit of division being one day.

Article 7. See under Article 3 of Convention No. 52.

Article 8. The right to the annual holiday of the duration guaranteed by law, or to forgo such a holiday, may not be relinquished by any agreement.

Article 9. No such provision exists in the legislation.

Article 10. The application of the laws is supervised by the Labor Standards Bureau, prefectural labour standards offices and labour standards councils.

Although the legislation differs on several points from the provisions of the Convention, it generally conforms in principle thereto.

Kuwait

RECOMMENDATION NO. 47

Labour (Private Sector) Act, 1959 (*Al-jarida al-rasmiya*, No. 216, 15 Mar. 1959).

Labour (Public Sector) Act, No. 18, 1960 (*ibid.*, Supplement to No. 280, 20 June 1960).

Section 39 of the 1959 Act provides that a worker, after one complete year in the continuous service of an employer, is entitled to 14 days' leave with full pay, increasing after five consecutive years of service to 21 days. Workers in the private sector are also entitled to eight paid public holidays in each year.

Under section 17 of the 1960 Act both skilled and unskilled workers are entitled to 14 days' annual leave on full pay, while supervisors and foremen have the right to 21 days' annual leave on full pay. Workers in the public sector are also granted 11 paid public holidays each year.

RECOMMENDATION No. 98

See under Recommendation No. 47.

CONVENTION No. 101

Although Kuwait is not an agricultural country workers who are employed at the experimental agricultural farm and those employed in the public gardens are given the same rights in general as other workers regarding holidays with pay.

Luxembourg

CONVENTION No. 52

Act of 27 July 1950 to regulate annual leave with pay (*L.S.* 1950—Lux. 1).

Consolidated text of 20 April 1962 of the laws on the hiring of the services of private employees. Grand-Ducal Order of 8 October 1945 respecting the annual leave with pay of journeymen employed in handicrafts undertakings.

The legislation applies to all employees, with the exception of those in agriculture and in domestic service.

The minimum duration of leave is eight days ; for employees under 18 years of age it is 12 days. The duration of leave increases with length of service.

Public holidays and periods of sickness are not included in the leave period.

For the entire duration of leave an employee is entitled to his normal remuneration.

The majority of collective agreements provide for more favourable holiday arrangements than those prescribed by the statutory enactments.

An employee is not permitted to renounce any leave to which he is entitled, or to perform any paid work during the period of leave.

The legislation requires that records be kept.

Penalties are prescribed for failure to observe the provisions in question.

Enforcement of the statutory provisions and regulations in respect of leave is carried out by the Labour Inspectorate.

When the legislation now in force was framed account was taken of the provisions of the Convention. It is none the less planned to review the legislation on leave in the light of the I.L.O. instruments, and this may well be followed by the ratification of the Convention.

RECOMMENDATION No. 47

Instructions of the Minister of Labour and Social Insurance dated 29 December 1950 concerning the application of the Act of 27 July 1950.

See also under Convention No. 52.

Paragraph 1, subparagraph (3), of the Recommendation. A holiday is due after six months of uninterrupted employment with the same employer. To be entitled to a holiday in an occupation where the work is not regular throughout the year, the worker must be employed for 90 per cent. of the days normally worked in his occupation during the period of employment in respect of which the holiday is to be granted.

Paragraph 2. The holiday must be taken all at once or in two parts of roughly the same duration. There is no minimum duration laid down for any divided holidays.

Paragraph 3. The length of the holiday increases after three and five years of service for wage earners and salaried employees respectively. After seven years of service the holiday amounts to 12 or more working days in all cases.

Paragraph 4. Holiday remuneration is based on earnings in the three months preceding the holiday.

Paragraph 5. For young persons the holiday amounts to 12 days for the first year of service and 18 days for subsequent years.

RECOMMENDATION No. 98

Paragraph 4, subparagraph (3), of the Recommendation. Except in the case of dismissal for serious misconduct on the worker's part, a payment in lieu of a holiday is due to the worker when his employment is terminated after not less than three months for wage earners and six months for salaried employees.

Paragraph 5. Official and customary public holidays, days of weekly rest and days of absence due to occupational accidents or to sickness are not counted as part of the annual holiday. Pregnancy is treated like sickness.

Paragraph 6. The duration of the holiday increases with the length of service; for salaried employees it also increases with age.

Paragraph 9. The holiday period runs from 1 March to 1 November. For heads of families holidays should preferably be granted during the school holidays. The workers must be consulted with regard to the fixing of their individual holidays and the representation of the workers within the undertaking on matters of principle.

Paragraph 13. Before any legislation on holidays is drafted the trade chambers have to be consulted.

Paragraph 14. The representatives of the workers in the undertaking are in general competent to defend the workers' rights and interests.

See also under Convention No. 52 and Recommendation No. 47.

CONVENTION No. 101

Basic regulations concerning the labour contract for agricultural workers, approved on 15 April 1955 by the Minister of Agriculture.

Section 5 of the above regulations prescribes that every agricultural worker, after a continuous period of work with the same employer, is entitled to an annual holiday as follows : first year, eight working days ; second and third years, ten working days ; fourth and fifth years, 12 working days ; sixth and subsequent years, 15 working days.

The authority responsible for supervising the implementation of the regulations was established by the Ministerial Order of 3 March 1958 establishing a Tripartite Commission for the Agricultural Labour Department. The task of this is to work out the decisions to be taken by the competent appropriate ministers, and includes—*(a)* supplying reports, notices and information to the competent ministers; and *(b)* acting as conciliating body in disputes arising out of contracts for the hire of services and their execution, and in all claims connected with the Agricultural Labour Department.

A general reform of the legislation on holidays with pay is under consideration.

Malaya¹

CONVENTION NO. 52

Weekly Holidays Ordinance, No. 47/50.

Wages Councils Ordinance, No. 41/47.

Ordinance No. 47/50 grants an annual holiday with pay of five days, in addition to a weekly holiday, to all persons in “controlled businesses”, such as retail trades, bars, hairdressers, etc., and to all persons employed in shops, offices, godowns, workplaces or premises connected with or contiguous to the shops.

Wages regulation orders made under Ordinance No. 41/47 provide for annual holidays with pay for other classes of employees who are not sufficiently organised to negotiate effectively with employers.

In many industries collective agreements provide for annual holidays with pay of 14 days after one year's service increasing to 21 or 28 days or more depending on length of service.

Under general orders and other service regulations all government and public employees are entitled to annual holidays with pay varying with their categories and length of service; the majority receive annual leave varying from 14 to 39 days.

RECOMMENDATION NO. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

See under Convention No. 52.

CONVENTION NO. 101

An agreement between organisations of employers and workers provides for annual holidays with pay for all tappers, piece-rate workers and daily-rate workers employed on estates in membership with the Malayan Planting Industries Employers' Association. The entitlement is one day's holiday with pay for every two months of continuous employment, and one day's holiday with pay if a worker has worked 75 days or more in each period of three successive calendar months. Another agreement provides for three weeks' annual holiday on current pay, including allowances, for each year of service completed by estate clerks, contractors and “dressers”

¹ This country is now part of Malaysia.

employed on all estates in membership with the Malayan Planting Industries Employers' Association. Government and public employees receive holidays with pay under general orders and other service regulations.

In so far as the terms of collective agreements are implied or written into the individual contract of service of an employee and his employer, any breach is actionable in the courts (including labour courts under the Employment Ordinance) if it cannot be resolved by the parties concerned. Organisations of employers and workers co-operate in the application of the terms of the agreements through the National Joint Labour Advisory Council as well as other joint works committees in places of employment.

In accordance with the government policy of encouraging the regulation of employer-employee relations by voluntary collective bargaining, the Department of Labour and Industrial Relations will continue to assist organisations of employers and workers to enter into collective agreements to provide for annual leave with pay to those agricultural workers in smaller places of employment who are not already covered by existing collective agreements. It will not be possible to ratify the Convention until all agricultural workers in the country have been covered.

Mali

CONVENTION No. 52

Labour Code: Act No. 62-67/AN-RM of 9 August 1962 (*Journal officiel*, 15 Oct. 1962, No. 128).

The annual holiday due after 12 months' service is established at one-and-a-half working days for each month of work, making three weeks per year. Young workers, old workers and mothers of families are entitled to additional days of holiday. The holiday remuneration is established at one-sixteenth of the sums drawn during the year. Any arrangement providing for compensation in lieu of the holiday is null and void. It is obligatory for the employer's register to include a column for holidays with pay opposite the name of each worker.

The implementation of these provisions is supervised by the Labour Inspectorate.

The legislation of Mali, according to the report, goes further than the Convention, and penalties are prescribed for infringements.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Section 155 of the 1962 Labour Code lays down that the following shall be regarded as periods of work: periods of unfitness due to employment injury and, subject to a limit of six months, absences due to sickness and periods of maternity leave.

Section 156 of the Code prescribes that the holiday shall be taken within a year, subject to an extension of this period by three months at the most to meet the exigencies of the service.

Under section 163 the holiday with pay must consist of at least 12 working days in succession, but the period in excess of 12 days may be split up by agreement

between the parties. The holiday allowance is calculated in accordance with the total remuneration in cash and in kind drawn during the year (section 64).

Young workers are entitled to two working days' holiday for each month, and older workers receive two additional days after 15 years, four after 20 years and six after 25 years of service in the undertaking.

The whole of the Recommendation is incorporated in the legislation.

CONVENTION No. 101

See under Convention No. 52 and Recommendation No. 47.

Mexico

RECOMMENDATION No. 47

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Section 82 of the Federal Labour Act provides that workers with more than one year of service shall have annual holidays of a length which shall be determined by the parties and shall not amount to less than six working days. For each year of service there is to be an increase of two working days, up to a maximum of 12. These minimum periods are to be taken continuously. Unjustified absences may be deducted from the holidays, but only when the employer has paid wages during such absences. With regard to absences due to sickness, accident, family events, the exercise of civic rights, etc., no deduction from the holiday period is allowed.

Where the work is not carried out regularly all the year round the holiday must be of a length corresponding to the time worked. There are no provisions at the national level whereby the cost of holidays may be shared among several employers.

The part of the holiday in excess of the statutory minimum may be divided up.

Section 93 of the Federal Labour Act provides that when on holiday the workers shall receive their full wage, and that if they are paid by unit of output the amount is to be based on the average remuneration in the previous month.

The Federal Labour Act was amended on 31 December 1962. It is now laid down that workers below 16 years of age shall have a minimum annual holiday of 18 working days (previously they had 12 days), and that persons employing such minors are to allocate the work in such a way that the minors may pursue their education and attend vocational training school.

Under the regulations of the Federal Labour Inspectorate the inspectors are responsible for enforcing the statutory provisions on hours of work, rest periods, holidays, etc. Workers between 14 and 16 years of age are under the special protection of the Labour Inspectorate.

RECOMMENDATION No. 98

The Government considers that there should be federal action in respect of this Recommendation.

See also under Recommendation No. 47.

CONVENTION NO. 101

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1), as amended by the Decree of 31 December 1956 (*L.S.* 1956—Mex. 2).

Regulations of the Federal Inspectorate of Labour, 1934 (*Legislación sobre trabajo*, Ediciones Andrade S.A., 6th ed., 1960, Vol. I, p. 639).

Section 41 of the Federal Labour Act prescribes that the agricultural labour contract shall be subject to the provisions of special chapters. Section 82 grants all workers in general the right to annual holidays after one year's service. The length of the holidays is laid down in the labour contracts and cannot be less than six working days.

It is prescribed that the length of the holiday shall increase with the length of service, up to a maximum of 12 days. Young people of under 16 are granted holidays of 18 days per year.

Section 93 of the Federal Labour Act lays down that workers must receive their wage in full during their holidays, including allowances in kind.

With regard to agricultural workers, section 200 lays down that holidays shall be governed by the clauses of the labour contract.

Monetary compensation cannot be substituted for the holidays. Only working days are counted in the holidays, but not absences due to sickness or accident. Only the part of the holiday in excess of the minimum period laid down in the Act may be divided.

Section 22 of the Federal Labour Act prohibits the renunciation of the benefits granted under the Act.

In accordance with the decisions of the Supreme Court, when a worker is dismissed without having taken the holiday he is entitled to, he must receive monetary compensation for the days of holiday that he has not taken.

The federal labour inspectors are responsible for supervising the implementation of the provisions on holidays.

The main difficulty in the way of ratifying the Convention is the fact that the wording of the various sections of the Federal Labour Act concerning holidays is ambiguous. Thus, as section 200 of the Act lays down that for permanent agricultural workers annual holidays shall be governed by the labour contracts, it may be wondered, when the contracts do not stipulate holidays, whether the workers are still entitled to the minimum holiday fixed by section 82. One school of thought, basing itself on section 41 of the Federal Labour Act—which expressly lays down that the agricultural labour contract is governed by special provisions and by the general provisions that do not conflict with them—maintains that if section 200 has established that the workers' holidays must be governed by the labour contracts, the absence of any stipulation on holidays in these contracts means that the workers are not entitled to holidays.

Another point of view maintains that, if the Act had not intended agricultural workers to be entitled to holidays, it would have laid down that section 82 was not applicable to them, as it did for small-scale industry. As it has not done so, it follows that, if the contracts contain no stipulation on holidays, the Act must apply.

Another problem arises when the contracts reduce the number of days in the holidays or expressly exclude the right to holidays. Certain jurists find that these provisions are legal. Others, including the authorities, find that holidays cannot be eliminated or reduced, since section 82 grants a minimum holiday to all workers in general and section 200, which takes into account the special conditions of agricultural labour, merely allows certain methods of adjusting this holiday.

Morocco

RECOMMENDATION No. 47

Dahir respecting annual holidays with pay, dated 9 January 1946 (*Bulletin officiel (B.O.)*, No. 1744, 29 Mar. 1946) (*L.S.* 1946—Mor. 1A), as amended and supplemented by dahirs dated 16 October 1946 (*B.O.*, No. 1779, 29 Nov. 1946) (*L.S.* 1946—Mor. 1D); 12 February 1952 (*B.O.*, No. 2057, 28 Mar. 1952) (*L.S.* 1952—Mor. 1); 8 December 1959 (*B.O.*, No. 2460, 18 Dec. 1959); 26 December 1959 (*B.O.*, No. 2463, 8 Jan. 1960); 6 March 1961 (*B.O.*, No. 2526, 24 Mar. 1961); and 24 October 1961 (*B.O.*, No. 2558, 3 Nov. 1961).

Order of the Director of Public Works dated 9 January 1946 to prescribe rules for the administration of the Dahir of 9 January 1946 respecting annual holidays with pay (*B.O.*, No. 1744, 29 Mar. 1946) (*L.S.* 1946—Mor. 1B).

Paragraph 1, subparagraph (1), of the Recommendation. Section 8 of the above-mentioned dahir states that the length of the annual holiday with pay shall be determined in the light of the worker's periods of employment. There is no deduction from the period in respect of which annual holidays are granted, for interruptions of work due to a paid holiday in respect of the previous year's employment and periods of notice of dismissal; the absence of women during confinement; and employment injuries.

The same applies to periods in which employment has been suspended but not terminated, including cases of unemployment, authorised absences for not more than one month, sickness, or a closure of the undertaking by administrative decision.

Subparagraph (2). Each period of 208 hours worked, whether continuously or not, is regarded as corresponding to one month's employment.

Subparagraph (3). Under section 3, subsection 2, of the dahir entitlement to a holiday of the full length is achieved after one year's employment with one or several employers.

In addition, in the event of a change in the management of the undertaking the new employer assumes in relation to the workers the obligations entered into by his predecessor with regard to the worker's entitlement to holidays with pay.

Paragraph 2. Section 15 of the dahir provides that, at the worker's request or with his agreement, the holiday may be divided up, provided that one of the parts amounts to at least six working days.

Paragraph 3. Section 5 of the dahir provides that the length of the annual holiday laid down by law shall be increased by one-and-a-half working days for each full period of five years of service with the same undertaking.

Paragraph 4. Under section 21 of the dahir a worker paid at task or piece rates or otherwise by results shall receive a daily holiday allowance equal to one-twenty-sixth of the total remuneration which he received in respect of the 26 days of work immediately preceding his departure on holiday.

Paragraph 5. Section 3, subsection 7, of the dahir grants young workers and apprentices below the age of 18 years a minimum holiday of 15 days, including at least 12 working days, after six months of actual employment, and twice as long after one year, whereas workers over the age of 18 have only 21 days, including 18 working days.

The supervision of the application of the laws and administrative regulations is entrusted to the labour inspectors, except that in mines and public works respectively such supervision is provided by the officials of these services.

The report states that the provisions of the Recommendation are fully applied.

RECOMMENDATION NO. 98

For legislation see under Recommendation No. 47.

Paragraph 4, subparagraph (1), of the Recommendation. Any person covered by the Recommendation is entitled to 21 days' holiday after 12 months of actual work (section 3 (2) of the dahir of 1946).

Subparagraph (2) (a) and (b). Wage earners are entitled to a minimum of ten days' holiday after six months of actual work (section 3 (1) of the dahir). Under section 3 (3) of the dahir a wage earner is entitled to a minimum of 21 days' holiday as from 1 January of the year in the Gregorian calendar that follows the expiry of the twelfth month of continuous service and in respect of each year in the Gregorian calendar.

Subparagraph (3). A worker who has been employed by the same employer for not less than one or more than six months is entitled in the event of the termination of his employment to a payment corresponding to one-and-a-half days' wages per month of employment (section 29 of the dahir). Moreover, section 28 of the dahir provides that a worker who has completed not less than six months of service and whose employment is terminated before he has received the whole of the annual holiday to which he is entitled is to receive payment in lieu thereof.

Paragraph 5. Official public holidays, days of weekly rest, days of absence due to occupational accidents or sickness and periods of rest before and after confinement are not counted as paid holidays under the legislation.

Paragraph 6. See under Recommendation No. 47, Paragraph 3.

Paragraph 7, subparagraphs (1) and (2). Interruptions of work during which the worker receives wages or which do not give rise to a termination of the employment contract do not affect entitlement to or the duration of the annual holiday with pay.

Subparagraph (3). See under Recommendation No. 47, Paragraph 1, subparagraph (1).

Paragraph 8. Entitlement to an annual holiday with pay and the duration of such a holiday are not affected by interruptions occasioned by pregnancy and confinement. The law authorises women to remain absent for 12 consecutive weeks in the period before and after confinement.

Paragraph 9. Section 17 of the dahir provides that the order in which the holidays shall begin is to be determined by the employer after consulting the workers and the personnel representatives. Those concerned are informed of this order at least 45 days before they are due to take their holiday. The order is also posted up.

Paragraph 10. See under Recommendation No. 47, Paragraph 5.

Paragraph 11. For his holiday a worker receives payment equal to the remuneration he would have received had he remained at work (section 20 of the dahir).

Paragraph 12. Employers must keep a register recording for each employee particulars concerning, *inter alia*, his annual holidays—dates of departure and return and amount and date of payment of the holiday remuneration.

Paragraphs 13 and 14. Draft legislation concerning holidays with pay is submitted to the employers' and workers' organisations for their opinion.

The application of the provisions concerning holidays with pay is supervised by the labour inspectors.

The report states that the provisions of the Recommendation are fully applied.

Netherlands

CONVENTION No. 52

Regulations of the State Mediation Board of 20 December 1962 respecting minimum holidays.

Annual paid leave for the great majority of workers is governed either by collective agreements, approved by the State Mediation Board, or by the Regulations of the Board concerning conditions of employment, which were framed in compliance with the statutory provisions in force in respect of labour-management relations.

For manual workers the normal annual leave period is two weeks (12 days if a six-day week is worked and ten days if a five-day week is worked), plus three days' supplementary leave. If the length of service is less than one year the duration of the leave is calculated in proportion. Every worker is entitled to an uninterrupted holiday of at least one week each year.

In many cases provision is made for longer holidays for young workers.

During his leave the worker continues to be entitled to his pay. The great majority of workers also receive a holiday allowance equal to two weeks' pay in virtue of collective agreements or other pertinent regulations. In most cases cash compensation is given in respect of unused leave on termination of employment. In certain branches of industry where changes of employment are frequent, employers hand over with each pay packet, as a contribution towards holiday pay, a voucher worth a given amount, in proportion to the wage, which is cashed by the worker at the time he takes his holiday at a central cashing office set up for the purpose.

The regulations issued by the State Mediation Board, which are applicable to workers in respect of whose leave no provision has been made in collective agreements or elsewhere, prescribe a minimum leave period of one week, without prejudice to any more favourable arrangements which may be made.

The regulations of the State Mediation Board are likewise applicable to administrative, supervisory and managerial staff, except where their entitlement to leave is dealt with in collective agreements or other regulations or in their individual contracts of employment. As a general rule workers in these categories have from three to four weeks' holiday a year and receive a holiday bonus of 4 per cent. of their annual salary.

The dates of holidays are fixed by the employer after consulting the works council or staff representatives. Holidays for individual workers are fixed by the employer, usually in consultation with the worker concerned.

Many collective agreements contain provisions regarding the procedure for settling disputes in relation to leave. In addition, the works councils and the Wages Supervision Office ensure that the conditions of employment in force are respected. Infringements of the regulations are punishable by penalties imposed by the courts dealing with financial offences. Furthermore, it is open to workers who consider that their rights in regard to leave have been prejudiced to bring an action in the civil courts.

The difficulties in applying the Convention stem from the fact that the Convention goes into too much detail.

General legislative regulations are under consideration. These will take account, as far as possible, of the international standards.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

New Zealand

RECOMMENDATION No. 47

Annual Holidays Act, 1944 (*New Zealand Statutes*, Reprint, 1908-57), as amended by the Statutes Amendment Act, 1947.

National Military Service Act, 1961 (*New Zealand Statutes*, 1961, Vol. 3).

Under the 1944 Act provision is made for two weeks' annual holiday with pay for all workers at the end of each year of employment, with exceptions. The Act, as amended, provides that if the employment of any worker is terminated and he is re-employed by the same employer within one month after such termination, the employment shall be deemed to have continued as if the termination had not occurred, unless an inspector of factories certifies in writing that in terminating the employment the employer acted in good faith. Interruptions due to sickness, accident, family events, the exercise of civic rights, changes in management, etc., are not taken into account in computing service in entitlement to annual holidays.

Each employer is obliged to pay proportionate holiday pay to all workers, including casual or itinerant workers, as soon as they leave his employ. Thus, every period of employment for less than one year is computed from the date of the commencement thereof or (when the worker has become entitled to any annual holidays under the Act) from the date on which he became entitled to that annual holiday or to the last annual holiday.

With certain exceptions, where the period of employment of a worker is terminated the employer must pay him, in addition to all other amounts due to him, one-twenty-fifth of his ordinary pay for such a period; where the period of employment is less than three weeks the worker shall receive one-twenty-fifth of his ordinary pay for the time worked by him during that period.

The employer shall allow an annual holiday to the worker within six months after the worker has become entitled to it. Subject to mutual agreement, the holiday may be taken in two periods, and it may be taken wholly or partly in advance, i.e. before the holiday entitlement is due. There is no statutory provision for an increase in annual holidays beyond the prescribed two weeks, although a number of awards and industrial agreements provide for a longer annual leave after a given period of service.

Although the granting to workers of longer annual holidays than the legal requirement, on the basis of the actual time of service, varies from employer to employer and award to award, it is unusual for any employer to grant such a progressive increase in the annual holiday entitlement. Government service officers are, however, entitled to three weeks' annual leave after ten years' service.

As regards piece-rate workers, the 1944 Act provides that where no ordinary time rate of pay or normal weekly hours of work are fixed under the terms of the employment, such ordinary time rate pay or normal weekly hours of work shall be deemed to be the ordinary time rate or the normal weekly hours of work for the same class of work fixed by award or agreement in force in the district nearest to the locality where the worker is employed. Where no such award or agreement exists, the rate may be mutually agreed between employer and worker, or, in default of agreement, it may be determined by the Minister.

An award covering freezing workers grants two weeks' holiday with pay after 12 months' service, the holiday pay being the ordinary time rate of pay calculated on the basis of a prescribed hourly rate and 40-hour week; a proportionate holiday pay, calculated on the basis of the prescribed hourly rate, is granted in accordance with the 1944 Act to freezing workers employed in an undertaking for less than 12

months. An award covering oyster openers prescribes a daily rate in respect of holiday pay and grants holidays in accordance with the 1944 Act.

No distinction in favour of young workers is drawn in the matter of annual holidays, nor is such a distinction regarded as warranted.

The 1961 Act provides that where the time served by the worker is interrupted by protected service or training the period of leave of absence to which he is entitled under the Act in respect of such service or training shall not, unless the employer agrees otherwise, be deemed to be time served in that employment. The holidays shall not, except at the request of the worker, be allowed within any period of protected service or training.

Where a contract of apprenticeship is interrupted by protected service or training such contract shall be deemed to be suspended during that period of service or training to which the apprentice is entitled under the Act. The apprentice shall not be paid any remuneration during this period, but such period of leave shall be deemed to be time served under his contract for the purpose of computing the period of apprenticeship and the rate of wages of the apprentice.

The Department of Labour is entrusted with the supervision of the application of the legislation.

No measure is contemplated to give effect to the provisions of the Recommendation not yet covered by national legislation or practice. Any modifications would require to be based on the existing divergences.

RECOMMENDATION No. 98

As the Annual Holidays Act, 1944, applies to all employments, the establishment of joint voluntary machinery in respect of particular trades or activities is not required.

The workers' full entitlement to annual holidays is computed on the basis of their service with an undertaking. Where any special holiday, for which the worker is entitled to payment under any Act, award or agreement or under his contract of service, occurs during the annual holiday allowed or deemed to have been allowed to any worker, the period of the holiday shall be increased by one day in respect of that special holiday.

Provided a contract of service is still deemed to exist, periods of absence from work on account of sickness, accident or prenatal or postnatal care are not taken into account for the purpose of computing annual leave entitlement. No statutory provision requires the extension of annual leave by the necessary period when these factors occur during the annual leave period, and the granting of any such extension would depend on the individual employer; practical difficulties, however, may prevent the granting of such extensions.

Although there is no statutory provision for increasing the duration of annual holidays on account of length of service, a number of awards, more particularly in respect of non-manual workers, provide for additional leave after varying periods of service, usually one additional week after ten years of service.

Interruptions of work during which the worker receives wages do not normally reduce the annual leave entitlement, and no interruption can reduce annual leave entitlement already accumulated.

No specific legislation covers interruptions occasioned by pregnancy and confinement. In principle, annual leave would accrue during such absences provided the contract is still deemed to subsist. Failing agreement, it would be required to determine in individual circumstances whether the period of service remained unbroken. In practice, however, this problem presents no difficulty.

Subject to the requirement of allowing the worker the annual holiday within six months after he has become entitled to it, any arrangements mutually satisfactory to employer and worker can be made. In many cases premises are closed during the Christmas and New Year recess for the duration of the statutory holidays granted under the Factories Act, 1946, plus the two weeks' annual holiday period, so that many workers are obliged to take their holidays at that time. This being the summer season, however, such a practice usually proves acceptable to workers.

The 1944 Act provides that the employer shall give to the worker at least seven days' notice of the date on which he is to begin the annual holiday or any part thereof, and he shall pay to the worker, before that date, his ordinary pay for such holiday period or part thereof.

No move is indicated as regards the provision of a longer period of holidays with pay for young workers under 18 years of age.

Every employer is required to keep a record for each worker showing all particulars concerning annual holidays and holiday pay, etc.

It is customary for the appropriate authority to have informal consultations with employers' and workers' organisations on legislation specifically affecting their interests. Such organisations are free to consult with or make representations to the Department of Labour.

No measure is contemplated to give effect to the provisions of the Recommendation.

See also under Recommendation No. 47.

Nicaragua

CONVENTION No. 52

Constitution of 1 November 1950 (*L.S.* 1950—Nic. 1).

Labour Code of 12 January 1945 (*L.S.* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta*, 13 Oct. 1962).

Decree No. 85 of 25 September 1963 respecting the protection of mineworkers.

The Constitution guarantees to workers a fortnight's vacation paid in advance after six months' continuous employment in the service of the same employer. If he so wishes, a worker need take only one week of his vacation.

The legislation establishes the right of every worker in private employment to a fortnight's vacation, during which he shall receive his normal wage, after six months' continuous employment in the service of the same employer.

Wage earners in the service of the State are in the same position as those in private employment. So are salaried employees in non-political posts.

Decree No. 85 imposes the obligation upon mining companies to pay their employees for any leave to which they are entitled if they leave their employment before being able to take it.

Decree No. 765 establishes the right of all workers to a proportionate amount of leave. An employee who is dismissed without just cause or whose contract is terminated for one of the reasons stated in sections 115, 116 and 117 is entitled to receive part of his holiday pay in proportion to the length of his service, provided that the said service is not less than one month.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Constitution of 1 November 1950 (*L.S.* 1950—Nic. 1) (s. 95 (13)).

Labour Code of 12 January 1945 (*L.S.* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta*, 13 Oct. 1962).

Section 95 (13) of the Constitution and section 64 of the Labour Code, as amended by Decree No. 765, grant all workers, including agricultural workers, a paid holiday of 15 days, of which one week is compulsory, after six months of continuous service with the same employer.

Decree No. 765 lays down the principle of proportionate holidays and recognises the right of a dismissed worker to receive the remuneration due to him instead of any holidays to which he is entitled and which he has not taken.

Niger

CONVENTION No. 52

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel (J.O.)*, Extraordinary, 25 Aug. 1962)

Act No. 61-23 of 12 July 1961 to prescribe legal public holidays in the Republic of Niger (*J.O.*, 31 Aug. 1961) (*L.S.* 1961—Niger 1).

All workers, including agricultural workers, have the right to paid leave accruing at the rate of one-and-a-half working days per month of effective service.

Workers under 18 years of age and from 18 to 21 years of age are entitled respectively to 24 and 18 working days of leave.

The duration of leave is increased by two working days after 20 years of service with the same undertaking, by four days after 25 years and by six days after 30 years.

Women employees under 21 years of age are entitled to two additional days' leave for each dependent child; those over 21 years of age enjoy the same privilege as from the fourth child.

Entitlement to leave is acquired after one year's service; however, the taking of the leave may be delayed by agreement between the parties so long as the length of service does not exceed two years.

When calculating the accrued leave, no deduction is made for absence due to an employment accident or occupational disease, for maternity leave or (up to a limit of six months) for absence caused by duly certified illness.

Collective agreements provide for longer paid leave for workers from abroad: two days per month of effective service for workers recruited in tropical Africa elsewhere than in Niger, and five days per month of effective service for workers recruited outside tropical Africa.

The employer is required to pay to the worker, at the time of his departure on leave and in respect of the whole period of leave, an allowance at least equal to the wage plus the various elements of remuneration listed in section 96 of the Labour Code which the worker was receiving during the 12 months preceding his departure on leave (section 122 of the Code).

The report also refers to sections 124 to 128 of the Code, which deal with the conditions of transport of workers on termination of their contracts.

The Government declares that the national legislation is more favourable than the provisions of the Convention.

RECOMMENDATION No. 47

It is not proposed to take steps to give effect to the provisions of the Recommendation that are not yet covered by the national law or practice, particularly with regard to the interruption of actual work by military service or the exercise of civic rights. See also under Convention No. 52.

RECOMMENDATION No. 98

The Government states that in the main the national legislation is in conformity with the provisions of the Recommendation.

See also under Convention No. 52 and Recommendation No. 47.

CONVENTION No. 101

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel*, Extraordinary, 25 Aug. 1962).

Every worker can claim a holiday with pay at the rate of one-and-a-half working days of holiday for each month of actual service. Workers aged under 18 and from 18 to 21 are entitled to 24 and 18 working days respectively, whatever the length of their service, but without further holiday allowance than that which they have gained normally by their work.

The length of the holiday is increased by two working days after 20 years' service in the same undertaking, by four days after 25 years, and by six days after 30 years.

The worker becomes entitled to the holiday after one year's service. The holiday can be postponed by agreement between the parties, but the period of service must not exceed two years. Collective agreements or individual contracts granting a longer holiday may lay down greater lengths of service, which must not, however, exceed 30 months.

The holiday allowance is paid to the worker at the time of his going on holiday.

In calculating the length of the holiday, no deduction is made for absences due to employment injuries, occupational diseases, maternity leave, or, subject to a limit of six months, properly certified sickness.

When the worker has not been recruited on the spot but has been transferred to the place of employment on account of the employer, the costs of the holiday journey are payable by the latter.

The collective agreements prescribe longer holidays with pay for expatriates.

There are no plans for amending the legislation, since it is, in the opinion of the Government, more favourable than the Convention.

Norway

CONVENTION No. 52

Act of 14 November 1947 respecting annual holidays (*L.S.* 1947—Nor. 1), as amended by Acts of 4 July 1952 (*L.S.* 1952—Nor. 2), 19 December 1958 (*L.S.* 1958—Nor. 4) and 16 May 1962.

Article 1 of the Convention. Representatives of employers' and workers' organisations participated in the compilation of the 1947 Act (and amendments), which complies with the demands of the Convention as regards scope, with the exception of those employees remunerated solely by a share in the net profits and certain employees in part-time posts.

Article 2. Illness occurring during the holiday does not entitle a worker to postpone or prolong the holiday.

Articles 3 and 4. The Act is not contrary to these Articles.

Article 7. The Act does not provide for the requirements of this Article.

Article 8. This Article is in accordance with section 19 of the Act and section 412 (2) of the Criminal Justice Act.

Article 9. There are no provisions contrary to this Article.

To a certain extent the Labour Inspectorate is concerned with the administration under the Act, and with the supervision of the legislation concerning due payment of holiday benefits.

There are no provisions calling for co-operation between organisations of employers and workers as regards application of the legislation.

It is not at present intended to adopt measures giving effect to those provisions of the Convention not yet covered by national legislation or practice.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

The legislation is generally in conformity with the provisions of the Recommendation except as regards Paragraph 5 thereof (adolescents and apprentices under 18 years of age).

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Apart from Paragraphs 10 and 12 the provisions of the Recommendation are generally complied with in the legislation and collective agreements.

At present it is not intended to take any measures to give effect to those provisions not yet covered by the national legislation or practice.

Pakistan

CONVENTION No. 52

Factories Act, 1934, as amended (*Labour Code of Pakistan (Central)*, 1960).

East Bengal Shops and Establishments Act, 1951 (*Labour Code of Pakistan*, 2nd Edition, 1958).

Punjab Trade Employees Act, 1940 (*ibid.*).

North-West Frontier Province Trade Employees Act, 1947 (*ibid.*).

Sind Shops and Establishments Act, 1940 (*ibid.*).

Working Journalists (Conditions of Service) Ordinance, 1960 (*Labour Code of Pakistan (Central)*, 1960).

Road Transport Workers Ordinance, 1961 (*L.S.* 1961—Pak. 1).

Tea Plantations Labour Ordinance, 1962 (*Gazette of Pakistan*, 4 June 1962, p. 864).

Section 49B of the Factories Act, 1934, provides for annual holidays with pay for a period of ten or, in the case of a child, 14 consecutive days to every worker who has completed a period of 12 months of continuous service in a factory.

Section 9 of the East Bengal Shops and Establishments Act, 1951, section 8 of the Punjab Trade Employees Act, 1940, and section 12 of the North-West Frontier Province Trade Employees Act, 1947, provide for 14 days of annual holidays with pay to persons having completed one year of service in shops and commercial establishments ; section 34 of the Sind Shops and Establishments Act, 1940, provides for 15 days of annual holidays with pay. Road transport workers who have completed one year of continuous service are entitled to 14 days of annual leave with pay under section 6(1) of the Road Transport Workers Ordinance, 1961. Under section 7 of the Working Journalists (Conditions of Service) Ordinance, 1960, working journalists are entitled to earned leave on full wages for not less than one-eleventh of the period spent on duty; medical leave on half wages for not less than one-eighteenth of the period of service; and ten days' casual leave of absence with wages in a calendar year. In terms of the Tea Plantations Labour Ordinance, 1962, workers enjoy annual leave with full pay at the rate of one day for every 30 days of work; persons below the age of 17 receive annual leave with pay at the rate of one day for every 20 days of work.

The application of the above legislation is being supervised by the provincial governments of East Pakistan and West Pakistan.

The Convention is very wide in scope ; under the present socio-economic conditions of Pakistan it is not possible to extend the scope of the existing statutory provisions concerning annual holidays with pay to include all the undertakings and establishments such as construction, mines, etc., which are covered by the Convention.

RECOMMENDATION NO. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

See under Convention No. 52.

CONVENTION NO. 101

No legislative, administrative or other provisions exist in respect of the matters dealt with in the Convention. Agricultural labour is not yet organised and is not covered by any legislation in the country.

Philippines

CONVENTION NO. 52

Revised Administrative Code, 1951 (s. 284), as amended by Republic Act No. 218 and further amended by Republic Act No. 2625.

Civil Code, Republic Act No. 386 (art. 1695).

In regard to the matters dealt with in the Convention collective bargaining agreements are supplemented by the above provisions.

Section 284 of the Revised Administrative Code, as amended, provides that, after at least six months' continuous service, the President or head of department, or the chief of office in the case of municipal employees, may at his discretion grant to a permanent or temporary employee or labourer of the National Government,

or to any of its political subdivisions, including government-owned or controlled corporations (other than those mentioned in sections 286, 271 and 274 of the Code) 15 days' vacation leave with full pay, exclusive of Saturdays, Sundays and holidays, for each calendar year of service. Paid leave is cumulative, and any part thereof which is not taken within the calendar year in which it is earned may be carried over to succeeding years.

Article 1695 of the Civil Code provides that every household worker shall be allowed four days' vacation each month with pay. The courts have established that if leave is not requested in good time the right is presumed to have been waived.

There is no legislation granting vacation leave with pay to employees in private enterprises. As of August 1962, however, statistics show that a total of 158 collective agreements in manufacturing undertakings covering some 34,950 workers provide for paid vacations ranging from two to five days to 26 days, depending on the length of service the worker has rendered to the undertaking or whether he is a piece worker, daily-paid or monthly-paid employee. Most contracts require at least one year's service to entitle an employee to paid vacation leave. About one-half of these contracts require vacation leave to be taken within the year specified; otherwise it will be forfeited. One-fourth of the contracts contain provisions permitting money claims in lieu of the leave which is not taken, and in this regard the Government refers to an article entitled "A Study of Collective Bargaining Agreements in the Philippines", published in *Philippine Labor* in January 1963.

The agencies entrusted with the supervision of the application of the legislation and collective agreements are the Bureau of Civil Service, in respect of the provisions of section 284 of the Administrative Code; the Department of Labor and the courts, in respect of article 1695 of the Civil Code; and the Department of Labor and the Court of Industrial Relations, in respect of collective bargaining agreements.

No modifications have been made with a view to giving effect to all or some of the provisions of the Convention. There are no difficulties due to legislation or national practice that prevent or delay ratification of the Convention. The Department of Labor has submitted to Congress a Bill which in essence is an implementation of the Convention.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Revised Administrative Code, 1951, as amended by Republic Act No. 2625 granting holidays with pay to government workers or employees, including those engaged in agriculture.

There is no law which grants holidays with pay to workers or employees in private firms engaged in agriculture and related occupations. Holidays with pay may, however, be granted to workers in private agricultural enterprises as a result of a collective bargaining agreement, an award of the Court of Industrial Relations or a voluntary grant by the employer. In the absence of such an agreement, award or voluntary employer practice, no holidays with pay benefits can be claimed by an employee.

The Government is considering the adoption of measures to grant holidays and sick leave to employees in private enterprises, agriculture included.

Poland

CONVENTION NO. 52

Constitution.

Act of 16 May 1922 respecting annual leave with pay for workers employed in industry and commerce: consolidated text issued by the Minister of Labour and Social Welfare on 27 July 1949 (*Dziennik Ustaw (D.U.)*, No. 47, 1949, Text 365, with subsequent amendments) (*L.S.* 1949—Pol. 3).

Act of 2 July 1958 respecting trade training, instruction in a specific job, the conditions of employment of young persons in establishments and the preliminary period of employment (*D.U.*, No. 45, 1958, Text 226, with subsequent amendments) (*L.S.* 1958—Pol. 2).

Resolution No. 147 of the Council of Ministers dated 29 April 1961 respecting annual leave with pay for certain categories of employees in government departments (*Monitor Polski*, No. 35, 1961, Text 161).

Ordinance of the Minister of Labour and Social Welfare dated 11 June 1923 respecting the application of the Act of 16 May 1922 (*D.U.*, No. 62, 1923, Text 464).

Ordinance of the Minister of Labour and Social Welfare dated 28 February 1953 respecting annual leave with pay for workers employed in industry and commerce (*D.U.*, No. 13, 1953, Text 54).

Ordinance of the Council of Ministers dated 2 July 1959 respecting the application of certain provisions of the Act of 16 May 1922 (*D.U.*, No. 42, 1959, Text 264).

Decree of 18 January 1956 to restrict the right to terminate contracts of employment without notice, and to ensure continuity of employment (*D.U.*, No. 2, 1956, Text 11) (*L.S.* 1956—Pol. 1).

After one year in employment, wage earners are entitled to 12 working days' leave. The leave period for salaried employees is a fortnight after six months in employment and one calendar month after one year in employment. Salaried employees in the state public services are entitled to one calendar month's leave. More favourable conditions are sometimes laid down for workers in collective agreements, as is the case with mineworkers in particular.

Additional leave of six, nine or 12 working days is granted to certain categories of workers, having regard to the nature and conditions of their work, particularly in branches of industry where there is a danger to the health of the workers.

Young persons from 14 to 16 years of age are entitled to two weeks' leave after six months in employment and one month's leave after one year in employment. The full leave period is due after one year in employment, irrespective of the leave due after six months in employment. Young persons from 16 to 18 years of age are entitled to seven working days' leave after six months in employment and 14 working days' leave after one year in employment.

Leave for wage earners increases with length of service to 15 working days after three years' service and one calendar month after ten years' service.

The managements of establishments are required to collaborate with the works councils for the purpose of allocating leave.

A worker is entitled throughout his leave to the usual remuneration he would have received if he had remained at work. If he is paid by the job or piece, the remuneration for the period of leave is determined on the basis of his average remuneration over the three months immediately preceding the leave.

A cash payment may be given in lieu of leave only in specified circumstances, namely on the dismissal of a worker before he has been able to take his leave, or on his transfer to a job abroad.

Penal and administrative sanctions are prescribed for failure to observe the provisions on leave.

The authorities entrusted with the task of enforcing the legislation in force are the bodies responsible for labour inspection, namely the trade unions, and the managements of establishments. Any disputes which may arise are settled by the arbitration boards or by the courts. General judicial supervision is exercised by the Public Ministry.

The difficulties in applying the Convention stem from the fact that in some cases involving workers entitled to a calendar month or more of leave public or customary holidays are included in the leave period, and that in such cases the duration of the leave is not calculated in terms of working days.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

The report also mentions legislation relating to particular sectors or occupations.

Section 59 of the Constitution guarantees the right to rest. The development of the legislation on annual holidays with pay reveals a trend towards a gradual increase.

If he changes his employment a worker retains his holiday entitlement from the previous period unless he has been dismissed for reasons for which he bears responsibility, or as a result of his own actions.

As a rule a worker acquires the right to a holiday after one year of uninterrupted service, but workers between 14 and 16 years of age and non-manual workers have their first holiday after six months of service.

Continuity of employment for the purposes of entitlement to a holiday is not affected by interruptions of work as laid down by law due to changes of job, invalidity of indeterminate duration, the performance of political or trade union duties and part-time work.

The duration of the holidays is at present—

(1) for manual workers:

- (a) 12 working days after one year of employment: workers between 16 and 18 years of age have seven working days after six months of employment and 14 working days after one year, while those between 14 and 16 years of age are entitled to the same conditions as non-manual workers, plus two weeks' holiday after six months of service;
- (b) 15 working days after three years of service;
- (c) one calendar month after ten years of service; and

(2) for non-manual workers:

- (a) two calendar weeks after six months of employment;
- (b) one calendar month after one year of employment.

After ten years of employment the length of the annual holidays with pay is one month for all workers.

Civil servants other than manual workers have one calendar month's holiday a year, while scientific personnel are entitled to six weeks a year. The holiday provisions of certain collective agreements are more favourable.

Certain groups of workers, particularly those whose working conditions are dangerous or unhealthy, are entitled to an additional holiday of from six to 12 working days.

For the authorities responsible for supervising the application of the legislation see under Convention No. 52.

The report states that the national legislation is in conformity with the provisions of the Recommendation.

RECOMMENDATION No. 98

See under Recommendation No. 47.

Rumania

CONVENTION NO. 52

Constitution (*Monitorul Oficial*, Part I, 13 Apr. 1948, p. 337) (L.S. 1948—Rum. 1).

Labour Code (*Scănteia*, 31 May 1950) (L.S. 1950—Rum. 1).

Decrees Nos. 261/1957 and 35/1957.

Decisions of the Council of Ministers Nos. 186/1951, 1478/1952, 1933/1955, 76/1957 and 1108/1962.

Annual paid leave is governed by the legislation, which applies to all employees.

A worker becomes entitled to leave after 11 months of continuous employment. In the event of his transfer to another undertaking, any period of service completed in the first undertaking in respect of which he has not taken leave will be taken into consideration when calculating the leave accruing to him in his new post.

The minimum duration of leave is 12 working days. Certain categories of workers (persons employed on heavy or unhealthy types of work, or persons exercising managerial functions who have the required length of service) are entitled to additional leave of up to 17 working days. Teachers have longer leave, which may be as much as 48 working days.

Young persons under 18 years of age, including apprentices, are entitled to 18 to 24 working days' annual paid leave.

Interruptions of attendance at work for which the worker cannot be held responsible do not affect the continuity of his service giving him entitlement to leave.

Public holidays and sick leave are not included in the holiday period.

The division of leave into parts is permitted only in exceptional circumstances.

Leave pay is calculated on the basis of average earnings over the previous 12 months.

An employee whose contract of employment is terminated through no fault of his own before he has taken his leave is entitled to compensation calculated in the same way as the leave pay.

The order in which the workers shall take their leave is established by the employer, in agreement with the trade union committee, with due regard to the proper functioning of the unit in question and the interests of the workers. Every worker must be advised of the date when his holiday is to begin at least 15 days beforehand.

Any agreement to restrict the right to leave or to relinquish it is deemed to be void.

Establishments and institutions keep records giving full information respecting the leave of each employee.

The trade unions play an active part in the framing of the provisions relating to leave.

Disciplinary and administrative sanctions are prescribed for failure to observe the statutory provisions on the subject.

Enforcement of the statutory provisions relating to leave is carried out by the Labour Inspectorate, the State Labour and Wages Committee, the Ministry for Home Affairs and the trade unions.

RECOMMENDATION NO. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

See under Convention No. 52.

CONVENTION No. 101

The right to an annual holiday with pay is guaranteed to all employees, whatever the sectors or units in which they work, by the Constitution (section 78).

See also under Convention No. 52.

Rwanda

CONVENTION No. 52

All workers without exception are entitled to an annual holiday with pay.

Article 2 of the Convention. Every worker is entitled after not less than one year of continuous service with the same employer to an annual holiday accruing at the rate of one day for every two full months of service, including public holidays. Holidays may be accumulated for up to a maximum of four years.

Article 3. The holiday allowance is equal to the daily remuneration the worker was receiving at the time of his departure on leave multiplied by the number of days of leave to which he is entitled.

Where the employer does not provide accommodation, to the daily remuneration used as a basis for calculating the holiday allowance is added the counterpart value of the accommodation as fixed for the place where the contract was signed.

If the length of service is 18 months or more the allowance is increased by the amount of the current gross daily wage multiplied by the number of days of leave.

The provisions in respect of leave are properly observed by large undertakings, but not always by small ones, owing to the difficulties which labour inspectors have in exercising supervision over them; the inspectors, however, lose no opportunity of making it clear to the workers that they are entitled to six days' holiday with pay after one year of continuous service with the same employer.

RECOMMENDATION No. 47

There is no legislation giving effect to the provisions of the Recommendation, but in practice involuntary interruptions in employment never affect a worker's right to holidays with pay, on condition that he has been regarded as being employed for one year and there has been no breach of contract. If a worker changes employers in the course of a year the cost is borne by the various employers concerned, but there are many practical difficulties connected with the instability of the labour force. For example, it is impossible to grant holidays with pay to day labourers who often change their employer and occupation.

Holidays are taken in a continuous period and are never divided.

See also under Convention No. 52.

RECOMMENDATION No. 98

At the present day there are no bodies dealing exclusively with holidays. The right to holidays is guaranteed by the State.

See also under Convention No. 52.

CONVENTION No. 101

There is no legislation in favour of agricultural workers.

The country possesses not large farms, but small private farms. It is almost impossible to insist on holidays with pay for agricultural workers, who work only on their own account.

See also under Convention No. 52.

Senegal

RECOMMENDATION No. 47

According to the Government the legislation is largely in conformity with the provisions of the Recommendation. The economic situation is such that intermittent unemployment cannot be taken into consideration as part of the period giving entitlement to holidays with pay.

See also under Convention No. 52, Report III (I).

RECOMMENDATION No. 98

In view of economic conditions it is not possible for the moment to go beyond the statutory provisions and regulations in force.

See also under Convention No. 52, Report III (I).

Spain

CONVENTION No. 52

Employment Contracts Act (consolidated text) approved by Decree of 26 January 1944 (*Boletín Oficial del Estado*, 24 Feb. 1944, No. 55, p. 1627) (L.S. 1944—Sp. 1A).

Employment regulations drawn up in conformity with the Act of 16 October 1942.

Collective agreements drawn up in conformity with the Act of 24 April 1958.

Section 35 of the Employment Contracts Act fixes the minimum duration of the annual holiday with pay at seven working days. The holiday remuneration must be paid by the employer at the beginning of the holiday, and must include any part of the wages payable in kind; it is not lawful to compensate an employee for failure to grant the holiday by paying him double his wages, or to deduct from the statutory holiday period any special leave granted during the year.

Generally speaking, employment regulations and collective agreements prescribe periods which are considerably in excess of the statutory minima, varying between 12 days and one month.

The Labour Inspectorate is responsible for the enforcement of the statutory provisions cited in virtue of the Act of 21 July 1962. This is without prejudice to the right of workers to bring an action before the labour courts under the Decree of 17 January 1963, which lays down the procedure to be followed.

It has not been necessary to make any modification in national legislation or practice.

RECOMMENDATION NO. 47

Employment Contracts Act (consolidated text) approved by Decree of 26 January 1944 (*Boletín Oficial del Estado*, 24 Feb. 1944, No. 55, p. 1627) (L.S. 1944—Sp. 1A) (ss. 35, 67 and 79).

Section 67 of the above-mentioned Act provides that a worker may remain absent from work without loss of wages for a time not exceeding one day in the event of the death or burial of parents, grandparents, children or grandchildren, a spouse or a brother or sister; serious illness of a parent, child or spouse; or the confinement of the spouse; and for the time strictly necessary for the performance of unavoidable public duties. The worker has to provide proof of the occurrence of the contingencies in question.

Section 79 of the above-mentioned Act provides that employment shall not be terminated during a period of temporary incapacity due to accident or illness, or on the grounds of absence when such absence is due to military service, the discharge of public duties, or the leave granted under the legislation in force in connection with maternity.

It is not deemed necessary to adopt any measure to apply the Recommendation. See also under Convention No. 52.

RECOMMENDATION NO. 98

In general conditions established by the regulations and collective agreements are more favourable than those provided for in the Employment Contracts Act of 1944.

In shops holidays amount to 15 days a year for less than ten years of service and 20 days for more than ten years. In private banking holidays last 20, 25 or 30 days, according to whether the length of service amounts to less than ten, ten to 20 or more than 20 years respectively. In building and public works wage earners have 15 days' holiday and salaried employees from 20 to 25 days according to whether they have been in the employment of the firm for less than five years or for more. In iron and steel and metal manufacture holidays last 15 days. In road transport most of the occupational groups have 20 days' holiday a year. On the railways the holidays amount to 15 days, and 20 days for personnel with more than 20 years of service. In the chemical industry wage earners have 15 days and salaried employees 25 or 20 days according to whether they have spent more or less than five years in the undertaking.

The Order of 20 April 1942 lays down a minimum of 20 days a year for males under 20 years of age and females under 17 years.

Under the Act of 21 July 1962 the supervision of the provisions in question is the responsibility of the Labour Inspectorate, but the workers may also apply to the labour courts under the Decree of 17 January 1963.

See also under Convention No. 52.

CONVENTION NO. 101

Employment Contracts Act (consolidated text) approved by Decree of 26 January 1944 (*Boletín Oficial del Estado* (B.O.E.), 24 Feb. 1944, No. 55, p. 1627) (L.S. 1944—Sp. 1A) (s. 35).

Employment regulations drawn up in conformity with the Act of 16 October 1942.

Act of 24 April 1958 respecting trade union collective agreements (B.O.E., 25 Apr. 1958, No. 99, p. 739) (L.S. 1958—Sp. 1).

Act No. 39 of 21 July 1962 respecting the Labour Inspectorate (B.O.E., 23 July 1962, No. 175, p. 10272).

Decree No. 149 of 17 January 1963 respecting employment procedures (B.O.E., 28 Jan. 1963, No. 24, p. 1476).

Section 35 of the Act of 1944 entitles all workers to a minimum annual holiday of seven continuous working days. Remuneration in respect of this holiday must be paid by the employer at the beginning (this also applies to any form of payment in kind).

It is forbidden to commute the holiday for cash, nor may any special holidays granted during the year be deducted.

The Labour Inspectorate is responsible for enforcing the regulations.

The Government states that there is no need to make any changes in national law and practice.

Sweden

CONVENTION NO. 52

Act of 29 June 1945 respecting annual holidays (*L.S. 1945—Swe. 2*), as amended by the Act of 29 June 1946 (*L.S. 1946—Swe. 1A*) and by the Act of 25 May 1951 (*L.S. 1951—Swe. 1A*).

Act of 25 May 1951 respecting annual holidays (dangerous occupations) (*L.S. 1951—Swe. 1B*).

The 1945 Act applies to all employees in public or private service. Employees who are members of the employer's family, or whose remuneration consists of a share of profits, and state employees are excepted. The latter, however, are covered by special provisions. Homeworkers and other self-employed workers are not entitled to a holiday, but they receive special holiday pay instead.

The employer must grant the worker an annual holiday in respect of the work performed by him during a calendar year. The holiday is granted during the year following the qualifying year.

The length of the holiday is established at one-and-a-half days for each calendar month of the qualifying year during which the worker has worked for the employer for at least 16 days. Workers therefore generally have 18 days of holiday per year, i.e. three weeks, since Sundays are not reckoned as part of the annual holiday. Workers exposed to X rays or radioactive substances receive a holiday consisting of three days for each calendar month of the qualifying year.

The following periods are reckoned as equivalent to working days: days on which the worker, during his or her employment, was taking an annual holiday, periods of unfitness for work due to accident or sickness, provided that the length of absence does not exceed 90 days, periods of pregnancy or confinement, provided that the length of absence does not exceed 12 weeks, and periods of military training.

Public holidays are not included in the length of the holiday if it consists of less than six consecutive days. On the other hand customary rest days are included.

The employer decides when the annual holiday shall be taken. Holidays must be granted, as far as possible, during the summer season. The employer must advise the worker concerned of the date of his holiday at least 14 days before it starts.

Workers paid at time rates receive during the holiday the remuneration due for the full period. Other workers are entitled for each day of holiday to pay equivalent to an average day's earnings for the days of the qualifying year during which they have worked for the employer. For the purposes of this calculation account is not taken of free accommodation provided. If board forms part of the wages, compensation for meals must be paid for the whole period of the holiday, including Sundays and public holidays falling within it.

Any agreement to renounce the right to an annual holiday is considered null and void.

If an employee leaves his employment without having taken the holiday or the holiday pay to which he is entitled, he receives compensation.

If an employee performs work for remuneration in his trade during any part of his annual holiday, he forfeits his right to pay for this holiday.

Under an amendment to the legislation, which was adopted by Parliament in May 1963, the length of the holiday will be extended to four weeks by 1965.

The ordinary courts are responsible for the implementation of the legislation on holidays. Differences concerning employees covered by collective agreements come under the Labour Court, where employers' and workers' organisations are represented equally.

No amendment has been made to national legislation or practice with the purpose of giving full effect to the provisions of the Convention.

The Government mentions the following as difficulties in the way of ratifying the Convention: (a) the exemption from the scope of the legislation of employees whose remuneration consists solely of a share in profits (Article 1, paragraph 3); (b) the absence of provisions regarding the holiday register (Article 7); (c) the absence of a system of sanctions (Article 8).

The Government does not intend to adopt measures putting into effect the provisions of the Convention not yet covered by national legislation or practice, and in this connection it refers to the joint declaration of the Scandinavian countries sent to the Office in September 1961.

RECOMMENDATION No. 47

In view of the length of the holiday under the present legislation, which is uniformly three weeks and will soon be extended to four weeks, the Government does not consider it necessary to make provision for an increase in the length of holidays with length of service, or to prescribe more favourable treatment for young people.

See also under Convention No. 52.

RECOMMENDATION No. 98

The Government does not intend to adopt measures putting into effect the provisions of the Recommendation not yet covered by national legislation or practice.

The Government considers that, for the Recommendation to be implemented, its provisions would have to be amended on the following points: (a) the exception laid down in Paragraph 3 of the Recommendation concerning the members of the employer's family should be extended to undertakings and establishments in which other persons are employed in addition to members of the employer's family; (b) the exceptions should also include employees whose remuneration consists solely of a share of profits; (c) the equivalent in cash of the remuneration in kind (Paragraph 11 (b)) should be limited to cover food only, not housing; (d) the provisions of Paragraph 12 concerning the holiday register and its contents are incompatible with the legislation.

See also under Convention No. 52.

Switzerland

CONVENTION No. 52

Federal Act of 6 March 1920 regulating the hours of labour of persons employed on railways and in other services connected with transport and communications (*L.S.* 1920—Switz. 1).

Federal Act of 30 June 1927 respecting the conditions of service of federal employees (*L.S.* 1927—Switz. 2), and the ordinances issued in administration thereof on 10 November 1959.

- Federal Act of 26 June 1930 respecting vocational training (*Recueil officiel*, Vol. 44, p. 837) (L.S. 1930—Switz. 5).
- Cantonal Act (Valais) respecting employment, 1933.
- Cantonal Act (Ticino) of 15 September 1936 respecting employment in undertakings not governed by federal legislation (L.S. 1936—Switz. 2).
- Act respecting employment in undertakings not governed by the Federal Factories Act, in agriculture and in domestic service (Vaud), 1944 (*Législation sociale de la Suisse*, 1944, p. 74).
- Cantonal Act (Basle-Town) of 18 June 1931 respecting annual leave (L.S. 1931—Switz. 2).
- Cantonal Act (Solothurn) of 8 December 1946 respecting annual leave (*Législation sociale de la Suisse*, 1946, p. 69).
- Cantonal Act (Glarus) of 4 May 1947 respecting annual leave (*ibid.*, 1947, p. 92).
- Cantonal Act (Geneva) of 18 January 1947 respecting annual leave, as amended by the Act of 6 July 1958 (*Feuille d'avis officielle de la République et Canton de Genève*, 19 July 1958).
- Cantonal Act (Zug) of 28 October 1948 respecting annual leave (*Législation sociale de la Suisse*, 1948, p. 55).
- Cantonal Act (Basle-Country) of 28 November 1949 respecting annual leave (*ibid.*, 1949, p. 68).
- Cantonal Act (Neuchâtel) of 16 February 1946 respecting compulsory annual leave with pay (*ibid.*, 1949, p. 72).
- Cantonal Act (Schwyz) of 19 January 1950 respecting annual leave (*ibid.*, 1950, p. 47).
- Cantonal Act (Zürich) of 5 October 1952 respecting annual leave for employees (*ibid.*, 1952, p. 37).
- Cantonal Act (Lucerne) of 8 March 1955 respecting annual leave for young workers and apprentices (*ibid.*, 1955, p. 80).

Annual leave is governed by federal Acts, cantonal Acts, cantonal regulations issued in administration of federal Acts, and collective agreements. For details concerning the granting of paid leave the Government refers to the publication *Les vacances d'après la législation et les conventions collectives de travail* (offprint from *La Vie économique*, 1960, No. 7), which it attaches to its report and from which the information which follows has been taken.

In 1960 nation-wide collective agreements numbered about 100 and covered more than 70 branches of economic activity, approximately three-fifths of all the workers in these branches being bound by these agreements alone. To these should be added the model contracts of employment which contain clauses on leave, collective agreements of more limited scope and regulations at commune level. The federal legislation is primarily concerned with annual leave for railway staff, federal employees and apprentices. Cantonal legislation covers most other workers, whether their employment relationship is governed by public or private law, but does provide for exceptions. Some cantonal laws cover only workers who do not come under the Federal Factories Act, while others deal only with young workers and apprentices. Some of them exclude from their scope agricultural workers, those in public establishments, hospitals, clinics, cinemas, etc. These gaps are bridged by contractual arrangements and by the clauses on leave contained in the model contracts of employment. The annual leave of the employees of many communal authorities is governed by regulations at the commune level.

Under the federal legislation, on the railways and in other services connected with transport and communications the minimum duration of leave is 14 days after one year's service; for federal employees it is a fortnight. The ordinances issued in administration of the Act respecting the conditions of service of federal employees contain similar provisions in respect of both salaried employees and wage earners in the service of the Confederation. The minimum duration of leave accorded under cantonal legislation varies from six to 18 days. Under collective agreements the duration of leave for adult workers is as a general rule at least six days, and it increases with length of service up to 18 days, or sometimes in certain cases up to 21 or even 24 days. Between these limits the duration of leave is graded according to the number

of years of service, very often rising in successive stages from six to nine, 12, 15 and then 18 days. Like the cantonal legislation, one-third of all nation-wide agreements provide for longer holidays for older workers, whatever their length of service, or else they are accorded after a relatively short period in employment longer holidays than those given to other workers.

As far as young workers are concerned, of the 11 cantons which have introduced special regulations to cover them six provide for 18 days' leave for young persons from 16 to 18 years of age, and the majority of the others for from 12 to 15 days. In seven cantons (Zürich, Lucerne, Glarus, Zug, Solothurn, Basle-Country and Neuchâtel) the special legislation is applicable to all young workers under 19 or 20 years of age; in four others (Schwyz, Basle-Town, Ticino and Vaud) the measures governing adults are also applicable to young workers from the age of 18 onwards. In the cantons of Valais and Geneva young persons and adults have exactly the same rights. In most cases it is young persons from 16 to 18 years of age who enjoy special privileges, and sometimes also those of 19 or 20 years of age, as well as apprentices during their apprenticeship. Whereas as a general rule the duration of leave for adult workers increases with their age or with the number of years of service, for young persons, workers under 20 years of age and apprentices it remains constant, unless it is shortened when the worker reaches 19 or 20 years of age. As regards apprentices, the Federal Act respecting vocational training lays down that annual leave of not less than six working days per year must be granted to apprentices. Only three cantons (Obwald, Nidwald and Appenzell-Ausser-Rhoden) stand by the six-day minimum prescribed by the Federal Act respecting vocational training. The other cantons provide, either in the regulations they have issued in administration of that Act or in their own Acts on annual leave, for 18 days (11 cantons), 15 days (three cantons) or 12 days (eight cantons). Nearly half the national agreements contain special provisions regarding leave for young workers. Most of those which do so cover young persons only up to the age of 18, to whom they accord 12 or sometimes 18 days' leave. Approximately one-third of such special provisions also apply to workers from 18 to 20 years of age, who in the majority of cases are subject to the same arrangements as younger workers.

Under the cantonal legislation on annual leave and under national collective agreements a period of service of less than one year generally gives entitlement to a period of leave in proportion to the length of service completed. In some cases a worker becomes entitled to leave only after from two to six months' service.

In cases where the employee is not actually working throughout the statutory or usual number of hours, the majority of cantonal Acts are applicable only if the number of hours actually worked reaches a specified minimum (for example, 20 hours per week, or one-quarter, one-third or one-half of the statutory or usual number of hours). Furthermore, there are a number of statutory or contractual provisions to the effect that if a worker fails to work the number of hours required of him by the undertaking his leave shall be proportionately reduced. Under some cantonal Acts the duration of leave is reduced for a worker who, on an average over the year, works less than three-quarters of the normal hours; in addition it is provided in a number of national agreements that a worker's leave may be shortened if he works less than four-fifths of the normal hours. Leave may also be reduced if a worker has been prevented from working owing to sickness, accident or military service, or other similar circumstances. In the majority of cases the reduction is of the order of one-twelfth per month of absence. Some agreements provide, however, that even where grounds for a reduction exist, the worker is in any case entitled to three days' leave. Often no reduction is permitted for reasons of absence due to sickness or an accident, provided that the length of time absent does not exceed a certain minimum (from

one to three months), or where the absence has been for the purpose of attending a course of military retraining. There are also cases where the performance of the initial period of military service does not give rise to any reduction.

In the majority of cantons the duration of leave depends on the number of years of service. In calculating the number of years of service account is normally taken of the time the worker has spent without interruption in the service of the same employer or his successor. Periods of apprenticeship are taken into consideration. In some cases service is deemed to be uninterrupted if the worker is re-engaged within three months of the termination of his contract of employment. In half the cantons workers over a certain age are entitled to longer holidays than other workers after the same number of years of service, or even earlier.

Under the majority of collective agreements, years of service are counted as from the most recent date of engagement. Approximately one-third of the national agreements, however, specify that earlier periods of service should be taken into consideration, sometimes subject to the condition that service should not have been interrupted more than three, five or six years prior to the most recent engagement. In addition, about one-tenth of these agreements stipulate that account should be taken of any period of apprenticeship, sometimes subject to the condition that it has been spent with the present employer.

Some laws and some agreements lay down that a worker is not entitled to leave for the year in which he leaves his employment if he terminates the contract of his own free will or if he is dismissed for reasons which are justified according to the legislation in force. It is often stipulated that in such cases the only justifiable reason shall be a misdemeanour on the part of the worker.

Those cantons which have enacted measures in respect of holidays with pay are themselves responsible for enforcing them. In some cantons it is open to the worker to bring an action against his employer under civil law.

No modifications have been made in national legislation or practice with a view to giving fuller effect to the provisions of the Convention.

The Government feels that the absence in a number of cantons of statutory provisions in respect of holidays with pay prevents Switzerland from ratifying the Convention. On the recommendation of the Federal Council, Parliament is considering the possibility of adopting general regulations under civil law in respect of annual holidays with pay.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Federal Act of 3 October 1951 respecting the improvement of agriculture and the protection of the peasant population (Part VI, ss. 96-100).

Section 96 of the above Act obliges the cantons to draw up model contracts that must, in particular, determine both the work and rest periods of the employed person and his holidays.

There are at present 27 model contracts relating to conditions of hire in agriculture; the text of 13 of them has been adapted to the requirements of section 96 of

the Act, and the other 14 have been drawn up since the coming into force of the latter.

In general, the model labour contracts apply to persons occupied exclusively or mainly in a farming establishment or farmhouse under a labour contract. Most of the model contracts apply to persons of either sex.

All the model contracts grant the right to holidays with pay, which are generally determined in accordance with the number of years' service with the same employer.

In several cantons young workers enjoy special, more favourable treatment.

Under section 118 of the Act, it rests with the cantons to draw up the regulations when the Act prescribes this or when they are necessary to its effective implementation.

Model labour contracts have been drawn up by the cantons in co-operation with the occupational organisations concerned.

The Government states that although there is wide correspondence between the standards of the model contracts and those of the Convention, Switzerland is unable to ratify the latter, since the compulsory nature of its provisions is not shared by those of the model labour contracts.

Tanganyika

CONVENTION No. 52

Employment Ordinance (366), as amended, 1962.

Employment Ordinance (Exemption) Order, 1961.

Article 1 of the Convention. There are many collective agreements containing provisions relating to holidays with pay. The statutory provisions are contained in Part III of the above ordinance, which concerns contracts of service and applies to all employment. The following persons are, however, excluded from the provisions of this Part by the order: (1) persons earning over £420 per annum, (2) pensionable employees of the Government, the East African Common Services Organisation, the East African Railways and Harbours Administration and the East African Post and Telecommunications Administration.

Article 2. Section 25 (A) of the ordinance provides that an employee who has worked for an employer on not less than 288 days within the preceding 12 months shall be entitled to six days' holiday with full pay to be taken at such time as shall be agreed upon between the parties. Furthermore, all public holidays are recognised as holidays with full pay. There are no statutory provisions either for increased periods of holidays with pay for persons, including apprentices, under 16 years of age, or for increasing periods of holiday commensurate with length of service. However, in some undertakings, and as provided in some of the existing collective agreements, some workers are granted increased periods of holidays with pay proportionate to their length of service and varying from 14 to 21 days per annum, 14 days being the most common.

Although they have no statutory entitlement to a holiday with pay, in practice persons earning over £420 per annum and Government and Common Services Organisation employees enjoy a period of paid annual holiday at least as favourable as that prescribed by the Convention.

Article 3. Section 25 (A) (4) of the ordinance defines "full pay" as the normal remuneration together with remuneration in kind, or the cash equivalent thereof, and any cost-of-living allowance which may be payable from time to time, but does not include bonuses.

Articles 4 and 5. There are no statutory provisions covering these Articles. In practice, employees are encouraged to take their holiday during the course of each year, but owing to the size of the country and the long journeys which employees frequently make in order to return to their homes it is usual for them to accumulate up to a maximum of three years' leave.

Article 6. An employee whose services are terminated by his employer is entitled to receive all wages and benefits (including holidays) due under his contract of employment.

Article 7. There is no statutory requirement for employers to keep a prescribed form of record relating to information on holidays with pay. Although the Employment (Protection of Wages) Regulations, 1957, require employers of ten or more workers to keep records containing certain prescribed particulars in respect of their employees, such particulars do not take account of the provisions of the Article. In practice, however, no particular difficulties are encountered in administering and enforcing the statutory right of employees to annual leave.

Article 8. Part XI of the ordinance lays down procedures to which recourse may be had should the employer fail to grant the appropriate period of paid annual holidays or other benefits to which the worker is entitled. The ordinance and its subsidiary legislation are administered by the Labour Division of the Ministry of Labour, whose officers regularly inspect industrial undertakings.

Under section 130 of the ordinance a labour officer has wide powers in dealing with complaints arising out of contracts of service, many of which are reported by trade union officials.

Since the United Kingdom Government had not ratified the Convention before independence was granted in December 1961, no previous consideration had been given to the question of its application to Tanganyika. To meet fully the provisions of the Convention considerable changes would be necessary in the Employment Ordinance and the Employment (Protection of Wages) Regulations. Such changes are not at present contemplated.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1, subparagraphs (1) and (2), of the Recommendation. There are no specific legislative provisions concerning such interruptions of service as are stated in the Recommendation, but during a year the employee is allowed up to 77 days' absence without losing his entitlement to holidays with pay, and this period is considered adequate to meet such interruptions.

Subparagraph (3). It is not considered administratively practicable for an employee's entitlement to holidays with pay to be carried over from one employer to another.

Paragraph 2. There are no statutory provisions but, in practice, although employees are encouraged to take their holidays during the course of each year it is usual for them to accumulate up to a maximum of three years' leave.

Paragraph 3. Statutory regulations do not provide for an increased period of holiday commensurate with duration of service, but some collective agreements do make such provision.

Paragraph 4. Section 25 (A) (3) of the Employment Ordinance states that a casual employee or an employee on a contract to execute piece work or to perform a journey is not entitled to holidays with pay.

Paragraph 5. There are no statutory provisions for increased periods of holiday with pay for young persons and apprentices under 18 years of age, though in practice they are usually given a longer period of holiday than the statutory minimum.

The Employment Ordinance and its related legislation are administered by the Labour Commissioner, who may, with the consent of the Minister of Labour, delegate some of his duties to labour officers.

Part I of the Employment Ordinance provides for the establishment of a Labour Advisory Board comprising employers and workers and representatives and public officers appointed by the Minister of Labour. The Board advises the Minister on matters affecting employment and on other matters concerning which advice is required under the ordinance.

To meet fully the provisions of the Recommendation, considerable changes would be required in the Employment Ordinance. These changes are not at present contemplated.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

Paragraph 1. Government policy is to encourage the conclusion of freely negotiated collective agreements. The terms and conditions of employment of approximately 60 per cent. of the labour force are governed by such agreements, the majority of which contain provisions relating to holidays with pay.

Paragraph 2. Part III of the Regulations on Wages and Terms of Employment Ordinance (300) empowers the Minister of Labour to establish wages councils which may submit proposals for regulating wages and terms of employment in respect of all or any of the employees in relation to whom the council operates. No such councils have as yet been established, but consideration is being given to the question of establishing a Wages Council for the Tailoring and Associated Clothing and Soft Furnishing Industries in Dar-es-Salaam.

Paragraph 5. Public holidays, of which at present there are ten in the year, are recognised under section 25 (A) (1) (b) of the Employment Ordinance as holidays with full pay distinct from the holiday prescribed under section 25 (A) (1) (a).

Paragraph 8. No provisions deal with interruptions occasioned by pregnancy and confinement other than section 87 of the Employment Ordinance regarding maternity protection.

The Employment Ordinance and its related legislation are administered by the Labour Commissioner, who may, with the consent of the Minister of Labour, delegate some of his duties to labour officers.

It is not proposed to extend the period of annual holiday with pay prescribed under the Employment Ordinance.

Thailand

CONVENTION No. 52

Announcement of the Ministry of the Interior concerning working hours, holidays of employees, conditions of woman and child labour, payment of wages and welfare services. Dated 20 December 1958.

The matters dealt with in this Convention are largely regulated by section 8 of the above announcement.

Section 8 of the announcement stipulates that employees who have worked continuously for one full year shall be entitled to annual vacations of at least six days, in addition to weekly days of rest and customary holidays. The authority entrusted with the supervision of the application of this regulation is the Labour Division, Public Welfare Department of the Ministry of the Interior. Reference is made to the detailed relevant information in the copy of the announcement annexed to the report.

At present, it is not yet feasible to amend the said regulation to bring it completely into line with the Convention, because Thailand is still at an early stage of industrial development. To increase the annual holidays to ten days for employees in general, or to 12 days for employees under 16 years of age, would result not only in an increase in the employers' wage expenses, but also have a considerable effect on industry.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

At present Thailand has no law regulating annual holidays in agriculture, and it is considered unnecessary as yet to ratify the Convention owing to the fact that the majority of farmers are landowners and self-employed, working with the assistance of members of their families.

Tunisia

RECOMMENDATION No. 47

Decree of 25 July 1946 (*Journal officiel*, 30 July 1946) to revise the legislation on holidays with pay in commerce, industry and the liberal professions, modified by Decree of 19 July 1948 (*ibid.*, 20 July 1948).

Decree of 20 January 1949 (*ibid.*, 25 Jan. 1949) providing additional holidays with pay for young workers in industry, commerce and the liberal professions, as amended by Decree of 4 June 1951 (*ibid.*, 8 June 1951).

Decree of 15 November 1956 (*ibid.*, 16 Nov. 1956) establishing a general statute for employees and workmen permanently employed by the State, by local public organisations and by public establishments.

The legislation covers workers in commerce, industry, the liberal professions, associations and organisations of whatever kind. The minimum qualifying period is one month of work in the service of the same employer. For this purpose one month is regarded as 24 days; as the holiday with pay entitlement is one day for each month, this gives the worker a maximum annual holiday of 15 days, including 12 working days. A holiday period of six continuous days must be given, and only where the period due exceeds six days can it be subdivided. Each period of five years with the same employer entitles the workers to one extra day's holiday, but the extent of this addition cannot be made to bring the total duration of holidays to more than 18 working days per annum. Workers are entitled to one-twenty-fourth of the total salary for the period taken into account in the calculation of the holiday entitlement, regard also being had to benefits complementary and in kind (Decree of 1946).

Workers or apprentices under 18 years of age are allowed two working days per month, the total holiday not exceeding 30 days, including 24 working days (Decree of 1949). By the same decree workers aged between 18 and 21 are allowed one-and-a-half days per month with a maximum of 22 days, including 18 working days. With regard to the former group the holiday pay is one-twelfth of the total remuneration received during the period under consideration; the latter group receives one-sixteenth.

State workers and those in public organisations and establishments are governed by the same conditions (Decree of 1956).

Public officials receive one month's holiday with pay annually (Statute of 5 February 1959).

The application of social legislation is entrusted to a group of labour inspectors and supervisors.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

Decree of 9 March 1944 establishing holidays with pay in agriculture (*Journal officiel*, 14 Mar. 1944).

Decree of 25 February 1954 amending and supplementing the Decree of 9 March 1944 (*ibid.*, 26 Feb. 1954).

Decree of 14 March 1957 extending to workers in certain agricultural undertakings the advantages of the Decree of 25 July 1946 to revise the legislation on holidays with pay in commerce, industry and the liberal professions (*ibid.*, 15 Mar. 1957).

Under the Decree of 1944 every agricultural worker is entitled to a holiday with pay at the expense of his employer, provided that he has completed at least six months' continuous service in the same establishment.

This holiday is calculated at the rate of one day for each month of work. The annual holiday is thus of 15 days, including 12 working days.

The holiday must be taken during the year following the date on which the worker becomes entitled to a holiday, if it is one of 15 days; if it is shorter, it must be taken during the six months following the same date.

The total annual holiday may be divided in half.

Agricultural workers are entitled to the supplementary holidays prescribed for young workers in industry and leave in connection with the birth of a child only if they work in the undertakings covered by the Decree of 1957. In this event, entitlement to holidays with pay is no longer subject to the condition of six months' continuous service. The decree also prescribes that the length of holidays with pay shall increase with length of service.

The implementation of social legislation in agriculture is supervised by labour inspectors and supervisors. Under the Act, the latter are also responsible for securing the observance of the legal provisions concerning the regulation of labour on farms.

Under the provisions of the Decree of 1954 employers are bound, when each worker goes on holiday, to enter or have entered on his pay sheet the date of his departure on holiday, the length of the holiday and the amount of the holiday allowance to be paid to him.

The Government states that the only difficulties in the way of ratification lie in the implementation of Article 5, paragraphs (a), (b) and (c), of the Convention. It seems unlikely that national legislation can be brought into line with the provisions of the Convention in the near future.

Turkey

CONVENTION NO. 52

Labour Code (No. 3008), as amended by Act No. 5518 of 25 January 1950 (*Resmî Gazete (R.G.)*, 31 Jan. 1950, No. 7420, p. 17685) (*L.S.* 1952—Tur. 1B).

Act No. 7467 respecting annual leave with pay. Dated 13 April 1960 (*R.G.*, 15 Apr. 1960, No. 10481, p. 1153) (*L.S.* 1960—Tur. 1).

The Minister of Labour is responsible for the enforcement of the above legislation.

The only difficulty delaying ratification of the Convention concerns its scope. The legislation applies solely to establishments employing ten or more workers (or from four to nine persons in certain undertakings situated in a town with 50,000 or more inhabitants). Establishments employing fewer workers than the number cited in the Labour Code do not appear, therefore, to be covered by the legislation.

In other respects the legislation is in conformity with the provisions of the Convention.

It was recently proposed that the Labour Code be amended to overcome the difficulty mentioned above. Amendments to extend the scope of the Code to all establishments, irrespective of the number of persons employed therein, are now under consideration by the Council of Ministers, and it is hoped that they will shortly be placed before Parliament.

RECOMMENDATION NO. 47

Act No. 6379 respecting employment at sea. Dated 10 March 1954 (*Resmî Gazete*, 20 Mar. 1954, No. 8663, p. 8742) (*L.S.* 1960—Tur. 4).

Journalists Act, No. 5953, as amended by Act No. 212 of 4 January 1961.

See also under Convention No. 52.

The Act respecting annual leave with pay covers only industrial and commercial establishments that fall within the scope of the Labour Code. Holidays with pay for seamen and journalists have been dealt with separately in order to meet the special requirements of their occupations more effectively.

The above legislation allows most workers to be granted annual holidays with pay.

The provisions concerning annual holidays with pay tally with the main principles laid down in the Recommendation, except with regard to scope.

The Minister of Labour is responsible for ensuring the application of the law on holidays with pay.

The extension of the scope of the legislation on this subject is being studied. This legislation does not cover wage earners and salaried employees in establishments that are not subject to the Labour Code or to the decrees extending the scope of the Code to establishments employing from four to nine persons in towns with more than 50,000 inhabitants.

The aim of the Bill now pending is to extend the scope of the Code to all industrial and commercial establishments, irrespective of the number of persons employed.

The Government is soon to submit a final proposal to the National Assembly. The legislation concerning seamen and journalists is not due to be amended.

RECOMMENDATION No. 98

See under Recommendation No. 47.

CONVENTION No. 101

For legislation see under Convention No. 52.

The 1960 Act applies to all wage-earning and salaried employees in establishments to which the Act of 1950 applies. Although, in general, agricultural undertakings and labour engaged on the soil for the production of crops are excluded from the coverage of the Act, certain specified types of agricultural work carried out on farms or in forests are covered. These include employment in rural industries (i.e. dairies, tobacco processing establishments), etc. The legislation can be said to cover the "related occupations" referred to in Article 1 of the Convention, provided they are covered by the Act. The 1960 Act further provides that persons employed in seasonal or campaign occupations which continue for less than one year shall not be entitled to annual leave. The majority of workers in this type of work are smallholders or persons finding irregular employment in the non-agricultural sector during the rest of the year.

The Government intends to regulate the conditions of employment in agriculture, but no definite date can be given for this.

Ukraine

RECOMMENDATION No. 47

Constitution.

Labour Code as amended up to 1 May 1936 (*L.S.* 1936—Russ. 1) and on 31 January 1958 (*L.S.* 1958—U.S.S.R. 1).

Regulations concerning normal and supplementary holidays approved by an Order of the People's Commissar for Labour of the U.S.S.R. dated 30 April 1930.

Paragraph 1, subparagraph (1), of the Recommendation. Besides time actually worked, the period of employment giving entitlement to a holiday includes, firstly, time during which the worker did no work but continued to receive remuneration and hold his job (period of military training, compliance with civic and trade union obligations), and secondly, time during which the worker, while still in employment, was in receipt of social security benefit for sickness or invalidity (section 4 of the above regulations).

Subparagraph (2). The right to a holiday is acquired after one year of employment, and only permanent workers have holidays.

Seasonal or temporary workers are entitled neither to a holiday nor to remuneration in lieu of the holiday. A list of work deemed to be seasonal in character is issued in regulations; provided their work is not on the above-mentioned list, workers who have worked for more than four months are entitled to a regular holiday or to remuneration in lieu of it.

Subparagraph (3). See under Paragraph 4 of Recommendation No. 98.

Paragraph 2. The statutory holiday was introduced in the interests of the workers' health and must be used solely for the purpose of relaxation. As a rule the holiday is taken in a continuous period; if there is a division, it is decided on by agreement between the two parties.

Under section 18 of the regulations, if circumstances have arisen before the beginning of the holiday which prevent the worker from taking his holiday the new date of the holiday is to be decided by agreement between the management and the worker. If such circumstances arise during the holiday the latter is extended by the length of the interruption.

Paragraph 3. Soviet legislation grants a holiday of at least 12 working days.

Workers in certain branches of industry who have spent two years in the undertaking are entitled to a supplementary annual holiday of three days.

Section 115 of the Labour Code grants a supplementary holiday of at least a fortnight to workers employed in undertakings where the work is particularly unhealthy or dangerous. A list of occupations in which workers are entitled to supplementary holiday was embodied in an Order of the Council of People's Commissars of the U.S.S.R. of 19 June 1941.

Paragraph 4. For the purpose of holiday remuneration the calculation of average earnings is based on the average earnings of the worker concerned during the 12 months preceding the beginning of the holiday. These earnings are reckoned as including all payments in the nature of remuneration, together with social security benefits (Order of the Council of People's Commissars of the U.S.S.R. of 25 July 1935).

Paragraph 5. Minors receive one month's holiday, which must be granted during the summer months and be actually taken. The substitution of remuneration for the holiday is prohibited by law for this category of workers under section 116 of the Code.

RECOMMENDATION No. 98

For legislation see under Recommendation No. 47.

Paragraph 1 of the Recommendation. The provisions of the Recommendation are applied by virtue of the legislation.

Paragraphs 2 and 3. Under section 99 of the Constitution every citizen is entitled to an annual holiday with pay (sections 114 and 120 of the Labour Code and regulations of 1930).

Paragraph 4, subparagraph (1). Under section 114 of the Labour Code all workers are entitled after 11 months of continuous service to a normal paid holiday of not less than 12 working days. The length of the holiday ranges from 12 days to one month according to the kind of work and the worker's age.

Subparagraph (2). The length of the period of service giving entitlement to a holiday is reckoned in months, but for a proportionate holiday (for example, holiday granted owing to the unhealthy character of the work), or in the event of dismissal, the time worked is reckoned in fortnights, and a part of a month in excess of a fortnight is counted as a whole month.

Subparagraph (3). Section 28 of the regulations of 1930 grants cash compensation to a worker who has not taken a holiday to which he is entitled. A worker who transfers to another establishment or undertaking may also receive in his new employ-

ment a holiday credit equivalent to the holidays not taken (section 114 of the Code and the above-mentioned regulations).

Paragraph 5. Since the length of the holiday is expressed in working days it includes neither rest days nor public holidays (section 114 of the Code). Sickness or maternity leave does not form part of normal or supplementary holidays (section 119 of the Code).

Under the Regulations of 5 February 1958 of the Presidium of the All-Union Central Council of Trade Unions a worker who falls ill while on holiday is entitled to extend his holiday by a number of days equal to the length of his illness, or to carry over the same number of days to a later date.

Paragraph 6. The length of the annual holiday with pay does not depend on the worker's length of service, but workers employed in certain branches of industry (mining, chemicals, metallurgy, etc.) are entitled after two years to a supplementary annual holiday of three days, or to a cash payment in lieu thereof.

Paragraph 7. Neither entitlement to nor the duration of a holiday is affected by interruptions of work when wages continue to be paid in connection with a period of absence dictated by unjustified dismissal followed by reinstatement; time during which a worker is in receipt of a social security benefit (for sickness, invalidity or maternity); or time during which the worker is employed on agricultural work or is taking a course.

Entitlement to or the duration of an annual holiday is not affected by interruptions of employment due to the worker's exercise of his rights and the discharge of his obligations in relation to the State or society, including in particular interruptions due to taking normal and supplementary holidays; to exercising the right to vote; to participation in party conferences or congresses, military exercises, a military appeal court or recruiting board and sports competitions; and to appearance in court.

Paragraph 8. Entitlement to an annual holiday with pay and the duration of such a holiday are not affected by interruptions occasioned by pregnancy and confinement.

Paragraph 9, subparagraph (1). The date, distribution and order of holidays are decided by the management with the agreement of the trade union committee in the undertaking (section 118 of the Labour Code).

Subparagraph (2). Under the Ukase of the Supreme Soviet of the U.S.S.R. dated 15 July 1958 the order in which holidays shall be taken is decided by the management, which notifies each worker at least a fortnight before the beginning of his holiday.

Paragraph 10. Persons below 18 years of age are entitled to one month's holiday, generally taken in summer (section 114 of the Code).

Paragraph 11. Under section 21 of the 1930 Regulations the worker receives his average earnings for the whole duration of his holiday.

Paragraph 12. The management of the undertaking informs the personnel of the granting of holidays. Section 6 of the Regulations of 1930 provides that the payment of holiday remuneration or compensation must be entered by the management in the worker's wage book.

Paragraphs 13 and 14. Before any draft legislation on labour matters is adopted the competent bodies discuss the matter at length with the workers.

CONVENTION No. 101

For the legislation see under Recommendation No. 47.

The conditions of work of wage earners in agriculture and in related occupations are governed by the national labour legislation, subject to certain special provisions due to the specific nature of agricultural activities.

Wage earners in agricultural undertakings are entitled under labour legislation to an annual holiday with pay, like all other wage earners. As a general rule they take their set holiday during the autumn or winter months, that is during the off season.

Article 1 of the Convention. See under Paragraph 4 of Recommendation No. 98.

Articles 2 and 3. See under Paragraph 1 of Recommendation No. 98.

Article 4, paragraph 1. See under Paragraph 4 of Recommendation No. 98.

Paragraph 2. See under Paragraph 1 of Recommendation No. 47.

Article 5, paragraph (a). See under Paragraph 5 of Recommendation No. 47.

Paragraph (b). See under Paragraph 6 of Recommendation No. 98.

Paragraph (c). See under Paragraph 4, subparagraph (3), of Recommendation No. 98.

Paragraph (d). See under Paragraphs 5 and 7 of Recommendation No. 98.

Article 6. See under Paragraph 2 of Recommendation No. 47.

Article 7. See under Paragraph 11 of Recommendation No. 98.

Article 8. Under section 4 of the Labour Code any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, is void.

Article 9. Any person dismissed before taking a holiday to which he or she is entitled receives a payment in lieu thereof (see also under Paragraph 4 of Recommendation No. 98).

Article 10. The report states that the practice fully corresponds to the legislation concerning holidays with pay. The system of inspection and supervision for applying the legislation concerning annual holidays with pay is part of the general system for supervising the application of labour legislation. Factory trade union committees play an active part in this supervision.

U.S.S.R.

RECOMMENDATION No. 47

See under Convention No. 52, Report III (I).

RECOMMENDATION No. 98

For legislation see under Convention No. 52, Report III (I).

Certain classes of wage and salary earners are entitled to additional holidays with pay over and above the annual paid holiday of not less than 15 days prescribed by section 114 of the Labour Code.

For example, all wage and salary earners under the age of 18 are entitled to a holiday of one calendar month. Teachers, doctors and other scientific and cultural workers are entitled to holidays ranging from 24 to 48 working days.

After three years' continuous service, forestry and timber workers are entitled to an extra holiday in addition to their normal paid holiday of 24 working days.

Additional holidays are also granted to wage and salary earners who, without leaving their jobs, attend young workers' schools or take evening classes or correspondence courses.

In respect of holidays the legislation provides for higher standards than the Recommendation. For example, it forbids any dismissals during holidays and allows holidays to be taken in advance; neither provision is included in the Recommendation.

Periods of sickness, irrespective of their length, are counted as working time for purposes of entitlement to holiday (paragraph 4 (b) of the Holiday Regulations dated 30 April 1930).

Disputes over holidays are dealt with by the labour disputes boards, made up of equal numbers of representatives of management and the union concerned.

CONVENTION No. 101

For legislation see under Convention No. 52, Report III (I).

Article 1 of the Convention. Wage and salary earners employed in agricultural undertakings and ancillary establishments, together with members of agricultural and fishery artels, are entitled to an annual holiday with pay in accordance with the rules governing their particular enterprise.

Article 2. Wage and salary earners employed in sovkhoses, repair stations and food storage establishments, together with wage and salary earners employed in food processing establishments, are entitled to an annual holiday with pay in the same way as wage and salary earners in industry.

Holidays for members of an agricultural artel are governed by the rules approved by a general meeting of the members.

Article 3. The minimum holiday with pay is 12 working days after 11 months' service.

Article 4. There are no farms on which only members of the employer's family are employed.

Article 5. Persons under the age of 18 are entitled to one calendar month's holiday. Members of agricultural artels are entitled to between 12 and 24 days' holiday, depending on the nature of their work.

Public holidays, weekly rest days and periods of sickness are not reckoned as part of the annual holiday with pay. The kolkhozes give extra holidays to members of artels who are taking special training courses.

Article 6. Usually holidays are taken all at once and may be split up only in exceptional circumstances and with the consent, or at the request, of the worker concerned.

Article 7. Wage earners and members of agricultural artels are paid in respect of their annual holidays on the basis of their average earnings over the previous 12 months.

Article 10. The control and inspection system to ensure the enforcement of the legislation on annual holidays with pay is in the hands of the State and the public inspectorate.

No changes have been made in the relevant legislation, which, according to the report, is in advance of the Convention.

United Arab Republic**RECOMMENDATION No. 47**

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

The Government merely cites sections 9, 58, 59 and 61 of the Code, the main provisions of which are as follows.

Any worker who has spent one year in an employer's service is entitled to a paid holiday of 14 days, which is increased to 21 days after ten years of continuous service. The worker may not renounce his right to a holiday.

After the first six days the holiday may be divided up according to the requirements of the work, and at the worker's written request it may be carried over to the following year. The holidays of young persons may not be divided.

A worker who leaves his job before he has received a holiday is to receive remuneration corresponding to the holiday to which he was entitled.

The average daily wage of a worker not paid on a time basis is to be determined on the basis of the average amounts the worker had received for the days actually worked during the previous year.

The Minister of Labour is responsible for supervising the application of the legislation concerning annual holidays with pay.

No action is contemplated to give effect to the provisions of the Recommendation that are not yet covered by the national legislation.

RECOMMENDATION No. 98

See under Recommendation No. 47.

United Kingdom**CONVENTION No. 52**

Holidays with Pay Act, 1938 (*L.S.* 1938—G.B. 7).

Wages Councils Act, 1945 (*L.S.* 1945—U.K. 1).

Wages Councils Act, 1959 (*L.S.* 1959—U.K. 2).

Civil Service Order in Council, 1956.

The 1938 Act empowers all wage regulation authorities to give directions for the granting of holidays with pay. Powers for the statutory fixing of holidays with pay provisions now operate for Great Britain under the 1959 Act, and for Northern Ireland under the 1945 Act. In Great Britain there are 60 councils covering about 3,500,000 workers (in certain manufacturing, some road haulage, retail trades and catering), and in Northern Ireland 18 councils covering about 50,000 workers. The granting of annual holidays with pay is also provided for in the collective agreements for practically all industries in which conditions of work are determined by collective bargaining. The holidays with pay provisions for non-industrial civil servants are negotiated in agreements with the National Staff Side. These provisions are incorporated in the instructions by the Treasury under the powers contained in article 6

of the 1956 Order in Council. The amount of holiday ranges from a minimum of two weeks and three days to a maximum of six weeks, depending on salary and length of service.

Industrial civil servants are granted two weeks' annual holiday with pay, except for certain supervisory or senior grades, who receive three weeks. Annual leave here does not normally vary with length of service.

The Whitley Councils negotiate holidays with pay as regards employees under the National Health Service; the minimum holiday is two and the maximum six working weeks per annum. Where a holiday is less than six weeks employees become entitled to an extra three days' holiday after ten years' continuous employment under the National Health Service.

The Industrial Relations Handbook, 1961, enclosed with the Government's report, contains information concerning the legislation and agreements referred to. Since 1961, however, many agreements have provided for an additional period of holiday over and above the two weeks normally given, but this is often dependent upon length of service.

There would appear to be no agreement providing for longer holidays with pay for apprentices.

The Wages Councils Acts provide that an employer to whom a wages regulation order applies shall keep such records as are necessary to show compliance with the Act, and failure to grant holidays in terms of such an order renders the employer subject to summary conviction and fine.

In the Post Office the minimum leave allowance for manipulative and engineering grades is two weeks and three days; for all other grades an increase is granted in respect of length of service.

Details of the number of paid holidays granted, length of qualifying service in terms of collective agreements or statutory orders in the majority of industries and services, are published in *Time, Rates of Wages and Hours of Work*, enclosed with the Government's report.

The legal requirements of the 1959 Act are enforced by the Wages Inspectorate appointed by the Minister of Labour, who is responsible for the administration of the Act. Employers' organisations and trade unions are always alert to safeguard the provisions of collective agreements, and the adjudication of the Industrial Court can be invoked by statute when an employer is not seen to be observing the conditions of employment established for the industry in which he is engaged.

The legislation and collective agreements ensure that almost the entire labour force enjoys at least some of the conditions set out in the Convention.

The Government believes that the matters dealt with in the Convention are appropriate for voluntary collective bargaining, and it is only when the machinery necessary for such bargaining does not exist that the Government has intervened.

It is intended to abolish the wages councils as soon as there is established in the industries to which they relate negotiating machinery adequate for the effective regulation of remuneration and conditions of employment.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Bahamas**CONVENTION No. 52**

Public Officers' Leave Act, 1956 (as amended in 1960).

Legislative and administrative provisions concerning holidays with pay relate only to public officers and civil servants. The above Act (Cap. 361) provides for paid holidays, the length of which varies with salary grade. Thus, a salary of less than £510 per annum entitles an officer to two weeks' paid leave; £510 to £810 per annum to three weeks' paid leave; and over £810 per annum to four weeks' paid leave. Such leave may be accumulated over any period not exceeding three years.

Provision is made in negotiated contracts covering employees in hotels in the airlines and airfield companies, the electricity corporation and the building construction industries for holidays with pay, the length of which varies from one week to four weeks according to length of service. (Reference is made to the Annual Reports of the Labour Department for 1959, 1960, 1961 and 1962.)

There being no general legislation concerning holidays with pay, the only method of co-operation on this subject between employers and workers is through negotiated contracts.

At the present time it is not intended to take any legislative measures to give effect to those provisions of the Convention which are not yet covered by local legislation or by practice.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Barbados**CONVENTION No. 52**

Holidays with Pay Act, 1951.

Holidays with Pay (Amendment) Act, 1961.

Articles 1 and 2 of the Convention. The 1951 Act stipulates that every employee should be entitled to an annual holiday of at least two weeks exclusive of public holidays. "Employee" is defined by the Act of 1961 as any person who has entered into or works under a contract of service or apprenticeship but does not include out-workers or members of an employer's family who work exclusively on the employer's behalf and who live in his house. Government employees are subject to special leave conditions which are no less favourable than those prescribed in the holidays with pay legislation.

The 1961 Act stipulates that the annual holiday shall be taken in one period or, if the employer and worker so agree, in two separate periods, and not otherwise.

There is no legislative provision concerning an increase in the duration of the annual holiday with length of service.

Article 3. The 1951 Act provides that every employee taking an annual holiday shall be paid one-twenty-sixth of his total remuneration over the 12 months' period to which the holiday relates. If an employee is entitled under a contract of service

or by collective agreement or custom to a holiday longer than two weeks he is to be paid an additional amount corresponding to the proportion which the extra period bears to 52 weeks. Employees engaged on a weekly, fortnightly or monthly basis are entitled to payment for the holiday period equal to the actual remuneration received immediately prior to the commencement of the holiday for a similar period of work.

Article 4. Under the Act any agreement between an employer and an employee which purports to exclude the operation of any of the provisions of the Act is null and void.

Article 5. There is no legislative provision to render void any agreement to relinquish the right to an annual holiday or to forgo such holiday.

Article 6. The Amendment Act of 1961 provides that any employee who has been employed for a continuous period of not less than three months and whose employment is terminated shall be paid one-twenty-sixth of his total remuneration over the period of employment in addition to all other payments due to him. If an employee whose employment is terminated has taken an annual holiday during his period of employment he is to be paid one-twenty-sixth of his total remuneration between the date when he became entitled to his last holiday and the date of the termination of employment.

Article 7. Under the 1961 Act every employer is required to keep records of the remuneration, periods of employment and holidays of every employee employed by him in such form as may be prescribed by the Labour Commissioner. No form of record has so far been prescribed, but it is proposed to have one prescribed shortly.

Article 8. Sanctions to ensure the application of the provisions of the legislation are provided under the 1951 Act.

Article 9. Nothing in the legislation affects any law, award, custom or agreement between employers and workers which would ensure more favourable conditions than those provided by the Convention.

Labour inspection duties are performed by the Labour Commissioner and his staff.

No modifications have been made in the national legislation during the period under review with a view to giving effect to any of the provisions of the Convention. No difficulties have arisen which would prevent or delay the ratification of the Convention.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1, subparagraph (1), of the Recommendation. Under section 2 of the Holidays with Pay Act, an employee who is employed on a weekly, fortnightly or monthly or yearly basis is entitled to holidays with pay if he has worked for at least 250 days during a period of 12 months with the same employer. This obviates any necessity for prescribing a limit to periods of unemployment which, for the purpose of determining entitlement to holidays with pay, should be regarded as consistent with continuous service.

Subparagraph (2). If the employee is employed on any other basis, the condition of continuity is satisfied under the same section if the employee has worked for an aggregate of 150 days during any period of 12 months' employment with the same employer.

Subparagraph (3). Under the same provision an employee can earn the right to an annual holiday with pay only by working for the requisite number of days with the same employer. Any time spent in the employment of other employers during the same year cannot be included in the qualifying period in assessing the worker's right to holiday in respect of the particular employment. Such a basis for determining qualification for holidays with pay, although operated by means of a system of registration in the Port of Bridgetown, is not practicable in present local circumstances. However, under the terms of the legislation both casual and regular employees are entitled to holiday pay if they have completed at least three months' work with the same employer. In respect of casual employees, an aggregate of 48 days during a three-month period of employment with the same employer is regarded as a continuous spell of employment.

Paragraph 2. Legislation provides that the annual holiday is to be taken in one period or, provided the employer and employee so agree, in two separate periods and not otherwise.

Paragraph 3. There is no provision for an increase in the length of the holiday with duration of service, and none is contemplated at present. However, it should be noted that the period fixed for annual holidays by legislation is in excess of the minimum required under the Recommendation. It should also be noted that the legislation merely fixes a minimum standard and in no way precludes any arrangements by way of collective bargaining or otherwise for the grant of better conditions to the worker.

Paragraph 4. The holiday remuneration of workers paid on an output or piece-rate basis is calculated on average attendance for the entire year of employment.

Paragraph 5. The question of providing a more advantageous system for young persons and apprentices under 18 years of age has not so far been considered.

It is not considered necessary to take any measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

RECOMMENDATION No. 98

Wages Councils Act, 1955 (1955-41).

See also under Convention No. 52.

Paragraph 1 of the Recommendation. Effect is given to the provisions of the Recommendation mainly through legislation and, in some cases, by collective agreements and by voluntary action. However, although as a matter of general policy action by employers' and workers' organisations to provide conditions better than those laid down by legislation is encouraged, there is no question of any such action prejudicing the application of legislation in the interests of employees.

Paragraph 2, subparagraphs (a) and (b). The legislation lays down minimum standards of general application for all workers. In addition to this there is a workers' union which is representative of a cross-section of the working population and plays an important part in the general improvement of working conditions by means of collective agreements. A few agreements to which this union is a party contain provisions regarding annual holidays with pay. In these circumstances it is unnecessary to promote action either to encourage the provision of holidays with pay by collective bargaining or to assist employers' and workers' organisations to establish joint voluntary machinery competent to determine holidays with pay.

Subparagraph (c). Wages councils are authorised to make recommendations on holidays with pay. Wages councils for employees in shops and in the shirt and garment manufacturing trade have been set up, but no recommendations regarding holidays with pay have been made, since existing legislation is applied to all workers.

Subparagraph (d). In view of the small size of the island and its compact commercial and industrial organisation, no action is necessary with a view to collecting and disseminating to employers' and workers' organisations information regarding provisions governing annual holidays with pay.

Paragraph 3. Seafarers and agricultural workers are not excluded from the holidays with pay legislation.

Paragraph 4. The annual holiday prescribed under the legislation is a fixed period of two weeks. The minimum number of days for which an employee must work in order to qualify for an annual holiday is fixed as 250 days for employees paid on a yearly, monthly, fortnightly or weekly basis, and as 150 days in the case of employees paid on any other basis. Legislative provision is made for the granting of a proportionate holiday payment to the employee in the event of his employment terminating after three months or more of employment.

Paragraph 5. Legislation ensures that public holidays are not counted as part of the period of annual holiday.

Paragraph 6. There is no provision for an increase in the duration of the annual holiday with pay with length of service or by reason of other factors. There is no objection to such provisions being negotiated between employers' and workers' representatives.

Paragraph 7, subparagraphs (1) and (2). Interruptions of work, whatever the cause, will affect entitlement to annual holidays with pay since the days which make up the qualifying period of a worker who qualifies for an annual holiday with pay must be "those days on which the employee has actually performed labour or rendered services for the same employer". However, as already stated, the period of annual holiday is fixed and is not affected by such interruptions in cases where the employees qualify for an annual holiday.

Subparagraph (3) (a) to (g). Legislation does not prescribe the manner in which the principles set out in subparagraphs (1) and (2) of Paragraph 7 should be applied to interruptions of work occasioned by any of the causes set out in subparagraph (3) (a) to (f). These principles are, however, applied to interruptions occasioned by intermittent involuntary unemployment in virtue of the definition of the term "year of employment".

Paragraph 8. The terms of this Paragraph are not provided for in the legislation.

Paragraph 9, subparagraph (1). The terms of this subparagraph are not provided for in the legislation.

Subparagraph (2). Legislation provides that the employee shall be given not less than 14 days' notice of the date on which the annual holiday is to begin.

Paragraph 10. The terms of this Paragraph are not provided for in the legislation.

Paragraph 11. The remuneration in respect of the period of annual holiday is fixed under the Holidays with Pay (Amendment) Act and includes the cash value of any board or lodging provided by the employer.

Paragraph 12. See under Article 7 of Convention No. 52.

Paragraph 13. It is the policy of the Government to consult employers' and workers' organisations before instituting any new laws or regulations affecting conditions of service of workers, including holidays with pay.

Paragraph 14. The constitution of wages councils secures to employers' and workers' representatives the opportunity to participate on a basis of complete equality in their operation. The functions of wages councils include the making of proposals for requiring a worker to be allowed a holiday with pay.

No measures to give effect to the provisions of the Recommendation not yet covered by national legislation or practice are at present contemplated.

Bechuanaland

CONVENTION No. 52

The only relevant legislative provision is section 9 of the Shop Hours Proclamation (Cap. 158), under which shop assistants are entitled to 18 consecutive days' leave per annum in addition to public holidays, etc. Administrative provisions ensure for all employees of the Government (the largest single employer) more favourable conditions than those provided by the Convention, and nearly all public industrial undertakings grant paid annual holidays in excess of six days. Thus government employees are entitled to a minimum of one-and-a-quarter days' paid leave per month in addition to public holidays, sick leave, etc., and industrial workers are normally entitled to the same minimum.

The Government supervises the application of both its own instructions and of section 9 of the Proclamation. No supervision is exercised over non-governmental concerns. Employers' organisations do not exist. Workers' organisations, which exist more in name than in effect, represent only a small minority of workers.

In April 1963 the Legislative Council passed a new Employment Law (effective 1964) under the terms of which the Convention can be fully applied.

RECOMMENDATION No. 47

The new Employment Law provides for an annual minimum of six days' paid leave for every worker, and for proportionate leave of one day for every two months if the worker is discharged. This leave is given in addition to public or customary holidays and absences for illness.

See also under Convention No. 52.

RECOMMENDATION No. 98

It is intended to take measures to encourage the growth of employers' and workers' organisations and the setting up of voluntary bargaining machinery.

Though full statistics are not yet available, it seems that most employers grant paid annual holidays of at least two working weeks.

See also under Convention No. 52.

Bermuda**CONVENTION No. 52**

Civil Service (Conditions of Service) (Miscellaneous Provisions) Act, 1961.

All monthly-paid employees of the Government are entitled to an annual holiday with pay of at least three weeks; all other government employees are entitled to an annual holiday with pay of at least one week. On the United States bases locally engaged employees are entitled to 13 working days' holiday with pay, and government service employees get 13 days or more, depending on length of service. In private employment, white-collar employees usually receive two weeks' annual leave with pay after one year's service; and longer periods are granted for length of service, seniority or in special circumstances.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

British Honduras**CONVENTION No. 52**

Labour Ordinance, No. 15, 1959.

Shops Ordinance, No. 10, 1959.

Government Workers' Rules.

Article 1 of the Convention. Section 2 of the Labour Ordinance defines commercial and industrial undertakings as referred to in the Convention. All persons employed in any of these undertakings or establishments, whether public or private, are included in the definition of the term "worker" given in section 2 of the ordinance.

All statutory provisions are made in consultation with the Labour Advisory Board, which consists of representatives of workers, employers and the general public, and which has the duty of studying all matters affecting workers and making recommendations thereon to the Government.

Under section 121 of the Labour Ordinance, members of an employer's family who work exclusively on his behalf and who live in his house are exempted from the provisions of the ordinance granting annual leave with pay. There is a similar provision concerning shop assistants in the Shops Ordinance. The conditions of service of government manual workers and clerical and other staff employed by the Government provide for an annual paid holiday longer than that prescribed by the Convention.

Government manual workers and clerical and other staff in the Government receive an annual holiday with pay above that prescribed by the Convention.

Article 2. Section 123 (1) of the Labour Ordinance requires that every worker who is employed at a date to be specified by the Governor-in-Council shall have a holiday of at least six days at the end of the first year of employment (computed as

though his employment commenced on the specified date) and thereafter an annual holiday of not less than six days for every year in employment. Every worker not employed on the specified date shall be entitled to an annual holiday of at least six days after each year of his employment. "Year of employment" in relation to a worker means any period of 12 months during which he has performed service for the same employer for an aggregate of at least 250 days in the case of a worker employed on a weekly, fortnightly, monthly or yearly basis and at least 150 days in the case of any other worker.

Section 12 of the Shops Ordinance provides that every shop assistant shall be granted not less than 14 consecutive days' holiday with full pay in respect of each completed year of service.

In conformity with rule 17 of the Government Workers' Rules it is the practice of the Government to grant annual leave, with full pay, ranging from six to 14 days depending on the service category of the worker.

Persons under 16 years of age, including apprentices, have the same leave entitlements as adult workers.

Section 123 (8) of the Labour Ordinance prescribes that where any public holiday occurs during any period of annual holiday the period of the latter shall be increased by one day in respect of such public holiday. There is a similar provision in the Shops Ordinance, and the Government practises this principle also in regard to all its workers. It is not the practice anywhere to include in the annual holiday with pay interruptions of attendance at work due to sickness.

Section 123 (3) of the Labour Ordinance lays down that the annual holiday shall be given and taken in one period, or, if the employer and worker so agree, in two separate periods and not otherwise. Under national law special circumstances are not invoked in respect of authorisation to divide the annual holiday, nor is any particular duration specified for the parts other than an equal division into two parts.

There are no national laws or regulations prescribing an increase in the annual holiday with pay with length of service. In a few instances where voluntary collective bargaining is well established, however, collective agreements do provide for such an increase. The Government Workers' Rules provide for a paid holiday of six working days for temporary employees and for paid leave to increase from 12 to 14 working days after five years' service in respect of permanent employees.

Article 3. Section 124 of the Labour Ordinance stipulates that a worker is to be paid his average remuneration in respect of his annual holiday, while section 122 defines the manner of calculating this remuneration, including the cash equivalent of his remuneration in kind, if any. Under section 12 of the Shops Ordinance a shop assistant receives full pay for the annual holiday; this also is the case for manual workers under the Government Workers' Rules.

Article 4. Section 127 of the Labour Ordinance lays down that an agreement between an employer and a worker which purports to exclude the operation of any of the provisions relating to the annual holiday with pay shall be null and void.

Article 5. No national laws or regulations exist to give effect to this Article.

Article 6. Section 125 (1) of the Labour Ordinance stipulates that "where employment of a worker who has become entitled to an annual holiday . . . is terminated and the worker has not taken any part of such holiday, the employer shall be deemed to have given such holiday to the worker from the date of the termination of the employment and shall forthwith pay to the worker, in addition to all other amounts due to him, his average pay in respect of the period of his employment . . . during the period of 12 months to which such annual holiday related".

Article 7. Provisions exist under sections 16 and 18 of the Labour Ordinance for compliance with this Article, but no form of register has yet been prescribed by regulations. The Shops Ordinance, however, under section 27 (3) requires the occupier of every shop to keep an annual holidays register in which are to be recorded the details specified in this Article.

Article 8. Both the Labour Ordinance and the Shops Ordinance provide for sanctions in the event of non-observance of their holiday with pay provisions on the part of an employer.

The Labour Department, through its inspection services, is responsible for the enforcement of the labour laws.

The Labour Ordinance gives effect to most of the provisions of the Convention, and it is not considered appropriate to adopt any further measures.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1, subparagraph (1), of the Recommendation. Under section 13 of the Shops Ordinance absences without the consent of the employer do not count as working time when any completed period of service in regard to entitlement to annual holiday is calculated. However, absences for the following reasons are counted as working time in calculating periods of service: (a) illness (not exceeding 14 days in any year of service) certified by a registered medical practitioner to necessitate absence from work; (b) accidents for which compensation is payable under the provisions of the Workmen's Compensation Ordinance, 1959; (c) service on any jury.

Subparagraph (2). The definition in the Labour Ordinance of "year of employment" gives effect to this subparagraph. Section 15 of the Shops Ordinance provides that a shop assistant whose work is not carried on regularly throughout the year shall be paid one-sixth of his weekly wages for every month of service completed either—(a) since the completion of the last annual holiday or (b) since his engagement in the shop if he has not completed a year of service.

Subparagraph (3). Section 15 of the Shops Ordinance and section 126 of the Labour Ordinance provide not only for an annual holiday to be given after one year's work with the same employer, but also for holiday pay proportionate to that for one year's service where a worker has worked for less than a year but for more than a prescribed minimum with the same or several employers. In this way the cost arising from the granting of the holidays earned falls upon each employer concerned.

Paragraph 2. Section 123 (3) of the Labour Ordinance provides that "the annual holiday shall be given and taken in one period or, if the employer and worker so agree, in two separate periods and not otherwise". It is not the usual practice to divide the annual holiday, but where employer and worker do so agree the annual holiday is normally one of longer duration than the minimum of six days prescribed under section 123 (1) of the Labour Ordinance.

Paragraph 3. There is no legislation providing for an increase in the length of holiday with duration of service. By administrative practice, however, the Government applies to its manual workers the following system of annual leave: (a) workers with five years' service or more—14 working days' leave on full pay for every 12 consecutive months of employment; (b) workers with less than five years' service—12 working days' leave on full pay for every 12 consecutive months of employment.

Under the terms of a collective agreement one large manufacturing company accords 14 working days' leave to workers with up to four years' service and 21 working days' leave to workers with five years' service or more.

Paragraph 4. It is the practice to calculate the remuneration of a person paid in whole or in part on an output or piece-work basis by calculating the average earnings over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings.

Paragraph 5. Young persons and apprentices under 18 years of age are granted by legislation and practice the same periods of annual holiday as provided for adult workers under the Labour Ordinance and Shops Ordinance. However, the Government is at present examining the possibility of granting by legislation a longer holiday period to young workers and apprentices.

RECOMMENDATION NO. 98

Paragraph 1 of the Recommendation. The provisions of the Recommendation are given effect to by the Shops Ordinance, No. 10, 1959; the Labour Ordinance, No. 15, 1959; the Wages Council Ordinance, No. 21, 1958; the Government Workers' Rules; and collective agreements.

Paragraph 2. The Government encourages organisations of employers and workers to settle industrial disputes by voluntary collective bargaining machinery. The Labour Ordinance provides that the Labour Commissioner must foster the development of trade unionism and collective bargaining and advise employers and trade unions of new methods and needs in industrial relations organisation and practice.

Section 3 of the Wages Council Ordinance empowers the Governor-in-Council to appoint a wages council wherever necessary, and wages councils are empowered to submit to the Governor proposals for fixing holiday remuneration and for requiring workers to be allowed holidays by their employers.

The Labour Department makes available to employers' and workers' organisations technical information and advice on all labour matters, including provisions governing annual holidays with pay.

Paragraph 3. The annual holiday provisions apply to all workers.

Paragraph 4, subparagraph (1). The Shops Ordinance provides that every shop assistant is to be granted not less than 14 consecutive days' holiday on full pay in respect of each completed year of service. Persons employed in any other trade or in any industry are entitled under the terms of the Labour Ordinance to an annual holiday of at least six days.

See also under Recommendation No. 47, Paragraph 3.

In the case of junior, clerical and technical officers employed by the Government, administrative orders provide leave according to grade, ranging from eight to four days for each three months of service. For other officers of senior rank holiday leave with full pay is granted at the rate of five days, including Sundays, for each completed month of service.

Senior employees in certain industrial undertakings are also granted annual holidays with pay ranging from 14 to 30 days for each completed year of service.

Paragraph 4, subparagraphs (2) and (3). See under Recommendation No. 47, Paragraph 1, subparagraphs (1), (2) and (3).

Paragraph 5. See under Recommendation No. 47, Paragraph 1, subparagraph (1).

Both the Shops Ordinance and the Labour Ordinance provide that the period of holiday is to be increased by one day in respect of each public holiday occurring during any period of annual holiday.

Paragraph 6. This principle is accepted, and, where appropriate, provision has been made to apply it as far as practicable.

Paragraph 7, subparagraphs (1) and (2). Interruptions of work during which the worker receives wages do not affect his entitlement to or the duration of the annual holiday with pay.

Interruptions which do not give rise to a termination of the employment relationship or contract do not affect the worker's entitlement to a holiday with pay, and any period which has been accumulated prior to the interruption is taken into account in the calculation of holiday pay.

Subparagraph (3). See under Recommendation No. 47, Paragraph 1, subparagraph (1).

Clause (a). As regards prenatal and postnatal care, there is no legislation to ensure that such periods of rest are not to be counted as days of holiday with pay, but the practice in commercial establishments accords with this principle. In government establishments such periods are not counted as holidays with pay. In industrial undertakings there is no legislation to implement this principle, although as regards sickness and accident the requirements of this Paragraph are substantially satisfied by administrative practice.

Clause (b). Absences on account of family events are not counted as holidays with pay so long as the worker has obtained the consent of the employer.

Clause (c). Interruptions occasioned by military obligations do not affect any entitlement to a holiday with pay which has been accumulated during the year of service.

Clause (d). The Shops Ordinance provides that the absence from work of a shop assistant in exercise of civic duties in respect of his service on a jury shall not be counted as paid holidays. There is no similar provision in the Labour Ordinance.

Section 70 (1) of the Representation of the People Ordinance, 1959, provides that every employer must on polling day allow every voter in his employ a reasonable time for voting without any deductions of pay.

Clause (e). The general practice in respect of the performance of trade union duties accords with the principle in the Recommendation.

Clause (f). Changes in the management of the undertaking do not affect any entitlement to a holiday with pay which has been accumulated prior to any such changes.

Clause (g). Interruptions of work occasioned by intermittent involuntary unemployment do not affect any entitlement, provided that in the case of an industrial worker such worker has rendered services for the same employer for an aggregate of at least 250 days in the case of a worker employed on a weekly, fortnightly, monthly or yearly basis, and at least 150 days in the case of any other worker. The Shops Ordinance provides that any shop assistant whose service is terminated for any reason is to be paid one-sixth of his weekly wage for every month of service completed either since his last holiday or since his engagement in the shop if he has less than a year's service. The Government Workers' Rules provide for one day's vacation with full pay or wages in lieu thereof for every two months' service. This rule applies to workers whose employment is intended to be temporary, including workers engaged for a particular project only.

Paragraph 8. The entitlement of a worker to an annual holiday with pay is not affected in any way by interruptions occasioned by pregnancy and confinement, since provision is made in the Labour Ordinance for permitted absence from work in such circumstances. Such permitted period of absence, as is prescribed in the ordinance and by regulations made under section 175 thereof, is counted when calculating the period of service of the worker in any given year.

Paragraph 9. The general practice is for the worker to notify the employer of the period during which he proposes to take his annual holidays with pay. In practice the worker, or in a few cases the employer, gives at least 14 days' notice in advance.

Paragraph 10. There is no legislation to provide young workers under 18 years of age with a longer period of paid leave than the minimum provided for under the legislation. There is no obvious necessity in present local conditions for granting young workers more favourable terms.

Paragraph 11. The measures referred to in this Paragraph are satisfied by the Shops Ordinance and the Labour Ordinance, the Wages Councils Ordinance and the terms of collective agreements and arbitration awards.

Paragraph 12. The Shops Ordinance prescribes the record of holidays with pay to be kept by the employer in respect of shop assistants, and the Labour Ordinance provides that regulations may be made for one or more registers or records containing such information regarding each worker to be kept by every employer.

Paragraph 13. It is the practice to undertake full consultation with representative organisations of employers and workers before any laws or regulations affecting the interests of employers and workers are framed.

Paragraph 14. Section 19 (1) of the Labour Ordinance provides for the establishment of a labour advisory board consisting of three persons representing employers, three representing workers and three representing the public interest. Section 19 (2) provides that organisations representing workers and employers are to be consulted before appointments are made to the board of persons representing their interests.

Falkland Islands

CONVENTION No. 52

Sheep farming and agriculture are the principal occupations. In the only town, Stanley, hourly-paid employees are covered by a collective agreement, negotiated annually between the principal employers and the Labour Federation. The 1962 agreement entitles workers to annual holidays with pay of 40 hours after the first six months of continuous service and eight hours for each month of service thereafter.

RECOMMENDATION No. 47

In practice the provisions of the Recommendation, except those in Paragraph 1, subparagraph (3), and Paragraph 3, are given effect to.

RECOMMENDATION No. 98

Most of the provisions of the Recommendation are implemented under the terms of the collective agreement referred to in the report on Convention No. 52, but it is not the practice to grant annual holidays in respect of service with more than one employer (Paragraph 4, subparagraph (1), in part) and the age of the worker is not taken into account (Paragraph 10).

Fiji

CONVENTION No. 52

Labour Ordinance No. 23, 1947 (Cap. 92).

Labour (Annual Holidays) Regulations, 1948, as amended by Legal Notice No. 127, 1949 (Cap. 92).

The Labour (Annual Holidays) Regulations grant annual holidays with pay of six days to all employees in respect of each year of continuous service. In addition, most employers grant public holidays with pay, and approximately 50 per cent. of permanently employed workers are covered by collective agreements which provide that a number of gazetted public holidays shall be paid holidays. The regulations allow up to 36 working days of absence a year without loss of annual holiday entitlement; and a number of collective agreements provide for the annual leave to be increased in proportion to service. The adoption of measures will be considered to give effect to those provisions of the Convention not yet covered by the national legislation.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Gambia

CONVENTION No. 52

Gambia General Orders (1959 edition) (Cap. 16 and 17).

Police Rules (*Revised Laws*, Cap. 70).

Prisons Rules (*ibid.*, Cap. 72).

Education Regulations (*ibid.*, Cap. 82).

Joint Industrial Councils agreements made under section 24A of the Labour Ordinance (Cap. 85).

The above-mentioned texts provide for the granting of vacation leave with full pay to overseas officers (clauses 1 and 2 of Chapter 16), to indigenous officers in the senior civil service (clause 41 of Chapter 16), and to officers in the junior civil service (clause 1 of Chapter 17). Extension of vacation leave with full pay on grounds of ill health may be granted in addition to study leave and leave on grounds of public interest, both with full pay.

The agreements of the Joint Industrial Councils apply to all daily-rated and/or non-pensionable workers specified in the agreements. These workers are entitled, according to the agreements, to annual leave with full pay according to their length of service as follows: (a) after 12 months' continuous service—14 working days per annum; (b) after five years' continuous service—21 working days per annum; (c) six to 12 months if the services of the worker are terminated through no fault of his—proportionate leave.

The Labour Commissioner is responsible for the administration of the Joint Industrial Councils agreements and the Establishment Office for the administration of the general orders, etc.

The provisions of the Convention are covered by legislation or practice with the exception of the extended leave period for young persons under 18 years of age.

In practice, however, persons are not normally employed before they attain the age of 18.

RECOMMENDATION NO. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

See under Convention No. 52.

Gibraltar

CONVENTION NO. 52

Regulation of Services and Conditions of Employment Ordinance, 1953 (*Laws of Gibraltar*, Supplement 1961, Cap. 159).

Conditions of Employment (Annual and Public Holidays) Order, 1958 (*loc. cit.*).

Shops' Hours Ordinance, 1952 (*Laws of Gibraltar*, 1959, Cap. 118).

The Annual and Public Holidays Order applies to all employees, except those of members of the Official Employers Joint Industrial Council and casual employees in the dock labour pool (and also a few categories outside the scope of the Convention). Most of the dock pool employees are now on weekly contracts and thus benefit by the provisions of the order. The order requires employers to grant, between 1 January and 31 December in any year, an annual holiday proportionate to the length of service during the immediately preceding 12 months (referred to as the qualifying period), and this holiday ranges from one day for minimum service of four weeks up to the equivalent of one-and-two-thirds working weeks for at least 48 weeks of service. A rest day or public holiday intervening in the period of annual holiday does not count as a day of the holiday, and absences from work on account of sickness count as part of the holiday only at the employees' request. Where the holiday due exceeds seven days it may be agreed that it be taken in two or more periods, with one period of not less than seven consecutive calendar days, and no period of less than one working day. The holiday pay is prescribed as one-seventh, one-sixth or one-third of the normal weekly remuneration, according to whether the working week is of seven, six, five or fewer days. For workers remunerated by tips or commissions, the minimum holiday pay is fixed at 13 shillings for adult males and less for females and juveniles. On cessation of employment an employee is entitled to pay for any accrued holiday in respect of the preceding qualifying year and in respect of the calendar year, except where he has been dismissed for misconduct or has not given due notice of leaving. Failure to comply with a conditions of employment order or to keep the prescribed records is punishable on conviction.

The Shops' Hours Ordinance provides that every shop assistant shall have a holiday on full pay of at least seven consecutive days a year.

In terms of the Regulation of Services and Conditions of Employment Ordinance every employer must keep a register showing particulars sufficient to enable the labour inspector to ascertain each employee's entitlement and holiday pay.

The employees of members of the Official Employers Joint Industrial Council, who make up approximately 45 per cent. of the total labour force, are governed by the administrative conditions of the employer concerned. The annual holiday entitlement of the industrial employee is a minimum of eight working days for employees engaged on a five-day week and ten working days for those on a five-and-a-half or six-day

week, but with an additional two days after three years of service; other than in exceptional cases, the annual holiday must be taken in one period. For the non-industrial employees, the holiday varies from 14 days for junior grades to 42 days for seniors. In cases of dismissal imputable to the employer, any holiday due must be taken by the worker before the date of discharge.

The administration of the relevant ordinances and subsidiary legislation is entrusted to the Director of Labour and Social Security.

No further legislation is contemplated at present, but the minimum standards set by the Convention are accepted as an objective of labour policy.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. Section 7 of the Conditions of Employment (Annual and Public Holidays) Order provides that for annual holiday entitlement an employee's service includes any week in which he has worked for at least 38 hours, public holidays, his vacation period and absences from work on account of sickness or work injury up to 12 weeks in the course of the 12 months immediately preceding 1 January in each year. The service requirement for the full vacation being 48 weeks during the 12 months, it is considered that the margin of four weeks would cover absences for family reasons, civil duties and reasonable periods of unemployment. For employees of official employers, sickness or injury leave on various scales count as qualifying service. The military authorities grant recruits eight days of fully paid leave on completion of their four months' military service, and the periodical two weeks of reserve training count as service with the normal employer for calculating holiday entitlement. The provision of the order which gives entitlement to accrued holiday pay covers changes in ownership of an enterprise.

Short periods of annual holiday are normally taken in conjunction with a public holiday. Under administrative arrangements an additional seven days of annual holidays after 20 years of service are granted to established, non-industrial employees of the Government. Remuneration on an output or piece-work basis is not customary.

No specific measures concerning the provisions of the Recommendation are contemplated at present.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

The Regulation of Services and Conditions of Employment Ordinance provides that conditions of employment determined by the various recognised means of agreement between workers and employers shall be the conditions of employment for the employees concerned, and it is the policy of the Government to encourage such joint action and to legislate only in necessity. Information on annual holiday provisions is published in the annual report of the Department of Labour and Social Security. There are no formal provisions covering absences from work on account of pregnancy and confinement, but many employers treat such as sickness leave. The Annual and Public Holidays Order, 1958, provides for reasonable notice to be given to the employee of the commencing date and duration of his annual holiday periods. The 1958 Order emanates from the Regulation of Conditions of Employment Board, an independent tripartite body set up by statute, on which employers, workers' associations and independent persons are equally represented. The Board considers any representations made by interested parties on its recommendations.

Gilbert and Ellice Islands

CONVENTION NO. 52

Because most employment is distant from the worker's home island, it has been the practice to grant long leave periods of up to four months at intervals, usually of three years.

New labour legislation is now contemplated and consideration will be given to providing for the application of the Convention.

RECOMMENDATION NO. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

See under Convention No. 52.

Grenada

CONVENTION NO. 52

In March 1960 a Bill to make provision for holidays with pay for all workers in the territory and which would comply with the Convention was forwarded to the legal draftsman, but owing to pressure of work no action had been taken on it at the time the Government's report was received. A new draft was submitted on 5 March 1963, and it was hoped that this would reach the statute book before the end of 1963.

Legislative and other provisions, including collective agreements, already exist in Grenada in regard to all or most of the matters dealt with in the Convention. Examples of the provisions made for annual holidays in respect of different categories of workers are given below.

Under an arbitration award of 1953 agricultural workers are entitled to five days' leave if they work 150 days in a year; six days' leave for 175 days' work in a year; and seven days' leave for 200 or more days' work in a year. An administrative decision of 1954 applies similar provisions to government daily-paid workers (except artisans). Under an arbitration award of 1961 government-employed artisans are entitled to five-and-a-half working days' leave if they work between 150 and 200 days in a year and to 11 working days' leave annually during the first ten years of employment and 16 $\frac{1}{2}$ working days thereafter, if they work for 200 days in a year.

Either by custom or under collective agreements the following categories are accorded 14 days' leave after 12 months' service: domestic servants in hotels, porters in commercial establishments, automobile repair mechanics, aerated water and beer factory workers. Domestic servants in private homes are by custom accorded seven days' leave after 12 months' service.

The following annual holiday provisions apply to shop assistants and clerks and to workers in shirt and pyjama factories and in the straw manufacturing, cigarette making and printing industries, under the terms of government orders: after the first year of employment—two weeks; at the end of the fifth year of employment—four weeks; at the end of the tenth year of employment and at the end of each subsequent fifth year—six weeks; in all other years—three weeks.

Under the terms of a collective agreement concluded in 1960, daily-paid telephone service workers are entitled to 14 working days' leave after one year's service and subsequently each year up to the fifth year of service; 21 working days' leave in

each of the fifth to tenth years of service; 28 working days' leave after the tenth and in each subsequent year of service. Monthly-paid workers with one to five years' service are entitled to 21 days' leave; those with from five to ten years' service to 28 days' leave; and those with ten or more years' service to 42 days' leave.

Under an arbitration award of 1962, permanent workers in the electricity service are accorded three weeks' annual leave in the first five years of service and four weeks' annual leave thereafter, while temporary workers are granted four days' leave after 60 days' work, seven days' leave after 100 days' work and 14 days' leave after 200 days' work.

In the civil service annual leave entitlements range from 24 to 45 days according to grade for pensionable staff. Non-pensionable staff are entitled to 24 days, and minor salaried employees to 14 days.

Guernsey

CONVENTION No. 52

Industrial Disputes and Conditions of Employment Law, 1947, as amended by the Industrial Disputes and Conditions of Employment Laws, 1952, 1957 and 1958.

Collective agreements provide for annual holidays with pay in nearly all the undertakings to which the Convention applies. The 1947 Law, as amended, prescribes that where in any trade or industry terms and conditions of employment are established by negotiation to which the parties are organisations of employers and trade unions respectively, all employers in that trade or industry shall recognise and observe these conditions or such conditions as are no less favourable.

All local collective agreements contain clauses to the following effect: (a) workers shall receive two weeks' holiday with pay after 12 months' continuous service; (b) workers with less than 12 months' service who are discharged or terminate their employment shall be entitled to one day's holiday or pay in lieu for each completed month of service; and (c) workers shall be allowed a holiday with the normal day's pay on all recognised public and statutory holidays.

Industrial disputes officers are appointed, and a Labour and Welfare Committee deals with all matters pertaining to labour. Both sides of industry accept and aim to implement the spirit of the Convention, and there would appear to be no call for further measures to give effect to any of its provisions.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Hong Kong

CONVENTION No. 52

Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance, 1961.

There is no legislation prescribing an annual holiday of at least six working days, but industrial workers are entitled to six specified statutory holidays each year,

with pay, under the above ordinance. Although the objects of this text differ somewhat from those envisaged in the Convention, it was drafted with the general requirements of the Convention in view. The ordinance does not in many cases affect employees in the public services or large industrial undertakings, since the conditions they already enjoy are more favourable than those which it prescribes. It is not at present intended to adopt measures to give effect to those provisions of the Convention not yet covered by national legislation or practice.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

There is no legislation prescribing an annual holiday of not less than two working weeks with pay after a period of 12 months of service, and no collective agreements including such a provision have been negotiated.

The Government grants its employees paid leave at the rate of one day for each completed calendar month of service; leave may be accumulated up to 42 days. It is not compulsory to take such leave, but staffing scales are designed to permit employees to take leave and they are encouraged to do so. In practice, most employees take their leave a few days at a time.

In commerce and industry, annual holidays are the exception and not the rule. Many employers are prepared to grant established employees a few days' leave at a time.

It is not intended to enact legislation which goes further than the provisions of the Convention, which is not implemented except in a highly modified form designed to accord with internal circumstances.

Jersey

CONVENTION No. 52

Civil Service Administration (General) (Jersey) Rules, 1949, as amended.

The Civil Service Rules give civil servants entitlement to holidays with pay ranging from 14 to 24 working days according to their grade. The holidays with pay entitlement of other workers is laid down in agreements between employers and trade unions. According to the 19 agreements relating to industries, trade, transport and building, listed in the Government's report, the usual length of the annual holiday is two weeks, and in certain cases provision is made for an increase in the length of the holiday after a specified period of service.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Malta**CONVENTION No. 52**

Conditions of Employment (Regulation) Act, 1952.

Administrative provisions and regulations establish holidays with pay both in the public and private sectors of employment. In certain establishments it is left to the trade union concerned to negotiate conditions of employment of the workers, including holidays with pay.

In the public sector administrative arrangements exist whereby employees are allowed holidays with pay varying according to their status and length of service.

In the private sector a number of wages councils set up by the 1952 Act establish holidays with pay.

Labour laws, including wage regulation orders, are enforced by the Department of Emigration, Labour and Social Welfare.

Conditions of employment are established by collective bargaining between employers and employees or between their organisations and trade unions.

RECOMMENDATION No. 47

No legislation exists to give effect to the Recommendation. In practice conditions of employment as indicated in the Recommendation are the subject of negotiations between representatives of employers and employees or of collective bargaining between associations of employers' and workers' organisations.

RECOMMENDATION No. 98

Conditions of Employment (Regulation) Act, 1952.

Conciliation and Arbitration Act, 1948.

The above Acts apply to an extent some of the provisions of the Recommendation. Employers' and employees' organisations are at liberty to enter into collective agreements to establish conditions of employment, including holidays with pay.

The Department of Emigration, Labour and Social Welfare enforces those statutory instruments providing holidays with pay.

Existing legislation and practice allow for several of the provisions of the Recommendation to be put into effect if circumstances permit or if the necessity arises.

Isle of Man**CONVENTION No. 52**

The majority of workers are covered by collective agreements which provide for holidays with pay, and any disagreement on the subject would be considered by the appropriate joint industrial council or referred to arbitration. For building trade operatives there is a holiday stamp system which is enforced by the Council for the Registration of Master Builders and Workmen.

No modifications in national legislation have been considered necessary to give effect to the provisions of the Convention.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

All collective agreements provide for a minimum of 12 days of annual holiday. See also under Convention No. 52.

Mauritius

CONVENTION No. 52

Regulation of Wages and Conditions of Employment Ordinance, No. 71, 1961 (*Government Gazette*, No. 68, 30 Dec. 1961, Legal Supplement).

Wages Regulation Orders.

There are no substantive legislative provisions regarding holidays with pay, but such provisions do exist in subsidiary legislation in the form of minimum wages orders.

The minimum wages boards, set up under the Minimum Wages Ordinance, No. 36, 1950, have the power to take "holiday remuneration" into consideration; similar provisions are incorporated in Ordinance No. 71 of 1961, which has revoked and replaced the Ordinance of 1950. The minimum wages orders now in force in fact provide for paid holidays.

The agreement currently in force between the Mauritius Sugar Producers' Association and the Artisans and General Workers' Union provides, in respect of monthly-paid workers, for 13 statutory holidays, with full pay, and ten days' annual leave with full pay, subject to certain conditions.

Most of the collective agreements in force provide for some form of paid holidays.

No modifications have been made to national legislation or practice with a view to giving effect to the provisions of the Convention.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Montserrat

CONVENTION No. 52

The workers among the small total labour force in the island coming within the scope of the Convention are mostly government-employed on construction, repair and maintenance work and in professional and public services. Government regulations provide for the granting of at least six and usually not less than 12 working days of annual holiday with pay after a year of continuous employment; and in practice the holiday of government established workers is increased with length of service. Article 2, paragraph 2, and Articles 3, 6 and 7 of the Convention are also respected in practice.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION NO. 98

The prevailing practice, whereby such workers as are continuously employed receive annual holidays with pay of usually a minimum of two working weeks per annum, is safeguarded by the workers' unions, and is very much in harmony with the provisions of the Recommendation in so far as the circumstances of the small territory allow.

See also under Convention No. 52.

North Borneo ¹

CONVENTION NO. 52

There is no legislation in regard to any of the matters dealt with in the Convention.

Persons employed in the government service and public undertakings and establishments referred to in Article 1 of the Convention are entitled under administrative orders and regulations to an annual holiday with pay in excess of the duration prescribed by the Convention, and the provisions of those orders and regulations are in general conformity with the Convention.

Several undertakings in the private sector have entered into service agreements with employees, providing annual holiday with pay in excess of the duration prescribed in the Convention.

The Government has adopted no modifications in the national legislation or practice, nor does it intend to, in order to give effect to those provisions of the Convention not yet covered thereby.

RECOMMENDATION NO. 47

There are no legislative, administrative or practical provisions in regard to any of the matters dealt with in the Recommendation, nor is it intended for the present to adopt any such provisions.

RECOMMENDATION NO. 98

Wages Councils Ordinance, No. 14, 1960.

In the case of persons employed in government service, most of the matters dealt with in the Recommendation are covered by administrative instructions and service regulations.

It is believed that service agreements entered into between several undertakings in the private sector and their employees comply in a large measure with the standards proposed by the Recommendation.

The above ordinance provides for the establishment of wages councils in industries where no adequate machinery exists for the effective regulation of the remuneration of employees.

The administrative instructions and service regulations give full effect to the provisions of the Recommendation so far as the government service is concerned, except that the regulations do not discriminate between workers under 18 years of age and others in determining the period of holidays with pay.

It is not intended to take any measures to give effect to the provisions of the Recommendation not yet covered by the national legislation or practice.

¹ This country is now part of Malaysia.

Northern Rhodesia

CONVENTION No. 52

Shop Assistants Ordinance (Cap. 192).

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).

Apprenticeship Ordinance (Cap. 187).

Collective agreements already existing in most major industries generally grant better conditions of paid leave than the Convention.

Government employees are covered by general orders and administrative instructions which provide conditions no less favourable than those of the Convention.

Section 7 of the Shop Assistants Ordinance states that every shop assistant and manager shall be entitled to 18 consecutive working days' leave with full pay for every year of continuous service. Provision is also made for the accumulation of up to three months' leave over a period of four years.

Section 5A (4) of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance empowering a wages council to determine the minimum number of holidays with pay allowable to employees has been applied by the Wages Council for Africans Employed in Shops (under Government Notice No. 398, 1961); the Wages Council for Europeans and Asians Employed in Shops (under Government Notice No. 397, 1961); the Wages Council for Africans Employed in Hotels, Clubs and Restaurants (under Government Notice No. 305, 1961); and the Wages Council for Africans Employed in the Building Industry (under Government Notice No. 495, 1961).

Acting under section 5 (4) of the same ordinance, a wages and conditions of employment board has provided for the granting to employees within its competence of paid annual holidays varying from 12 consecutive working days to 24 consecutive days including Sundays but not public holidays. The Board covers all Africans employed in line-of-rail districts in occupations other than agriculture, domestic service, government service and all occupations already covered by collective agreements or the determinations of wages councils.

According to section 23 of the Apprenticeship Ordinance, apprentices are entitled to an annual leave of 21 days and may accumulate up to a maximum of three years' holiday.

In common law, "absence for lawful cause" as applied in relation to statutory regulations ensures that in practice absence from work due to sickness is not included in the leave period.

Employees covered by collective agreements are granted paid leave ranging from 12 to 41 days per annum. Some agreements provide for increase in the annual leave entitlement in accordance with length of service, though the more common practice is for the duration of leave to vary with the grade of the employee.

In certain rural areas there are small scattered commercial undertakings whose employees are not covered by statutory regulations or collective agreements; a minimum of 12 days' annual leave with pay is, however, the widely accepted practice, and in many instances far more generous provisions are made.

Any agreement to relinquish or forgo a statutory right to an annual holiday is void.

Statutory regulations and collective agreements provide for the payment of cash in lieu of paid leave entitlement where an employee leaves, retires from, or, for a reason imputable to the employer (other than justifiable summary dismissal), is discharged from his employment.

Section 26 of the Employment of Natives Regulations (Cap. 171) requires every employer to keep adequate and proper books and accounts in respect of the wages of every employee.

There are no national provisions in regard to Articles 5 and 8 of the Convention.

The application of the legislation is supervised by inspecting officers of the Ministry of Labour and Mines. Employers' and workers' organisations are represented on wages councils and on the Labour Consultative Council; they refer problems of enforcement to the Ministry of Labour and Mines for investigation and are consulted by the Ministry where necessary.

Ratification of Conventions in regard to Northern Rhodesia is the responsibility of the United Kingdom Government, and it has not yet been decided to adopt further measures giving effect to those provisions of the Convention not yet covered by legislation or practice.

RECOMMENDATION NO. 47

There is no legislation specifically in regard to the matters dealt with in the Recommendation, but it has been established by a court of law that absence from work due to sickness or accident, not occasioned by an employee's own default, does not constitute a break in "continuous service" disqualifying such employee from a legal right to paid leave.

Employers' and workers' organisations are represented on wages councils and on the Labour Consultative Council. They also refer problems of enforcement to the Ministry of Labour and Mines for investigation and are consulted by the Ministry where necessary.

No decision to adopt further measures giving effect to the provisions of the Recommendation has been taken.

RECOMMENDATION NO. 98

For legislation see under Convention No. 52.

Effect is given to the Recommendation through legislation, collective agreements and other practical arrangements.

Government policy has been to encourage and assist in the formation of voluntary collective bargaining machinery or alternatively to set up statutory bodies such as wages councils and wages and conditions of employment boards, which are empowered to determine annual holidays with pay in certain industries and occupations.

Inspecting officers of the Ministry of Labour and Mines regularly obtain detailed information on paid annual holidays from all employers other than employers of domestic servants.

Statutory regulations generally stipulate that a preliminary qualifying period of 12 months' continuous service must be completed before paid annual leave becomes due, but provide for the calculation of the leave entitlement on a monthly pro rata basis thereafter. Most employers not covered by legislation follow the same principle. It is also normally provided that where an employee leaves, retires from, or is discharged from his employment, he shall be entitled to payment in lieu of accrued leave provided service in excess of one year has been completed. The determination of the Wages and Conditions of Employment Board (Government Notice No. 1072, 1963) requires no such qualification in the case of termination of service.

Statutory regulations determine the public holidays not forming part of the annual holidays with pay, and normally exclude Sundays. Most employers not covered by legislation also follow the same pattern.

It has been established by a court of law that absence from work due to sickness or accident, not occasioned by an employee's own default, does not constitute a

break in "continuous service" disqualifying such employee from a legal right to paid leave. It is generally recognised in practice that interruptions of work occasioned by circumstances outside the control of the employee should not affect leave entitlement.

Statutory regulations generally specify that remuneration for annual leave shall be the employee's normal pay; instances of remuneration in kind are rare.

Inspecting officers of the Ministry of Labour and Mines supervise the application of the relevant legislation. Employers' and workers' organisations are represented on wages councils and on wages and conditions of employment boards where they are directly concerned with the periodical review of conditions of employment and before which they have the right to give evidence. Consultation between employers' and workers' organisations and the competent authorities on all aspects of conditions of employment may be carried out either directly or through the Labour Consultative Council on which all three parties are represented.

The Posting of Notices Rules require all employers affected by determinations of wages councils or wages and conditions of employment boards to post copies of such determinations for the information of all employees concerned.

No decision to extend the legislation to cover all the provisions of the Recommendation has yet been taken.

St. Christopher-Nevis-Anguilla

CONVENTION No. 52

Holidays with Pay Ordinance, No. 19, 1956.

As regards co-operation between organisations of workers and employers in the application of the legislation see under Convention No. 101, Report III (I).

Since no practical difficulties arise no modifications are required.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Increase in the length of the holiday with the duration of service is the only provision of the Recommendation not specifically covered by the legislation. Ordinance No. 19, however, provides for a minimum holiday with pay of 14 working days after one year's work.

No modifications have been necessary.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Paragraph 5 of the Recommendation. There are instances where leave of absence prior to and after the birth of a child is granted without loss of wages at the discretion of the employer. There is lack of uniformity in the benefits provided and in the period of leave granted, as there is no compulsion on the part of employers to conform with these standards.

Paragraph 10. The period of 14 working days is considered adequate for young workers.

St. Helena**CONVENTION No. 52**

All government employees are granted annual holidays with pay, and this practice is also followed by all private employers.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

St. Lucia**CONVENTION No. 52**

Holidays with Pay Ordinance, No. 15, 1957, as amended by Ordinance No. 21, 1959.

Wages Regulation (Clerks) Order (*S.R. & O.*, No. 42, 1956).

Wages Regulation (Baking Industry) Order (*ibid.*, No. 33, 1956).

In virtue of definitions contained in the Holidays with Pay Ordinance, any person under a contract of service for remuneration is entitled to an annual holiday with pay. The length of the holiday is of at least 14 days, excluding any public holidays, in respect of a period of employment with the same employer amounting to at least 200 days in a calendar year; for a shorter period of service but greater than 90 days, a proportionate holiday with pay is granted. The legislation requires the holiday to be given and taken in one period or in two periods of seven days each, and within six months after it becomes due. If the employment terminates, the employee is entitled to payment for any holiday due to him but not taken, and in the same way the employer may recover any excess payment in respect of annual holiday granted in advance of the worker's entitlement. The legislation requires the keeping of annual holiday records by the employer and authorises the prosecution of persons who contravene the law. Wage regulation orders and a number of collective agreements also contain annual holidays with pay provisions, sometimes better than the legislative provisions. A draft Bill to amend the legislation has been prepared with a view to bringing its provisions more into harmony with the Convention.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

Sarawak¹**CONVENTION No. 52**

Standing Order No. 1, 1961: Conditions and terms of service for employees on daily rates of pay.

The Government grants its monthly-rated employees 24 or 26 days of annual leave according to salary range, 27 or 30 days for over 15 years of service and two or

¹ This country is now part of Malaysia.

three additional days for officers over 40 years of age. Standing Order No. 1 of 1961 was amended in October 1962 to increase paid annual leave for the workers concerned (including employees of the Kuching Port Authority, rural district and municipal councils and Water Board and the Sarawak Electricity Supply Corporation) from seven days to 12 working days after 12 months' service. In commerce in general two weeks of annual leave are granted (increasing to three weeks after ten years) to monthly-paid staff, and seven days a year to daily-rated workers. The vast majority of the workers in townships being employed in retail trade, which is conducted mainly by small shopkeepers, the Labour Advisory Board has proposed to the Government legislation to prescribe for all shop assistants at least seven days of paid leave a year.

RECOMMENDATION No. 47

While most of the provisions of the Recommendation are observed, those of Paragraph 1, subparagraph (3), would be difficult to accept because many workers, particularly in the timber areas, drift from one employer to another.

See also under Convention No. 52.

RECOMMENDATION No. 98

There is full compliance with the provisions of Paragraph 1, subparagraph (1); Paragraph 4, subparagraph (1), in respect of government employees; and Paragraphs 5 to 8, 11 and 13 of the Recommendation.

See also under Convention No. 52.

Seychelles

CONVENTION No. 52

Public Holidays Ordinance, No. 17, 1945.

The above ordinance provides for holidays with pay for workers in agricultural and other undertakings. These are known as estate holidays and include Sundays and nine other days during the year. By customary practice Saturday is a half-day.

The Government, the largest employer, gives its established employees 14 days' leave per year with full pay, increasing to 28 days after ten years of service.

Singapore ¹

CONVENTION No. 52

Labour Ordinance, No. 40, 1955.

Shop Assistants Employment Ordinance, No. 13, 1957.

Clerks Employment Ordinance, No. 14, 1957.

Industrial Relations Ordinance, No. 20, 1960, as amended in July 1962.

Article 1, paragraph 1, of the Convention. The majority of employees in the undertakings or establishments listed under this Article are covered by the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance, which do not, however, apply to persons in managerial and professional positions. Nevertheless, all employees in the public sector are entitled to paid annual leave, as also are many private employees by virtue of their individual contracts of

¹ This country is now part of Malaysia.

service, collective agreements or awards of the Industrial Arbitration Court. Collective agreements certified under section 23 of the Industrial Relations Ordinance and awards of the Court under section 32 thereof cover all types of employees, including those coming under the other ordinances mentioned above. Under section 37 of the Industrial Relations Ordinance the Minister may also extend the operation of an award to include persons or trade unions not already covered.

Paragraph 2. Since the application of the three ordinances relating to employment is based only on the nature of work done the need for action under this paragraph does not arise.

Paragraph 3. No such exemptions have been made.

Article 2, paragraph 1. For every 12 months' continuous service with the same employer a "workman" is entitled to seven days' paid annual leave under section 47 (1) of the Labour Ordinance; a "shop assistant" is entitled to seven days' paid annual leave under section 41 (1) of the Shop Assistants Employment Ordinance; a "clerk" and an "industrial clerk" are entitled to 14 days' and seven days' paid annual leave respectively under section 37 (1) of the Clerks Employment Ordinance.

Many persons not covered by the above ordinances enjoy annual leave with pay of not less than six working days by virtue of their individual contracts of service, collective agreements or awards of the Industrial Arbitration Court.

Paragraph 2. No provisions exist to apply this paragraph.

Paragraph 3. Annual leave is in addition to other holidays to which employees are entitled under current legislation. Interruptions of attendance at work due to sickness do not form part of annual leave.

Paragraph 4. Annual leave may be taken in parts, but in practice is usually taken in one stretch: the Industrial Relations Ordinance, collective agreements and awards of the Industrial Arbitration Court usually contain provision to the latter effect.

Paragraph 5. No legislative provision provides for such increase, though some collective agreements do. The Industrial Arbitration Court may include such a provision in an award if it has been a subject of dispute.

Government employees who have been in continuous service for ten years or more are granted longer annual leave.

Article 3. Under national laws and practice employees receive their normal remuneration.

Article 4. It is provided in the national laws that any term in a contract of service which is contrary to, or less favourable than, the provisions of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance, shall be "illegal, null and void".

Article 5. No provisions exist to apply this Article.

Article 6. No express provision has been made in national laws, but this is the procedure followed in practice.

Article 7. Registers which employers are required to keep under the Labour Regulations, 1959, the Shop Assistants Employment Regulations, 1959, and the Clerks Employment Regulations, 1959, contain particulars to this effect.

Article 8. Appropriate penalties are provided for in the national laws.

Article 9. Current labour laws lay down minimum conditions only (section 7 of each of the three employment ordinances). They do not "affect, restrict, or in any

way prejudice any other law, award, custom or agreement between employers and workers which ensures more favourable conditions ”.

The supervision of the application of the relevant legislation is the responsibility of labour officers under the general direction of the Commissioner of Labour.

Existing legislation and practice give effect to most of the provisions of the Convention.

No difficulties likely to prevent or delay the ratification of this Convention are anticipated. It can be seen that a declaration under category (b) can now be made under the existing legislation and practice.

It is not possible to state at present whether measures giving effect to all provisions of the Convention will be adopted.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1, subparagraph (1), of the Recommendation. Under the national legislation the continuity of service required for entitlement to annual holidays with pay is not affected by interruptions occasioned by sickness or accident (if certified by a qualified medical practitioner) or the exercise of civic rights.

There is no legislation in regard to absence due to family events, but in practice employers grant such leave, and it does not interrupt continuity of service.

Absence from work owing to military service does not break continuity of service.

Changes in management would interrupt service under the first three ordinances mentioned above. However, changes in management while a collective agreement or an arbitration award is still in force do not affect continuity of service.

Intermittent involuntary unemployment would affect continuity of service unless otherwise agreed to in individual or collective agreements.

Subparagraph (2). No legislative provisions exist to apply this subparagraph.

Subparagraph (3). Legislation stipulates that the 12 months' continuous service required for entitlement to annual leave must be with the same employer. See under subparagraph (1) above.

Paragraph 2. Annual leave under the existing ordinances may be taken in parts, but in practice is usually taken in one stretch. Collective agreements usually stipulate that annual leave should not be taken in parts.

Paragraph 3. See under Article 2, paragraph 5, of Convention No. 52.

Paragraph 4. Section 49 of the Labour Ordinance lays down that the daily remuneration for a piece-worker proceeding on leave shall be computed by dividing the total wages earned by him during the period of 14 days preceding the holidays by the number of days in which he actually worked during the same period.

Paragraph 5. No legislative provisions exist to apply this Paragraph.

See also under Convention No. 52.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Paragraph 1, subparagraph (1), of the Recommendation. The provisions of the Recommendation are given effect to through legislation and practice. The enactments deal with individual contracts of service, collective agreements and arbitration awards.

Subparagraph 2. Adequate safeguards have been written into the legislation to ensure, *inter alia*, that provisions on holidays with pay are effectively observed (sections 24, 36, 37 and 48 of the Industrial Relations Ordinance and sections 54, 44 and 40, respectively, of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance).

Paragraph 2, subparagraph (a). This is the Government's policy. At 31 December 1962, there were 385 collective agreements covering 77,638 workers. Many of these agreements provide for annual holidays with pay.

Subparagraph (b). Joint voluntary machinery for employers' and workers' organisations has not yet been established. The Industrial Arbitration Court is a statutory body with competence to determine the annual holidays with pay in a trade dispute.

Subparagraph (c). The Industrial Arbitration Court may be considered as the only statutory wage-fixing body in the State. As already stated, it also has power to determine annual holidays with pay. There are two Industrial Arbitration Courts at present.

Subparagraph (d). Full texts of certified collective agreements and arbitration awards are published in the *Government Gazette*. The Labour Commissioner also publishes a Departmental Annual Report, table IX of which gives information on holidays with pay. These publications are available to the public.

Paragraph 3. All workers who are represented by trade unions can benefit from collective agreements or arbitration awards.

Paragraph 4, subparagraph (1). A "workman", "shop assistant" or "industrial clerk" is entitled to seven days' paid leave and a "clerk" to 14 days, for every 12 months' continuous service with the same employer. These are minimum entitlements, but individual contracts of service, collective agreements, or arbitration awards usually provide for more holidays.

Subparagraph (2). Under the national legislation a worker must complete 12 months' continuous service with the same employer before being entitled to an annual holiday with pay.

Subparagraph (3). See under subparagraph (2) above.

Paragraph 5. In computing the paid annual leave for a "workman", weekly rest days and public holidays are not included. In the case of a "shop assistant", "clerk" or "industrial clerk", public holidays are not included but "rest days" are included. Absence from work on account of accident at work or sickness is not included.

Part X of the Labour Ordinance lays down the periods of rest occasioned by prenatal and postnatal care which are not to be counted as days of holidays with pay. Provisions to this effect are also contained in some individual contracts of service, collective agreements and arbitration awards.

Paragraph 6. See under Article 2, paragraph 5, of Convention No. 52.

Paragraph 7, subparagraphs (1) and (2). National legislation and practice are in conformity with these requirements.

Subparagraph (3). National laws provide that as long as interruptions of work occasioned "by the performance of duties arising from trade union responsibilities" do not give rise to a termination of the employment contract, the worker is entitled to annual holidays with pay. To protect workers who may be engaged in such trade union activities during working hours section 77 (1) (f) of the Industrial Relations Ordinance stipulates that no one can have his employment terminated by reason of

the fact that he "has absented himself from work without leave for the purpose of carrying out his duties or exercising his rights as an officer of a trade union where he applied for leave before he absented himself and leave was unreasonably deferred or withheld".

See also under Paragraph 1, subparagraph (1), of Recommendation No. 47.

Paragraph 8. See under Paragraph 5 above.

Paragraph 9. There is no express provision to this effect in the national legislation, but collective agreements and arbitration awards usually cover this aspect. In practice, it may be said that the requirements of this Paragraph are satisfied.

Paragraph 10. No provisions exist to apply this Paragraph.

Paragraph 11. Minimum rates payable to workers under the national legislation are contained in sections 49, 43 and 39 of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance respectively. Employees covered by collective agreements or arbitration awards usually receive their normal remuneration.

Paragraph 12. The forms of such records are already provided for in the legislation.

Paragraph 13. Prior to the enactment of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance, the Labour Advisory Board, comprising employers' and workers' representatives under the chairmanship of the Commissioner for Labour, was consulted. This board ceased to exist in 1959, but no changes have since been made in the law regarding holidays with pay. However, if any changes are to be made in future, representatives of employers' and workers' organisations will be consulted.

Paragraph 14. This provision has no application at present, as no bodies have been set up by "national laws or regulations" for the determination of annual holidays with pay, etc.

See also under Convention No. 52.

Solomon Islands

CONVENTION No. 52

General Orders Nos. 352 and 357 providing for varying periods of holidays with pay for different categories of civil servants.

Establishment Circular No. 16/62 laying down revised conditions for classified workers.

There is no legislation providing for holidays with pay, nor are there any collective agreements. Some employers grant holidays to some of their employees, and in addition certain non-established government employees are granted holidays with pay by administrative decree.

Order No. 357 provides for annual holidays for civil servants at rates varying from two to six days per month of service depending on the category of the officer. Order No. 352 defines the various categories.

By Establishment Circular No. 16/62 classified workers are allowed from 14 to 21 days' holiday annually.

In industry (mostly of a casual nature), where there are few well-defined arrangements for holidays with pay, most employers give from two weeks to one month of holiday with pay annually to such workers who are employed by them for two years or more.

No distinction is made as regards young people in determining the length of holiday, and all persons taking holidays receive their normal pay as at that time. See also under Recommendation No. 98.

RECOMMENDATION No. 47

No legislative or administrative provisions exist dealing with the matters in the Recommendation. In practice, however, provision is made for some of them.

Paragraph 1 of the Recommendation. The interruptions listed in this Paragraph are not permitted to affect the continuity of service.

Paragraph 2. Holiday periods are often accumulated, owing to the distances to be travelled, and taken after two to three years.

Paragraph 3. Civil servants enjoy an increase in the length of holiday with duration of service.

Paragraph 4. Where holidays are granted the worker receives his salary as at that time.

RECOMMENDATION No. 98

Employers do not allow the interruptions set out in Paragraph 7, subparagraph (3), of the Recommendation to affect the continuity of service.

See also under Convention No. 52.

Southern Rhodesia

CONVENTION No. 52

Shop Hours Act, No. 20, 1945.

Industrial Conciliation Act, No. 29, 1959, and 20 negotiated agreements and 48 employment regulations made thereunder.

Apprenticeship Act, No. 53, 1959, and nine apprenticeship regulations made thereunder.

Article 1 of the Convention. The legislation and collective agreements cover a wide range of commercial and industrial undertakings, trades and occupations. Public servants are covered by the Public Service Act and not by industrial legislation, and enjoy annual holidays with pay at least equal in duration to those prescribed by the Convention.

Article 2. Except for lower-grade mining employees, whose annual holiday entitlement is 11 working days, and apprentices in the building industry, who are granted ten working days annually, all employees covered by legislative regulations or collective agreements are entitled, after a continuous year's service, to a minimum of 12 working days' paid holiday per annum. Public holidays and days of absence through sickness do not normally form part of the annual holiday. Provision for increasing the duration of the annual holiday with length of service exists in certain industries, trades and occupations; in others, the duration increases as employees progress within the grading structure of the undertaking. No such provisions are contained in the apprenticeship regulations. The 1945 Act provides for an increased rate of leave once maximum accumulation has been reached.

Article 3. Remuneration for holidays is generally at the normal rate of payment, and any exception to this rule provides for a more favourable rate.

Article 4. A few undertakings permit employees to accept cash in lieu of part of their total leave entitlement.

Article 5. Most agreements incorporate the provisions of this Article. In most cases employees are not considered to have accrued leave until one year of continuous service is completed. Thereafter they are entitled to remuneration in lieu of accrued holidays on termination of service for any reason whatsoever.

Article 7. Employers are required to keep the record of service prescribed in the Industrial Conciliation Act; the entitlement to annual holidays and the remuneration paid can be computed from the record.

Officials of the Labour Ministry and inspectors appointed by the negotiating bodies supervise the application of the relevant legislation and the agreements.

No modifications have been made in the national legislation or practice, since effect is given to the provisions of the Convention.

Holidays with pay, together with other conditions of service, are negotiated between employers and workers through industrial councils or industrial boards.

The Government encourages the negotiating bodies to give full effect to the Convention but does not intend to adopt measures which would reverse the policy of free negotiation, which it considers to be most advantageous to the parties concerned.

RECOMMENDATION No. 47

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. The continuity of service entitling an employee to a holiday is affected by interruptions occasioned by sickness, accidents and family events but not by interruptions arising from military service, intermittent involuntary unemployment, the exercise of civic rights or changes in the management of the undertaking.

Paragraph 2. Holidays are not normally divided.

Paragraph 3. Where provision exists for increase in the length of the holiday according to duration of service, such provision generally lays down that the first increase shall become due after five years' service. Further increases are made as the duration of service increases. Almost without exception all workers in industry enjoy a minimum of 12 working days' annual holiday.

Paragraph 4. Payment on a piece-work or output basis is not a feature of industry.

Paragraph 5. Workers normally receive more holidays with pay than the Recommendation envisages, and no special system is considered necessary for apprentices.

The national legislation gives effect to the provisions of the Recommendation and further permits employers' and workers' organisations to negotiate freely on all matters affecting conditions of employment.

RECOMMENDATION No. 98

For legislation see under Convention No. 52.

Paragraph 2 of the Recommendation. The Industrial Conciliation Act provides that industrial boards shall comprise a majority of members appointed with due regard to the interest of employers and employees. Such members are appointed in equal numbers and on equal terms. The Act also provides that industrial councils composed of representatives of employers and trade unions in equal numbers may be established in any industry, undertaking, trade or occupation. Such boards and councils can freely negotiate holidays with pay and general conditions of service.

Detailed information on annual holidays with pay is contained in the employment regulations and industrial agreements published in government notices and made available to employers' and workers' organisations and to members of the general public.

Paragraph 3. The protection of industrial boards or industrial councils is enjoyed by all employees covered by the Recommendation, except domestic servants and public servants.

Paragraph 4. Every person covered by the Recommendation, with the above exceptions, is entitled to paid annual holidays, the duration of which varies with undertakings, industries, etc., but which almost invariably amounts to at least 12 working days.

The qualifying period for eligibility for an annual holiday and the method of determining the annual holiday entitlement are specified in the relevant employment regulations and collective agreements.

The matter referred to under subparagraph (3) of Paragraph 4 of the Recommendation is within the competence of the negotiating bodies, and all employment regulations and collective agreements provide for proportionate holidays or compensation in lieu.

Paragraph 5. Appropriate machinery is available as required by this Paragraph.

Paragraphs 6 and 7. The national practice is in line with the provisions of these Paragraphs.

Paragraph 8. Interruptions occasioned by pregnancy and confinement usually affect married women, who are normally employed on a purely temporary basis. It is customary to expect them to resign in the event of such interruptions.

Paragraph 9. The period of annual holiday shutdown is determined by employers' and workers' representatives on industrial councils and industrial boards. In some industries the employee is required to give notice of his intention to take leave and the employer to notify him of the outcome of such application within a specified time and also to grant leave within a specified period.

Paragraph 10. In general, employees are granted more annual holidays than are suggested in the Recommendation, and there is no special provision for young workers in regard to duration of annual holidays.

Paragraph 11. Remuneration for paid holidays is determined by collective agreements and legislative regulations.

Paragraph 12. Employers are required to keep records of service containing particulars of paid holidays, as prescribed under the Industrial Conciliation Act.

The national legislation gives effect to the provisions of the Recommendation and further permits employers' and workers' organisations to negotiate freely on all matters affecting conditions of employment.

Zanzibar ¹

CONVENTION No. 52

There are no legislative provisions or collective agreements regarding holidays with pay, but government and commercial employees are granted paid leave the

¹ This territory became independent on 10 December 1963.

duration of which varies with the worker's status. Other workers negotiate for holidays with pay on first taking up employment, and when the agreement reached is contained in the contract of employment it becomes binding in law.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

United States

CONVENTION No. 52

Under the constitutional system the provisions of the Convention are appropriate for action by the constituent states. Except for public employees there is little legislation regulating annual holidays with pay, but in most sectors of the economy the paid annual holiday is well established through custom and collective agreements.

An analysis of 1,698 key agreements in force in 1961 and covering 7.4 million workers revealed the following position. Holidays with pay were granted in almost all manufacturing industries and in four out of five of the agreements for non-manufacturing industries; of the 142 agreements without holiday provisions 124 were in the construction industry. Various types of holiday plans are provided for in agreements, but in over 90 per cent. of the 1,556 agreements granting holidays with pay the provisions were for graduated plans, i.e. increased benefits with length of service; over one-third of the manufacturing and over one-half of the non-manufacturing agreements granted holidays with pay of up to four weeks. The service requirement for a two-week holiday was mainly two, three or five years, although in some industries, petroleum for instance, only one year of service was required for a two-week holiday; for a holiday of three weeks the service requirement ranged from one to 25 years but was mainly ten or 15 years; and a four-week holiday, where provided for, more usually required at least 25 years of service. Under many agreements the increase in the holiday was by half-weeks or days, such as one week for one year and one additional day for each year between one and five years.

Altogether there were about 500 different patterns of graduated plans. The largest contingent of workers under the same or similar pattern—one week for one year, one-and-a-half weeks for three years and so on, up to three weeks for 15 years—came mainly under 16 agreements in the automobile industry, and 52 contracts in the steel industry.

There were 142 agreements which had other than the graduated type of plans. A central fund plan (75 agreements) was common in industries where employment was irregular, such as maritime, apparel and construction. Under ratio-to-work plans (15 agreements, mostly in stevedoring and truck transport, and also in printing and publishing), the holiday was in proportion to the number of days or hours worked in a year, usually subject to a maximum of three weeks in any one year. Eighteen agreements provided for a uniform holiday allowance ranging from one to three-and-a-half weeks' pay; for example, two agreements covering 200,000 workers in coal mining provided for holidays with pay of 14 calendar days and for payment of \$200 or \$160 respectively to each worker. Still other types of plans were found in the remaining 34 agreements.

The study of 1,698 agreements did not include the railroad and airline industries, but agreements in these industries grant paid vacation comparable with the benefits shown in the survey.

There are no special provisions in federal or state law concerning holidays with pay for persons under 16 years of age, although federal and state laws exist to limit the employment of such persons.

Annual holidays with pay of employees of the federal Government accumulate at the rate of four hours' annual holiday for each two weeks of service in the first three years (i.e. 13 working days a year); six hours for each two weeks after three years (20 working days a year); and one day for each two weeks after 15 years (26 days a year).

Although an employee not under an express contract has no means of securing his annual holiday rights if he is dismissed before he has taken the holiday due to him, in some cases an implied contract suffices to ensure to the employee his annual holiday when dismissed for reasons other than his own fault. Many agreements provide for pro rata holiday pay if the employee does not complete the year.

It seems unlikely that legislation, either federal or state, can be expected on this subject, except in the case of public employment.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

There is no federal or state law which guarantees agricultural workers any annual holiday with pay, and there are few collective agreements assuring such workers of holidays with pay.

To a considerable extent, workers in agriculture in the United States are either family members or are migratory workers, and there is frequently no long-term relationship between the worker and his employer.

The Government regards the provisions of the Convention as appropriate in whole or in part for action by the constituent states.

American Samoa

CONVENTION No. 52

Government employees are granted annual holidays with pay. The major employers in private industry have paid vacation policies, examples of which are in the seafood industry, where one day's paid vacation is granted after 500 hours of work and six months of service, the vacation increasing as hours of work and service increase; and in the petroleum distribution industry, where ten to 20 days' paid vacation a year are granted after one to five years of service and 20 to 30 days after five to ten years of service. Employees are also paid for eight national holidays.

See also under Convention No. 52 concerning the *United States*.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

There is no law or practice with respect to annual holidays with pay for agricultural workers.

All agricultural workers are family members, and there are no migratory or commercial farm workers; therefore, legislation relative to collective bargaining agreements for holiday pay for workers is not applicable.

Guam, Puerto Rico and Virgin Islands

CONVENTION No. 52

Government employees are granted annual holidays with pay.

There are collective bargaining agreements for workers in private industry but there is no information as to the prevalence of holidays with pay provisions in such agreements.

See also under Convention No. 52 concerning the *United States*.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

There is no law or practice with respect to annual holidays with pay for agricultural workers.

Trust Territory of Pacific Islands

CONVENTION No. 52

Government employees are granted annual holidays with pay. There is, however, no collective bargaining system.

See also under Convention No. 52 concerning the *United States*.

RECOMMENDATION No. 47

See under Convention No. 52.

RECOMMENDATION No. 98

See under Convention No. 52.

CONVENTION No. 101

There is no law or practice with respect to annual holidays with pay for agricultural workers, who in most cases are family members.

The Government has, however, established definite procedures in terms of pay for public holidays for government agricultural workers. Such procedures provide full pay for all legally established holidays observed by employees of the United States Federal Government, including, in addition, United Nations Day, a regular holiday with pay for all Trust Territory citizen employees, but not for non-Micronesian employees. Any Trust Territory citizen employee required to work on a holiday is provided with twice his regular rate of pay.

Uruguay

RECOMMENDATION No. 47

Act No. 12590 of 23 December 1958 (*L.S.* 1958—Ur. 1) (ss. 1, 3, 4 and 10).

Child Welfare Code.

Legislative decrees establishing the Labour University.

The provisions of the Recommendation concerning interruptions of service have been partly incorporated in national legislation; some of the causes of interruption listed are, however, not current in Uruguay.

If a worker remains in the service of an employer without working the time spent in this way is regarded as working time, though the law allows holidays to be reduced in proportion to the length of time actually worked.

The cost of annual holidays is wholly borne by employers.

The provisions of Paragraphs 2 to 4 of the Recommendation are included in Act No. 12590 mentioned above.

The provisions of Paragraph 5 are included in the Child Welfare Code and the legislative decrees establishing the Labour University.

RECOMMENDATION No. 98

Act No. 12590 of 23 December 1958 (*L.S.* 1958—Ur. 1) (ss. 1, 4, 6, 8 to 10, 13 and 26).

Act of 23 October 1958 establishing a maternity allowance scheme (*Diario Oficial*, 30 Oct. 1958).

All the provisions of the Recommendation from Paragraphs 1 to 7 inclusive are to be found in the legislation. The same applies to Paragraphs 9 to 12, 13 and 14.

The provisions of Paragraphs 8 and 10 have not been implemented.

Viet-Nam**RECOMMENDATION No. 47**

Labour Code of 8 July 1952 (*L.S.* 1956—*V.N.* 1).

Decree No. 23/LD of 24 February 1955 to implement the Labour Code.

Decree No. 294/LD of 6 June 1958.

Decree No. 116-BLD/LD of 5 November 1958.

The questions relating to annual holidays with pay are largely dealt with by sections 200 to 209 of the Labour Code and by the above decrees.

The Government states that it has ratified Convention No. 52.

The provisions of the Recommendation are generally covered by the above-mentioned legislation, except as regards the right to annual holidays earned in the employment of several employers, provided for under Paragraph 1, subparagraph (3), of the Recommendation. Under section 200 of the Labour Code the right to annual holidays with pay is not earned unless the period of employment of one year has been spent with the same employer.

As regards the division of annual holidays, while it may be authorised by legislation under certain conditions, it is in practice limited to two parts in the case of an annual holiday of 15 days.

The supervision of the application of the above legislative provisions is entrusted to the Labour Inspectorate.

The National Advisory Committee on Labour, which comprises the representatives of employers' and workers' organisations, gives its opinion and recommendations relating to all questions concerning the application of the legislation in force. Outside of the Committee the employers' and workers' organisations are similarly consulted when occasion arises.

The employers' and workers' organisations have been recommended to apply the provisions of Paragraph 1, subparagraph (3), and Paragraph 2 of the Recommendation when collective agreements are concluded.

The Government states that in its opinion it seems unnecessary to modify the Recommendation.

RECOMMENDATION No. 98

In practice, the methods of application defined in the different Paragraphs of the Recommendation are generally applied to Viet-Nam either through legislation or by means of collective agreements. There are, however, two exceptions: (1) in the case where the period of employment has been spent with several employers the worker receives a compensatory indemnity from each of such employers when the period of service is less than six months; and (2) minors under 18 years of age are given the same amount of paid vacation as adult workers.

The application of the provisions of the Recommendation is entrusted to the Labour Inspectorate.

The employers' and workers' organisations have been recommended to apply the provisions of Paragraphs 2 (*a*), 4 and 10 of the Recommendation.

The Government states that, in its opinion, the provisions of the Recommendation need not be modified.

See also under Recommendation No. 47.

CONVENTION NO. 101

Labour Code of 8 July 1952 (*L.S.* 1956—*V.N.* 1).

Labour Code of 26 June 1953 for agricultural undertakings.

Collective agreement on rubber cultivation of 12 March 1960.

The 1952 Labour Code covers all workers employed in an agricultural undertaking other than those engaged as "recruited workers". The status of the latter, and in particular their right to an annual holiday with pay, is governed by the 1953 Labour Code for agricultural undertakings. With regard to workers on rubber plantations, the 1960 collective agreement on rubber cultivation is the basic instrument applicable to all workers, irrespective of the nature of their contract.

The Inspectorate of Labour is responsible for supervising the implementation of the legislative and statutory provisions.

The National Labour Advisory Board, which includes the representatives of employers' and workers' organisations, gives its opinion and its recommendations on all questions concerning the operation of the legislation in force.

These organisations are themselves consulted in addition to the Board, should the occasion arise. Moreover, an interpretation committee, set up under Articles 253 ff. of the collective agreement on rubber cultivation, is called on to co-operate in the implementation of the provisions of this agreement.

The report states that national legislation on holidays with pay in agriculture conforms, on the whole, with the main provisions of the Convention except those laid down in paragraph (a) of Article 5 of the latter (more favourable treatment for young workers).

The scheme for holidays with pay in agriculture could be amended only at the same time as the general scheme applying to other sectors.

INSTRUMENTS ON WEEKLY REST

Weekly Rest (Industry) Convention, 1921 (No. 14); Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)

Argentina

CONVENTION No. 106

Law No. 4661 of 6 September 1905.

Decree No. 16177 of 16 January 1933.

Article 1 of the Law of 1905 forbids Sunday work in factories, workshops, commercial or other establishments. Exception is made for urgent work. The Decree of 1933 prohibits employment in commerce from 1 p.m. on Saturday until midnight on Sunday, certain establishments being exempted in view of the nature of the service they perform.

RECOMMENDATION No. 103

The provisions of the Recommendation are applied. A weekly rest of 36 hours is granted in all cases where activities are obliged to cease from 1 p.m. on Saturday until midnight on Sunday. Persons who, because of the nature of their work, are unable to enjoy the regular weekly rest period receive compensatory rest on weekdays.

All establishments must keep registers of the hours of work and rest periods of employees. These hours are required to be suitably posted at the workplace. Application of these rules is supervised by the Labour Police of the Ministry of Labour and Social Security, as well as by provincial labour department inspectors.

There is no reduction in salary as a result of weekly rest measures.

Employers may be punished for violating weekly rest regulations, including those regarding the keeping of registers.

Austria

CONVENTION No. 14

Act of 16 January 1895 respecting Sunday rest and official holidays in industry (*Reichsgesetzblatt (R.GBl.)*, No. 21).

Ordinance of 24 April 1895 applying the above Act (*R.GBl.*, No. 58).

Bakery Workers' Act of 31 March 1955 (*L.S.* 1955—Aus. 2).

Act of 28 July 1919 relating to employment in mines (*L.S.* 1919—Aus. 11).

The weekly rest period is granted to the whole staff of an undertaking on Sunday and lasts at least 24 hours.

There is provision for departures from the rule of rest on Sunday. They include the following: (a) cleaning and maintenance, essential supervision of equipment, stock-taking, urgent temporary work that cannot be postponed, particularly that relating to safety; (b) permanent exceptions applicable to certain classes of industrial undertakings (continuously operating undertakings, seasonal undertakings, sectors in which Sunday work is necessary to meet the requirements of the population or sectors connected with transport and communications); (c) exceptions determined by the head of the provincial government concerning among other things certain classes of commercial establishment (florists, confectioners, hairdressers, butchers, milkmen, photographers, etc.).

Other exceptions are authorised in bakeries for the preparatory operations and in confectioners' establishments for the manufacture of perishable confectionery products. In confectioners' establishments, however, Sunday work must not exceed three hours or be carried on after midday. In mines the exceptions cover work which by reason of its nature must continue uninterruptedly or be carried out only at a time when the undertaking is at a standstill, or work that, owing to imminent danger to the life or health of the workers or to the existence and productive capacity of the mine, cannot be postponed.

If Sunday work has lasted more than three hours, compensatory periods of rest lasting 24 hours or taking the form of two periods of six hours each on two days of the week are granted in most cases. In the mines the compensatory period of rest granted in the same circumstances must last at least 32 hours.

The Labour Inspection Service and the Transport Labour Inspection Services in undertakings coming within the competence of the latter supervise the working of the legislation on weekly rest. In the mines supervision is the task of the appropriate local office of the Inspectorate of Mines. The chambers of workers are empowered, under the legislation in force, to request the appropriate local branches of the Labour Inspection Service to carry out inspections and to negotiate with the owners of undertakings for the ending of illegal situations.

New legislation on weekly rest, which would comply fully with the relevant international standards, is under consideration.

The difficulties in the way of ratification of the Convention are due to the fact that the national legislation does not cover transport (Article 1, paragraph 1 (d), of the Convention) and that compensatory rest periods for Sunday work, where prescribed, are granted only subject to certain conditions.

CONVENTION NO. 106

Act of 16 January 1895 respecting Sunday rest and official holidays in industry (*Reichsgesetzblatt (RGBl.)*, No. 21).

Ordinance of 24 April 1895 applying the above Act (*RGBl.*, No. 58).

Act of 15 May 1919 respecting the minimum period of night rest, closing time and Sunday rest in commercial establishments and other undertakings (*L.S.* 1919—Aus. 8).

Ordinance of 1911 (*RGBl.*, No. 129) and regulations issued for the administration thereof (*Staatsgesetzblatt*, No. 326, 1919).

Federal Act No. 146 of 1 July 1948 respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

Federal Act of 13 March 1957 respecting the protection of mothers (*L.S.* 1957—Aus. 1A).

Under the Act of 16 January 1895, the weekly rest in wholesale trading establishments, in the sales departments of industrial establishments and in agencies and commission businesses begins on Saturday at 2 p.m., or for persons engaged in cleaning and maintenance at 4 p.m.

The 1919 Act, the provisions of which cover banks, savings funds, homes or asylums, sickness funds, insurance companies, journalistic undertakings, architectural and civil engineering offices, etc., stipulates that the provisions of the Act of 1895 to regulate weekly rest in industry shall apply also to these establishments.

The Ordinance of 1911 and the regulations issued for the application thereof contain similar provisions in respect of the offices of lawyers, notaries and other members of the legal profession.

Section 20 of the Act of 1948 lays down that the special provisions relating to the employment of young persons over 16 years of age (hours of work, night work, weekly rest) shall not apply in the case of work of a temporary character which must be performed in an emergency.

The Government has been endeavouring for several years now to frame new legislation in respect of weekly rest, but has so far been unable to reconcile the divergences of opinion which exist. The drafting of such legislation continues, however, to be a matter of priority in the social programme.

The main obstacles to ratification of the Convention stem from the substantial divergences which exist between the Convention and the national legislation: more restricted scope; arrangements for compensatory time off, particularly in the case of children and young persons; conditions in which exemptions may be granted from the ban on Sunday work.

See also under Convention No. 14.

RECOMMENDATION NO. 103

For legislation see under Convention No. 106.

The provisions of the Recommendation are not consistent with those of the national legislation. The terms of the Recommendation are more far-reaching than those of the Convention, particularly as regards the length of the rest period and compensatory rest.

The efforts which are being made to bring in new legislation on weekly rest have already been referred to in the reports relating to Conventions Nos. 14 and 106.

Belgium

CONVENTION NO. 106

Act of 17 July 1905 respecting Sunday rest (*Moniteur belge* (M.B.), 26 July 1905), as amended by the Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week (M.B., 20-21 June 1921) (L.S. 1921—Bel. 1), and the Act of 21 July 1927 (M.B., 11 Aug. 1927) (L.S. 1927—Bel. 6). Legislative Order of 9 June 1945 to issue rules for joint committees (M.B., 5 July 1945) (L.S. 1945—Bel. 5).

The 1905 Act applies to all commercial and industrial undertakings with the exception of itinerant undertakings, fishing undertakings and undertakings for transport by water.

Section 13 of the 1905 Act prescribes that its observance shall be supervised by officials appointed by the Government. Section 12 of the same Act provides for consultation of the National Labour Council (a joint body) by the executive.

A Bill was tabled in the Senate on 26 April 1960 (Document No. 285) with a view to bringing the 1905 Act into line with the Convention.

See also under Convention No. 14 in Report III (I).

RECOMMENDATION NO. 103

For legislation see under Convention No. 106.

Section 2 of the Act of 14 June 1921 provided for the introduction of the "English week" (Saturday afternoon off). It has become the custom since 1945 for Saturday afternoon to be free in all branches of activity, with the exception of certain establishments where days off are taken in rotation. The application of the "English week" system brings the rest period up to 36 hours.

In consequence of the introduction of the five-day week in many sectors, the period of weekly rest has now risen to 48 hours. Approximately one-third of all collective agreements lay down that the weekly hours of work shall be spread over five days.

Under section 18 of the Act of 14 June 1921 and section 14 of the Legislative Order of 9 June 1945, those responsible for supervising the application of the Act and of collective agreements are the labour inspectors and labour supervision officers, medical labour inspectors, mining engineers and explosives inspectors.

It is not intended to take any measures to give effect to the provisions of the Recommendation not yet covered. It has not been found necessary to modify the Recommendation in any way in order to apply it.

Bulgaria

RECOMMENDATION NO. 103

For legislation see under Recommendation No. 47.

Both wage earners and salaried employees are entitled to an uninterrupted weekly rest period of 38 hours, except in undertakings using continuous processes of manufacture and in those where the work is done in shifts. In undertakings of the latter kinds the rest period may amount to less than 24 hours.

As a rule the period of weekly rest falls on a Sunday, but in undertakings or institutions where the work is of an essentially continuous character the rest period may be granted on another day of the week.

In most cases weekly rest is granted simultaneously to all the personnel.

When in exceptional circumstances work is carried out on a weekly rest day time-and-a-half is paid and a compensatory rest period is granted on another day of the week.

Burma

CONVENTION NO. 106

Shops and Establishments Act, 1951.

Shops and Establishments Rules, 1953.

Section 6 of the above Act provides weekly rest for persons employed in trade establishments, offices of commerce or industry and cinemas belonging to private enterprise in prescribed areas.

The Chief Inspector of Factories and General Labour Laws is entrusted with the enforcement of the Act.

New labour laws are at present being considered to provide weekly rest for more workers and trades.

RECOMMENDATION No. 103

For legislation see under Convention No. 106.

The Act of 1951 and Rules of 1953 contain provisions relating to weekly rest for employees in trade establishments, offices of commerce or industry or cinemas belonging to private enterprise in prescribed areas.

Every hotel, restaurant and cinema must display notices indicating the period of weekly rest for each worker.

The Chief Inspector of Factories and General Labour Laws is entrusted with the enforcement of the Act and the rules.

The Government is at present considering extension of the labour laws to cover more workers and trades.

Byelorussia

CONVENTION No. 14

Constitution.

Code of Labour Laws.

Order of the Council of People's Commissars of the U.S.S.R. of 24 September 1929 (*L.S.* 1929—Russ. 3H).

Section 94 of the Constitution entitles all citizens to a rest period.

Under the Code of Labour Laws the weekly rest legislation applies to all wage earners, irrespective of the establishment where they work or the nature of their employment.

For every six days worked they are entitled to a minimum rest period of 42 consecutive hours (section 109 of the Code). Thus the legislation entitles workers to a longer weekly rest than provided by the Convention.

Hours of work on the day before the weekly rest may not exceed six (without loss of pay). The weekly rest is normally taken on Sunday.

Under the above order, no individual may be required to work on the rest day except in exceptional circumstances (e.g. urgent repairs) and even then only on a written order from the management issued with the consent of the trade union. This order must also expressly state which day will be given in compensation, within the following 15 days. All work on the rest day is paid at double rates.

Section 110 of the Code states that in undertakings or establishments which operate continuously or provide essential services, the weekly rest may be taken in rotation on another day of the week (with the consent of the trade unions concerned). This rest must also be for a minimum of 42 hours, and the roster must be drawn up by the management in consultation with the unions.

All wage earners are granted their weekly rest without loss of pay.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

Cameroon

Eastern Cameroon

CONVENTION No. 106

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (L.S. 1952—Fr. 5).

Order No. 139 of 31 July 1952 to determine the manner of application of the provisions on hours of work and the arrangements for prescribing the exceptions authorised under section 112 of the Labour Code (Overseas Territories).

Order No. 6450 of 3 December 1954 to determine the manner of application of the provisions on weekly rest.

Articles 2 to 4 of the Convention. Order No. 6450 makes no discrimination with respect to the branch of activity in which workers are employed.

Article 5. There is no provision to this effect in either the legislation or the regulations.

Article 6. Section 120, first paragraph, of the Labour Code provides for a compulsory weekly rest period of at least 24 hours, which should fall as a rule on Sunday.

Article 7. Sections 5 to 11 of Order No. 6450 provide for the making of special arrangements in respect of weekly rest. The measures introduced under this enactment were taken after consultation of the Labour Advisory Board, a body composed of representatives of the employers' and workers' organisations.

Article 8. Order No. 6450 provides for exceptions to the principle of weekly rest to be made in some of the cases enumerated in this Article, and these may be applied to commerce and offices.

Article 9. No reduction in income can result from the application of the measures referred to above.

Article 10. Infringements of the provisions of section 120 of the Labour Code and of the provisions of Order No. 6450 are punishable by the penalties listed in section 222 of the Labour Code.

RECOMMENDATION No. 103

For legislation see under Convention No. 106.

Paragraphs 1 and 2 of the Recommendation. Section 2 of Order No. 139 of 31 July 1952 provides for three different ways of organising the working week in non-agricultural undertakings. Depending on the method chosen, the minimum length of the weekly rest period varies in practice between 62 and 38 hours.

Paragraph 3. Persons to whom special schemes apply in virtue of sections 5 to 11 of Order No. 6450 of 3 December 1954 are entitled to the full amount of compensatory time off within the same week or at the latest within a fortnight.

Paragraph 4, subparagraph (1). No effect is given to this provision in either legislation or regulations.

Subparagraph (2). Some exemptions may not be applied to young persons under 18 years of age (sections 12, 15 and 16 of Order No. 6450).

Paragraphs 5 and 6. Sections 20, 21 and 22 of Order No. 6450 prescribe the measures which should be taken to give information and exercise supervision in establishments where special weekly rest schemes are likely to be applied.

Paragraph 7. This Paragraph is inapplicable.

Canada

CONVENTION No. 106

Federal Legislation.

Lord's Day Act (*Revised Statutes of Canada*, 1952, Cap. 171).

Provincial Legislation.

Alberta.

Alberta Labour Act (*Revised Statutes of Alberta*, 1955, Cap. 167, s. 16), as amended by the Act of 1957 (Cap. 38).

British Columbia.

Male and Female Minimum Wage Acts (*Revised Statutes of British Columbia*, 1960, Caps. 143 and 230).

Male and Female Minimum Wage Orders: No. 24, 1956 (mercantile industry); No. 34, 1956 (office occupation); No. 52, 1957 (hotel and catering industry); No. 54, 1952 (resort hotels in unorganised territory during the summer season); No. 43, 1957 (occupation of janitor); No. 30, 1958 (laundry, cleaning and dyeing industries); No. 16, 1949 (hospital institutions); No. 31, 1960 (public places of amusement); No. 8, 1959 (elevator operators and starters); No. 15, 1949 (undertaking business (male only)); No. 32, 1960 (occupation of patrolman); No. 29, 1956 (bicycle-riders and foot messengers employed on delivery).

Manitoba.

Employment Standards Act, 1957 (Cap. 20, s. 32).

New Brunswick.

Weekly Rest Period Act, 1954 (Cap. 16).

Ontario.

One Day's Rest in Seven Act (*Revised Statutes of Ontario*, 1960, Cap. 269).

Quebec.

Weekly Day of Rest Act (*Revised Statutes of Quebec*, 1941, Cap. 166).

Minimum Wage Act (*ibid.*, 1941, Cap. 164).

Minimum Wage Orders: No. 4, 1960 (general); No. 40, 1960 (hotels, restaurants, hospitals and real estate undertakings); No. 41, 1960 (municipal and school corporations).

Collective Agreement Act.

Saskatchewan.

One Day's Rest in Seven Act (*Revised Statutes of Saskatchewan*, 1953, Cap. 262).

Article 1 of the Convention. In the main, effect is given to the Convention through legislation prescribing a weekly rest period or limiting daily and weekly hours. Statutory minimum wage fixing machinery and collective agreements also ensure a weekly rest period by providing a work week of five or six days.

Article 2. The Alberta Labour Act applies to all persons within the scope of the Convention.

In British Columbia a weekly rest is provided for in minimum wage orders covering specific industries and occupations, including a number within the scope of the Convention.

The weekly rest provisions of the Manitoba Employment Standards Act apply to the industries and occupations (including offices and mercantile establishments) listed in a schedule.

The New Brunswick Weekly Rest Period Act applies to practically all persons covered by the Convention, farm, emergency and part-time work being excluded.

The Ontario One Day's Rest in Seven Act grants a weekly rest day to hotel and restaurant workers in cities of 10,000 or more people.

In Quebec minimum wage orders issued under the Minimum Wage Act provide for a weekly rest in practically all, if not all, of the establishments contemplated by the Convention. Excluded are farm workers, domestic servants and employees governed by decrees under the Collective Agreement Act. In addition, the Weekly Day of Rest Act applies to employees in hotels, restaurants or clubs in places of at least 3,000 population.

The Saskatchewan One Day's Rest in Seven Act applies to most industries and occupations, the main exceptions being agriculture and domestic service.

Article 3. The weekly rest legislation of Alberta, New Brunswick, Quebec and Saskatchewan is of general application and would appear to cover the establishments and services listed in this Article. Some of the establishments and services would also come under the legislation of British Columbia and Manitoba.

Article 4. Most of the weekly rest legislation (four provinces) is of general application and does not differentiate between establishments. The legislation in the other three provinces applies to specific undertakings. The Manitoba and British Columbia provisions cover industrial undertakings as well as commerce and offices.

Article 5. The British Columbia, Manitoba and Saskatchewan legislation expressly excludes persons holding high managerial positions. Superintendents and foremen are excluded in Ontario.

Article 6. All provinces comply with the Convention as regards the length of weekly rest required, and some go beyond it. All but two of the British Columbia orders listed above require a weekly rest of 32 hours. In Quebec employees receive a weekly rest of 24 consecutive hours or two rest periods of 18 consecutive hours each. In Alberta a weekly rest of 24 consecutive hours immediately following each period of not more than six consecutive days of work must be granted, unless the Board of Industrial Relations permits the weekly rest to be taken in two periods or orders a longer rest period. The other provinces require a weekly rest of 24 consecutive hours.

The Manitoba, New Brunswick, Ontario and Saskatchewan statutes stipulate that, wherever possible, the weekly rest must be granted on Sunday.

Article 7. Five provinces (Alberta, British Columbia, Manitoba, New Brunswick and Saskatchewan) provide for some variation of the weekly rest in certain industrial operations of a seasonal or special character. In such cases the Alberta Labour Act permits provision for a consecutive rest period every four weeks, in Manitoba each employee must be given an additional holiday (with possibility of accumulation) without pay for each weekly day of rest to which he would have been entitled, and in New Brunswick the Minister of Labour may permit rest periods to accumulate and to be taken later, either part at a time or all together.

These powers to vary weekly rest would rarely, if ever, be used for trading or office establishments.

Article 8, paragraph 1. In Manitoba, New Brunswick and Saskatchewan, persons who repair machinery or do other emergency work are exempted from the weekly rest provisions.

Paragraph 2. There are no specific provisions in the provincial weekly rest legislation requiring consultation with employers' and workers' organisations, other than the provision in Manitoba permitting the Minister to grant an exemption to a plant upon the joint application of the employer and the trade union concerned.

Paragraph 3. See under Article 7.

Article 9. This point is not dealt with specifically by legislation.

Article 10. A person who violates the Lord's Day Act is guilty of an offence and is liable on summary conviction to a fine.

In each province concerned the Department of Labour is responsible for the administration of weekly rest legislation. In British Columbia and Alberta the supervision of this legislation is among the duties assigned to the Board of Industrial Relations. Provision is made in all provinces for inspection by Department of Labour officers, and penalties are provided for violations of the legislation.

It is customary for employers' and workers' organisations to be consulted when changes in labour standards laws are under consideration, and in all provinces requests made by such organisations for legislative changes or for better enforcement of a law are taken into account by governmental authorities.

New measures have not been considered necessary because workers not covered by weekly rest laws already enjoy a weekly rest by virtue of provisions regulating weekly working hours, collective agreements or custom. The 1962 annual survey of working conditions of employees in most Canadian industries, including both non-office and office employees, made by the Economics and Research Branch of the Federal Department of Labour (Report No. 6, 1962) shows that most employees work a five-day week and thus enjoy a weekly rest of two days.

Apart from the difficulties of divided jurisdiction, ratification of the Convention would not be possible unless its provisions were fully implemented by legislation applicable to all employees within its scope. In view of current practice there has been little, if any, demand for such legislation.

The Minister of Justice gave the opinion in 1958 that the Convention is appropriate in part for provincial action and in part for federal action.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. There is no specific legislation, but the prevalence of the five-day week in offices and of the five or five-and-a-half day week in other establishments within the scope of the Recommendation ensures practically all workers a weekly rest of at least 36 hours. Workers forgoing weekly rest because of special circumstances generally receive compensatory rest.

Paragraph 2. In none of the legislation is the weekly day of rest defined as including the period from midnight to midnight.

Paragraph 3, subparagraph (a). There is no legislation providing that persons to whom special rest schemes apply must not work for more than three weeks without being granted the rest periods to which they are entitled.

Paragraph 4, subparagraph (1). None of the weekly rest legislation contains special provisions for persons under 18, as special provision for young workers has not been considered necessary.

Subparagraph (2). Young persons are not excluded from provisions authorising temporary exemptions from weekly rest requirements. However, such exemptions

usually concern activities outside the scope of the Recommendation in which few persons under 18 are likely to be employed.

Paragraph 5. There are no specific legislative provisions of this nature. However, some provinces (e.g. Alberta) do require the posting of notices of working hours.

Paragraph 6. There are no provisions requiring employers to keep separate records of weekly rest exemptions, but there are provisions requiring employers to keep records showing, *inter alia*, the hours worked or on duty each day, and to make these records available for inspection.

Paragraph 7. Collective agreements inaugurating a reduction in hours have usually not resulted in reduced pay.

Certain modifications would be necessary in weekly rest legislation to bring it completely into line with the Recommendation, particularly as regards weekly rest of 36 hours and longer periods of rest for young workers.

Central African Republic

CONVENTION No. 106

Labour Code: Act No. 61-221 of 2 June 1961.

Order No. 838/ITT of 22 November 1953 to regulate weekly rest.

A weekly rest period of not less than 24 consecutive hours must be given on Sundays, unless express permission not to do so is granted by the labour inspector. Some shops, offices, services and establishments, however, are authorised *ipso jure* to give the weekly rest on a day other than Sunday.

The labour inspectors, labour supervision officers, prefects and subprefects are responsible for supervising the application of the legislation relating to weekly rest.

The draft of an order to supersede the Order of 1953 is to be submitted for consideration to the National Labour Advisory Board. Once the new measure has come into effect there will be no obstacle to ratification.

RECOMMENDATION No. 103

Paragraph 1 of the Recommendation. Personnel engaged in public administration are entitled to a weekly rest of 36 hours (Saturday afternoon and the whole of Sunday).

Paragraph 2. In practice the weekly rest is calculated on the period from midnight to midnight. In its calculation account is not taken of the period from 6 p.m. on Saturday (closing time for shops and offices) until midnight, nor of the period from midnight to 8 a.m. on Monday (the time when they reopen).

The provisions of section 4 of the Order of 15 November 1953 whereby it was possible for the weekly rest period to run from noon on one day to noon the next have not been included in the proposed new order, which will simply state that the day of rest (from midnight to midnight) must be indicated with the weekly working hours.

Paragraph 3. Section 27 of the Labour Code lists the cases where the period of weekly rest may, as an exception, be given either in rotation or to all the workers simultaneously on days other than Sunday.

Paragraph 4. The draft order referred to above repeats the provisions of Article 8 of Convention No. 106 and stipulates that they may not be applied to workers under 18 years of age.

It is difficult at the present time to make provision in the regulations for such workers to be granted a weekly rest of two days.

Paragraphs 5 and 6. The draft order lays down that where special systems are in operation the hours of work and the day of weekly rest must be posted up, and requires that these hours be approved annually (or whenever they are changed) by the Labour Inspectorate.

Paragraph 7. The weekly rest does not result in any reduction in the remuneration of employees in offices and commerce.

Ceylon

CONVENTION NO. 14

Wages Boards (Amendment) Act, No. 5, 1953.

Although it is not practicable to treat Sunday (the traditional day of rest) as the weekly rest day for all public service employees, government departments make arrangements to enable a majority of their employees to enjoy Sunday rest. For instance, office workers and labourers in the engineering trade and factories are free on Saturday afternoon and Sunday, and agriculture and field employees are off on Sunday. Watchers, gardeners, drivers and shift workers are given a free day weekly, not necessarily on Sunday. Technical and supervisory grades and hospital workers are generally allowed a day off in the week, and special rosters for public utility operation or maintenance employees provide one or one-and-a-half days' rest in the week.

Local government service employees enjoy substantially the same weekly rest as public service employees.

As regards employees in the private sector and in nationalised undertakings, section 25 of the Wages Boards Ordinance empowers wages boards to fix a weekly rest day for given trades and to establish the remuneration and other conditions thereof, as well as the exemptions therefrom. Section 25 also makes provision for overtime rates and compensatory rest in cases of work performed on a rest day.

Wages boards appointed in respect of a variety of trades have declared a weekly day of rest for the trades concerned, as well as a short working day on Saturday or (in some instances) on one day in the week.

Supervision of the application of weekly rest regulations in the public service, local government service, and private sector is entrusted respectively to the Secretary to the Treasury, to the Chairman of the Local Government Service Commission and to the Commissioner of Labour.

In enacting new social legislation it is the practice to consider among other matters the provisions of international labour Conventions and Recommendations.

CONVENTION NO. 106

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19, 1954 (*Legislative Enactments*, Cap. 129) (*L.S.* 1954—Cey. 1), as amended by Act No. 60, 1957 (*L.S.* 1957—Cey. 2).

Existing legislative, administrative and other provisions relating to weekly rest apply to the public service, the local government service and employees in the private

sector, nationalised undertakings, state-owned industrial and commercial corporations, etc.

With regard to employees in the public and local government services see under Convention No. 14.

Section 5 of the Shop and Office Employees' Act provides that a person employed in or about the business of any shop or office shall, for each week in which he has worked for not less than 28 hours, receive one-and-a-half days of rest with full remuneration, either in that week or the one immediately succeeding it. The Department of Labour may permit the periods of weekly rest for the month to be granted at the end of the month, provided the Commissioner of Labour deems it necessary because of the nature of the business or unforeseen circumstances.

For the purpose of the Act "shop" means any premises in which any retail or wholesale business is carried on (including hotels) and "office" means any establishment maintained for the purpose of business of any bank, broker, insurance company, etc. (including the offices of shops, factories, hotels, etc.). Further, the regulations made under the Act provide that certain establishments are to be deemed shops and offices for the purpose of the Act.

The Secretary to the Treasury and the Chairman of the Local Government Service Commission are entrusted with the enforcement of weekly rest provisions for the public and local government services respectively. The Commissioner of Labour is similarly responsible for employees in the private sector, nationalised undertakings and state-owned corporations.

No new measures are contemplated at present to give effect to the Convention. The National Wage Policy Commission has stated that in view of the state of the national economy the working day and the working week should not be reduced.

RECOMMENDATION No. 103

For legislation see under Convention No. 106.

No measures are contemplated at present to give effect to the Recommendation.

Chile

CONVENTION No. 106

Labour Code of 13 May 1931 (*L.S.* 1931—Chile 1).

Decree No. 101 of 16 January 1918 respecting Sunday rest.

Decree No. 478 of 1 September 1932 respecting the closing of food stores on Sundays and public holidays.

Decree No. 338 of 13 April 1936 respecting the exemption of film distribution undertakings from Sunday closing.

Decree No. 906 of 21 November 1934 respecting the exemption of petrol stations from Sunday closing.

Act No. 14972 of 21 November 1962.

The owners, managers or directors of commercial and industrial establishments and other undertakings, whatever their nature, whether public or private, even when these undertakings are carried on for purposes of vocational instruction or are of a charitable nature, must allow one day's rest in each week to the wage earning or salaried employees in their service. The rest day must be Sunday (section 322 of the

Labour Code). Industrial and commercial establishments must remain closed on public days of rest (section 324 of the Labour Code). Section 331 of the Labour Code lays down that if the rest day is granted under an agreement or in rotation, it must be announced by means of notices affixed in the offices, workshops or other prominent places in the establishment.

Section 326 allows for some exceptions to the rule in respect of weekly rest : persons employed on repairing damage caused by *force majeure* or accident (provided that such repairs cannot be postponed on account of the nature of the needs which they satisfy, for technical reasons or because serious prejudice would be caused to the interests of the public or of the industry concerned); work which by reason of its nature must be performed during particular seasons or which depends on the irregular action of natural forces. Section 328 of the Code stipulates that these exceptions shall apply exclusively to the services or branches of the undertaking concerned in which the work for which the exception is granted is carried on, and to the persons absolutely necessary for the performance of the aforesaid work. Persons called upon to work in such conditions are entitled to one rest day every fortnight.

Act No. 14972 of 21 November 1962 empowers the labour inspectors to impose administrative sanctions in the event of any contravention of which they can establish evidence.

The authorities entrusted with the application of the legislation and regulations are the labour inspectors, the municipal inspectors and the police.

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention.

The national legislation is not fully in conformity with the provisions of the Convention, since it allows exceptions to which no reference is made therein.

There are no plans at the moment to adopt measures to give effect to the provisions of the Convention.

RECOMMENDATION No. 103

See under Convention No. 106.

China

CONVENTION No. 106

There is no legislation regarding weekly rest in commerce and offices. Government agencies do not work on Sunday, and a few agencies also stop work on Saturday afternoon. Post office employees have a day of rest every two weeks, and those in telecommunications offices enjoy 52 rest days yearly (excluding statutory holidays).

Revision of labour legislation is under study. Application of the Convention should be gradual, and China is not prepared to ratify it under the present circumstances.

RECOMMENDATION No. 103

Few commercial and office employees enjoy a weekly rest period of 36 consecutive hours.

As the Recommendation is advisory, modification of present conditions does not appear necessary.

Colombia**CONVENTION No. 106**

Labour Code of 5 August 1950 (*L.S.* 1950—Col. 3).

Act No. 72 of 1931 respecting weekly rest for public employees (*L.S.* 1931—Col. 1).

Act No. 57 of 1926 respecting the remuneration of public employees in respect of their weekly rest day (*L.S.* 1926—Col. 2).

Act No. 6 of 1945 (*L.S.* 1945—Col. 1).

No distinction is made between industrial and commercial establishments.

Sections 172 and 173 of the Labour Code establish the principle of a weekly rest with pay for workers in private employment, lasting at least 24 hours. Section 175 allows work to be done on Sundays in certain cases, but under sections 180 and 181 a weekly rest with pay must be granted in all cases.

The 1931 Act entitles all employees in official establishments to a weekly rest of not less than 24 hours.

Section 7 of the 1926 Act provides that in the case of work carried out on account of the nation, the departments or the municipalities, remuneration shall be paid for work done on Sunday or a public holiday. The Sunday rest of employees in official establishments who are bound to the State by a contract of employment is governed by section 7 of the 1945 Act. This Act allows work to be performed on compulsory rest days in the case of work which cannot be interrupted on account of its nature or because it satisfies essential needs, such as the sale and preparation of medicaments and food. In such cases the employees concerned are entitled to a compensatory rest day with pay or to remuneration in respect of the day worked.

The Government hopes shortly to submit the Convention to Parliament for approval.

RECOMMENDATION No. 103

Labour Code.

Decree No. 222 of 1932.

In practice the provisions of the Recommendation are complied with since work in commercial establishments and offices is always done in the daytime. In public services or establishments work finishes at noon on Saturday and recommences on Monday at 8 a.m.

There are no special rest schemes. An employee who works on Sundays in the circumstances permitted by law is entitled to compensatory time off within the following week.

As far as civil servants are concerned, Decree No. 222 of 1932 imposes the obligation on managers, administrators or departmental chiefs to keep records in respect of both wage earning and salaried staff. Section 185 of the Labour Code contains similar provisions with respect to workers in private employment.

The labour inspectors are responsible for enforcing and supervising the application of the labour legislation.

It is not intended at the present time to take any measures to give effect to the provisions of the Recommendation not yet covered by national legislation.

Congo (Brazzaville)**CONVENTION No. 106**

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5).

Order No. 2223 of 24 October 1953 to determine the manner of application of the provisions on weekly rest (*Journal officiel de l'Afrique équatoriale française*, 15 Dec. 1953).

The Labour Code makes compulsory a rest period of at least 24 consecutive hours each week. As a rule this rest period is granted collectively on Sunday.

Section 120 of the Code provides for three types of exception to the rule of Sunday rest: exceptions *ipso jure* for establishments for the manufacture or sale of foodstuffs or which employ largely perishable materials; temporary optional exceptions authorised by the Minister of Labour where the absence of the entire staff on Sundays would be prejudicial to the public or to the normal functioning of the establishment; and occasional optional exceptions in the event of a local feast day, for example up to a maximum of three Sundays. Such exceptions are authorised after consultation of the occupational associations concerned, and compensatory time off must always be given.

The same section of the Code provides for two types of exception to the actual principle of weekly rest: exceptions which may be made without compensatory time off being given in cases of emergency or *force majeure*, and exceptions where compensatory time off must be given, such as loading and unloading in ports and the work of watchmen and caretakers and skilled workers employed in undertakings which must work around the clock. Such exceptions may not be applied to young persons under 18 years of age.

The labour inspectors are entrusted with the supervision of the application of the provisions concerning weekly rest.

National legislation and practice with regard to weekly rest go beyond what is required by the Convention.

RECOMMENDATION NO. 103

See under Convention No. 106.

Congo (Leopoldville)

CONVENTION NO. 106

Fundamental Law of 18 May 1960 relating to the structures of the Congo (*Moniteur congolais*, 27 May 1960).

Decree of 14 March 1957 respecting hours of work, Sunday rest and rest on public holidays, and the regulations issued for the administration thereof.

Decree of 16 March 1950 to institute labour inspection (*L.S.* 1950—*Bel. C.* 1).

Articles 2 to 4 of the Convention. The scope of the Decree of 1957 is determined by the nature of the contract (hire of services, apprenticeship, training period, etc.), but its provisions are applicable to all employers: individuals or bodies corporate, public or private undertakings. Any dispute which may arise as regards coverage is dealt with by the appropriate juridical bodies.

Article 5. The Decree of 1957 authorises the employment of members of the employer's family (whether remunerated or not) on Sundays (section 23), and provides for special arrangements in the case of persons holding high managerial positions (section 2).

Article 6. Section 23 of the aforementioned decree prohibits the general practice of Sunday work for all workers.

Article 7. Permanent exceptions to the general rule in regard to weekly rest, which may be applied to the entire staff of an establishment, are provided for in

section 24 of the decree in so far as concerns hotels, restaurants, places where drinks are served, chemists' shops, retail food shops, theatrical enterprises, etc. The employers' and workers' organisations must be consulted prior to the adoption of any amendment to or measure in implementation of the legislative provisions in this sphere.

Article 8, paragraph 1 (a). In the cases covered by this clause the exemption is total.

Paragraph 1 (b). The temporary exemption which may be granted by a labour inspector in the event of abnormal pressure of work does not extend to weekly rest.

Paragraph 1 (c). Section 24 of the decree permits work to be done on Sundays to prevent the loss of perishable goods.

Paragraphs 2 and 3. The employers' and workers' organisations are consulted as to the advisability of granting exemptions. In all cases compensatory time off must be given.

Article 10. The Decree of 1950 contains provisions to ensure that effect is given to the Convention, and penalties are prescribed in the event of contravention of the principle of weekly rest.

No modifications have been made in the Decree of 1957 with a view to giving effect to all or some of the provisions of the Convention, since to a very large extent this enactment already gives effect to those provisions.

Ratification of the Convention is delayed owing to the fact that Parliament, which is the body constitutionally competent to approve international Conventions, has highly important political problems to deal with which occupy its full attention. The Government will propose ratification to Parliament as soon as circumstances permit.

Costa Rica

CONVENTION No. 14

Constitution.

Labour Code.

Section 59 of the Constitution establishes the right of all workers to one day's rest after six consecutive days of work. The weekly rest, which normally is on Sunday but may be granted on another day where required, is regulated by section 152 of the Labour Code. Solely employees in commerce enjoy weekly rest with pay. Industrial workers required to work on the rest day receive double wages, the non-payment of which is sanctioned by fines (Labour Code, section 134).

The General Labour Inspectorate of the Ministry of Labour and Social Welfare supervises the application of weekly rest legislation.

Present legislation applies the provisions of the Convention, but practical difficulties have delayed ratification.

RECOMMENDATION No. 103

For legislation see under Convention No. 14.

Effect is given to the provisions in question in the Constitution and the Labour Code.

The chapter of the Constitution on social rights and guarantees lays down that every worker shall be entitled to a day of rest after six consecutive days of work. Section 152 of the Labour Code establishes the same principle.

Any employer who fails to allow an employee the weekly rest day is liable to statutory penalties, and at the same time is required to pay the employee twice the normal daily wage in respect of the day worked.

Nevertheless, employees may, by agreement between the parties, be employed on the weekly rest day (provided that the work is not heavy, unhealthy or dangerous) in agriculture and stock-breeding, in industrial undertakings where work must be continuous and in activities which clearly serve the interest of the State or general public. In the case of industrial undertakings where work must be continuous, an employer may apply to the Secretariat of Labour for permission to allow the rest days to be taken all together once a month. After hearing a statement from the employees concerned, the Secretariat may grant the permission requested in respect of a period which may in no case be less than three days.

Generally speaking, employees in commerce and offices have an uninterrupted weekly rest of 36 hours.

The labour inspectors are entrusted with the enforcement of the law.

At the present time there are no proposals to amend the legislation in this respect.

Cyprus

CONVENTION NO. 14

Children and Young Persons (Employment) Law, No. 33, 30 September 1953 (*L.S.* 1953—Cyprus 2).
Hours of Employment in Mines Order.

Apart from the above Law, sections 4 (5) and 5 (4) of which grant a continuous weekly rest period of 36 hours to persons under 18, there are no legislative or administrative provisions regarding the matters dealt with in the Convention.

Generally, practice in industry conforms with the provisions of the Convention, including Article 2 thereof. There are a few exceptions, mainly in the principal mining company and in some undertakings employing shift workers. Where the practice in industry is not in conformity with the Convention, the hardship is offset by good working conditions.

It is not intended to adopt any measures at present. Weekly rest being a condition of employment, it is a matter for negotiation between employers and workers, whose representative organisations have been requested to implement the Convention to the extent possible through collective agreements.

CONVENTION NO. 106

Shop Assistants Law, No. 21, 26 November 1942 (*Cyprus Gazette*, No. 3025, 26 Nov. 1942).
Hotels (Conditions of Service) Regulations, 1953 and 1956.
Shop Assistants (Afternoon Weekly) Closing Order, No. 2906, 29 December 1956.

Section 6 of the Shop Assistants Law requires shops to be closed on Sunday or some other day to be fixed by the Council of Ministers. Section 5 of the Hotels (Conditions of Service) Regulations provides for a weekly rest of one half-day for every employee concerned. During recent collective bargaining which is still in progress, it was tentatively agreed to lengthen the weekly rest to one whole day. As regards the remaining establishments (particularly the bigger ones, which employ the great majority of workers), practice generally conforms with the Convention. Legislation is neither considered necessary nor envisaged, but the introduction of wages councils, with powers in the field of weekly rest, is being studied.

Supervision of the above Law and regulations is entrusted, respectively, to police and Ministry of Labour and Social Insurance officers, and to the tripartite Hotels (Conditions of Service) Committee.

RECOMMENDATION NO. 103

Section 5 of the Shop Assistants Law of 1942 requires shops to close not later than 1 p.m. one day each week, which in most cases is Saturday (for particulars, see the Appendix to the Shop Assistants (Afternoon Weekly) Closing Order of 1956). As regards trading establishments and clerical workers, practice conforms in the main with Paragraphs 1 and 2 of the Recommendation. It is not intended to adopt any measures, nor can the Recommendation, particularly Paragraph 4, subparagraph (1), be accepted at present.

Czechoslovakia

CONVENTION NO. 106

Act No. 91/1918.

Act No. 37/59.

Act No. 45/59.

All the Articles of the Convention are covered by the legislation. Section 4 of Act No. 91/1918 grants all employees in all branches an uninterrupted minimum weekly rest of 32 hours, which falls on Sunday as a rule. Exceptions are allowed for enterprises operated without interruption, in which case the 32-hour rest period of shift workers must fall on a Sunday at least every third week. Women factory employees start their uninterrupted rest not later than 2 p.m. Saturday.

Pursuant to Act No. 37/59, all adjustments of working hours must be approved by the trade union organisation's committee in the establishment concerned.

There is no reduction of income as a result of the application of weekly rest measures.

The application of the above legal provisions is supervised by the work security inspection bodies and the Public Prosecutor's Office, which may apply sanctions.

RECOMMENDATION NO. 103

Act No. 91/1918 (s. 4).

Paragraph 1 of the Recommendation. Though not as yet provided by law, the 36-hour rest period called for is, as far as possible, generally granted to persons employed in commerce and offices. To meet the shopping needs of working people Sunday shop hours have been introduced to a large extent, and persons employed in commerce are granted an uninterrupted rest period on other days of the week. The guaranteeing of a 36-hour weekly rest in commerce will be considered along with the gradual shortening of working hours.

Paragraph 2. The weekly rest, which is of 32 hours, includes the period from midnight to midnight.

Paragraph 3, subparagraph (a). See under Convention No. 106.

Subparagraph (b). Legislation does not allow for a shortening of weekly rest.

Paragraph 4, subparagraph (1). Measures to guarantee an uninterrupted weekly rest of two days to persons under 18 may be considered when a five-day working

week is introduced in commerce in connection with a gradual shortening of working hours. At present this is guaranteed to persons under 16 for whom a 36-hour working week is provided by Act No. 45/59.

Implementation of other provisions of the Recommendation will follow from new legislation now under discussion.

Dahomey

CONVENTION NO. 106

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5).

Order No. 1918 of 6 August 1953 to regulate the application of the principle of weekly rest.

A rest period of at least 24 consecutive hours must be granted at least once a week, as a rule on Sundays. Order No. 1918 lays down the conditions on which exemptions may be granted.

The inspectors of labour and manpower are responsible for ensuring the application of the laws and regulations concerning weekly rest with the co-operation of the representatives of the personnel.

RECOMMENDATION NO. 103

In practice every worker receives at least 36 consecutive hours of rest each week. In certain undertakings the weekly rest period begins on Friday evenings and ends on Monday mornings and, therefore, runs to at least 60 consecutive hours.

There is no exception whereby employed persons are authorised to work for more than three weeks without a rest period (Order No. 1918 of 1953). The exceptions provided for by law do not apply to persons below 18 years of age.

There is no reduction in wages as a result of the application of the Recommendation.

Denmark

RECOMMENDATION NO. 103

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

Paragraphs 1 and 2 of the Recommendation. According to section 14 of Act No. 227 it is prohibited to employ workers during the day and night of any holiday. "Day and night" is defined as the period of 24 hours preceding the hour at which a worker normally begins work, i.e. Monday at 8 a.m. or 9 a.m. Since work ceases between 12 noon and 2 p.m. on Saturday workers are normally secured weekly rest of over 36 hours.

Paragraph 3. Sections 14 (2) and 15 of the Act permit certain exceptions from the provisions of section 14. Section 16 provides that in the case of such exceptions workers shall as far as possible be given a corresponding compensatory rest.

Paragraph 4, subparagraph (1). Sections 20 to 23 of the Act, which relate to employment of young persons, do not provide for rest of two days.

Subparagraph (2). Section 14 (3) empowers the Labour Inspectorate to relax the rules prohibiting work on Sundays and holidays, in cases of accident, etc. Under section 21 exceptions apply also to persons under 18 years of age, except for the exception contained in section 14 (2) (work to prevent damage to plant, machinery, etc.). Under section 21 (3) young persons must have a total of 24 hours' weekly rest.

Under section 24 of the Act its application is supervised by the Labour Inspectorate and the local inspection services.

Dominican Republic

CONVENTION NO. 14

Labour Code: Act No. 2920 of 11 June 1951 (*L.S.* 1951—Dom. 1).

Act No. 5360 of 20 May 1960 amending sections 137 (amended), 167 (restored), 195 and 271 of the Labour Code (*L.S.* 1960—Dom. 1).

Regulation No. 7676 dated 6 October 1951 to apply the Labour Code.

Every worker is entitled to 24 hours' continuous rest after working for six days. This day is normally Sunday unless another day is agreed on by the parties.

Days declared to be public holidays by the Constitution or by law are also days off for all workers, unless the parties agree to the contrary. There are collective agreements which grant a continuous weekly rest of from 36 to 48 hours.

In May 1960 the normal working week was shortened from 48 to 44 hours with a daily maximum of eight hours.

Every employer must maintain a register in a form approved by the Department of Labour showing the weekly rest granted to each of his workers. The register is examined from time to time by the Department's inspectorate.

The legislation recognises that certain establishments cannot suspend operations, whatever the day of the week, but workers in such establishments are entitled to their weekly rest after 48 working hours. The Department of Labour enforces this provision, and the trade unions keep a close watch on the position.

The standards of the Convention have been incorporated in the Labour Code.

RECOMMENDATION NO. 103

Act No. 5360 of 20 May 1960 amending sections 137 (amended), 167 (restored), 195 and 271 of the Labour Code (*L.S.* 1960—Dom. 1).

There are no specific legislative provisions implementing the Recommendation. The above Act contains some of the provisions of Convention No. 106.

The Secretariat of State for Labour, in co-operation with the employers' and workers' organisations, is endeavouring to ensure that the 44-hour week prescribed by the Act will fall between 8 a.m. on Monday and mid-day on Saturday, thereby giving workers a minimum weekly rest of 36 hours.

The committee now revising the labour legislation is desirous of implementing the terms of the Recommendation.

Enforcement of the regulations on weekly rest is the responsibility of the Department of Labour.

Ethiopia

CONVENTION No. 14

Civil Code Proclamation, 1960.

Present legislation provides for granting the "usual" hours and days of rest, which means, in practice, an eight-hour working day and the observance of Sundays and public or religious holidays as rest days.

The courts supervise the application of relevant legislation, and draft legislation on the establishment of labour inspection services is under way. Employers' and workers' organisations are just starting their activities.

Legislative measures with regard to weekly rest are under study.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

Finland

CONVENTION No. 106

Act respecting contracts of work, dated 1 December 1922 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.-F.F.)*, No. 141/22).

Act respecting conditions of employment in commercial establishments and in offices, dated 2 August 1946 (*S.A.-F.F.*, No. 605/46) (*L.S.* 1946—Fin. 4B).

Act respecting hours of work, dated 2 August 1946 (*S.A.-F.F.*, No. 604/46) (*L.S.* 1946—Fin. 4A).

The Act of 1922 provides that the worker shall generally be granted at least once a week, and on Sunday, if possible, a reasonable period of uninterrupted rest. The Act respecting conditions of employment in commercial establishments and in offices contains special regulations relating to weekly rest: employees shall be granted an uninterrupted rest of not less than 38 hours including Sunday, except in businesses or offices which may be kept open on Sundays, in pharmacies and in the case of watchmen or persons engaged in preparatory or finishing work performed before or after the ordinary hours of work of the establishment. Weekly rest provisions do not apply to cases of overtime work performed with the consent of the employee under section 5 of the Act. Where, however, an employee is employed on Sunday, he shall be granted uninterrupted rest equal to double the number of hours of work performed on the Sunday, provided that if the leave so reckoned exceeds the hours of work for the day on which the leave is granted he shall receive compensatory cash payment for the amount of leave in excess of the hours of work.

The 1946 Act applies to commercial establishments and offices in which persons other than the employer's wife and children are employed, but not to government departments or to travellers and representatives carrying on their work outside the establishment.

According to the regulations concerning hours of work in government departments office hours end on Saturday at 1 p.m. and no work is performed on Sunday. The rules of employment in communes also provide that no work shall be performed on Sunday. There is, however, no positive regulation requiring a weekly rest of determined length in communal or government employment. Such persons as night watchmen employed in the administrative services of the Government and communes, whose hours of work cannot be determined because of the nature of their

work, may be employed either as public employees, in which case they fall within the scope of the Act respecting hours of work and are therefore entitled to a weekly rest of not less than 30 hours, or on the basis of a contract of work, in which case they are not protected by any statutory provisions.

The labour inspection authorities are entrusted with the supervision of the Act respecting conditions of employment in commercial establishments and in offices.

The following difficulties are deemed to prevent ratification of the Convention: (1) whereas Article 5 of the Convention permits exclusion of establishments in which only members of the employer's family are employed only if the workers are not considered to be wage earners, the Act respecting conditions of employment in commercial establishments and in offices does not apply to family undertakings, even where workers may be considered to be wage earners; (2) the Convention does not permit any exception in respect of travellers and representatives carrying on their work outside the establishment; (3) the Act does not apply to government departments; (4) where the employee agrees to work beyond normal hours the Act does not contain provisions respecting weekly rest as provided for in Article 8, paragraph 3, of the Convention.

A Bill respecting conditions of employment in commercial establishments and in offices now being prepared by the Ministry of Social Affairs seeks to eliminate as far as possible the divergences between national legislation and the Convention.

RECOMMENDATION NO. 103

Paragraph 3 of the Recommendation. Section 5, subsection 2, of the Act respecting conditions of employment in commercial establishments and in offices provides that in certain cases requiring overtime work (e.g. seasonal sales, stocktaking and closing of accounts) the employee shall receive uninterrupted rest of not less than 12 hours in any period of 24 hours except in the case of unavoidable work required between 10 and 23 December for the Christmas market.

Paragraph 4. Weekly rest is the same for all workers irrespective of age. Admission of temporary exceptions in emergencies is not prohibited with regard to persons under 18 years of age.

Paragraph 5. Under section 13 of the Act respecting conditions of work in commercial establishments and in offices in every workplace covered by the Act the employer shall post the system of hours of work, the text of the Act, of any provisions issued in pursuance thereof and of any decisions given by the competent authority with respect to exceptional cases.

Paragraph 6. Section 11 of the Act requires the employer to keep, as far as possible, a record of the normal hours of work for every workplace indicating breaks for meals and rest. Overtime work and payments shall also be entered in a register.

France

CONVENTION No. 106

Labour Code, Book II.

Act of 21 March 1941.

Decrees of 31 March 1937 to regulate hours of work in the retail trade in goods other than provisions.

Decree of 19 May 1937 to regulate hours of work in offices, private administrative services and agencies.

Under the above-mentioned legislative enactments all the employees covered by the Convention are entitled to a weekly rest. In addition, the optional clauses of collective labour agreements often contain provisions of this kind.

Sections 31 to 33 of the Labour Code lay down that heads of establishments shall as a rule grant all their employees a weekly rest on Sundays from midnight to midnight. Certain exceptions are provided for, however, in sections 34 of Book II of the Code onwards.

In practice the working week is spread over five or five-and-a-half days, and the resultant additional day or half-day of rest is generally joined to the weekly day of rest, which means that the employee enjoys an uninterrupted weekly rest period of longer than 24 hours.

Enforcement of the legislation in this respect is the responsibility of the Labour and Manpower Inspection Service. In addition, it is always open to the employers' and workers' organisations to draw the attention of the public authorities either to infringements of the legislation or to difficulties encountered in applying it. Tradition also demands that employers' and workers' organisations be consulted whenever any amendment to the law is proposed.

Ratification of the Convention is under consideration.

RECOMMENDATION NO. 103

The combined application of the provisions respecting weekly rest and those respecting hours of work makes it possible to ensure that the workers covered by these provisions have a weekly rest equal in length to that called for by the Recommendation. (The Decrees of 31 March 1937, as amended, and the Decree of 19 May 1937 provide for the weekly hours of work to be spread over five or five-and-a-half days, particularly as regards work in offices and retail establishments dealing in goods other than foodstuffs.)

Although the Labour Code makes no provision that workers under 18 years of age should have a weekly rest of more than 24 hours, the fact that hours of work in commerce and offices are generally spread over five or five-and-a-half days ensures in practice that workers in this category enjoy an uninterrupted weekly rest of more than 24 hours.

It is not intended to amend the national legislation in order to apply the Recommendation.

Federal Republic of Germany

CONVENTION NO. 14

Basic Law of 23 May 1949 (*Bundesgesetzblatt*, Part I, p. 1) (*L.S.* 1949—Ger. F.R. 1), as amended. Industrial Code of 1869, as amended.

Section 105 (*a*) to (*i*) of the Industrial Code meets the basic requirement of the Convention, viz. provision of a weekly day of rest, and collective agreements contain supplementary regulations.

Under section 139 (*b*) of the Code, inspection offices are entrusted with the enforcement of section 105 (*a*) ff.

Article 2 of the Convention cannot be complied with as regards services mentioned in Article 1, paragraph 1 (*d*) ("transport of passengers . . . by road, rail or inland waterway"), because the 24 hours' Sunday rest prescribed in section 105 (*b*) of the Industrial Code does not apply, under section 105 (*i*) of the Code, to transport undertakings.

The possibility of ratification can be considered only after completion of the present government study of the regulations concerning prohibition of Sunday and holiday work as well as of the extent to which compliance with the Convention can be achieved.

CONVENTION No. 106

Shop Closing Act of 28 November 1956 (*Bundesgesetzblatt (BGBl.)*, Part I, p. 875), as amended by the second Amendment Act of 14 November 1960 (*BGBl.*, Part I, p. 845).

Hours of Work Code of 30 April 1938 (*Reichsgesetzblatt*, Part I, p. 447).

Young Persons (Protection of Employment) Act of 9 August 1960 (*BGBl.*, Part I, p. 665), as amended by the Federal Leave Act of 8 January 1963 (*BGBl.*, Part I, p. 2).

See also under Convention No. 14.

The essential substance of the Convention is provided by the above regulations (including section 105 (a) to (i) of the Industrial Code). Collective agreements contain supplementary rules.

Existing regulations make no provision for compensatory rest within the meaning of Article 8, paragraph 3. (See, for example, temporary exemptions under section 105 (c) of the Industrial Code in case of urgent work, work performed in the public interest, etc.)

The regulations listed above are enforced by inspection officers under Länder laws, with authority to examine premises at any time.

Amendments to implement the Convention have so far not been made.

The Federal Government is re-examining the regulations prohibiting Sunday and holiday work and will also investigate the extent to which the Convention can be applied. Only after this has been done will it be possible to consider ratification.

The Federal Government alone is responsible for legislation concerning weekly rest in commerce and offices.

RECOMMENDATION No. 103

For legislation see under Convention No. 106.

The essential substance of the Recommendation is provided under section 105 (a) to (i) of the Industrial Code and sections 3 and 17 of the Shop Closing Act, as amended. Collective agreements contain supplementary regulations.

Paragraphs 1, 2 and 3 of the Recommendation are taken into account extensively. The provisions of Paragraph 4 go beyond those of the Young Persons (Protection of Employment) Act, as amended.

No changes are expected in the Young Persons (Protection of Employment) Act, the provisions of which are acknowledged to be liberal, but a careful note will be taken of experience acquired in its application.

Ghana

CONVENTION No. 14

As all undertakings grant weekly rest, legislation is not considered necessary. However, regulations applying the Convention are being considered under the new Labour Bill.

No difficulties are anticipated which may prevent or delay ratification.

RECOMMENDATION No. 103

There are no legislative, administrative or other provisions which deal with the matters covered by the Recommendation.

Regulations may be made under the new Labour Bill to provide for rest periods in offices.

Modifications are not considered necessary to permit application of the Recommendation.

Greece

CONVENTION NO. 106

Decree of 8 March 1930 to consolidate the Acts respecting Sunday rest (L.S. 1930—Gr. 3).
Act No. 1092 of 21 February 1938.

The above-mentioned legislation partly meets the requirements of the Convention.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. Such rest is provided for.

With regard to the other Paragraphs of the Recommendation, see the legislation under Convention No. 106.

Haiti

RECOMMENDATION NO. 103

For legislation see under Convention No. 52.

Paragraph 1 of the Recommendation. The granting of a weekly rest of 36 hours in commerce and offices is the subject of a special clause in some collective labour agreements.

Paragraph 2. Section 110 of the Labour Code provides that all employees in industry or commerce shall enjoy a weekly rest of at least 24 consecutive hours, to be granted preferably on a Sunday. Every agricultural, industrial or commercial establishment must cease work on Sundays unless it belongs to the category of establishments covered by section 104 of the Code.

Paragraph 3. In the exceptional case of seasonal workers who have not been granted their compensatory rest, the corresponding additional days of leave may be accumulated and taken in combination with annual leave. Employees of undertakings authorised to work on Sundays must be given a day of rest on a Sunday at least once a month (other days of rest being taken on any day of the week).

Paragraph 4. There is no legislation on this matter.

Paragraph 5. Section 516 of the Code requires that works rules be posted up in at least two of the most conspicuous parts of the workplace. They must stipulate, *inter alia*, any rest periods in the course of the working day and the time and place for commencement and termination of the working day.

Paragraph 6. Every industrial, agricultural or commercial establishment must keep registers indicating daily and weekly hours of work and the time of beginning and finishing work.

Paragraph 7. In principle the law does not extinguish acquired rights.

Iceland

CONVENTION No. 14

There are no legal provisions concerning weekly rest. The rules relating thereto are based merely on ancient customs which basically satisfy the provisions of the Convention.

No changes are contemplated in this connection.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

India

CONVENTION No. 106

Shops and Commercial Establishments Acts of the various states (including the Bihar Shops and Establishments Act, 1953, the Bengal Shops and Establishments Act, 1940, and the Assam and West Bengal Shops and Establishments Acts).

Weekly Holidays Act, 1942.

Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Indian Railways Act, 1890.

Weekly rest in shops and commercial establishments is generally regulated by the various state Shops and Commercial Establishments Acts, which apply to shops, commercial establishments, restaurants, hotels and places of amusement in specified urban areas, but which may be extended to other areas and establishments as specified by the state governments. New regional extensions were made in 1960 of the application of the Bihar Shops and Establishments Act, 1953, and the Bengal Shops and Establishments Act, 1940. All state enactments prescribe weekly rest of one day, except that of West Bengal, which provides for one-and-a-half days, and that of Assam, which provides one-and-a-half days for employees other than shop employees. The owner or occupier of the establishment is permitted to determine the weekly day of rest, and the traditions and customs referred to in Article 6 of the Convention are generally taken into account.

The Weekly Holidays Act, 1942, provides for the grant of weekly rest to persons employed in shops and commercial establishments in such areas as may be notified by the state governments. In 1960 it was operative in certain areas in Bihar, Mysore, Maharashtra, Jammu and Kashmir and the union territories of Andaman and Nicobar Islands and Manipur.

Under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, journalists are entitled to a period of rest each week of at least 24 consecutive hours.

The relevant regulations for non-industrial employees in the public sector provide for a weekly rest day on Sunday, and in addition the second Saturday in each month in all central government offices. Staff on duty on Sundays are granted compensatory rest.

The state inspectorates are responsible for the implementation of the above-mentioned Acts.

Apart from the progressive extension of the scope of the above-mentioned enactments there is no proposal to adopt measures to give effect to the provisions of the Convention not yet applied by national law.

RECOMMENDATION No. 103

For legislation see under Convention No. 106.

It is not proposed to take any specific measures to give effect to the provisions of the Recommendation.

Iraq

RECOMMENDATION No. 103

Labour Law, No. 1, 1958, as amended (*Al-Waqayi' u al'Iraqiya*, 12 Apr. 1961, No. 511) (*L.S.* 1961—Iraq 1).

The application of the Labour Law is supervised by the Directorate-General of Labour (Labour Inspectorate).

The Recommendation is being translated into Arabic and will be submitted to the competent authorities to consider its acceptance.

Ireland

CONVENTION No. 106

Shops (Conditions of Employment) Acts, 1938 and 1942.

Article 1 of the Convention. There is no weekly rest legislation regarding office employees.

Articles 2 and 3. The above Acts apply to retail and wholesale shops and warehouses, cleaning and repairing premises and Dublin hotels.

Article 4. Section 2 of the Act of 1938 defines the establishments coming within its scope.

Article 5. Section 4 (2) (a) of the Act of 1938 excludes shopowners' relatives from its scope.

Article 6. Shops, other than tobacco, newspaper and some food shops, normally close on Sundays. Legislation grants shop workers one half-day weekly (apart from the weekly rest day). As this half-day is often allowed on Saturday afternoon, many shop workers enjoy a continuous rest period from 1 p.m. Saturday until Monday morning. Recent collective agreements providing a five-day working week allow some shop workers a continuous rest period from Saturday closing until Tuesday morning opening.

Legislation does not provide for an uninterrupted weekly rest of two days for persons under 18.

Almost all office workers receive a minimum continuous weekly rest from 1 p.m. Saturday until Monday morning, and many of them in fact work a five-day week with Saturday and Sunday off.

Article 7. Sections 35 and 8 (1), respectively, of the above Acts provide for compensatory rest for shop employees in case of Sunday work.

Section 23 of the Act of 1938 requires shopowners to post prominently a notice of the daily working hours and rest periods of staff members.

Article 8. Under section 8 of the Act of 1938 certain emergencies can be invoked in defence against alleged contraventions.

Article 9. Shop wages are regulated mainly by collective agreement.

Article 10. Section 9 of the Act of 1938 empowers the Minister for Industry and Commerce to require proprietors to keep such records as are necessary to enforce the Act, and section 10 empowers inspectors to enter shops and examine such records. Section 5 sets out penalties.

The Inspectorate of the Minister for Industry and Commerce ensures application of the legislation.

Very many workers enjoy weekly rest at least as favourable as provided by the Convention, but legislation is not sufficiently comprehensive to allow its implementation. Changes in legislation are not envisaged.

RECOMMENDATION NO. 103

See under Convention No. 106.

Israel

RECOMMENDATION NO. 103

Hours of Work and Rest Act, 1951 (*Sefer Ha-Chukkim*, 22 May 1951, No. 76, p. 204) (*L.S.* 1951—*Isr.* 2).

Provisions relating to weekly rest in industry also apply to commerce and offices.

The above Act and regulations made thereunder apply to all employees, without distinction between the different branches of employment.

See also under Convention No. 14, Report III (I).

Italy

RECOMMENDATION NO. 103

Constitution.

Act No. 370 of 22 February 1934 respecting the Sunday and weekly rest (*L.S.* 1934—*It.* 3).

Ministerial Decree of 22 June 1935.

The Act of 22 February 1934 lays down the principle of a weekly rest of 24 consecutive hours on Sundays for all workers employed under contract, and section 36 of the Constitution strictly prohibits renunciation of the right to weekly rest.

Under section 7 of the Act the prefect may, after consulting the unions concerned, allow exemptions from the principle of Sunday rest for commercial undertakings in

contact with the public. The rest period of 24 consecutive hours must then be granted for a fixed day, or begin on the Sunday afternoon.

The Ministerial Decree of 1935 specifies the establishments providing essential services where the weekly rest period may be granted on a day other than Sunday under a roster system—pharmaceutical chemists' shops, restaurants, cafés, establishments trading in perishable foodstuffs, bakeries, fuel suppliers, florists, retailers of postcards.

With regard to offices, of whatever kind, the general principle of a weekly rest on Sundays applies.

Collective agreements generally contain provisions for a weekly rest of 36 or 48 hours.

The application of the legislative provisions on the subject is entrusted to the labour inspectors.

The national legislation is not entirely in conformity with the Recommendation, but when any new provisions on this subject are prepared the Government will, as far as possible, follow the principles and standards of the Recommendation.

Ivory Coast

CONVENTION No. 106

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the overseas territories (*L.S.* 1952—Fr. 5).

Order No. 4804 ITLS-CI of 20 July 1953 to determine the manner of application of the provisions on weekly rest (*Journal officiel de la Côte-d'Ivoire (J.O.C.I.)*, 1953, p. 701).

Order No. 5296 ITLS-CI of 7 August 1953 to draw up a list of establishments authorised to begin the weekly rest period on Sunday at noon, among certain establishments for the retail sale of foodstuffs (*J.O.C.I.*, 15 Aug. 1953, p. 757).

Order No. 4800 of 20 July 1953 (*J.O.C.I.*, 30 July 1953).

Article 1 of the Convention. The provisions relating to weekly rest are those contained in the enactments cited above.

Articles 2 to 5. Section 120 of the Labour Code prescribes a weekly rest period of at least 24 consecutive hours. This should fall as a rule on Sunday, and is compulsory for all workers.

Article 6. Effect is given to this Article in section 120 of the Labour Code. As a general rule the weekly rest period is given to all the employees of an establishment at the same time, save in the exceptional cases listed in Order No. 4804.

Article 7. Under section 1 of Order No. 5296 establishments for the sale of foodstuffs are allowed to begin the weekly rest period on Sunday at noon, compensatory time off being given at the rate of one afternoon per week in rotation for employees under 21 years of age lodging with their employers, or one full day per fortnight in rotation for other employees.

Certain other establishments listed in section 3 of Order No. 4804 are allowed to give their employees Sunday off in rotation, but this does not dispense them from the obligation to grant a weekly rest period of 24 consecutive hours.

The Minister of Labour, in consultation with the local authorities and trade unions concerned, may authorise temporary exemptions from the normal arrangements in regard to weekly rest (so long as compensatory rest is given) in the case of

establishments where it can be proved that the simultaneous absence on Sunday of the entire staff would be prejudicial to the public or interfere with the normal functioning of such establishments.

Article 8. Exemptions from the provisions with regard to weekly rest with no obligation to give compensatory time off may be granted under sections 11 to 13 of Order No. 4804 in the following cases: urgent work (although an exemption for this reason may not be applied to women or to young persons under 18 years of age); industries employing perishable materials; loading and unloading in ports.

Exemptions where compensatory time off must be given may be granted in the case of watchmen and caretakers. Such exemptions may not be applied to young persons under 18 years of age or to girls who are not of age.

Article 9. The application of the measures taken in accordance with the Convention has no effect on income.

Article 10. The regional inspectors of labour and social legislation ensure that the rules concerning weekly rest are properly observed.

Under section 10 (1) of Order No. 4804, employers authorised to make an exception to the rule of Sunday rest are required to post up notices indicating the days and hours of weekly rest. Under section 19 (2) of that order, employers who do not give the day of weekly rest to all their employees at the same time must keep regularly up to date a special register in respect of workers to whom a special scheme applies.

Infringements of the provisions relating to weekly rest are punishable by the penalties prescribed in section 222 of the Labour Code.

RECOMMENDATION No. 103

The persons to whom Convention No. 106 is applicable have, in practice, a weekly rest of not less than 36 hours. This period consists of the compulsory 24 consecutive hours plus time off on Saturday or Monday or a half-day off each week. (This is the system laid down in Order No. 4800 applying the 40-hour working week to salaried employees—including young persons—in offices and private administrative services.)

Section 20 of Order No. 4804 lays down that the notice prescribed by section 19 (1) thereof must be legible and must be posted up conspicuously in each workplace to which it applies. The special register provided for in section 19 (2) of the order must be shown to any worker who asks to see it. It must be available for examination by the labour inspectors responsible for supervision, who should countersign it on the occasion of each inspection.

Japan

CONVENTION No. 14

Law No. 49: Labor Standard, Dated 5 April 1947 (*Official Gazette*, 7 Apr. 1947, No. 303. p. 1) (*L.S.* 1947—Jap. 3).

Ministry of Welfare Ordinance No. 23 of 1947, enforcing the Labor Standard Law.

Article 1 of the Convention. The Law of 1947 applies to industrial undertakings covered by the Convention (section 8).

Article 2, paragraph 1. Section 35 (1) of the Law of 1947 grants workers at least one rest day weekly.

Paragraphs 2 and 3. There are no such provisions in existing legislation.

Article 3. The Law of 1947 does not apply to domestic servants or to undertakings employing only the employer's relatives living under his roof.

Article 4. The Law of 1947 allows the following exceptions to section 35 (1): an employer may give four or more rest days during a period of four weeks (section 35 (2)); in case of temporary necessity, a worker may be employed on rest days with the permission of a competent administrative office (section 33 (1)); workers other than minors and females may be employed on rest days upon agreement with the trade union concerned (sections 36, 60 and 61). Section 35 (1) does not apply to supervisory or confidential employees or watchmen and guards (section 41).

Article 5. Where work is allowed on a rest day because of temporary necessity, the competent administrative office may order a substitute rest day in lieu thereof (section 33 (2) of the Law of 1947).

Article 7. Sections 89 (1) and 106 (1) of the Law of 1947 require employers of ten or more persons to submit a rule of employment concerning the rest day to the competent administrative office and to post it conspicuously at the workplace.

The Labor Standards Bureau is responsible for the enforcement, supervision and revision of labour regulations.

Though there are some differences, the legislation conforms in principle to the Convention. A few of the provisions of the Convention are lacking in the legislation.

No special consideration is being given to the adoption of further measures.

CONVENTION NO. 106

Law No. 95 of 1950: compensation of employees in the regular service.

Rule 15-1 of the National Personnel Authority (Non-Work Periods).

Local Public Service Law.

See also under Convention No. 14.

Articles 2 to 4 of the Convention. The Law of 1947 applies in principle to all private enterprises (section 8), family members and domestic servants being excepted. With respect to national public employees, the matters are dealt with by the Law of 1950 and by Rule 15-1. In addition to the Law of 1947, local public employees are covered by by-laws of each local public body issued under section 24 of the Local Public Service Law.

Article 5, paragraph (a). See above.

Paragraph (b). The weekly rest provisions of the Law of 1947 do not apply to supervisory or confidential employees (section 41).

Article 6, paragraph 1. Section 35 (1) of the Law of 1947 grants employees at least one rest day weekly.

Where work days in excess of six consecutive days have been scheduled for national public employees, section 14 (4) of the Law of 1947 and Rule 15-1 require that one non-work day must be provided for every six consecutive work days; unless there are special reasons to prevent this, Sundays are regarded as non-work days. Similar systems apply to local public employees.

Paragraphs 2 to 4. As regards private workers, there is no special provision in existing legislation.

Sundays are regarded as non-work days for public employees, except those engaged in operational or other special work.

Article 7. Under section 35 (2) of the Law of 1947 an employer may give four rest days during a period of four weeks.

Paragraph 3 of Rule 15-1 requires national public employees to be given one non-work day for each six consecutive work days, but permits continuation of work days up to 24 days.

Article 8, paragraphs 1 and 2. In case of temporary necessity, workers may be employed on rest days with the permission of the competent administrative office (see sections 8 (16), 33 (1) and 33 (3) of the Law of 1947). Workers other than minors and females may be employed on rest days by agreement with the trade union concerned (sections 36, 60 and 61 of the Law of 1947).

Paragraph 3. See under Article 5 of Convention No. 14.

Article 10, paragraph 1. See under Convention No. 14.

Paragraph 2. Section 119 of the Law of 1947 contains penalty provisions.

Supervision of the application of labour legislation is entrusted to labour standards inspectors of the Labor Standards Bureau, prefectural labour standards offices and labour standards inspection offices.

Labour standards councils, including workers' and employers' representatives, deliberate on matters concerning enforcement and revision of labour legislation.

Inspection of local public employees' working conditions is exercised by the Personnel Commission.

As regards whether any modifications have been made in legislation or practice, whether any difficulties prevent or delay ratification, or whether it is intended to adopt new measures, see under Convention No. 14.

RECOMMENDATION NO. 103

Paragraphs 1 and 2 of the Recommendation. Section 35 (1) of the Law of 1947 requires workers to receive at least one rest day weekly. A rest day means one calendar day (24 hours beginning at midnight), except for shift work.

Public employees (other than those engaged in operational or special work) receive Saturday afternoon and Sunday off. A work-free day means from midnight to midnight.

Paragraph 3. See under Article 7 of Convention No. 106.

Paragraph 4, subparagraph (1). There is no such provision in existing legislation.

Subparagraph (2). See under Article 8 of Convention No. 106.

Paragraph 5. Sections 89 (1) and 106 (1) of the Law of 1947 require employers of ten or more persons to make and conspicuously display a rule of employment regarding rest days.

Non-work days are made known to national public employees by means of an order issued by the Prime Minister's Office, as well as by instructions and other means. Local public employees are notified by means of by-laws, regulations, etc.

Paragraph 6. Section 108 of the Law of 1947 requires wage ledgers to be kept, which must include entries as to the number of hours worked by each worker on rest days.

No special consideration is being given to the adoption of further measures.

Legislation conforms in principle to the Recommendation, though there are some differences between the contents of its provisions and those of the Recommendation. Moreover, a few of the provisions of the Recommendation are lacking in legislation.

Kuwait

CONVENTION No. 14

See under Recommendation No. 103.

RECOMMENDATION No. 103

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).

Section 36 of the Act of 1959 and section 15 of the Act of 1960 provide that the worker shall receive without pay weekly rest of one whole day (Friday in the public sector). Where circumstances of work require work on that day, payment should be at a rate not less than one-and-a-half times the current daily rate.

Luxembourg

CONVENTION No. 106

Act of 21 August 1913 respecting weekly rest for salaried employees and wage earners.

Consolidated text dated 20 April 1962 of the laws on the hiring of the services of private employees.

Wage earners in commerce and offices are covered by the 1913 Act, salaried employees being in a more favourable position in virtue of the consolidated text of 1962. The Act prohibits work on Sundays (from midnight to midnight). The consolidated text establishes that all salaried employees shall have an uninterrupted weekly rest period of 44 hours, which shall as a rule include Sunday.

The exemptions permitted under the Act of 1913 are in line with Articles 7 and 8 of the Convention, except as regards compensatory rest. In the case of urgent work (section 3 of the Act and Article 8 (1) (a) of the Convention) the weekly rest period may be withheld without compensation, while in the cases provided for in Article 7 of the Convention (sections 2, 4, 5 and 7 of the Act) the rest period may be given in the form of two half-days to be taken as desired over a period of two weeks. Furthermore, there is no statutory requirement for compensation to be given if the work to be done on Sunday is of a transitory nature or does not take more than three hours.

In the consolidated text, which applies to salaried employees, provision is made for two kinds of exception: the weekly rest may be reduced to less than 44 hours

where it is certified by the Labour Inspectorate that the nature of the employee's work is such as to make it impossible for him to take an uninterrupted weekly rest of 44 hours; six days must then be added to his annual leave; work on Sunday is always subject to the authorisation of the Ministry, which as a rule orders that compensatory time off be given.

In principle, therefore, the rest period of 24 hours is guaranteed by the provision on Sunday work.

The consolidated text will be supplemented by measures taken to implement it with respect to hours of work, Sunday work, weekly rest, etc.

The Labour Inspectorate is responsible for supervising the application of the legislation and regulations on paid leave. There is no prescribed procedure for co-operation with the employers' and workers' organisations except in the case of a collective labour dispute; they are none the less afforded every facility for collaborating with the Ministry and with the Labour Inspectorate.

In practice, as well as under the legislation, the essential provisions of the Convention appear to be complied with, the more so since the majority of those employed in commerce and offices are salaried employees. Nevertheless, ratification would necessitate the making of certain minor changes in the Act of 1913. Such changes could be made, however, only as part of a general revision of the enactments on weekly rest for wage earners, and there are no plans for this at the moment.

RECOMMENDATION No. 103

As far as salaried employees are concerned, effect is given to the principle that the weekly rest period should be 36 hours in the consolidated text of 1962. In the case of wage earners—who are in a minority in the branches in question—the rest period may be limited to only 24 hours.

There are at present no special arrangements for young persons.

It is a widespread practice to grant a weekly rest of 36 hours to wage earners also, since in most cases Saturday—or at least Saturday afternoon—is free. For full effect to be given to the Recommendation, however, it would be necessary to make substantial amendments to the Act of 1913; such amendments are not at present envisaged.

Malaya ¹

CONVENTION No. 14

Employment Ordinance, No. 38, 1955 (*L.S.* 1955—Mal. 2).

Weekly Holidays Ordinance, No. 47, 1950 (*L.S.* 1950—Mal. 1).

Legal Notification 366 of 1957.

According to the Employment Ordinance, labourers (as defined by the ordinance and the above legal notification) in industry or otherwise receive a minimum weekly rest of 24 consecutive hours beginning from midnight. Special provision is made for shift workers and for exemption under special circumstances. In practice the weekly rest period is normally 39 hours, and in the case of office and other staff 43½ hours.

¹ This country is now part of Malaysia.

The Weekly Holidays Ordinance provides one whole day's rest weekly, beginning at midnight, without reduction of wages, for all employees of shops in "controlled businesses" (including retail trades, bars, pawnbrokers, hairdressers, tailors, laundries, dry cleaners and dyers). Such shops must remain closed on Friday or Sunday depending upon the employees' race or religion, and all of their employees are given that day off. Certain scheduled shops providing essential services may set the rest period for another day in the week by rotation.

Collective agreements provide weekly rest for a great number of employees not covered by the above ordinances and grant a longer than statutory rest period to employees who are covered by legislation. Most of these agreements require one-and-a-half days' continuous rest weekly.

Government and public employees receive Friday or Sunday off, and work shorter hours on another day. The weekly rest period may extend up to 43½ hours for office and supervisory staff.

In all cases special arrangements may be made for special categories of workers (e.g. in the electrical and transport industries).

The small number of persons not covered by legislation or collective agreements receive weekly rest as a matter of custom or by agreement between worker and employer.

The above ordinances are administered by the Labour and Industrial Relations Department of the Ministry of Labour and Social Welfare. Employers' and workers' organisations co-operate in such administration through the National Joint Labour Advisory Council and the joint works committees.

As regards employees not covered by legislation or collective agreement, it is considered that implementation should be by collective agreement, failing which ratification is not possible.

The provisions of the Convention are appropriate for federal action.

CONVENTION NO. 106

For legislation see under Convention No. 14.

Under the Weekly Holidays Ordinance, employees in "controlled businesses", restaurants and theatres receive a minimum rest of 24 hours for each period of seven days, the rest period being normally 36 to 39 hours.

Collective agreements provide for a weekly rest in favour of a great number of employees in commerce and offices not covered by legislation, and also benefit persons already covered by granting them a much longer weekly rest than required by statute. Such agreements, covering office as well as manual workers, technical, supervisory and other categories of employees, exist, *inter alia*, in the mining and estates industries, commercial houses and agencies, banks, newspapers, motor car agencies and cinemas.

As regards employees not covered by legislation or collective agreement, it is considered that implementation should be by means of collective agreement, failing which ratification is not possible.

The provisions of the Convention are appropriate for federal action.

RECOMMENDATION NO. 103

As regards employees not covered by existing laws or collective agreements, it is considered that implementation should be by collective agreement, failing which full acceptance of the Recommendation is not possible.

Mali

CONVENTION No. 106

Labour Code: Act No. 62-67/AN-RM of 9 August 1962 (*Journal officiel*, 15 Oct. 1962, No. 128).

A weekly rest period of 24 consecutive hours, falling on Sunday, is prescribed by section 147 of the Labour Code.

The possibility is afforded under the law of granting the weekly rest in shifts in certain cases, and it is likewise authorised in the case of retail food establishments for the weekly rest period to begin on Sunday at noon, it being obligatory for compensatory time off to be granted.

The Labour Inspectorate is responsible for the supervision of the application of the statutory provisions.

The application of the provisions on weekly rest has never given rise to difficulties as far as commerce and office work are concerned.

Mexico

RECOMMENDATION No. 103

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Decree of 29 November 1952 (*Diario Oficial*, 29 Nov. 1952, p. 7).

Regulations of the Federal Labour Inspectorate, 1934 (*Legislación sobre trabajo*, Ediciones Andrade S.A., 6th Ed., 1960, Vol. I, p. 639).

Paragraph 1 of the Recommendation. In practice offices do not work on Sundays or on Saturday afternoons. In any case, offices are not allowed to stay open after 5 p.m. Commercial establishments in the Federal District must close their doors to the public on Saturday at 8 p.m. and remain closed all day Sunday, reopening on Monday at 10 a.m. During the period from 1 December to 5 January inclusive each year, however, commercial establishments in the Federal District may remain open for two hours longer than the statutory limit (Decree of 29 November 1952). In view of the above, employees in commerce and offices enjoy an uninterrupted weekly rest of 36 hours.

Paragraph 2. The weekly rest provided for by Article 6 of Convention No. 106 includes the period from midnight to midnight.

Paragraph 3, subparagraph (a). It is not permissible for the compulsory weekly rest period to be suspended or deferred in commerce and offices. In certain cases it is not obligatory for Sunday to be a day of rest, but then compensatory time off must be given during the week. At all events every worker is entitled to weekly rest after six consecutive days' work.

Subparagraph (b). The 24 consecutive hours of weekly rest may not be divided into parts or denied to the worker.

Paragraph 4, subparagraph (1). It is not possible at present for young persons under 18 years of age to be granted an uninterrupted weekly rest of two days.

Subparagraph (2). See under Convention No. 106, Report III (I).

Paragraphs 5 and 6. See Paragraph 4, subparagraph (2), above.

Paragraph 7. The provisions of this Paragraph have been taken into account.

The Federal Inspectors of Labour are responsible for supervising the application of the law with respect to weekly rest (section 13 of the Regulations of the Federal Labour Inspectorate).

It is not considered likely that new measures will be adopted in respect of weekly rest. It is more probable that any modifications which it may be deemed appropriate to make in the legislation will be along the lines required by the Convention.

The view is expressed that the provisions of the Recommendation are appropriate for federal action, but may also be suitable for action at the local level.

Morocco

CONVENTION No. 106

Dahir of 21 July 1947 respecting weekly rest and public holidays (*L.S.* 1947—Mor. 2).

Order of 25 July 1947 to regulate supervision of the administration of the Dahir of 21 July 1947 respecting weekly rest and public holidays, as amended by the Orders of 22 March 1950 and 29 June 1953.

Vizirial Order of 8 May 1931 to supplement the schedule of establishments authorised to grant the weekly rest in rotation, as amended and supplemented by the Orders of 23 September 1946 and 2 June 1947.

Order of 25 August 1947 to issue the schedule of establishments authorised to suspend the weekly rest day.

Order of the Minister of Labour and Social Affairs of 13 July 1958 to extend to the northern zone and to the province of Tangier certain provisions of the labour legislation applicable to the southern zone.

Order of 8 May 1937 respecting the application to the wholesale and semi-wholesale trade in goods of all descriptions of the Dahir of 18 June 1936 to issue regulations in respect of hours of work.

The labour legislation conforms in every respect to the provisions of the Convention. The list of establishments to be covered given in Articles 2 and 3 of the Convention is given expression in section 2 of the Dahir of 21 July 1947.

Under the legislation the rules relating to weekly rest are applicable to all establishments, whether industrial or commercial. There is therefore no need to take measures to define the line which separates different categories of establishments.

Neither establishments in which only members of the employer's family are employed nor persons holding high managerial positions are excluded from the scope of the law. The officials responsible for labour inspection take the view, however, that as far as these two categories of workers are concerned the statutory provisions relating to weekly rest need not be strictly enforced.

Under sections 4 and 5 of the Dahir of 21 July 1947 no salaried employee, workman or apprentice may be required to work more than six days a week, and the weekly rest period must be not less than 24 consecutive hours reckoned from midnight to midnight, and should be the same day for all the employees of an establishment—either Friday, Saturday or Sunday, or the day of the *souk* (local weekly market). In this way the traditions of the country are respected, as may be those of any religious minorities.

Section 6 of the same dahir lists a number of establishments—including hotels, hospitals, news and entertainment undertakings, transport undertakings, etc.—which are permitted by law to allow their employees weekly rest in rotation. In addition, sections 18 to 23 and 25 to 29 provide for special rest arrangements for certain skilled workers engaged in maintenance work, the granting of half-day rest periods to the employees of retail food establishments and the withholding of rest periods during the holidays at Christmas and the New Year, on local holidays, or for stocktaking.

To these special cases may be added the temporary exemptions which may be granted in case of accident, *force majeure*, urgent work or abnormal pressure of work, or in order to prevent the loss of perishable goods.

Under section 10 of the Dahir of 21 July 1947, at the request of at least two-thirds of the employers and of the employees engaged in the same occupation in a given administrative division, town or neighbourhood the Minister of Labour and Social Affairs may fix by order the arrangements for weekly rest, which in the great majority of cases are the same (the texts of orders issued to this effect may be found in the compilation *Législation marocaine du travail*, by P. Lancré). Moreover, the Order of 25 August 1947 issued a schedule of establishments authorised to suspend the weekly rest day 15 times a year in the case of commercial undertakings which function only at certain seasons of the year and not more than ten times a year in the case of commercial establishments which are required at certain times to cope with an abnormal rush of work.

The enforcement of the legislation is entrusted to the labour inspectors and supervision officers.

There is nothing to prevent ratification, which will take place shortly.

RECOMMENDATION NO. 103

The law provides that in wholesale and semi-wholesale trading establishments a weekly half-day of rest should be granted to employees on the day preceding or following the day set aside for weekly rest in the establishment. Many other establishments, such as banks, engineering and design departments, chemists' shops, etc., give their employees a weekly rest of 36 consecutive hours.

Workers under 18 years of age are not entitled to a weekly rest period different from that of other workers.

Collective agreements provide for more favourable conditions than those prescribed by the law in respect of weekly rest.

The Government is looking into the possibility of giving more widespread effect to the provisions of the Recommendation.

Netherlands

CONVENTION NO. 14

Labour Act, 1919, as amended by the Act of 1930 (*Staatsblad (Sbl.)*, No. 261) (*L.S.* 1930—Neth. 2). Decree of 13 February 1939 to issue mining regulations (*Sbl.*, No. 841).

Hours of Work (Factories and Workshops) Decree of 8 September 1936 (*Sbl.*, No. 862) (*L.S.* 1936—Neth. 2).

Driving Hours Decree of 12 November 1960 (*Sbl.*, No. 469).

Decree of 28 August 1958 respecting hours of work for the remaining groups (*Sbl.*, No. 492).

Land Transport Workers (Hours of Rest) Decree of 6 June 1929 (*Sbl.*, No. 306).

Decree of 15 May 1933 to issue general service regulations for railways (*Sbl.*, No. 277) (*L.S.* 1933—Neth. 3).

Decree of 24 February 1920 to issue regulations for tramways (*Sbl.*, No. 85).

Binding Regulations for crews in inland navigation (*Staatscourant (Sc.)*, 22 Nov. 1961, No. 228; 17 May 1962, No. 95; 3 July 1962, No. 126; and 8 Nov. 1962, No. 218).

Binding Regulations for the regular service to Belgium (*Sc.*, 3 July 1962, No. 126).

Collective agreement for the regular barge service on inland waterways (*Sc.*, 1 Oct. 1962, No. 190). Stevedores Act, 1914 (*Sbl.*, No. 486), as amended in 1938 (*Sbl.*, No. 802).

Hours of Work Decree of 11 July 1939 pertaining to the Stevedores Act (*Sbl.*, No. 858).

Hours of Work (Warehouses) Decree of 11 August 1954 (*Sbl.*, No. 391), as amended in 1958 (*Sbl.*, No. 358).

Article 1, paragraph 1 (a), of the Convention. Under section 202 of the Mining Regulations Sunday work is forbidden.

Paragraph 1 (*b*) and (*c*). Employees in the industries referred to in these subparagraphs are not allowed to work on Sundays or on Saturdays after 1 p.m. (sections 22 and 23 of the Labour Act).

Paragraph 1 (*d*). Section 16 of the Decree of 1960 grants motor vehicle employees a minimum weekly rest of 36 hours, 23 of which must fall on one calendar day. Section 17 requires this day to be Sunday for persons under 18, or at least every third Sunday for persons over 18. Under section 5 of the Decree of 1958, workers on other than motor vehicles also receive at least 36 hours of weekly rest. Sections 2 and 3 of the Decree of 1929 permit the workers concerned to work on Sundays only under certain conditions.

Pursuant to section 98 of the Decree of 1933, railway transport workers receive a minimum weekly rest of 36 hours, including at least every third Sunday. Section 76 of the Tramway Regulations grants tramway workers a weekly rest period of at least 30 hours, also including every third Sunday.

The binding regulations and collective agreement listed above establish special schemes providing up to two days of rest weekly for the navigation workers concerned. Under section 10 of the Stevedores Act, as amended, dockers are free on Sundays, and the Decree of 1939 forbids them to work after 1.30 p.m. on Saturdays.

The Decree of 1954 allows warehouse personnel a weekly uninterrupted rest period of 36 hours, which shall include Sunday.

Article 2. Labour legislation prescribes a weekly rest period of at least 24 hours, as a rule on Sunday, for all workers in the industries enumerated in Article 1, excepting a few branches of inland navigation. Separate decrees may provide exemptions regarding the duration or day of the rest period, but in many of these cases compensatory rest is compulsory.

Separate decrees may also exempt executive staff and other high-salaried personnel from the statutory regulations; this does not imply that such persons do not enjoy a weekly day of rest.

Article 5. Section 58 of the Decree of 1936 provides for a compensation in many of the cases of exemption from the statutory regulations.

In practice the majority of workers in the industries covered by the Convention enjoy two days of weekly rest.

The observance of the statutory regulations is supervised by the Labour Inspectorate, the Directorate-General of Transport, the State Coal Mines Inspectorate and the Inspectorate for Dock Works.

Regulations are being envisaged for workers in inland navigation not yet covered by existing regulations.

CONVENTION NO. 106

Labour Act, 1919, as amended by the Act of 1930 (*Staatsblad (Sbl.)*, No. 261) and the Act of 21 January 1960 (*Sbl.*, No. 37).

Decree of 3 June 1924 (*Staatscourant*, No. 111).

Decree of 12 June 1931 to prescribe general regulations for civil servants (*Sbl.*, No. 248).

Labour Contracts Decree of 3 August 1931 (*Sbl.*, No. 354).

Civil Servants Act, 1929 (*Sbl.*, No. 530).

Hours of Work (Offices) Decree, 1937 (*Sbl.*, No. 844), as amended by Decree of 9 November 1960 (*Sbl.*, No. 512).

Hours of Work (Shops) Decree, 1932 (*Sbl.*, No. 84), as amended.

Hours of Work (Pharmacies) Decree, 1932 (*Sbl.*, No. 537).

Hours of Work (Warehouses) Decree, 1954 (*Sbl.*, No. 391).

Nursing Decree, 1957 (*Sbl.*, No. 196).

Hours of Work (Cinemas) Decree, 1958 (*Sbl.*, No. 128).

Hours of Work (Café and Hotel Employees) Decree, 1949 (*Sbl.*, No. J 352).

Act of 13 July 1951 prohibiting dance or light music on Mondays (*Sbl.*, No. 281).

Hours of Work (Bathing Establishments and Swimming Pools) Decree, 1958 (*Sbl.*, No. 127).

Decree of 28 August 1958 respecting hours of work for the remaining groups (*Sbl.*, No. 492).

Practically all workers covered by the Convention receive at least 36 hours of weekly rest by law.

As regards office workers, sections 49 and 50 of the Labour Act forbid work on Sundays and Saturdays after 1 p.m., and section 2 (*a*) of the Decree of 1937 prescribes an uninterrupted weekly rest period of 36 hours.

Pursuant to sections 45 of the Labour Act and 1 (1) of the Hours of Work (Shops) Decree Sunday work in shops is forbidden. Section 2 (1) of the decree prescribes a minimum weekly uninterrupted rest of 36 hours, as does other legislation in respect of pharmacies, warehouses, nursing institutions, cinemas, cafés and hotels, newspaper undertakings (except for journalistic activities) and bathing establishments (see, respectively, section 57 (2) (*a*) of the Labour Act; section 3 of the Decree of 1954; section 5 of the Decree of 1957; section 4 of the Hours of Work (Cinemas) Decree of 1958; section 7 (1) of the Decree of 1949; section 4 (2) (*c*) of the Labour Act; and sections 4, 5 and 10 of the Hours of Work (Bathing Establishments and Swimming Pools) Decree of 1958. Section 5 of the Decree respecting hours of work for the remaining groups prescribes a minimum uninterrupted weekly rest of 36 hours for each worker.

According to the Decrees of 12 June 1931 and 3 August 1931 civil servants (including telecommunications employees) may be required to work on Sundays only if this is unavoidable. In addition, pursuant to ministerial regulations, practically all of these workers are free on Saturdays. Local public clerical workers enjoy a similar weekly rest (sections 125 and 134 of the Act of 1929) and are generally free on Saturdays and Sundays.

Musicians in cafés and hotels receive one rest day weekly (section 11 of the Decree of 1949).

A number of the above legislative texts prohibit Sunday work by young persons.

In accordance with section 91 of the Labour Act, weekly rest regulations may exclude management and other high-salaried personnel.

Derogations as regards the duration of weekly rest are possible, but in most of these cases a compensatory rest period is compulsory. Sections 2 and 3 of the Hours of Work (Shops) Decree permit exemptions as regards shop workers provided that a compensatory rest period is granted.

Section 13 of the Labour Act establishes a procedure whereby employees may eventually enjoy their weekly rest on a day other than Sunday for religious reasons.

The Labour Inspectorate is responsible for supervising the application of the above legislation (except as regards civil servants).

The Labour Act and the Decree of 1937 have been amended to bring them into line with the provisions of the Convention. The possibility of ratification is being considered.

RECOMMENDATION NO. 103

Paragraph 2 of the Recommendation. In nearly all cases the regulations prescribe that the weekly period of rest runs from midnight to midnight.

Paragraph 3. This provision is observed in almost all cases.

Paragraph 4. Although there are no legislative provisions, a large number of workers now work a five-day week.

Paragraphs 5 and 6. Sections 68 and 69 of the Labour Act dealing with work lists and work registers comply with these provisions.

Practically all of the provisions of the Recommendation are applied. Further measures are not being considered at present.

New Zealand

CONVENTION No. 106

Industrial Conciliation and Arbitration Act, 1954.

Shops and Offices Act, 1955.

Police Offences Act, 1927.

New Zealand Statutes, Reprint, 1908-57.

Article 1 of the Convention. A 40-hour, five-day working week is applied generally throughout government services. In the private sector, provision is made for weekly rest by national laws, regulations, awards, collective agreements and custom. Penalty wages are imposed for work undertaken outside statutory limits.

Article 3. In case of ratification the various establishments listed in this Article would be excluded, initially at least.

Article 4. The Government would take appropriate action along the lines of this Article.

Article 5. In case of ratification advantage would, initially at least, be taken of this Article. Section 2 (c) of the Act of 1955 excludes from the definition of "shop assistant" persons employed in the general management and control of a shop whose wages exceed an amount prescribed from time to time.

Article 6, paragraph 1. With the exception of certain religious sects, Sunday is traditionally a day of rest for all workers other than those in public service required to be on duty on that day. In such cases minimal staff is employed. The Act of 1927 makes it an offence to exercise one's trade or calling in public on Sunday. The Act of 1955 grants shop assistants an eight-hour day, 40-hour week, with two work-free days weekly.

Most workers in commerce and offices are directly affected by sections 149 and 150 of the Act of 1954, which provide that the maximum number of hours, exclusive of overtime, to be worked by any worker bound by an award shall be 40 hours per week, with Saturday a work-free day. Exception may be made, after hearing the representative employers' and workers' organisations concerned, in cases where the application of such hours in an industry would be impracticable.

While in some cases daily hours of work vary to cater for late night shopping on one day of the week, the ordinary hours of work fixed by awards covering a wide variety of employees in commerce and offices range from 37½ to 40 hours per week, mainly on Monday to Friday inclusive, but in some cases including Saturday morning.

Paragraph 2. An Act of 1959 allows shops to be exempted in the public interest from the ordinary closing provisions. Usually concerned are small family-run dairies and beach refreshment shops.

While the majority of workers in commerce and offices have Sunday free, most in fact enjoy a minimum of two days' continuous rest on Saturday and Sunday. A very limited number work on Saturday morning.

Workers in general enjoy their weekly rest simultaneously, though this is not practicable with regard to hotels, theatres, newspapers and transport offices, and similar establishments.

Paragraph 3. See paragraphs 1 and 2 above.

Paragraph 4. The desire of religious minorities to observe their day of rest on a day other than Sunday is fully respected, but they may not contravene the law respecting Sunday observance.

Article 7. There does not appear to have been occasion for introducing schemes of weekly rest.

Article 8, paragraphs 1 and 2. The system of permits as contemplated by this Article would be unworkable. The Government refers to its reply to the Office questionnaire published in *Weekly Rest in Commerce and Offices*, Report VII (2), International Labour Conference, 39th Session, Geneva, 1956, p. 42.

The circumstances under which workers might be called back for week-end work would not necessarily be confined to those listed under paragraph 1 (a), (b) and (c).

Paragraph 3. There is no provision for granting compensatory periods of rest where workers are called back for weekend work.

Article 9. In all cases where working hours have been reduced, this has been done without reduction in pay.

Article 10, paragraph 1. Supervision by the Labour Department of the application of the Acts of 1954 and 1955 and of awards, etc., is aimed mainly at ensuring remuneration at the proper rates for time and overtime.

Paragraph 2. The Acts of 1954 and 1955 provide penalties for violation of awards and industrial agreements.

Article 11, paragraph (a). No special schemes of weekly rest are known to exist.

Paragraph (b). The system of imposing penalty rates for overtime, in preference to the system of permits contemplated by the Convention, precludes compliance with this provision.

Article 12. No retrogressive action of this nature would be considered.

Article 13. The provision is noted.

No measures are contemplated to bring procedures into line with those required under the Convention. Compliance with the requirement of a minimum of 24 hours' rest weekly for workers in commerce and offices would present no difficulty. However, the procedures included in the Convention (e.g. system of permits and of prior consultation with employers' and workers' organisations, and the listing of a narrow range of cases permitting derogations from weekly rest) make the instrument impracticable for adoption. It would not be desirable to depart from the present system, under which workers not only secure a weekly rest far in advance of that required by the Convention, but also enjoy the advantage of procedures which take into account the individual circumstances of workers and employers.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. The practical effect of sections 149 and 150 of the Act of 1954 is that for a great number of workers there is an uninterrupted

rest period of 59 to 64 hours, i.e. from 5 p.m. (office workers) or 9 p.m. (shop workers) on Friday until 8.30 to 9 a.m. on Monday.

The exigencies of the government-run post office and railway services occasion some adjustment of the normal 37½- to 40-hour week over a greater period than five days for certain limited classes of workers.

Paragraph 2. The great majority of workers in commerce and offices enjoy an uninterrupted weekly rest period of 48 hours (midnight Friday until midnight Sunday).

Paragraph 3. No special provision has been made in legislation for special rest schemes, nor is any contemplated. Overtime work is voluntary and compensated at penalty rates.

Paragraph 4, subparagraph (1). Neither legislation nor practice makes a distinction on the basis of age as regards weekly rest.

Subparagraph (2). Section 13 of the Act of 1955 forbids persons under 16 to be employed in shops before 7 a.m., and males under 18 or females after 10.30 p.m. Section 15 (1) of the Act provides that shop assistants under 16 must enjoy at least one day per week free of extended hours, and that extended hours for females shall not exceed three on any day, or nine in any week, or 120 (200 with the Minister's consent) in any year.

Paragraph 5. There is no legislative requirement in this connection. All workers in commerce and offices ordinarily enjoy their weekly rest at the weekend, except in such concerns as transport offices where, in the public interest, a skeleton staff is usually required. In such cases, there is usually a well-established roster or routine.

Paragraph 6. The Acts of 1954 and 1955 require the keeping of time and wages books, which are subject to inspection by the Labour Department and the primary purpose of which is to indicate that the worker has received the appropriate wages for time and overtime.

Paragraph 7. The 40-hour, five-day working week which has been in general operation for over 20 years was effected without reduction in wages. This Paragraph is therefore inapplicable.

No measures are contemplated to give effect to the provisions of the Recommendation not yet covered by legislation or practice. Modifications required would relate mainly to special schemes of weekly rest, restriction on overtime encroaching on the weekly rest period, maintenance of records specifically for weekly rest purposes and exclusion of the classes of concerns and persons allowed under Convention No. 106.

Nicaragua

CONVENTION NO. 106

Constitution of 1 November 1950 (L.S. 1950—Nic. 1).

Labour Code of 12 January 1945 (L.S. 1945—Nic. 1).

Section 95 (2) of the Constitution guarantees to all workers a compulsory weekly rest. Decree No. 765, which amends section 57 of the Labour Code, establishes that after every six days of continuous work the worker is entitled to a day of rest. This day of rest should be granted as far as possible on Sunday.

Section 1 of Decree No. 765 sets forth the cases when exceptions may be made to the general rule in respect of weekly rest. In cases where work has been performed on a compulsory rest day and compensatory time off has not been granted, remuneration must be given in respect of that day at twice the normal rate of pay (section 5 of Decree No. 765).

Under the legislative enactments cited all employees throughout the country are entitled to a weekly rest, whether they be employees in industry, commerce or offices.

RECOMMENDATION NO. 103

See under Convention No. 106.

Niger

CONVENTION NO. 106

Labour Code: Act No. 62-12 of 13 July 1962.

Order No. 1713 of 23 July 1953 to determine the manner of application of the provisions on weekly rest.

Order No. 1758 of 31 July 1953 to determine the retail food establishments where the weekly rest period may begin on Sunday at noon.

Order No. 399 of 19 February 1954 to amend Order No. 1713.

Weekly rest is compulsory. It must consist of at least 24 consecutive hours each week, and must fall as a rule on Sunday (section 118 of the Labour Code).

The granting of weekly rest in shifts is authorised in the case of certain undertakings.

It is not compulsory for compensatory time off to be given in the event of an exception being made to the rule in respect of weekly rest for reasons of urgent work which must be done immediately in order to prevent an imminent accident or to repair accidental damage to the equipment, installations or premises of the establishment.

Such exceptions may not be applied to women or children.

Supervision of the application of the legislation and regulations is the responsibility of the labour inspectors.

No modifications are planned with a view to giving effect to all or some of the provisions of the Convention, and there are no difficulties due to the Convention or to national practice which prevent the ratification of the Convention.

RECOMMENDATION NO. 103

See under Convention No. 106.

Norway

CONVENTION NO. 106

Workers' Protection Act of 7 December 1956 (*L.S.* 1956—Nor. 2), as amended by Acts of 28 November 1958 and 13 April 1962.

Article 2 of the Convention. Public management is covered by the Workers' Protection Act.

Article 3. Entertainment work and educational and training personnel are not covered by section 28 (3) of the Act (see section 18 (6) and (7) of the Act). In case of ratification these categories would have to be excluded.

Article 6, paragraph 1. Section 28 (3) of the Act prescribes a minimum weekly rest of 24 consecutive hours in accordance with this paragraph.

Articles 7 and 8. There do not appear to be any individual or collective agreements containing the provisions found in these Articles.

Article 8, paragraph 2. The Act does not contain such a provision, but employers' and workers' organisations are called upon in practice.

Paragraph 3. No provision is made for compensatory rest for work performed on a rest day pursuant to section 21 (a) to (h) of the Act. Section 29 of the Act does not provide compensation for work during rest breaks. These discrepancies are a bar to ratification.

The supervision of application of the Act is entrusted to the State Labour Inspection Service and local labour inspection services (section 54).

Except as mentioned above, the Act's provisions conform with the Convention. It is not intended to adopt any measures giving effect to those provisions of the Convention not yet covered by legislation or practice.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. This is not covered by legislation, but its provision is applied in practice to a large extent. For example, collective agreements prescribe a minimum weekly rest of 36 hours, and introduction of the 45-hour week has made possible a five-day working week. In addition, it happens occasionally that Saturday—or every other Saturday—is a work-free day in the public and private sectors.

Paragraphs 2 to 7. The legislation does not contain provisions corresponding to these Paragraphs.

No new measures are envisaged.

Pakistan

RECOMMENDATION NO. 103

Railways Act, 1890.

Punjab Trade Employees Act, 1940.

Sind Shops and Establishments Act, 1940.

Weekly Holiday Act, 1942.

North-West Frontier Province Trade Employees Act, 1947.

East Bengal Shops and Establishments Act, 1951.

Working Journalists (Conditions of Service) Ordinance, 1960.

Working Journalists (Miscellaneous) Rules, 1960.

Except for essentially intermittent employment, the Act of 1890 entitles railway servants to a minimum weekly rest of 24 hours, commencing on Sunday. The Act of 1951 provides for one-and-a-half days' holiday weekly, whereas the Acts of 1940, 1947 and 1942 each prescribe one weekly holiday, the last-mentioned Act applying

to persons employed in any shop, restaurant or theatre (except those employed in a confidential capacity or in a position of management). Under the 1960 Rules, working journalists receive a minimum weekly rest of 24 consecutive hours, with full wages.

Office employees in government, important commercial firms and factories not covered by any of the above legislation are allowed at least one day's weekly rest as a general rule.

None of the above laws provides for an uninterrupted weekly rest of two days for persons under 18.

All of the above laws or rules made thereunder provide for the conspicuous posting of notices of the days fixed for weekly rest.

The Acts of 1940, 1942, 1947 and 1951 prohibit deductions from wages on account of weekly rest.

The Recommendation has been accepted, except for Paragraphs 1, 2, 4 (1) and 7.

Philippines

CONVENTION NO. 14

Republic Act No. 946 (Blue Sunday Law) of 20 June 1953.

The above Act prohibits work on Sunday and holidays from midnight to midnight. Provision is made for certain exceptions, which the Secretary of Labor is authorised to broaden in case of uninteruptable or indispensable work. The Act also authorises local officials to permit emergency work.

The Act is enforced by the Department of Labor.

A legislative proposal implementing the Convention has been submitted to the Department of Labor.

CONVENTION NO. 106

Republic Act No. 946 (Blue Sunday Law) of 20 June 1953.

Blue Sunday Law Rules and Regulations of 15 October 1954, as amended.

Section 1 of the Blue Sunday Law requires commercial establishments, *inter alia*, to remain closed on Sundays and holidays from midnight to midnight. Section 2 lists numerous exemptions from this rule, and section 4 authorises the Secretary of Labor to make additional exemptions where necessary. The above rules and regulations lay down a number of such exemptions, including one for enterprises in which the majority of workers rest and worship on days other than Sundays. The Department of Labor is primarily responsible for the enforcement and administration of the above Law and implementing the rules and regulations.

As the population, though predominantly Catholic, is composed of assorted religious sects, a Bill has been proposed requiring a weekly rest of 24 uninterrupted hours to coincide with the rest day established by local traditions and customs, including those of religious minorities, and providing equivalent compensatory rest where the employee works on his rest day for justifiable reasons.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. Section 1 of the proposed Bill prescribing a weekly rest for employees in any undertaking or enterprise grants the employees concerned an uninterrupted period of not less than 24 hours every seven days.

Paragraph 2. As with the Blue Sunday Law, the above period is presumed to run from midnight to midnight and to exclude any rest period preceding the contemplated 24-hour rest.

Paragraph 3. Section 2 of the proposed Bill allows the employer to fix and schedule the weekly rest, subject to any collective agreement granting a longer rest period and to the religious beliefs of employees who observe a day of rest other than Sunday. Workers required to work on their weekly rest day receive a compensatory rest equivalent to 24 hours.

Paragraph 4. The subject of minor workers falls within the jurisdiction of the Bureau of Women and Minors.

Paragraph 5. The proposed Bill does not provide for workers to be given notice of details regarding a special weekly rest day, but such provision may be included in implementing rules and regulations issued by the Department of Labor upon successful application of workers seeking a special day as weekly rest.

Paragraph 6. Although the Bill does not provide for the keeping of records necessary to the administration of weekly rest arrangements, it may be amended to make such provision.

Paragraph 7. Section 5 of the proposed Bill makes it unlawful for employers to reduce remuneration or discriminate against employees by reason of the Bill.

The Bill fixes stiff penalties to ensure compliance.

Poland

CONVENTION NO. 106

Act of 18 December 1919 respecting hours of work in industry and commerce (*Dziennik Ustaw* (*D.U.*), 1933, No. 94, Text 734) (*L.S.* 1920—Pol. 1), as amended.

Act of 2 July 1958 respecting trade training, instruction in a specific job and the conditions of employment of young persons (*D.U.*, 1958, No. 45, Text 226) (*L.S.* 1958—Pol. 2), as amended.

Under the legislation work on Sundays and public holidays is prohibited save in certain exceptional cases. In a case of the latter type, if work is done on a Sunday a day off during the week must be given, and if work is done on a public holiday either a day off or overtime pay in respect of the hours worked must be given.

The authorities entrusted with the supervision of the application of the legislation in this respect are the trade unions (in particular the General Inspectorate for Employment Protection, attached to the Central Council of Trade Unions), the arbitration boards and the courts, as well as the managements of establishments. In addition a general judicial surveillance is exercised through the Ministry for Home Affairs.

It is planned to propose ratification to the competent authorities in the very near future.

RECOMMENDATION NO. 103

With the exception of Paragraph 4 (1), the Recommendation is in keeping, generally speaking, with the legislation of the country as well as with national practice. There is no legislation providing for an uninterrupted weekly rest of 36 hours, but in practice this provision is usually observed.

The measures in force do not provide that workers under 18 years of age should have an uninterrupted weekly rest of 48 hours. It is not intended, at the present time, however, to take any measures to bring this into effect, since young workers do enjoy special privileges with regard to annual leave with pay and hours of work (Act of 2 July 1958).

In cases where it is necessary to work on Sundays, the workers are entitled to a day off during the week. Moreover, at least once every three weeks the day of rest must be given on a Sunday.

Rumania

CONVENTION No. 106

Constitution: Act No. 114 of 5 April 1948 (*L.S.* 1948—Rum. 1).

Labour Code of 30 May 1950 (*Scântea*, 31 May 1950) (*L.S.* 1950—Rum. 1).

Decisions of the Council of Ministers Nos. 1933/1955, 76/1957 and 1008/1962.

The Labour Code recognises the right of all workers, whatever the sector of employment or the unit in which they work, to a weekly rest period of at least 24 consecutive hours, as a rule on Sundays (sections 6 and 21 of the Code). Rules adopted within the undertaking fix the day of rest other than Sunday in undertakings where Sunday work is compulsory by the very nature of the undertaking (theatres, restaurants, etc.). The weekly rest period may be granted under a roster system in units which work every day of the week.

Rules adopted within the undertaking in consultation with the trade union committees are communicated to the workers and posted up in a conspicuous place (section 24 of the Code).

Section 54 of the Code authorises certain exceptions to the principle of weekly rest (in the event of danger or local disasters, to avoid a loss of equipment, etc.). A compensatory rest period in respect of hours worked on the weekly rest day must be granted within the next two weeks, and the units must maintain a detailed register of such compensatory rest periods. Persons under 18 years of age may not be called upon to work overtime.

Decision No. 1933 of 1955 provides for a system of administrative fines for contravening the provisions of labour legislation.

The application of the provisions concerning weekly rest is ensured by the official Health and Labour Protection Inspectorate of the Ministry of Health and Social Insurance, the official regional and urban health and labour protection inspectorates, the state labour and wages committees, the Director of Public Prosecutions, trade union bodies and the Central Council of Trade Unions.

RECOMMENDATION No. 103

See under Convention No. 106.

Rwanda

CONVENTION No. 106

The obligation to grant a weekly rest period is properly complied with in the case of office staff. There are no offices in the country which stay open on Sundays, with

the exception of post offices and those connected with transport and telecommunications.

RECOMMENDATION No. 103

Decree of 14 March 1957 respecting weekly rest.

Weekly rest is observed in commercial establishments. Shops are open only from 8 a.m. to noon on the weekly rest day, and closed in the afternoons.

See also under Convention No. 106.

Senegal

CONVENTION No. 106

Order No. 4212 IT of 26 June 1953 to establish the methods of giving effect to the weekly period of rest (*Journal officiel*, 11 July 1953, No. 2825, p. 742).

Order No. 4213bis IT of 26 June 1953 to determine the establishments for the retail sale of provisions in which the weekly period of rest can be given from midday on Sunday.

The inspectors of labour and social security are responsible for supervising the implementation of the legislative and statutory provisions on the weekly period of rest.

It is not easy to have these orders carried out, since the businesses are scattered over the whole territory and it is very often difficult to know whether they employ paid staff or not. Under pressure from the co-operative movement the small businesses are gradually disappearing, and this will make possible a ratification of the Convention in the fairly near future.

RECOMMENDATION No. 103

The state of the economy does not for the moment allow the legislation to be amended to give effect to the provisions of the Recommendation.

Spain

CONVENTION No. 106

Act of 13 July 1940 respecting Sunday rest (*Boletín Oficial del Estado (B.O.E.)*, 18 July 1940, No. 200, p. 5000) (*L.S.* 1940—Sp. 7C).

Decree of 25 January 1941.

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (*B.O.E.*, 23 Oct. 1942, No. 296, p. 8462) (*L.S.* 1942—Sp. 2).

Act of 24 April 1958 respecting trade union collective agreements (*B.O.E.*, 25 Apr. 1958, No. 99, p. 739) (*L.S.* 1958—Sp. 1).

Act of 21 July 1962.

Decree of 17 January 1963.

Sections 1, 2 and 6 of the Act of 13 July 1940 and the corresponding provisions in the regulations issued for its administration (Decree of 25 January 1941) apply the principle of weekly rest to commerce and offices.

All work entailing human activity by the exercise of the physical faculties and likewise intellectual work on account of another is prohibited on Sundays (section 1 of the Act of 13 July 1940).

Sunday is deemed to begin at midnight on the preceding day, and the duration of the rest period is 24 consecutive hours (section 2). Section 6 of the Act of 13 July 1940 allows for exceptions to be made to the rule in respect of weekly rest and provides that workers employed on a Sunday shall be entitled to a continuous rest period of 24 hours within a week, irrespective of the fact that they have been allowed a break of one hour on that Sunday. The same section stipulates that no reduction may be made in their wages.

Sections 33 ff. of the Decree of 25 January 1941 refers to the prohibition of work on Sundays in journalistic undertakings and agencies.

Under the Act of 21 July 1962 the Labour Inspectorate is the authority entrusted with the supervision of the application of the measures relating to annual leave with pay.

It has not been necessary to make any modifications in the national legislation or practice.

RECOMMENDATION NO. 103

A great many employment regulations and collective agreements embody the principle of a weekly rest period of 36 hours (covering Saturday afternoon and the whole of Sunday).

Responsibility for the enforcement of the legislation on annual leave with pay rests with the Labour Inspectorate in virtue of the Act of 21 July 1962.

The practice of a weekly rest period of 36 hours, although widely followed in offices, is not followed in commerce, and there are at present no plans for its extension.

Sweden

CONVENTION NO. 106

Workers' Protection Act of 3 January 1949 (*L.S.* 1949—Swe. 1).

Section 21 of the above Act grants employees in industry, commerce and offices a minimum weekly rest of 24 consecutive hours, except under special circumstances. Exceptions may be permitted by the Workers' Protection Board, after hearing the appropriate workers' and employers' organisations. Provision is made for compensatory rest, to the extent possible, in case of reduction in weekly rest.

Persons nominated by the representative workers' and employers' organisations take part in the decisions of the Workers' Protection Board concerning weekly rest. As a rule, the trade union concerned is allowed to state its views before a final decision is made.

Application of weekly rest provisions is supervised by the Workers' Protection Board, the State Labour Inspectorate and municipal supervisors.

For all practical purposes, legislation covers the provisions of the Convention. However, ratification is prevented by the following: the exception allowed in Article 5, paragraph (a), of the Convention is less extensive than the corresponding exception in the above Act; the provisions of Article 6 are stricter than those of the Act; the provisions of Articles 7 and 8 concerning compensatory rest may be stricter than those of the Act.

RECOMMENDATION NO. 103

There is no legislation covering the provisions of the Recommendation, which, however, seem to be met in practice.

Paragraph 1 of the Recommendation. This provision is on the whole fulfilled in commerce and offices, with certain exceptions.

Paragraph 2. The provision that weekly rest should include the period from midnight to midnight is largely fulfilled in practice.

Paragraph 3, subparagraph (a). As few exceptions are granted nowadays, the problem is of little practical importance.

Subparagraph (b). This provision is as a rule fulfilled.

Paragraph 4, subparagraph (1). This provision is difficult to satisfy, the work of young persons being so closely connected with that of adults.

Subparagraph (2). Though exceptions granted make no distinction between adults and young persons, they cover the latter only to a very limited extent.

No legislation is contemplated to give effect to the Recommendation.

Switzerland

CONVENTION No. 106

Federal Act of 26 September 1931 respecting weekly rest (*L.S.* 1931—Switz. 9).

Regulations issued on 11 June 1934 for the administration of the Federal Act respecting weekly rest.

Under sections 5 (1) and 6 (1) of the above-mentioned Act, a weekly rest period of not less than 24 consecutive hours must be granted to all employees, as a rule on Sunday.

Section 9 of the Act states the cases when an exception may be made to this rule, which include the case where this is necessary for the operation, supervision or maintenance of the undertaking, or for other urgent reasons.

Under section 7, if work is performed on a Sunday compensatory time off must be given, the duration of which is at times longer than the time spent on Sunday work. Section 8 allows for the weekly rest period to be temporarily reduced or omitted altogether in an emergency, provided that compensatory time off is given.

Hotels, restaurants and establishments where drinks are served are subject to special arrangements, which also provide for fair compensation.

Under section 11 of the Act, employees who are employed on Sundays must be given the free time necessary to attend divine service.

Section 12 of the Act provides that if an employee is entitled to board and lodging from his employer this right shall subsist during the rest period.

Enforcement of the Act is the responsibility of the cantons, the Confederation exercising over-all supervision (section 27). Any person contravening its provisions is liable to a fine (section 23).

Certain provisions of the Convention differ from the legislation, and this prevents ratification. The differences concern the provision made in the Convention for the exclusion of family undertakings, office staff in undertakings performing a public service and persons holding high managerial positions.

A Bill in respect of employment was submitted to Parliament on 30 September 1960. This Bill, if passed, will repeal and replace the Act respecting weekly rest.

RECOMMENDATION No. 103

The weekly rest period covers the whole of Sunday from midnight to midnight, but not the half-day off (Saturday afternoon or Monday morning) which generally

precedes or follows it. Workers under 18 years of age are entitled to an uninterrupted weekly rest of two days only in undertakings which have adopted the five-day week. If the weekly rest period is temporarily reduced or suspended, compensatory time off must be given within four weeks (section 12 of the administrative regulations). Section 10 (1) of these regulations lays down that the worker must be advised sufficiently in advance of the time of commencement of the weekly rest period and any compensatory rest period. Section 26 (1) of the regulations requires the head of the undertaking to keep a record of any exceptions made to the normal arrangements with regard to weekly rest; this record, which may take the form of a chart, a register, a posted-up notice or some similar document, must be shown to the authorities upon request. Article 9 of the Convention is inapplicable because wages are not regulated by legislation or subject to the control of administrative authorities.

Tanganyika

CONVENTION NO. 14

Employment Ordinance (Cap. 366).

Employment Ordinance (Amendment) Act, 1962.

Employment Ordinance (Exemption) Order, 1961.

Article 1 of the Convention. The Employment Ordinance, section 2 of which defines "industrial undertaking" in the same way as does this Article, applies to all employees, except for those receiving salaries over £420 yearly or employed in government and common services organisations (Order of 1961).

Section 25 B (1) of the ordinance grants employees a day's rest after six consecutive working days, on a day to be agreed upon between the parties. In practice, the customary rest day is Sunday and (though not required by statute) is, except for maintenance staff, normally granted to the whole of the staff of each undertaking. Employees receiving over £420 yearly or working in government or common services organisations customarily enjoy a weekly rest day, although legislation does not require this.

Article 3. Family members under an employment contract with an industrial undertaking are not exempted from weekly rest.

Articles 4 to 6. There are no exceptions in this connection.

Article 7. There are no regulations in respect of the provisions of this Article, which are regarded as a matter for decision by the management of each undertaking in consultation with the employees.

The Labour Commissioner is responsible for administering the relevant legislation and may with the consent of the Minister of Labour delegate his duties to labour officers.

Part I of the Employment Ordinance provides for the establishment of a Labour Advisory Board comprising employers' and workers' representatives and public officers appointed by the Minister of Labour. The Board advises the Minister on matters as required by the ordinance.

To meet the requirements of the Convention would necessitate an extensive widening of the scope of the Employment Ordinance as regards persons covered. Such a measure is not contemplated at present.

CONVENTION No. 106

Employment (Protection of Wages) Regulations, 1957.

Employment Ordinance (Amendment) Act, 1961.

See also under Convention No. 14.

Articles 1 to 3 of the Convention. See under Article 1 of Convention No. 14.

Articles 4 and 5. All persons who come within the scope of the Employment Ordinance are legally entitled to a weekly rest day, irrespective of the type of establishment concerned.

Article 6, paragraph 4. As far as possible, the religious traditions of minorities are respected.

Article 7. There are no special schemes of this nature.

Article 8. No temporary exemptions of this nature have been granted.

Article 9. Section 25 B (2) of the Employment Ordinance forbids deductions from wages on account of weekly rest.

Article 10. Part XI of the Employment Ordinance provides recourse against employers who fail to grant weekly rest.

For information concerning the authorities responsible for administering the legislation and the difficulties in the way of ratification see under Convention No. 14.

RECOMMENDATION No. 103

Paragraph 4 of the Recommendation. There are no special provisions applicable to persons under 18.

Paragraph 6. There is no statutory requirement for employers to keep a prescribed form of record relating to the weekly rest day. Under the provisions of the Employment (Protection of Wages) Regulations of 1957, employers of ten or more workers must keep prescribed particulars for each employee, which constitute a full record of the latter's service and conditions of employment.

To fully meet the requirements of the Recommendation, considerable amendments to the Employment Ordinance would be necessary. Such changes are not contemplated at present.

Thailand

CONVENTION No. 14

See under Convention No. 106.

CONVENTION No. 106

Announcement of the Ministry of the Interior concerning working hours, etc., of 20 December 1958.

Section 6 of the announcement grants employees a minimum weekly rest of 24 consecutive hours, to be taken within an interval not exceeding seven days.

The Labour Division of the Public Welfare Department of the Ministry of the Interior supervises the application of this regulation.

Revision of the entire announcement (which deals with many aspects of labour protection) in order to harmonise it with the Convention is not feasible at present.

RECOMMENDATION No. 103

Because of intensive industrial development, it is not possible to grant 36 consecutive hours of weekly rest for employees in commerce and offices. Moreover, as wages are already low, an increase in weekly rest would result in further decreased earnings.

It is not possible to grant employees under 18 an uninterrupted weekly rest of two days; there being no minimum wage law, such a measure would lead to a decrease in income.

Tunisia

RECOMMENDATION No. 103

Decree of 20 April 1921 respecting weekly rest (*Journal officiel*, No. 37, 1921, p. 599).

Order of 10 January 1963 to prescribe a weekly day of closing for shops selling electrical goods in Sfax (*ibid.*, No. 2, 11-15 Jan. 1963, with corrigendum in *ibid.*, No. 12, 8 and 9 Mar. 1963).

Order of 28 June 1962 to prescribe a weekly day of closing for commercial and industrial establishments in Sidi-Bou-Zid (*ibid.*, No. 36, 3 July 1962).

Order of 30 September 1959 to prescribe a compulsory weekly day of closing for establishments for the manufacture and sale of tarbooshes (*ibid.*, 30 Sep. 1959).

Order of 2 July 1959 to prescribe a compulsory weekly day of closing for bookshops and printing works in Sfax (*ibid.*, 10-14 July 1959).

Order of 24 June 1959 to prescribe a weekly day of closing for bakeries in Sfax and its environs (*ibid.*, 3-7 July 1959).

The above-mentioned orders require that the establishments in question be closed during a period of 24 consecutive hours for purposes of weekly rest.

See also under Convention No. 106, Report III (I).

Turkey

CONVENTION No. 106

Act No. 394 of 2 January 1925 respecting weekly rest (*L.S.* 1925—Tur. 1).

Act No. 2739 of 25 May 1935 respecting the National Festival and public holidays and rest days (*L.S.* 1935—Tur. 1), supplemented by Act No. 3466.

Act No. 3780 of 16 August 1940 concerning national security.

Act No. 5837 of 9 August 1951 respecting weekly rest days and public holidays with pay (*L.S.* 1951—Tur. 1).

Act No. 6734 of 8 June 1956 to amend certain sections of the Act respecting the payment of remuneration to workers on weekly rest days and public holidays (*L.S.* 1956—Tur. 1).

Regulation No. 2/20738 concerning hours of work.

Journalists Act, No. 5953, as amended by Act No. 212 of 4 January 1961.

Articles 1 and 2 of the Convention. Act No. 394 includes not only factories, plants and workshops, but also administrative departments, institutions, offices, shops, warehouses and industrial and commercial establishments of every kind.

Section 2 of the same Act prescribes that wage earners and salaried employees shall not be employed for more than six days in the week. The following are not covered by this Act: workers whose activity is confined to a particular season, such as agricultural and forestry workers and fishermen; and commercial establishments and offices in places with a population of less than 10,000 to which the provisions of the Labour Code have not yet been made applicable.

Persons employed in the press with the status of journalist are entitled to one day of rest with pay after six consecutive days of work.

Article 3. Act No. 394 also applies to persons employed in the establishments mentioned under this Article of the Convention.

Article 5. Establishments in which only members of the employer's family are employed are not excluded (except in places with less than 10,000 inhabitants) from the scope of Act No. 394. Persons holding high managerial positions may be granted a weekly rest period on a day other than Sunday.

Article 6, paragraph 1. The weekly rest period is at least 36 hours for all establishments and institutions closing on Saturday afternoon; these provisions are not applicable on Saturday to shops and warehouses satisfying urgent needs of the population.

Paragraph 4. The customs and traditions of religious minorities are respected as far as possible.

Article 7. Sections 4 and 5 of Act No. 394 provide for exceptions to the weekly rest period on Sunday in certain establishments, taking into account the nature of their activities. However, these establishments are obliged to grant their employees one day's rest per week in rotation.

Article 8. Establishments under the control of the State whose activities are connected with national defence can postpone the rest period on Sunday 15 times in the year.

Article 9. No reduction in wages may be made as a result of the implementation of the Act.

Article 10. Act No. 394 prescribes a system of sanctions. Appropriate steps are taken by the local government authorities to have inspections carried out with a view to giving effect to the provisions of the Act.

Article 11. Efforts are being made to extend the scope of the Labour Code. The Bill that has just been drawn up will make it possible to implement the provisions of the Act respecting weekly rest in all establishments, irrespective of the place where they are situated, since they will all be subject to the Labour Code.

Article 12. The provisions of the legislation grant workers more favourable conditions than those of the Convention.

Article 13. Act No. 3780 of 1940 stipulates that in the occurrence of events constituting a danger to national security the provisions on the weekly period of rest may be suspended.

The implementation of these provisions is the responsibility of the local administrative authorities and the Ministry of Labour.

The employers' and workers' organisations are consulted as occasion arises.

RECOMMENDATION No. 103

Persons employed in administrative departments, institutions, offices, whether public or private, and industrial and commercial establishments are entitled to a weekly rest period commencing at 1 p.m. on Saturday and therefore lasting more than 36 hours. A weekly rest period of at least 24 consecutive hours is granted to all other workers. Under the amended Act No. 5953, if journalists are required to work at night, they are entitled to two weekly days of rest.

Sunday, the weekly day of rest, covers the period from midnight on Saturday to midnight on Sunday. Persons working on Sunday receive a day of rest fixed by the administration during the same week.

There is no provision laying down a weekly rest period of two days for persons under 18, and Act No. 394 respecting weekly rest is applicable without distinction to persons of all categories, whatever their age.

Commercial establishments and offices not covered by the Act respecting weekly rest must draw up rosters for the members of the staff who work on Sunday, and display them in a prominent place. Exceptions to Act No. 394 are granted by the municipal council for a period of one year, which is renewable. It is obligatory to keep registers of these exceptions.

Ukraine

CONVENTION No. 14

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R., dated 26 June 1940.

Order of the Council of People's Commissars of the U.S.S.R., dated 29 September 1929, as amended in March 1930.

Articles 1 and 2 of the Convention. Under section 109 of the Labour Code, all workers are entitled to a weekly rest period of 42 hours without interruption. The weekly day of rest in state undertakings or establishments, whether collective or co-operative, falls on Sunday (Ukase of 1940).

Article 3. This class of undertaking does not exist.

Articles 4 and 5. Section 110 of the Labour Code prescribes that workers whose conditions of work preclude a rest on Sunday shall be entitled to another day convenient to them. In continuously operating undertakings a day of rest other than Sunday is fixed for each group of workers by roster. However, workers who are on duty in rotation are not entitled to a special weekly day of rest if the number of hours they have worked in the month does not exceed the normal monthly total.

It is forbidden to deprive a worker of his uninterrupted weekly period of rest on the day fixed by the roster. If, in exceptional circumstances, the worker has to carry out an essential piece of work on his weekly day of rest, a compensatory period of rest must be granted to him within the following two weeks. Work during the days of rest is authorised only by written decision of the management, taken in agreement with the trade union committee; the decision must show the date of the day substituted (section 5 of the Order of 1929, as amended).

Article 7. In the cases mentioned above, the allocation of the days of rest is carried out in accordance with a roster that is brought to the notice of the staff.

CONVENTION No. 106

Labour Code.

Decree No. 208 of the Ministry of Commerce of the U.S.S.R., dated 24 March 1949.

See also under Convention No. 14.

The Labour Code covers all wage and salary earners, including workers in industry, shops and offices. No exceptions are made for persons in senior posts.

All the workers have a weekly rest period of at least 42 hours (section 109 of the Labour Code). Section 2 of the Ukase of 1940 fixed Sunday as the weekly rest day.

Under section 110 of the Labour Code, workers (in theatres, museums, restaurants, etc.) whose conditions of work prevent them from having the day off on the traditional day of weekly rest are to have another day off. The personnel of food shops in the towns have their weekly rest on Mondays (Decree of 1949).

The allocation of weekly rest under a roster system is authorised for shift workers.

Soviet labour legislation allows exceptions to the prescribed rest periods in exceptional circumstances for unforeseeable work. It is compulsory for weekly rest to be granted within the next two weeks. Such exceptions may not be made without the agreement of the trade union.

The grant of a weekly day of rest in no way affects the amount of wage paid.

The Director of Public Prosecutions is the supreme authority with regard to the observance of labour legislation. Factory or local trade union committees are responsible for ensuring that labour legislation is applied.

RECOMMENDATION No. 103

Workers below 18 years of age have a shorter working day (section 136 of the Labour Code) and do neither overtime nor night work.

When it is permissible for weekly rest to be allocated under a roster system, the roster must be brought to the knowledge of the workers concerned.

U.S.S.R.

CONVENTION No. 14

Constitution (s. 119).

Labour Code of the R.S.F.S.R. (1922 edition), dated 9 November 1922 (*L.S.* 1922—Russ. 1), and Labour Codes of the other federated republics.

Order of the Council of People's Commissars respecting hours of work and rest in undertakings and institutions making the change to the continuous working week. Dated 24 September 1929 (*L.S.* 1929—Russ. 3H).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the transference to the eight-hour working day and seven-day working week. Dated 26 June 1940 (*L.S.* 1940—Russ. 1A).

Order of the Council of People's Commissars of the U.S.S.R. respecting the administration of the above ukase. Dated 27 June 1940 (*L.S.* 1940—Russ. 1C).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. concerning the shortening of the working day of wage and salary earners on days preceding rest days and holidays. Order of the Council of Ministers respecting the administration of the above ukase. Both dated 8 March 1956 (*L.S.* 1956—U.S.S.R. 1A, B).

Order of the Council of People's Commissars of the U.S.S.R. to prohibit the making up on weekly rest days of time lost by absence for insufficient reasons. Dated 6 March 1930 (*L.S.* 1930—Russ. 1G).

Decision of the All-Union Central Council of Trade Unions favouring the prohibition of compensating for overtime by holidays. Dated 29 July 1934.

Order of the People's Labour Commissariat of the U.S.S.R. respecting employees with non-standardised daily hours of work. Dated 13 February 1928 (*L.S.* 1928—Russ. 3B).

Order of the People's Labour Commissariat of the R.S.F.S.R. respecting the use of weekly rest days. Dated 1 August 1930.

Penal Code of the R.S.F.S.R. and Penal Codes of the federated republics.

Order No. 910 of the Council of Ministers of the R.S.F.S.R. Dated 19 July 1955.

Order of the Supreme Court of the U.S.S.R. relating to legal practice in civil cases connected with labour. Dated 13 September 1957.

Article 1 of the Convention. The legislation on weekly rest covers all workers employed in every kind of establishment.

Article 2. The seven-day working week, with Sunday as the day of rest, was adopted in 1940. All Soviet citizens employed in state co-operatives or public organisations, undertakings and institutions are entitled to a weekly rest period of at least 41 consecutive hours, i.e. longer than that prescribed by the Convention. As a rule, the weekly rest period is granted on Sunday to all workers employed in the undertakings or institutions.

The Councils of Ministers of the Federated and Autonomous Republics may fix another day instead of Sunday in accordance with national living and working conditions.

In establishments in which work cannot be interrupted on account of the operating conditions (plants operating continuously) provision is made for special rest days in accordance with section 110 of the Labour Code.

Article 3. There are no industrial establishments in which only members of the same family are employed.

Articles 4 and 5. Under the Order of the People's Labour Commissariat of the R.S.F.S.R. dated 1 August 1930, postponement of the weekly rest day is permitted only in exceptional cases for carrying out work that it has been impossible to foresee (urgent repairs, dealing with breakdowns). In these cases the people concerned can be required to work only by written order of the management after previous agreement with the local trade union organisation. A day of holiday is granted in compensation during the following fortnight.

Article 7. The hours for the beginning and ending of work are fixed in institutions by decisions of the local council of workers' delegates and in undertakings by the manager of the undertaking (Order of 27 June 1940).

In industrial establishments where the working conditions require it, the weekly rest period is granted in rotation after agreement with the trade unions.

As the standards of the legislation are higher than those of the Convention, no amendment has been made to give effect to the provisions of this Convention in whole or in part.

It would be desirable to amend the Convention, for it prescribes a weekly rest period of only 24 consecutive hours, which is clearly inadequate.

CONVENTION NO. 106

Articles 1 to 5 of the Convention. The legislative provisions on weekly rest cover all workers in industry, commerce, offices, etc., including persons holding high managerial positions.

Article 6. All workers in institutions or establishments providing personal services (commerce, telecommunications, post, press, etc.) are entitled to a continuous

weekly rest period of at least 41 hours. As a rule, this rest period is granted on Sunday to all workers in the same establishment.

Articles 7 and 8. If the workers covered by the preceding Article cannot take their weekly rest on Sunday, they receive a holiday on another day of the week. The rest day for the staff of shops open on Sunday is thus granted on Monday. In hotels and other establishments where work is necessarily continuous, the weekly rest period, which is of at least 41 hours, is granted in rotation.

Substitution of monetary compensation for the weekly rest day is prohibited, except when the employee is dismissed from an undertaking without having been able to take a compensatory rest day. In this case he receives a payment equal to twice his wage.

Article 9. The weekly rest period is granted to workers without any reduction in their income.

Article 10. The putting into effect of the labour legislation is supervised by the Public Prosecutor's Offices, the State Labour and Wages Committee of the Council of Ministers, the Councils of Workers' Delegates, the ministerial bodies of supervision and inspection, the All-Union Central Council of Trade Unions and the local trade union bodies. Those who infringe the legislation on weekly rest are liable to disciplinary sanctions and, in the event of repetition of the offence, to penal sanctions laid down by the law.

As the standards of Soviet legislation are higher than those of the Convention, it has not been necessary to amend it to give effect to the provisions of the Convention in whole or in part.

RECOMMENDATION No. 103

See under Convention No. 106.

United Arab Republic

RECOMMENDATION No. 103

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

Articles 118, 119 and 120 of the Labour Code give effect to the provisions of the Recommendation. In some cases, collective agreements fix a longer weekly rest than that provided by the Code.

Supervision of the application of the Code is entrusted to the Ministry of Labour.

United Kingdom

CONVENTION No. 14

Factories Act, 1961 (*L.S.* 1961—U.K. 1).

Factories Acts (Northern Ireland), 1938, 1949 and 1959 (*L.S.* 1959—U.K. 1).

Wages Councils Act, 1959 (*L.S.* 1959—U.K. 2).

Wages Councils Act, 1945 (*L.S.* 1945—U.K. 1).

Fruit and Vegetable Preservation (Hours of Women and Young Workers) Regulations, 1939 (*S.R. & O.*, 1939, No. 621).

Factories Hours of Employment (Special Exception under Section 98) Regulations, 1946 (*S.R. & O.*, 1946, No. 124).

Article 2, paragraph 1, of the Convention. The Factories Act, 1961, prohibits the employment of women and young persons on Sunday (section 93) and on Saturday after 1 p.m. (section 86).

Paragraphs 2 and 3. These provisions are generally satisfied, but some regulations made under Part VI of the Act permit a day of rest to be taken other than on Sunday.

Article 3. An exception of this kind has not been found necessary.

Article 4. Certain exceptions to Part VI of the Act of 1961 (including the provisions prohibiting Saturday afternoon and Sunday work) have been made in respect of fish processors (section 112 of the Act), women and young vegetable or fruit canners (Regulations of 1939) and male young persons employed on certain maintenance or repair work (section 106 of the Act).

Section 117 of the Act of 1961 empowers the Minister, upon application and for the purpose of maintaining or increasing the efficiency of industry or transport, to issue orders (valid up to one year) exempting women and young employees from the provisions of Part VI of the Act.

Article 5. Compensatory rest for suspensions and diminutions made under section 117 of the Act of 1961 is normally provided for in the order concerned. However, where the Act provides complete exception in specific circumstances from the provisions of Part VI, there is no legislative provision for compensatory rest.

Article 6. See under Article 4.

Article 7. Section 88 of the Act of 1961 requires factories to post notices of the daily working hours of women and young employees.

Wages regulation orders issued pursuant to the Wages Councils Act normally provide special enhanced rates to be paid for work performed on a Sunday or weekly rest day or after a specified time on a weekly short day.

Although it is the general practice for employees to enjoy a minimum weekly rest period of 24 hours, collective agreements usually provide for payment for work performed at any time of the week, and the length of his rest is often very much a matter for the individual employee to decide. Some agreements do, however, limit the overtime for any given period in the absence of exceptional circumstances.

An agreement made with the trade union side of the Joint Co-ordinating Committee for Government Industrial Establishment provides for a five-day week where practicable in the industrial civil service. For engineering grades in the General Post Office the rest day is Sunday, and any work done on that day is paid for at overtime rates. In practice, the rest day normally allows 24 consecutive hours of freedom from duty. Where Sunday is a normal working day, as for patrolmen and watchmen, an alternative rest day in the week is allocated.

Factory inspectors appointed by the Ministry of Labour enforce the Factories Act legislation. The Minister also appoints wages inspectors to enforce the legal requirements of the Wages Councils Act, 1959.

No special steps have been taken, as the requirements of the Convention are met either in law or in practice throughout industry generally.

There is no legislation providing a weekly day of rest for men. Although the weekly rest day is widely observed, it is the general pattern to settle questions affecting men's working hours by joint negotiation.

CONVENTION No. 106

Shop Acts.

Wages Councils Act, 1959 (*L.S.* 1959—*U.K.* 2).

In the absence of legislation in regard to weekly rest in commerce and offices, agreements are freely negotiated between employers and employees. The number of collective agreements in the private sector is small, and arrangements are usually made by individual undertakings.

Explicit provisions for weekly rest in collective agreements are rare, but in commerce and offices a rest of between 24 and 48 hours is commonly granted each weekend. The rest day of manipulative grades in the General Post Office is Sunday, and work performed on that day is paid as overtime. When male telephonists and radio operators work on Sunday a compensatory rest day is granted during the week.

Under wages regulation orders higher rates are payable for work on Sunday, a weekly rest day or after a specified time on a weekly short day. There is, however, no provision for compulsory rest in any trade covered by the wages council.

Under the Shop Acts shop workers who work throughout Saturday receive an extra half-day's rest one week-day each week. Wages inspectors enforce the Wages Councils Act, 1959, and investigate complaints from trade unions, etc.

The Home Office is responsible for the administration of the Shop Acts.

No special steps have been taken to apply the Convention, which is considered to deal with matters which are best negotiated between employers and employees.

RECOMMENDATION No. 103

There are no provisions to cover those requirements of the Recommendation concerning young persons under 18 years of age.

Bahamas

CONVENTION No. 14

Trade Union and Industrial Conciliation Act, 1958.

No legislation exists dealing with weekly rest. The hotels negotiated agreement provides for one rest day each week.

Under section 8 of the above Act a Joint Advisory Committee, representing employers and workers, may be called upon to co-operate in matters affecting labour or the application of international labour Conventions.

It is not at present intended to adopt legislative measures giving effect to the Convention.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

Barbados

CONVENTION No. 14

There is no relevant legislation. However, the principle of weekly rest is established by custom and religion. In general practice, the rest period is granted simultaneously to the whole staff and begins between noon and 4 p.m. on Saturday and includes the whole of Sunday. Where the nature of the work prevents simultaneous rest, weekly rest is still usually granted. It is not usually possible to give simultaneous rest to public utility workers and to goods handlers in port.

The normal working week is 44 to 56 hours, but the eight-hour day, 44- or 48-hour week is becoming more widely applied, largely through collective bargaining.

Legislation is unnecessary, since the principle of weekly rest is already generally accepted in practice. Consideration will be given in due course to any provisions in the Convention not yet covered by legislation or practice.

CONVENTION No. 106

Shops Act, 1945 (1945-27).

Shops (Amendment) Act, 1951 (1951-61).

Shops (Amendment) Act, 1957 (1957-2).

Shops Order, 1946.

Shops (Amendment) Order, 1950.

Shops Order, 1957.

With a few exceptions, Sunday is a "closed day" for shops under the shops legislation. Saturday is an "early closing day" for certain shops, which, except for drug stores and shops selling items required in case of illness, are closed from 1 p.m. Saturday until Monday, a continuous period of 42 to 43 hours. Saturday is a "late closing day" for certain other classes of shops, e.g. retail provisions, liquor and country shops, but even these shops have an uninterrupted weekly rest of about 34 to 36 hours and (except for liquor shops) enjoy an early closing day on Thursday.

In practice, the majority of employees in most undertakings within the scope of the Convention enjoy weekly rest, which is often more favourable than that required by the Convention. Most commercial undertakings and offices close Saturday mid-day for the weekend.

In most cases where the nature of the work prevents the granting of simultaneous weekly rest to all the employees concerned, rest periods are none the less provided by custom or collective agreement.

Application of the shops legislation is supervised by the Labour Commissioner and the Commissioner of Police. There is no special provision to ensure the co-operation of employers and workers in the application of the legislation.

The Government has under consideration a proposed labour code, including weekly rest provisions.

RECOMMENDATION No. 103

The rest period of assistants in shops allowed to open on Sundays is secured by the Shops Order, 1946, which limits the working day of shop assistants to a maximum of nine hours and the working week to a maximum of 42 hours.

Though persons under 18 are not usually granted a longer rest period than adults, they generally enjoy an uninterrupted rest period of more than 24 hours and often more than 36 hours.

The shops legislation requires proprietors to constantly exhibit in their shops a schedule of employees' hours of work. In undertakings not covered by this legislation, it is the general practice to make the rest period known by means of a roster.

Bechuanaland

CONVENTION NO. 14

Mining Health Proclamation (Cap. 126).

Section 14 of the above Proclamation, granting mineworkers 24 consecutive hours of weekly rest, is the only provision applying the Convention.

In practice, public and private industry normally grant 36 consecutive hours of weekly rest, usually for the whole staff simultaneously, and government instructions ensure this in respect of government industrial employees.

The Government supervises the application of section 14 of Cap. 126 and its own rules.

Because the Convention is applied in practice, there is no immediate need for legislation.

CONVENTION NO. 106

Laws of Bechuanaland (Cap. 158).

Section 7 of Chapter 158 provides that shop assistants shall not work more than six days per week except for emergencies (section 8), or after 1 p.m. on more than five days in any one week. Butchers, poulterers, bakers, fishmongers and icemongers may open from 7 a.m. to 9.30 a.m. on Sundays and public holidays. Restaurants and hotels are not subject to Chapter 158.

In practice, as far as is known, all other commercial undertakings and offices grant a weekly rest period of one-and-a-half days per week, nearly always on Saturday afternoons and Sundays, while government office employees work a five-day week.

The Government supervises the application of the legislation concerned and of its own rules.

The only modification has been the institution of a five-day week for government office staff.

No particular difficulties arise. The Convention appears to be applied in law and practice, and additional legislation would be considered only if this position changed.

RECOMMENDATION NO. 103

The Recommendation appears to be applied in law and practice, except possibly with regard to persons under 18, as well as with regard to the posting of notices and the keeping of records.

There appears to be no immediate need for legislation, but all employers will be encouraged to comply with the Recommendation.

No modifications, except possibly in respect of Paragraphs 4, 5 and 6 of the Recommendation, would appear to be necessary.

Bermuda

CONVENTION NO. 14

No legislative or administrative provisions exist regarding the subject-matter of the Convention. It is the usual practice for an industry to grant a weekly rest day. There is no demand for legislation to apply the Convention, nor is any envisaged.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

In practice, employees outside the hotel industry normally have an uninterrupted weekly rest of not less than 36 hours.

British Honduras

CONVENTION No. 14

Labour Ordinance, No. 15, 1959.

Article 1 of the Convention. Section 2 of the above ordinance defines “ industrial undertaking ” as defined in this Article.

Article 2, paragraph 1. Section 113 of the ordinance entitles all industrial workers to a weekly rest of 24 consecutive hours.

Paragraph 2. It is the general practice for each undertaking to grant a period of rest simultaneously to the whole of the staff.

Paragraph 3. Pursuant to section 112 of the ordinance, the day of weekly rest coincides with Sunday, the traditional rest day. Employers and workers may, however, agree on a substitute rest day, seven days in advance.

Article 4. According to section 115 of the ordinance, sections 112, 113 and 114 do not apply to management or custodian personnel or unsupervised piece-workers. Further exceptions may be ordered by the Governor-in-Council upon application to the Labour Commissioner by employers or workers.

Article 5. Section 114 of the ordinance requires overtime rates to be paid for work performed on a rest day.

Article 7, paragraph (a). There is no legislation requiring such notices.

Paragraph (b). In such exceptional cases it is the practice to draw up a roster to the mutual satisfaction of the employers and workers concerned.

Part III of the ordinance charges the Labour Department inspection service with supervision and enforcement of the labour laws.

All of the requirements of the Convention, except for Article 7, are applied by the ordinance’s new provisions regarding weekly rest. As practice is in accordance with the provisions of Article 7, legislation is not considered necessary.

CONVENTION No. 106

Labour Ordinance, No. 15, 1959.

Shops Ordinance, No. 10, 1959.

Government Workers Rules, 1955.

Government General Orders.

Articles 1 to 4 of the Convention. Section 2 of the Labour Ordinance defines “ commercial undertaking ” to include commercial establishments and offices, hotels, restaurants, places of public amusement, newspaper undertakings and similar establishments.

The Government Workers Rules apply to temporary clerical assistants and the Government General Orders apply to all clerical, technical and administrative officers whose posts are listed in the personal emoluments items of any head of expenditure in the estimates.

Article 5. Section 115 of the Labour Ordinance excludes from the application of Part XI persons holding posts of supervision or management or employed in a confidential capacity and shop assistants who fall within the scope of the Shops Ordinance.

Article 6. Part XI of the Labour Ordinance, Part II of the Shops Ordinance and the Government Workers Rules and General Orders give effect to this Article. Sunday is observed as a regular holiday and is granted simultaneously to all employees concerned.

Section 112 of the Labour Ordinance conforms with paragraph 4 of this Article.

Article 7. No special weekly rest schemes have been found necessary. Existing measures have been taken in full consultation with representative employers' and workers' organisations.

Article 8. Section 115 (2) of the Labour Ordinance empowers the Governor-in-Council by order to exempt from weekly rest provisions any undertaking or class of workers subject to specified conditions on application to the Commissioner by any employer or worker or employers' or workers' organisation. Total or partial temporary exemptions have not been made.

Article 9. Section 124 (4) of the Labour Ordinance, sections 4 and 5 of the Shops Ordinance and government administrative practice give effect to this Article.

Article 10. The Labour Commissioner and inspectors enforce the provisions of national law.

There is no difficulty in the practical fulfilment of the conditions prescribed by the Convention or the application of the legislation implementing the Convention.

RECOMMENDATION NO. 103

Paragraphs 1 and 2. The Labour Ordinance, 1959, prescribes a 48-hour week and the Shops Ordinance, 1959, a 45-hour week for persons employed in offices and in commercial establishments. Thus, weekly rest in commercial establishments is granted generally from 12 noon on Saturday to 7.30 a.m. on Monday, and even where commercial establishments extend their hours of business beyond 12 noon on Saturday, an uninterrupted period of rest of 36 hours is still granted. Employees in central government service and in quasi-government organisations are also entitled to 36 hours' uninterrupted weekly rest.

Paragraph 3. Special weekly rest schemes have not been found necessary.

Paragraph 4. The number of young persons employed in commerce and offices is negligible, and provision for more favourable treatment is unnecessary. Section 115 of the Labour Ordinance does not apply to persons under 18 years of age.

Paragraph 5. The rest period is granted simultaneously to all employees.

Paragraph 6. Temporary exemptions from the provisions of Article 8 of Convention No. 106 have not been made.

Paragraph 7. Section 124 (4) of the Labour Ordinance, sections 4 and 5 of the Shops Ordinance, and government administrative practice are in accordance with the Recommendation.

Falkland Islands

CONVENTION No. 14

There are no legislative or administrative measures regarding the matters dealt with in the Convention. There is, however, a collective agreement applicable to Stanley (the only town). The number of workers covered by the agreement is small, as the inhabitants are principally occupied in sheep-farming and agriculture and most of the workers are resident on the farms. Undertakings or establishments defined by the Convention exist only on a very minor scale.

CONVENTION No. 106

There are no legislative or administrative provisions regarding the subject-matter of the Convention, which is already applied by common law and practice. The number of workers of the kind referred to in the Convention is very small.

RECOMMENDATION No. 103

Adequate safeguards exist for the health and welfare of the persons mentioned in the Recommendation and resident in the Falkland Islands.

Fiji

CONVENTION No. 14

Collective agreements covering half of the permanent labour force provide for a more generous weekly rest than that required by the Convention. In practice, most industrial undertakings close from 1 p.m. Saturdays and all day Sundays. Shift workers receive a minimum weekly rest of 24 consecutive hours. Employment conditions are inspected by the Department of Labour.

Legislation to apply the Convention is not considered necessary.

CONVENTION No. 106

Early Closing Ordinance (Cap. 205).

The above ordinance requires urban shops to close at 1 p.m. one week-day per week plus all day Sunday, and wholesale and retail establishments to close at 1 p.m. Saturday plus all day Sunday. In practice, most commercial undertakings and offices close not later than 1 p.m. Saturday and all day Sunday.

The police force and the inspectorate staff of the Labour Department supervise the application of the ordinance.

Consideration is being given to the adoption of measures giving effect to the provisions of the Convention not covered by national legislation or practice.

RECOMMENDATION No. 103

All existing collective agreements provide for a rest period as required by the Recommendation.

The situation as regards weekly rest for employees in commerce and offices is generally satisfactory. Legislation implementing Paragraphs 1 and 2 of the Recommendation is not needed, nor is it intended to adopt measures giving effect to the other Paragraphs not yet covered by national legislation or practice. Difficulties will be experienced in adopting Paragraphs 4 and 5.

Gambia

CONVENTION No. 14

Although there are no legislative provisions regarding weekly rest, in practice Sunday is a day of rest. Saturday afternoon is also recognised as a rest period.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

Gibraltar

CONVENTION No. 14

Omnibus Drivers and Conductors General Standard Order.

Sunday is generally observed as a rest day. A work week of 5½ days is usual in industry, as is a five-day week in government and in a significant amount of private employment. Paragraph 4 of the above order prescribes one whole day's rest weekly for the workers concerned, either on Sunday or on another day subject to advance notification. Overtime payments at double time discourage Sunday employment.

No legislation on this subject is contemplated at present.

CONVENTION No. 106

Shop Hours Ordinance of 12 May 1922 (Cap. 118).

Shops (Time of Opening and Sunday Closing) Order.

Conditions of Employment (Retail Distributive Trade) Order.

In practice, the effect of the above provisions is for retail trade or business establishments (including family undertakings) to close on Sunday, which is traditionally and generally observed as a rest day. Section 4 (a) of the ordinance exempts certain classes of establishments from this requirement, but shop assistants employed in them must receive a half-holiday every other Sunday.

Sunday is a rest day in all offices, with special arrangements for rostered duty (with alternative time off) for shipping office workers required to attend on board ships on that day.

Workers are employed on Sundays in essential municipal services, hotels, theatres and cinemas, with adequate provision for a rostered weekly rest day, or, as regards hospital service, for a minimum of two rest days fortnightly. Newspaper undertakings are closed on Sundays.

The Director of Labour and Social Security administers the Shop Hours Ordinance, which prescribes penalties for violations. The Commissioner of Police enforces the prescribed opening and closing hours of shops.

No further legislation is contemplated, but the standards of the Convention are accepted as an objective of labour policy.

RECOMMENDATION No. 103

The Shop Hours Ordinance prohibiting the Sunday opening of shops (with certain exceptions) requires shop assistants to receive a half-holiday weekly, which is taken on Saturday (the prescribed early closing day), except for shops wishing to observe Wednesday as the early closing day. The weekly rest period is therefore either from 1 p.m. Saturday to 9 a.m. Monday, or from 1 p.m. to 8 p.m. Wednesday plus 8 p.m. Saturday to 9 a.m. Monday.

All offices close on Saturday afternoons as well as on Sundays, with alternative time off for shipping clerks requiring to attend on board ships on Sunday afternoons.

Working hours for shop assistants under 18 are limited to 41 ½ per week, but such persons do not receive more favourable treatment than adults as regards uninterrupted weekly rest.

No specific measures exist providing more favourable treatment for the weekly rest of young persons employed in offices.

There are no measures implementing Article 8 of Convention No. 106. Employment in shops in excess of 60 hours weekly requires the permission of the Director of Labour and Social Security.

No further legislation is contemplated, but the Recommendation's standards are accepted as an objective of labour policy.

Gilbert and Ellice Islands

CONVENTION No. 14

Labour Ordinance (Cap. 13).

Section 98 of the Labour Ordinance empowers the Resident Commissioner to make regulations prescribing periods of rest. No such regulations have yet been made, but legislation is being prepared to give effect to the Convention.

CONVENTION No. 106

For legislation see under Convention No. 14.

Legislation is being prepared to give effect to the Convention.

RECOMMENDATION No. 103

The Recommendation will be considered when preparing labour legislation.

The level of development makes difficult the establishment of a separate labour department for enforcement of the Recommendation in islands scattered over a wide area.

Grenada

CONVENTION No. 14

Article 1, paragraph 1 (a). There are no mines; quarries do not work on Sundays.

Paragraph 1 (b). Workers in these undertakings do not work on Sundays. Beer factory and Electricity Department shift workers receive a 24-hour rest every seven days.

Paragraph 1 (c). Apart from maintenance and repair of water works, etc., there is no work on Sundays in any of these undertakings.

Paragraph 1 (d). Rail and inland waterway transport is non-existent, road transport not organised. Taxis and buses owned by individuals operate on routes and at times convenient to them.

No legislative measures are envisaged.

CONVENTION No. 106

Wages Regulation (Minor Industrial Undertakings) Order (S.R. & O., 1961, No. 16).

Shops (Hours) Ordinance, No. 4, 1938, as amended by Ordinance No. 42, 1954.

Statutory Rules and Orders, Nos. 19, 1938, and 10, 1939.

Section 3 (1) of the Ordinance of 1938 requires shops (with certain exceptions) to close on Sunday, as well as at noon on one day in each week. According to section 8, the early closing day may be Thursday or Saturday, at the employer's option.

Section 2 of the Order of 1938 requires a register to be kept of the hours of work of shop assistants.

Establishments, institutions and administrative services require employees to work a 35- to 48-hour week, and in each case the weekly rest period comprises at least 24 hours every seven days. Pursuant to a collective agreement of 1960, telecommunications employees work an eight-hour day from Monday to Friday and four hours on Saturday. Postal service employees work a 35-hour week, whereas the Order of 1961 requires newspaper employees to work a 39-hour week.

Apart from telecommunications and newspaper employees, there are no workers falling within the scope of the Convention who work on Sundays.

There are no difficulties which prevent or delay acceptance of the Convention, nor are new measures necessary.

Guernsey

CONVENTION No. 14

In nearly all the industrial undertakings covered by the Convention there are collective agreements which provide for a normal working week of 44 hours spread over five-and-a-half days. Where conditions permit, the period of rest has been fixed by tradition and custom at 36 consecutive hours from each Saturday midday.

CONVENTION No. 106

Sunday Trading Law, 1911.

The Sunday Trading Law forbids trading establishments to open on Sunday. Exception may be made for restaurants, food and drink shops, hairdressers and

newspaper shops. Sunday is a recognised rest day in commerce and offices. Collective agreements covering some employees in commerce and offices stipulate a five-and-a-half day work week.

The above law is administered by the Constables in each of the ten parishes. No further measures are envisaged to give effect to the Convention.

RECOMMENDATION No. 103

Weekly hours of work do not normally exceed 44, and where conditions permit workers enjoy 36 consecutive hours of rest from midday or 12.30 p.m. on Saturday.

There appears to be no call for further measures to give effect to the Recommendation.

Hong Kong

CONVENTION No. 14

Factories and Industrial Undertakings Ordinance, No. 34, 1955.

Factories and Industrial Undertakings (Amendment) Regulations, 1958.

Factories and Industrial Undertakings (Amendment) (No. 2) Regulations, 1958.

There is no legislation meeting the requirements of Article 2 (1) of the Convention. In practice, however, employees of large undertakings, particularly those run on western lines, normally receive a weekly rest day, and a weekly rest period of not less than 24 consecutive hours is not uncommon among the smaller concerns. Moreover, the above regulations grant a weekly day of rest to women and young persons employed in any industrial undertaking, which, according to section 2 of the 1955 Ordinance, has the same meaning as the one given in Article 1 of the Convention. To facilitate enforcement of the regulations by the Commissioner of Labour, industrial undertakings are required to maintain a register of women or young employees, and proprietors may be liable to a fine of HK\$5,000 for failure to provide a weekly rest day.

The present voluntary provision of a weekly rest day in larger undertakings is satisfactory, and it is not intended to extend the regulations to all industrial employees. Daily- and piece-rated male workers (constituting the majority of industrial workers) might oppose weekly rest legislation unless non-reduction of earnings were guaranteed.

CONVENTION No. 106

Holidays Ordinance of 10 January 1947 (Cap. 149).

Other than the Holidays Ordinance, which makes Sunday a holiday for all banks, schools, public offices and government departments, there are no legislative, administrative or other provisions prescribing a minimum uninterrupted weekly rest period of 24 hours for commercial or office employees. In practice, Sunday is a work-free day for office staff and for employees in most larger commercial establishments, in many smaller establishments and in the liberal professions. A very high proportion of the remaining commercial and trading establishments covered by Article 2 of the Convention employ only family members, and a weekly rest period is not customary. No authority is specifically charged with enforcing the ordinance, which is observed in practice through standing bank and government administrative orders.

The application of the Convention to a wider range of establishments at this stage would entail serious risks for the economy. None the less, the practice of

granting a weekly rest period in commerce and trading establishments has increased satisfactorily over the past ten years, and should continue to do so without official pressure.

RECOMMENDATION No. 103

There is no legislation prescribing a weekly rest of 24 to 36 hours. In practice, banks, public offices and government departments provide a weekly rest period of 36 hours. An attempt to guarantee a weekly rest period in excess of 24 hours cannot be made until Convention No. 106 is applied generally in commercial and trading establishments.

Jersey

CONVENTION No. 14

There is no legislation concerning weekly rest in industry. Existing arrangements are based on collective agreements.

As far as can be ascertained, all workers receive at least 24 consecutive hours of weekly rest plus, normally, an additional rest period of at least 12 consecutive hours during the same week. In practice, a large number of employers grant 36 or 48 consecutive hours of rest weekly.

CONVENTION No. 106

There is no legislation concerning weekly rest in commerce and offices. Existing arrangements are based on agreement between employers and employees.

As far as can be ascertained, all workers in commerce and offices receive a weekly rest of 24 consecutive hours plus, normally, an additional rest period of 12 consecutive hours during the same week. In practice, a number of employers grant 36 or 48 consecutive hours of rest weekly.

RECOMMENDATION No. 103

See under Convention No. 106.

Malta

CONVENTION No. 14

Order VII of 1939 concerning employees in factories and workshops.
Conditions of Employment (Regulation) Act, 1952.

The above-mentioned order provides that the employees covered shall be allowed one whole day off each Sunday (or some other day of the week if required by the nature of the employment), or, with the Director of Labour's approval, two half-days in each week beginning or ending at noon. Except where a shift or roster system is in force, most industrial undertakings close on Sunday.

Section 24 of the Act of 1952 requires employers to deliver to workers engaged on other than written contract a statement of the normal hours of work.

CONVENTION No. 106

Wholesale and Retail Trades Wages Council Wage Regulation Order.
Conditions of Employment (Regulation) Act, 1952.

Article 1 of the Convention. In practice, the six-day week in commerce and offices is applied almost generally. In a number of cases wage-fixing machinery, collective agreements, etc., give effect to some of the provisions of the Convention.

Article 2. Minimum weekly rest in trading establishments is effective in virtue of the above order. In public establishments, institutions and administrative services weekly rest is effective in virtue of administrative regulations. Private undertakings employing mainly office workers generally close on Sundays.

Article 3. Minimum weekly rest in hotels and clubs, newspaper undertakings and cinemas and theatres is governed by the relevant wages council wage regulation orders. Post and telephone services are run by the Government, and weekly rest is governed by administrative regulations.

Article 6. Minimum weekly rest is in the main one whole day in every period of seven consecutive days. In some cases rest of two-and-a-half days a week is permissible. Where possible, weekly rest is granted simultaneously to all employees of an establishment, traditionally on Sunday. This is not possible as regards establishments such as theatres and places of public entertainment open on Sundays or establishments or institutions providing personal services on all days of the week.

Article 9. Wages regulated by laws and regulations or subject to administrative control are not subject to reduction because of the provision of weekly rest.

Article 10. Enforcement of regulations governing weekly rest in private industry is entrusted to the Department of Emigration, Labour and Social Welfare.

RECOMMENDATION No. 103

Public administrative services employing mainly office workers and some private establishments close at 1 p.m. Saturday until Monday. In other undertakings employing persons to whom Convention No. 106 refers, weekly rest is generally one whole day, from midnight to midnight, not including other rest periods immediately preceding or following.

Decision is reserved in respect of Paragraph 4 of the Recommendation.

According to section 24 of the Conditions of Employment (Regulation) Act, persons employed for more than eight days under a contract of service not in writing must receive from their employer a statement showing the normal hours of work.

Isle of Man

CONVENTION No. 14

Collective agreements have been negotiated in respect of the majority of workers employed in the industrial undertakings defined in Article 1 of the Convention, and in practice provision is made for all remaining workers in regard to matters dealt with in the Convention.

The Lieutenant Governor supervises the application of legislation in this field.

No measures have been considered necessary to give effect to the Convention.

CONVENTION No. 106

Collective agreements set out the hours of work, and it is the general practice throughout industry to grant a minimum weekly rest period of 24 hours. Because of

the very short tourist season, the 24-hour weekly rest period is not always uninterrupted in smaller catering establishments.

The Lieutenant Governor supervises the application of regulations concerning weekly rest.

No modifications of existing practice have been considered necessary to give effect to the Convention, nor is it felt that any special measures need be adopted.

RECOMMENDATION No. 103

Collective agreements and practice exist for all or some of the matters dealt with in the Recommendation. In general, all workers receive an uninterrupted weekly rest of 36 hours. For shift workers, however, the rest period may have to be spread out over a period of two to three weeks.

Except for some undertakings which have introduced a five-day working week, it has not yet been found practical to grant an uninterrupted weekly rest of two days to young persons under 18 years of age.

Measures giving effect to provisions of the Recommendation not yet fully covered have not been found necessary, nor have modifications of the Recommendation been made.

Mauritius

CONVENTION No. 14

The relevant legislative provisions and collective agreements are fully dealt with in paragraphs 74 to 85 of the Annual Report of the Labour Department for 1961.

No modifications to national legislation have been necessary to give effect to the provisions of the Convention.

CONVENTION No. 106

See under Convention No. 14.

RECOMMENDATION No. 103

See under Convention No. 14.

Montserrat

CONVENTION No. 14

Sunday is traditionally a day of rest. Collective agreements provide for a 44-hour working week, which is also general practice. No changes in existing practice are considered necessary.

CONVENTION No. 106

The Shops Regulation Ordinance, No. 12, 1941.

There is no specific legislation giving effect to the provisions of the Convention. Traditionally, employees in commerce receive Sunday plus one half-day's rest weekly. The above ordinance restricts working hours for shop assistants to 45 per week, exclusive of meal times.

Modifications of national legislation or practice are not considered necessary.

RECOMMENDATION No. 103

All commercial establishments close for at least 36 consecutive hours between Saturday evening and Monday morning. In addition, Wednesday is generally recognised as a weekly half-holiday, and all offices and commercial establishments close.

North Borneo ¹

CONVENTION No. 14

Labour Amendment Ordinance, No. 15, 1957 (*Revised Laws*, Cap. 67).

The majority of employees in the industrial undertakings referred to in Article 1 of the Convention come within the definition of "workers" laid down in section 3 (c) of the above ordinance. Subject to contrary provisions contained in the employment contract, section 7 of the ordinance provides for a weekly rest day on Sunday or a substitute day agreed upon by employer and worker, and time-and-a-half pay is prescribed as compensation for work requested by an employer on the rest day. Shift workers may be required to work on more than six days a week and up to a maximum of 56 hours, provided that the average does not exceed 48 hours over two weeks. As regards employees not covered by the ordinance, the observance of Sunday rest is a widespread practice. No action has been taken to comply with Article 6 of the Convention, nor are the requirements of Article 7 of the Convention covered by the ordinance.

It is not intended to adopt measures giving effect to provisions of the Convention not yet covered by legislation or practice.

CONVENTION No. 106

For legislation see under Convention No. 14.

The provisions of the above ordinance relating to weekly rest apply, *inter alia*, to such persons employed in the establishments and services listed in Article 2 of the Convention as fall within the ordinance's definition of "worker". Very few of such employees do fall within that definition, but in some cases those who do not are given a weekly rest day by administrative practice.

No measures are envisaged to give effect to those provisions of the Convention not yet covered by legislation or practice.

RECOMMENDATION No. 103

No legislative, administrative or practical provisions exist in regard to the matters dealt with in the Recommendation.

No measures are envisaged to give effect to the provisions of the Recommendation not yet covered by national legislation or practice.

Northern Rhodesia

CONVENTION No. 14

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).
Posting of Notice Rules.

¹ This country is now part of Malaysia.

Article 2 of the Convention. Sections 5 and 5A of the above ordinance empower wages boards and wages councils to fix daily and weekly hours of work. A collective agreement having statutory effect lays down minimum conditions of employment for Europeans employed in the motor trading industry.

In practice, most industrial undertakings grant conditions of weekly rest no less favourable than those stipulated in the Convention, in virtue either of established custom or of freely negotiated agreement between employer and employee.

Articles 3 to 6. These Articles are not applicable.

Article 7, paragraph (a). The Posting of Notice Rules made under section 18 (2) (j) of the above ordinance require employers to prominently display copies of wages councils' or wages boards' determinations.

Paragraph (b). This paragraph is not applicable.

Articles 8 to 15. These Articles are not applicable.

Inspecting officers of the Ministry of Labour and Mines supervise the application of the relevant legislation. Employers' and workers' organisations are represented on wages councils, the Wages and Conditions of Employment Board and the Labour Consultative Council. Representative organisations also refer problems of enforcement to the Ministry of Labour and Mines for investigation and are consulted by the Ministry where necessary.

No decision has yet been taken for the adoption of further measures.

CONVENTION NO. 106

Shop Assistants Ordinance (Cap. 192).

General Notice No. 397, 1961.

See also under Convention No. 14.

Article 1 of the Convention. In practice, workers' conditions at least as favourable as those specified in the Convention are obtained through existing legislation or negotiating machinery.

Article 2, paragraph (a). Trading establishment employees are covered by wages council determinations. Shop assistants, as defined, are protected by section 3 of the Shop Assistants Ordinance.

Paragraph (b). The Wages and Conditions of Employment Board determination prescribes a 48-hour working week, plus overtime rates, for certain of such undertakings.

Paragraph (c). In addition to the statutory protection mentioned in paragraphs (a) and (b) above, office workers in most major industries are covered by collective agreement.

Article 4. This Article is not applicable.

Article 5, paragraph (a). This paragraph is not applicable.

Paragraph (b). Shop "managers" (as defined) have been excluded from the determination of the Wages Council for Europeans and Asians Employed in Shops set out in the General Notice of 1961 and the Shop Assistants Ordinance.

Article 6. Section 3 of the Shop Assistants Ordinance prohibits employment of shop assistants after 1 p.m. on more than five days in any one week or for more than six days in any one week. Limited exceptions are provided for in section 6.

Sections 5 and 5A of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance empower wages boards and wages councils to regulate weekly rest, and appropriate provisions have been included in determinations made in respect of Africans employed in hotels, clubs and restaurants, and Europeans and Asians employed in shops. Other determinations have resulted in the employees concerned enjoying conditions of weekly rest in excess of those contained in the Convention. As regards employees not covered by the above statutory regulations the five-and-a-half day week is widely accepted, and employees generally (with the possible exception of watchmen) enjoy rest conditions no less favourable than those required by the Convention.

Article 7. No special weekly rest schemes exist.

Article 8. Section 5 of the Shop Assistants Ordinance exempts from the provisions of the ordinance charity workers, hawkers, handlers of perishable foodstuffs and persons employed in printing newspapers or selling theatre programmes.

Article 9. No such reductions are permitted.

Article 10, paragraph 1. The application of the legislation is supervised by inspecting officers of the Ministry of Labour and Mines.

Workers' and employers' organisations are represented on wages councils, wages and conditions of employment boards and on the Labour Consultative Council. Such organisations refer problems of enforcement to officers of the Ministry of Labour and Mines and are consulted by the Ministry where necessary.

Paragraph 2. Penalties for violations are provided by section 9 (2) of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance and section 8 of the Shop Assistants Ordinance.

No decision to adopt further measures has yet been taken.

RECOMMENDATION NO. 103

In practice employees within the scope of the Recommendation invariably enjoy a continuous period of rest in excess of 36 hours.

The Posting of Notice Rules promulgated under section 18 (2) (j) of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance require employers to display a copy of determinations of wages councils or wages and conditions of employment boards.

It is normal practice for workers to enjoy conditions at least as favourable as those specified in the Recommendation. No decision to adopt further measures has been taken.

St. Christopher-Nevis-Anguilla

CONVENTION NO. 14

Public Holidays Act, No. 19, 1954.

Sunday is a common law holiday, and industrial work ceases except for shift workers, whose weekly rest periods are set out in rosters drawn up by the Trades and Labour Union. If, in case of emergency, the weekly rest is reduced in agreement with the workers' representatives, monetary compensation is made.

CONVENTION No. 106

Public Holidays Act, No. 19, 1954.

Shops Regulation Ordinance, No. 5, 1942.

Shops Hours Order (*S.R. & O.*, No. 10, 1942).

Sunday is a common law holiday, and all commercial establishments and offices close.

The above ordinance empowers the Administrator-in-Council to authorise shops to keep open late, particularly in case of emergency. Compensatory rest or wages are provided.

Minority religious groups are not affected to any great extent.

The Labour Commissioner and the Chief of Police supervise the application of relevant legislation.

Employers' and workers' organisations may comment on any proposed amending legislation.

No practical difficulties arise to prevent application of the Convention.

No new measures are envisaged.

RECOMMENDATION No. 103

Employees covered by Convention No. 106 do in fact enjoy a minimum uninterrupted weekly rest period of 36 hours (6 p.m. Saturday until 7 a.m. Monday in commerce; 4 p.m. Saturday until 9 a.m. Monday in most offices; and 12 noon Saturday until 8 a.m. Monday in some government offices). These periods are considered to be adequate for young persons as well.

No new measures are envisaged, nor are any modifications necessary for the adoption of the Recommendation.

St. Helena

CONVENTION No. 14

Lord's Day (Observance) Ordinance, 1849 (*Laws of St. Helena*, 1950, Cap. 65).

The above-mentioned ordinance forbids any work in industrial undertakings to be carried on during the whole of Sunday. Under administrative arrangements all industrial undertakings must remain closed from 1 p.m. Saturday until 7 a.m. Monday.

CONVENTION No. 106

For legislation see under Convention No. 14.

The Ordinance of 1849 forbids work in commerce and offices all day Sunday. Administrative and practical arrangements provide for such establishments to close from 1 p.m. Saturday until Monday morning, or from 1 p.m. Wednesday until 7 a.m. Thursday.

No new measures are envisaged.

RECOMMENDATION No. 103

See under Convention No. 106.

St. Lucia

CONVENTION NO. 14

Wages Regulation (Baking) Order (*S.R. & O.*, 1956, No. 33).

Most industrial workers are covered by collective agreements. The average work week in industry is 45 hours, and all industrial work (except for the sugar industry and municipal services) is performed on a daytime eight-hour basis. Most industrial workers receive their weekly rest on Sunday, the traditional day of rest.

Shift workers receive advance posted notice of their work schedules, which in practice allow them a Sunday rest at least once every four weeks. Otherwise they receive a rest period lasting at least 24 hours during the normal weekdays.

In virtue of the Wages Regulation (Baking) Order prescribing an eight-hour day, 48-hour work week for bakers, the latter are able to enjoy a minimum uninterrupted Sunday rest of 24 hours at least once every four weeks.

The Labour Commissioner administers the above order.

No modifications of law or practice are contemplated to give effect to the Convention.

CONVENTION NO. 106

Shops (Hours) Ordinance (*Revised Laws*, 1957, Cap. 245).

Shops (Hours) Order (*loc. cit.*).

Wages Regulations (Clerks) Order (*S.R. & O.*, 1956, No. 42).

Sunday has traditionally been recognised and observed as a day of rest, both in Government and in the private sector. Shops which have no fixed opening or closing times do not fall within the scope of the ordinance. However, in view of the size of the population and the organisation of commerce, establishments which are not affected by this legislation grant their employees periods of rest which coincide with the traditional customary and lawful rest periods of the other commercial employees.

In addition to Sunday there is a statutory mid-week half-holiday for most commercial employees.

The Police Department is responsible for the enforcement of the legislation relating to the opening and closing times of shops and the Labour Commissioner for the enforcement of the provisions relating to the employment of persons therein.

Employers' and workers' organisations are consulted when amendments to the legislation are contemplated.

The existing legislation gives effect to the Convention.

RECOMMENDATION NO. 103

For legislation see under Convention No. 106.

It is not considered necessary to take any new legislative or administrative measures to give greater effect to the provisions of the Recommendation.

Sarawak ¹

CONVENTION NO. 14

No specific legislation or administrative provisions exist as regards a work-free day for industrial employees. Industry as defined in the Convention is mainly under

¹ This country is now part of Malaysia.

government control, and light industrial undertakings are few in number; in both Sunday is observed as a weekly day of rest. The Labour Department is at present investigating conditions of employment in the building industry with a view to recommending legislation on the subject, if necessary.

CONVENTION No. 106

Weekly Holidays Ordinance (*Laws of Sarawak*, Cap. 79).

The above ordinance grants a weekly holiday to employees of shops, restaurants and theatres. Government and commerce recognise Sunday as the weekly rest day and in addition close at noon on Saturdays. The Labour Department supervises the application of the relevant legislation.

The Convention is fully applied; modification of national legislation or practice is not considered necessary. Ratification must ultimately become the responsibility of the Federal Government of Malaysia.

RECOMMENDATION No. 103

Government offices work a 36-hour week (five days of six-and-a-half hours plus three-and-a-half hours on Saturday). These hours are normally observed by commerce.

No measures are contemplated to give effect to the Recommendation, the adoption or application of which will be for the Federal Government of Malaysia to decide. Paragraph 4 of the Recommendation will undoubtedly be opposed.

Seychelles

CONVENTION No. 14

There are no mines, quarries or manufacturing industries, the majority of the population being employed in agriculture. According to statute, Sunday is a day of rest for agricultural workers and other undertakings. Saturday is, by customary practice, a half-day.

Singapore ¹

CONVENTION No. 14

Labour Ordinance, No. 40, 1955.

Clerks Employment Ordinance, No. 14, 1957.

Industrial Relations Ordinance, No. 20, 1960.

Article 1 of the Convention. All of the above ordinances apply to industrial undertakings as defined in this Article.

Article 2. The great majority of workers in industrial undertakings as defined in Article 1 come under the Ordinances of 1955 and 1957, which entitle them to a weekly rest day (meaning a period of 24 hours beginning at midnight). Of those industrial employees not covered by these ordinances, many receive a rest day pursuant to their individual employment contracts, to collective agreement or to an Industrial Arbitration Court award under the Ordinance of 1960.

¹ This country is now part of Malaysia.

The regulations allow employers and employees to agree on the rest day of their choice; otherwise, the law stipulates that it shall fall on Sunday (which, in practice, is the usual rest day, as all government offices and most undertakings close).

Article 3. The regulations do not take advantage of this exception.

Article 4. Sections 42 (1) and 43 (5) of the Ordinance of 1955 allow work to be performed on a rest day (with double wages as compensation) in case of accident, urgent or essential work or work required to be carried on continuously in shifts. Sections 42 (2) and 33 (3), respectively, of the Ordinances of 1955 and 1957 also allow an employee to work on his rest day at the request of his employer, with double pay as compensation.

Article 5. Where an employee works on his rest day at the request of his employer, sections 42 (2) and 33 (3), respectively, of the Ordinances of 1955 and 1957 allow the parties concerned to agree on a substitute rest day.

Article 7. No such provision exists in the legislation.

Supervision of the application of the Ordinances of 1955 and 1957 is entrusted to the Commissioner of Labour, who may authorise officials to inspect workplaces. Section 51 of the Ordinance of 1960 also authorises the Commissioner of Labour to carry out inspections to ensure the effective enforcement of collective agreements and arbitration awards.

Existing legislation and practice give effect to most of the provisions of the Convention, and its acceptance is now possible.

It is not possible at this stage to state whether it is intended to adopt further measures.

CONVENTION NO. 106

Shop Assistants Employment Ordinance, No. 13, 1957.

Shop Assistants Employment Regulations, 1959.

See also under Convention No. 14.

Article 1 of the Convention. The provisions of the Convention are, in the main, applied by the above legislation.

The great majority of the workers covered by this Article come under the Ordinance of 1955 and those of 1957, which entitle them to a rest day. Many of the employees covered by this Article, but not covered by the Labour Ordinance, the Shop Assistants Employment Ordinance or the Clerks Employment Ordinance, receive a rest day pursuant to their individual employment contracts, to collective agreement or to an Industrial Arbitration Court award under the Industrial Relations Ordinance.

Article 3, paragraph 1 (a). Except for "domestic servants" as defined in section 2 of the Labour Ordinance, this ordinance and the Shop Assistants and Clerks Employment Ordinances apply to persons employed in providing personal services as referred to in this paragraph.

Paragraph 1 (b), (c) and (d). The three ordinances mentioned above apply to all employees of establishments referred to in these subparagraphs. Employees of such establishments who are not covered by the three ordinances are, by and large, given a rest day.

Article 4. As legislation applies to all establishments and is based on the nature of the work performed, the need for this line of separation does not arise.

Article 5. Employees who are family members are not excluded from the operation of the three ordinances, but high managerial employees are.

Article 6, paragraph 1. Employees covered by the three ordinances are entitled to a weekly rest day. A “day” for this purpose is “a period of twenty-four hours beginning at midnight” and a “week” is defined as “a continuous period of seven days”. (See definitions of “day” and “week” in section 2 of each ordinance.)

Paragraph 2. Sections 41, 33 (1) and 34 (1), respectively, of the three ordinances allow an employer, if conditions in his industry so require, to arrange to give a rest day to his staff on different days and not simultaneously. This usually happens in the case of shift workers who are given a day off by rotation. However, in practice in most cases the whole of the staff in an undertaking who are covered by the three ordinances enjoy their rest day simultaneously.

Paragraphs 3 and 4. The provisions referred to in paragraph 2 above give ample scope to satisfy the requirements of these two paragraphs, as employers and employees can agree on the rest day of their choice. Where no rest day is fixed, then the Labour and Clerks Employment Ordinances stipulate that it shall be Sunday. In practice the usual rest day is Sunday, when all government offices and most undertakings are closed.

Article 7. As the provisions of Article 6 are applied, the provisions of this Article need not be considered.

Article 8, paragraphs 1 and 2. According to sections 42 (1), 34 (2) and 33 (2), respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances, no employee shall be compelled to work on his rest day. Sections 42 (1) and 43 (5) of the Labour Ordinance provide exceptions (with double wages as compensation) in case of accident, urgent or essential work or work required to be carried on continuously in shifts.

Sections 42 (2), 34 (3) and 33 (3), respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances also allow an employee to work on his rest day at the request of his employer, with double pay as compensation.

The Labour Advisory Board, which includes employers’ and workers’ representatives, was consulted in framing these provisions.

Paragraph 3. Sections 42 (2), 34 (3) and 33 (3), respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances allow workers and employers to agree on a substitute rest day, which must fall within three days immediately before or after the normal rest day.

Article 9. Wages are not regulated or subject to administrative control.

Article 10, paragraphs 1 and 2. Under sections 137, 48 and 44, respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances their supervision is entrusted to the Commissioner of Labour (see section 3 of each ordinance), who may authorise officials to make inspection at workplaces. Section 51 of the Industrial Relations Ordinance, as amended, also authorises the Commissioner of Labour to carry out inspections to ensure the effective enforcement of collective agreements and arbitration awards.

Appropriate penalties are contained in sections 54, 44 and 40, respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances, as well as in section 48 of the Industrial Relations Ordinance, as amended.

Article 11. This Article is not applicable.

Article 12. The rest-day provisions of the three ordinances are only a minimum (see section 7 of each ordinance) and do not prejudice any other law, award, custom or agreement ensuring more favourable conditions than those provided in the Convention.

Existing legislation and practice give effect to most of the requirements of the Convention, and its acceptance is now possible.

It is not possible at this stage to state whether it is intended to adopt further measures.

RECOMMENDATION NO. 103

Paragraph 1 of the Recommendation. Sections 41, 34 (1) and 33 (1), respectively, of the Labour, Shop Assistants and Clerks Employment Ordinances entitle workers covered by these ordinances to a rest day of not less than 24 hours weekly. The usual closing day in commerce and offices is Sunday. The normal working week is from Monday until 1 p.m. Saturday, and the great majority of employees covered by the three ordinances thus receive more than 36 hours of uninterrupted rest (Saturday 1 p.m. to Monday morning). Government offices close from 1 p.m. on Saturday to 9 a.m. on Monday.

Paragraph 2. This is fully complied with in the legislation (see definition of "day" in each of the three ordinances).

Paragraph 3. Such measures are not called for, as Article 6 of Convention No. 106 is applied.

Paragraph 4, subparagraph (1). Legislation makes no distinction between persons under or over 18 in respect of weekly rest.

Subparagraph (2). The provisions in question are applicable to persons under 18. However, section 52 of the Labour Ordinance prohibits employment of persons under 16 on their rest day without the written permission of the Commissioner of Labour (see definition of "child" and "young person" in section 2 of the said ordinance).

Paragraph 5. This Paragraph is inapplicable. There is no weekly rest period "established by national practice", as legislation allows employers and employees to fix the rest day by mutual agreement (see sections 41 and 33 (1), respectively, of the Labour and Clerks Employment Ordinances). The normal rest day of shop assistants is usually the closing day declared under section 35 (1) of the Shop Assistants Employment Ordinance.

Paragraph 6. Except for the Shop Assistants Employment Regulations, 1959 (regulation 8 of which requires a record of rest days taken by shop assistants to be kept), legislation does not prescribe the keeping of any special records to meet the requirements of this Paragraph.

Paragraph 7. Part III of the Industrial Relations Ordinance provides machinery whereby collective agreements can be made in this respect. Though no such agreement has been entered into as yet, in practice there is no reduction of income of persons entitled to a rest day.

It is not possible at present to state whether it is proposed to adopt new measures.

Existing legislation and practice give effect to the major requirements of the Recommendation.

Solomon Islands

CONVENTION No. 14

Labour Regulation, No. 3, 1960.

According to section 10 of the above-mentioned regulation, workers shall not be required to work on more than six days in one week, unless the contract of employment stipulates otherwise. Work performed on a Sunday (or other rest day agreed to by the employer and the worker) shall be paid at the rate of time-and-a-half. Government circulars have fixed hours of work which exclude Sunday from the working week; work hours in private employment are similar. The normal rest day is Sunday, and the only workers who normally work on Sunday are bakers, power-house attendants, telephone and radio operators and watchmen, all of whom receive equivalent time off. While in local practice the Convention is applied, it is not government policy to legislate in matters best left to negotiation.

CONVENTION No. 106

There is no legislation giving effect to the Convention, nor, in view of the practice, is any envisaged. In accordance with government office instructions messengers and other officers do not work from Saturday midday to 7.30 and 8 a.m. Monday, respectively. All private employees work similar hours.

RECOMMENDATION No. 103

The practice is such that it is not considered necessary to legislate in the matter.

Southern Rhodesia

CONVENTION No. 14

Shop Hours Act, No. 20, 1945.
Industrial Conciliation Act, No. 29, 1959.
Apprenticeship Act, No. 53, 1959.

Article 2 of the Convention. All collective agreements and employment regulations made under the Industrial Conciliation Act provide for a minimum weekly rest of 24 consecutive hours, except as regards certain shift workers in the mining industry, who may work seven shifts of eight hours a day.

Article 4. Exceptions from the provisions of Article 2 are arranged under the appropriate collective agreements or employment regulations.

Article 5. It is the practice to grant compensatory rest.

Article 7. The Industrial Conciliation Act requires the posting of hours of duty and rest periods.

Supervision of the application of legislation, regulations and agreements is entrusted to the Ministry of Labour and to inspectors appointed by industrial councils.

The requirements of the Convention have been observed for many years. No measures are necessary.

CONVENTION No. 106

Shop Hours Act, No. 20, 1945, as amended by Act No. 1, 1961.

Industrial Conciliation Act, No. 29, 1959.

Industrial Agreement for the Commercial Undertaking of Bulawayo: Government Notice No. 520, 1961.

Industrial Agreement for the Meat Trade: Government Notice No. 349, 1959.

Urban Areas (Native Employment) Regulations, 1958: Government Notice No. 439, 1958, as read with Government Notice No. 485, 1960.

See also under Convention No. 14.

Article 6 of the Convention. Almost all persons covered by the Convention enjoy a minimum uninterrupted weekly rest of 24 hours, under either the above legislation or that referred to in the report on Convention No. 14.

Article 7. Special schemes operate in the licensed catering industry, where the appropriate employment regulations make provision for an uninterrupted rest period of 48 hours per fortnight, and in the motor industry, where the regulations lay down an alternative rest of 24 hours each week or 48 hours each two weeks for petrol station attendants.

Ministry of Labour officials and inspectors appointed by the negotiating bodies (industrial councils) supervise the application of the relevant legislation.

The requirements of the Convention are observed, and nothing prevents or delays its application. New measures are unnecessary.

RECOMMENDATION No. 103

Paragraph 1 of the Recommendation. Persons covered by Convention No. 106 receive, by statute or custom, a minimum weekly rest of 36 hours, which is normally uninterrupted.

Paragraph 2. The weekly rest provision in collective agreements and regulations under the Industrial Conciliation Act includes the period from midnight to midnight.

Paragraph 3. Wherever a rest scheme is in force, these minima are not exceeded.

Paragraph 4. A distinction between minors and adults is not customary in so far as the weekly rest period is concerned.

No measures are contemplated to give effect to the provisions of the Recommendation not yet covered by national legislation or practice, as such provisions are better negotiated between employers' and workers' organisations.

A modification in respect of Paragraph 1 of the Recommendation would be necessary to permit its full application. As stated above, no such modification is contemplated.

Zanzibar ¹

CONVENTION No. 14

Zanzibar possesses neither industries of the type mentioned in the Convention nor legislation enforcing its requirements, which, however, are fully met in practice. The rest period usually runs from Saturday afternoon to Monday morning and benefits employees of the Government and of large and small undertakings and offices, industrial or otherwise.

¹ This territory became independent on 10 December 1963.

CONVENTION NO. 106

Shop Hours Decree, 1951 (Cap. 169).
Shop Hours Rules, 1951 (Cap. 169).

The above decree and rules cover part of the requirements of the Convention for shop assistants. Generally, all commercial firms observe the practice of weekly rest as reported under Convention No. 14.

Article 1 of the Convention. Section 8 of the decree is applicable.

Articles 2 to 5. Section 3 of the decree defines "shop" and "shop assistants". See under Convention No. 14.

Article 6, paragraph 1. Section 7 of the decree is applicable.

Paragraphs 2 to 4. See under Convention No. 14.

Article 7. These provisions are not stipulated by law, but they are ensured in practice.

Articles 8 and 9. No such provisions exist.

Article 10, paragraph 1. Rule 4 of the rules is applicable.

Paragraph 2. Section 9 of the decree is applicable.

Supervision and application of the legislation is entrusted to the Police Department and Labour Department. Employers' and workers' organisations co-operate by reporting violations to the authorities.

No difficulties prevent or delay application of the Convention. It is not intended to adopt measures giving effect to those provisions not yet covered by legislation or practice, as these can be achieved by advisory means.

RECOMMENDATION NO. 103

Paragraphs 1 and 2 of the Recommendation. Section 7 of the Shop Hours Decree grants workers covered by it a minimum weekly rest of 24 consecutive hours. In practice, work stops from Saturday afternoon to Monday morning, thus allowing a great majority of workers to enjoy more than 36 hours of uninterrupted rest.

Paragraph 3. Though legislation does not cover special rest schemes, the provisions of this Paragraph are ensured in practice.

Paragraph 4, subparagraph (1). No such provision exists.

Subparagraph (2). This subparagraph is inapplicable, as there are no exemptions, either total or partial.

Paragraph 5. Where such a situation exists, workers are notified of their rest days.

Paragraph 6. No such provision exists.

Paragraph 7. No legislative provision exists. In practice, no deductions for rest days are made from salaries of employees on monthly contracts.

No new measures are envisaged. No modifications of the Recommendation seem necessary for its adoption.

United States**CONVENTION No. 14**

See under Convention No. 106.

CONVENTION No. 106

Fair Labor Standards Act, 1938, as amended.

Walsh-Healey Public Contracts Act.

Work Hours Act, 1962.

The provisions of the Convention are regarded as appropriate for action by the constituent states.

The weekly day of rest (often two days of rest) is well established through custom and union contracts. Seven state laws which require one day's rest in seven, or a six-day week, are applicable to both men and women, with certain occupational exemptions. Six other states and the District of Columbia have established a maximum six-day working week for women. In general, the traditional day of rest is Sunday.

Most of the states have laws restricting labour on Sunday; in general, work of necessity is exempted. A few states discourage work beyond a basic five-day or six-day week by requiring premium pay for work in excess of 40 or 48 hours a week. This principle is followed in federal wage and hour provisions (Fair Labor Standards Act, as amended) and in the special provisions applicable to federal contracts and federally assisted work (Walsh-Healey Public Contracts Act; Work Hours Act, 1962). Provisions applicable to employees of the federal Government also established a straight-time 40-hour week (also an eight-hour day for non-office employees) with premium pay in most cases, or compensatory time, required for hours worked beyond the limit. Interest appears to be growing in the states for the adoption of overtime pay requirements in the laws to discourage excessive daily or weekly hours of work.

With few exceptions, a day of rest in each seven is the rule.

For workers under 16, nearly one-third of the states set a 40-hour maximum work week in most occupations, and most of the rest set 44 or 48. Three-fifths of the states also specifically set a six-day week. For minors of 16 and 17, nearly half of the states limit weekly hours to 48 or less, and slightly fewer specify a six-day week. It is expected that through the further spread of custom and collective bargaining, as well as improvements in wage and hour legislation, the provisions of the Convention will be complied with even more fully than at present.

RECOMMENDATION No. 103

See under Convention No. 106.

American Samoa**CONVENTION No. 14**

See under Convention No. 106 concerning the *United States*.

CONVENTION No. 106

Fair Labor Standards Act, 1938, as amended.

A 40-hour week is standard for government and municipal employees.

The minimum wage, overtime compensation and child labour provisions of the above Act are applied through the use of special industry committees to recommend appropriate rates of pay.

In the seafood industry, fish processing personnel work a 48-hour week, other personnel a 40-hour week. Time-and-a-half is paid for overtime. There is one off-day each week except for an occasional emergency. The petroleum distribution industry works a 40-hour week, with time-and-a-half for overtime and at least one off-day weekly.

Smaller private businesses are largely family-owned and customarily close from Saturday at 1 p.m. until Monday morning.

See also under Convention No. 106 concerning the *United States*.

RECOMMENDATION No. 103

See under Convention No. 106 concerning the *United States*.

Guam

CONVENTION No. 14

See under Convention No. 106 concerning the *United States*.

CONVENTION No. 106

Fair Labor Standards Act, 1938, as amended.

Minimum Wage and Hour Act of Guam (P.L. 5-143).

See under Convention No. 106 concerning the *United States*.

RECOMMENDATION No. 103

See under Convention No. 106 concerning the *United States*.

Puerto Rico

CONVENTION No. 14

See under Convention No. 106 concerning the *United States*.

CONVENTION No. 106

Fair Labor Standards Act, 1938, as amended.

A legal working day is eight hours, a working week 48 hours, and a working month 208 hours, with double time for overtime.

The minimum wage, overtime compensation and child labour provisions of the above Act are applied through the use of special industry committees to recommend appropriate rates of pay.

See also under Convention No. 106 concerning the *United States*.

RECOMMENDATION No. 103

See under Convention No. 106 concerning the *United States*.

Trust Territory of the Pacific Islands

CONVENTION No. 14

See under Convention No. 106 concerning the *United States*.

CONVENTION No. 106

The normal work week consists of eight hours per day for a five-day week of 40 hours.

See also under Convention No. 106 concerning the *United States*.

RECOMMENDATION No. 103

See under Convention No. 106 concerning the *United States*.

Virgin Islands

CONVENTION No. 14

See under Convention No. 106 concerning the *United States*.

CONVENTION No. 106

Fair Labor Standards Act, 1938, as amended.
Virgin Islands Code, 1962 supplement (Vol. 4, s. 20).

The Virgin Islands Code, 1962 supplement, establishes a five-day, 40-hour week, with compensation for longer hours.

The minimum wage, overtime compensation and child labour provisions of the Act of 1938, as amended, are applied through the use of special industry committees to recommend appropriate rates of pay.

See also under Convention No. 106 concerning the *United States*.

RECOMMENDATION No. 103

See under Convention No. 106 concerning the *United States*.

Uruguay

RECOMMENDATION No. 103

Act No. 8797 of 22 October 1931 (*L.S.* 1931—Ur. 1).
Act No. 11887 of 2 June 1952.

The weekly rest in commerce is a day-and-a-half (36 hours), and this extends to employees in the commercial offices of industrial establishments.

Undertakings are required to keep in a place visible to the staff a work chart whereby the inspectors can keep a check on all rest periods, including those subject to a special scheme.

Viet-Nam

CONVENTION No. 106

Labour Code of 8 July 1952 (*L.S.* 1956—*V.N.* 1).

Weekly rest is traditional in government departments, where the rest period is longer than in other sectors of employment.

The Labour Inspection Service ensures the application of the provisions concerning weekly rest in the private sector.

Employers and workers are consulted through their representatives on the National Labour Advisory Board concerning any changes in the laws or regulations on this subject.

The Department of Labour is making a detailed study of the Convention in order to submit to the Government a report concerning the possibility of ratification.

RECOMMENDATION No. 103

Weekly rest lasts 24 consecutive hours, except in government departments, where a 36-hour rest period has always been observed.

No provision is made for persons under 18 years of age to have a longer rest period.

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International Labour Conference

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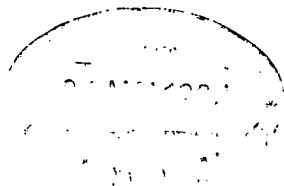
**Information and Reports on the Application
of Conventions and Recommendations**

**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
1964



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The publication of information concerning the ratification and application of international labour Conventions does not imply any expression of view by the International Labour Office on the legal status of the State having communicated a ratification or declaration, or on its authority over the territories in respect of which such ratification or declaration is made ; in certain cases these may present problems on which the I.L.O. is not competent to express an opinion

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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 46th Session, held in Geneva from 6 to 28 June 1962.

The period of one year provided for the submission to the competent authorities of these instruments expired on 28 June 1963, and the period of 18 months on 28 December 1963.

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 45th Sessions (1948 to 1961). 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 47th 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 13 to 25 March 1964, the communications received from the governments, as stated in its report.

Also included in this report is a summary of information communicated by certain governments of federal States in reply to a general request for information on the application in federal States of the provisions of article 19, paragraph 7 (b), of the Constitution of the I.L.O.

List of Texts Adopted by the Conference at its 31st to 46th 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).

46th Session (1962).

Social Policy (Basic Aims and Standards) Convention (No. 117).

Equality of Treatment (Social Security) Convention (No. 118).

Reduction of Hours of Work Recommendation (No. 116).

Vocational Training Recommendation (No. 117).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 46th Session (Geneva, 1962) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 45th Sessions (1948 to 1961)

ALBANIA

In December 1962 the Government submitted the instruments adopted by the Conference at its 46th Session to the Praesidium of the People's Assembly.

ARGENTINA

Recommendations Nos. 110 and 111, which were adopted at the 42nd Session of the Conference, have been submitted to the National Congress, as well as the instruments adopted at the 43rd and 44th Sessions.

The Conventions and Recommendations adopted at the 45th and 46th Sessions of the Conference will be submitted to the legislature in the near future.

AUSTRALIA

The texts of the instruments adopted at the 46th Session of the Conference have been tabled in the federal Parliament as an appendix to the report of the Australian delegates to the Conference. A declaration indicating the Government's position with regard to these instruments will be submitted to Parliament and sent to the Office in due course.

The Government has also communicated the following information in reply to a general request for information concerning the application in federal States of the provisions of article 19 (7) (b) of the Constitution :

Conventions and Recommendations are submitted to the federal Parliament within the time limit laid down in the I.L.O. Constitution. In cases in which action by the states is found to be required, the instruments are forwarded to the authorities of the constituent states, who are asked to give their views on the possibility of ratifying a Convention or giving effect to a Recommendation. On the basis of the various replies received, the federal Government prepares a report to the federal Parliament concerning the action proposed with regard to these instruments.

Since 1947 there has also been a labour advisory board of the Commonwealth of Australia comprising the Secretaries of the Departments of Labour of the Commonwealth and the states and their staffs. This board meets once a year, and the ratification of international labour Conventions is always one of the items on its agenda. Discussions on the ratification of Conventions also take place at the Conference of the Prime Ministers of the Commonwealth and the states. The Government states that this consultation machinery has enabled a large number of Conventions to be ratified.

AUSTRIA

Convention No. 117 and Recommendations Nos. 116 and 117 have been submitted to the National Assembly with a report by the Government. It is not proposed to ratify Convention No. 117 since this instrument is rather of concern to new States Members of the Organisation. Information will be supplied in a separate document with regard to the Equality of Treatment (Social Security) Convention, 1962 (No. 118).

The Government has also provided the following information in reply to a general request concerning the application in federal States of the provisions of article 19 (7) (b) of the Constitution:

Under the national Constitution, questions of labour law lie within the competence of the federal authorities as regards legislation and its application in respect of workers other than those in agriculture. In respect of agricultural workers, the competence of the federal authorities is limited to the preparation of the basic legislation. The special provisions of article 19 (7) (b) of the I.L.O. Constitution are therefore not applicable to Austria.

BRAZIL

In accordance with a resolution adopted by the Permanent Commission on Labour Law, the Workers' Housing Recommendation, 1961 (No. 115) has been brought to the notice of the trade unions and of the agencies responsible for carrying out the economic development plan.

BULGARIA

The Praesidium of the People's National Assembly, which is the competent organ within the meaning of article 19 of the I.L.O. Constitution, took note at its March 1963 Session of the instruments adopted by the Conference at its 46th Session. The Praesidium decided to submit the Equality of Treatment (Social Security) Convention, 1962 (No. 118), to the departments concerned, with a view to possible ratification, as well as Recommendations Nos. 116 and 117 for examination and comparison with the national legislation.

BYELORUSSIA

The instruments adopted at the 46th Session of the Conference were submitted to the Praesidium of the Supreme Soviet in May 1963.

CANADA

The texts of the instruments adopted at the 46th Session of the Conference were submitted to the House of Commons and the Senate in January 1963, together with a note giving the views of the Deputy Attorney-General concerning the division of powers between the federal and provincial authorities in respect of these instruments. On that occasion the Minister made a statement. Conventions Nos. 117 and 118 and Recommendations Nos. 116 and 117, which lie partly within the competence of the federal Government and partly within that of the provincial governments, were also addressed to the Lieutenant-Governors of the provinces for submission to their respective governments.

The Government has also supplied the following information in reply to a general request in respect of the application in the federal states of the provisions of article 19 (7) (b) of the I.L.O. Constitution :

There is in Canada an association of Labour Department administrators which meets regularly each year in the presence of the Deputy Ministers and senior officers of the federal and provincial Departments of Labour to discuss matters of common interest. Questions concerning the I.L.O. are considered at these meetings. The papers prepared on the items on the agenda of the International Labour Conference are transmitted to the provincial Labour Departments for comments, and any such comments are taken into account in the drafting of the Government's reports and in the instructions given to the Government delegates to the Conference, who sometimes include advisers from the provincial departments. The reports prepared for the Office with regard to the national law and practice in the labour field are also communicated in draft form to the provincial departments for comment and amendment in respect of the provinces concerned. All these consultations are tending towards a gradual development of labour legislation throughout the country in accordance with the national Constitution.

CENTRAL AFRICAN REPUBLIC

The instruments adopted by the Conference at its 46th Session have been submitted to the National Assembly. On this occasion it was recommended that Conventions Nos. 117 and 118 should be ratified and that appropriate action should be taken to give effect to Recommendations Nos. 116 and 117.

CEYLON

Copies of the Conventions and Recommendations adopted at the 44th and 45th Sessions of the Conference are now being printed for submission to the Chamber of Representatives and the Senate.

CHILE

The messages through which the instruments adopted at the 46th Session of the Conference must be submitted to Congress have been drafted and contain the Government's proposals with regard to the action to be taken on each of these instruments. It is not proposed to ratify Convention No. 117 or to accept Recommendation No. 117 since the national law is not in conformity with these instruments.

CHINA

Convention No. 117 and Recommendations Nos. 116 and 117, which were adopted at the 46th Session of the Conference, have been submitted to the Legislative Assembly. Ratification of Convention No. 117 has been proposed. Convention No. 118 is under study by the departments concerned with a view to ratification.

CUBA

The instruments adopted at the 46th Session of the Conference have been transmitted to the competent organs of the Revolutionary Government for information and action.

CYPRUS

The instruments adopted by the Conference at its 45th and 46th Sessions will be submitted to the House of Representatives in the near future. A copy of the document submitted to the House for the purpose will be supplied in due course.

CZECHOSLOVAKIA

A large number of Conventions and Recommendations adopted by the Conference from its 32nd to its 45th Sessions have been submitted to the competent authorities.

DENMARK

In March 1963 the Government submitted to Parliament the report of the Government delegation to the 46th Session of the Conference with a note analysing the provisions of the instruments adopted at that session and indicating the Government's attitude in relation to them. Convention No. 117 is primarily of concern to States that have recently attained independence. The possibility of ratifying Convention No. 118 is under consideration by the competent authorities. The attention of the departments concerned has been drawn to Recommendations Nos. 116 and 117.

ETHIOPIA

The instruments adopted by the Conference at its 45th and 46th Sessions were submitted to the Council of Ministers in October 1963. These instruments will be taken into consideration when future labour laws are drafted.

FRANCE

The texts of the instruments adopted by the Conference at its 45th and 46th Sessions have been communicated to the appropriate committee of the National Assembly. The Office will be informed in due course of the nature of the application of the instruments adopted at the 46th Session in French law and practice and of the action that might be taken in relation to those instruments.

FEDERAL REPUBLIC OF GERMANY

The instruments adopted by the Conference at its 46th Session were submitted to the federal Diet and the federal Council in December 1963 together with a report indicating the Government's position in relation to them. Convention No. 117 is primarily of concern to countries in course of development, and therefore no ratification of it is intended. The ratification of Convention No. 118 requires a prior and thorough examination of its possible effects on national legislation. The Government will take account of the principles of Convention No. 117 when consideration is given to improving the vocational training system. Recommendation No. 116 is already applied to a large extent under German law.

In addition the Government has supplied the following information in reply to the general request concerning the application in federal States of the provisions of article 19 (7) (b) of the I.L.O. Constitution:

Under section 74 (12) of the Constitution of the Federal Republic of Germany labour law, workers' protection, employment, social security and unemployment insurance are matters that lie within the joint competence of the federal Government and of the governments of the constituent states, but under section 72 (1) of the Constitution the constituent states may not legislate in these fields unless the federal Government does not exercise its own right to legislate. Since the federal Government has exercised this right most of the measures to be taken in relation to international labour Conventions and Recommendations fall within its competence.

GHANA

The Government has accepted Recommendation No. 115, adopted by the Conference at its 45th Session.

GUATEMALA

The instruments adopted by the Conference at its 46th Session have been submitted to the competent departments for examination.

HAITI

The Government states that all the necessary steps have been taken to apply the instruments adopted by the Conference at its 46th Session.

HUNGARY

The instruments adopted by the Conference at its 45th and 46th Sessions were submitted to the Presidential Council of the Republic in April 1963.

INDIA

The instruments adopted at the 46th Session of the Conference were submitted to the Parliament of the Union in December 1963. A report on the Government's proposals concerning the action to be taken with regard to these instruments will be submitted to Parliament as soon as the necessary investigations have been completed.

In addition, the Government provided the following information in reply to the general request concerning the application in federal States of the provisions of article 19 (7) (b) of the I.L.O. Constitution:

Under the national Constitution the subject-matter of Conventions and Recommendations lies within the concurrent jurisdiction of the Union and its constituent states. Copies of these instruments are submitted to Parliament in the form of an appendix to the report of the Government delegation within a short time of the end of the session of the Conference. At that stage no proposal is made concerning the action to be taken with regard to the instruments in question, which are then communicated to the appropriate ministries of the Government of the Union, to the governments of the constituent states and to all the employers' and workers' organisations, which are requested to give their views concerning the possibility of giving effect to the instruments either in whole or in part.

A tripartite committee set up in 1954 to advise the Government on the application of international labour standards also receives copies of the instruments. A statement indicating the Government's attitude with regard to each particular Convention or Recommendation is then prepared on the basis of the various comments made and submitted to the two Houses of Parliament.

INDONESIA

The instruments adopted by the Conference at its 46th Session have been submitted to the President of the Republic and to the Parliament together with a report by the Government. The Social Policy (Basic Aims and Standards) Conven-

tion, 1962 (No. 117), does not affect this country and is rather designed for non-metropolitan territories. Convention No. 118 and Recommendations Nos. 116 and 117 will be taken into account in connection with the reconstruction plan.

IRAN

Most of the instruments adopted by the Conference from the 41st to the 46th Sessions were submitted to the Senate in February 1964 with a proposal to ratify a certain number of Conventions.

IRELAND

The instruments adopted by the Conference at its 46th Session were submitted to the two Houses of Parliament in January 1964, together with a government paper analysing each of these instruments and containing proposals concerning the action to be taken in relation to them. It is not proposed to ratify Convention No. 117, which cannot be applied in the more advanced countries. It has been proposed to ratify Convention No. 118 in respect of sickness benefit, unemployment benefit and family benefit only. The provisions of Recommendation No. 116 are largely acceptable. National law and practice are in accordance with Recommendation No. 117.

ISRAEL

The instruments adopted by the Conference at its 46th Session have been submitted to Parliament together with a government memorandum. The Government is considering the possibility of ratifying Conventions Nos. 117 and 118. Recommendations Nos. 116 and 117 have been communicated to the appropriate departments so that they may be taken into account in the work of the departments concerned.

IVORY COAST

The instruments adopted by the Conference at its 46th Session were submitted to the National Assembly in December 1962 with a report analysing their provisions and stating the Government's intentions with regard to the action to be taken in relation to them. Ratification of Convention No. 117 has been proposed. It will not be possible to ratify Convention No. 118 until the coming into force of a social security scheme of a scope which would largely coincide with that of this instrument. The standards contained in Recommendations Nos. 116 and 117 are already applied.

JAPAN

A report concerning the Conventions and Recommendations adopted at the 46th Session of the Conference was submitted to the Diet in June 1963. Convention No. 117 is of no interest to Japan since it relates more particularly to former non-metropolitan territories which have now become full Members of the Organisation. With regard to the Equality of Treatment (Social Security) Convention, 1962 (No. 118), there is a considerable difference in the standard of protection provided under the social security schemes of different countries. Consequently, it is more practical to conclude agreements with countries that have reached the same standard in respect of social security than to ratify this Convention. With regard to Recommendation No. 116 further studies will be made. The principles of Recommendation No. 117 are already applied in Japan.

JORDAN

Conventions Nos. 117 and 118, adopted by the Conference at its 46th Session, have been ratified. Recommendation No. 116 has been approved by the Government.

KUWAIT

Convention No. 117 has been ratified. Convention No. 118 has been submitted to the Council of Ministers for ratification and Recommendations Nos. 116 and 117 for approval. Information concerning the decisions taken will be supplied at a later date.

LUXEMBOURG

The texts of the instruments adopted by the Conference at its 46th Session were submitted to the Chamber of Deputies in January 1964, together with a government statement. Convention No. 117 is designed for former non-metropolitan territories and is of no direct concern to Luxembourg. The Government deems it necessary to give thorough consideration to the provisions of Convention No. 118 with regard to the transfer of benefit rights before it proposes approval of that instrument. As regards Recommendation No. 116 collective agreements are regarded as the most appropriate means of application and they enable the Government to take no direct action in relation to the reduction of hours of work. Recommendation No. 117 is, on the whole, in conformity with government policy.

MALAGASY REPUBLIC

The Government intends to propose ratification of Conventions Nos. 117 and 118, which were adopted by the Conference at its 46th Session.

MALAYSIA

All the instruments adopted by the Conference from its 41st to its 46th Sessions were submitted to Parliament in May 1963. A government statement was made on that occasion with regard to a certain number of Conventions and Recommendations.

MAURITANIA

The instruments adopted by the Conference at its 46th Session were submitted to the National Assembly in January 1964 together with a note outlining the Government's views with regard to them. Ratification of Convention No. 117 has been postponed but account will be taken of the provisions laid down in that instrument. Ratification of Convention No. 118 is not contemplated at the present stage because the social insurance system in Mauritania has only just been established. The national law and practice are in conformity with Recommendations Nos. 116 and 117.

MEXICO

The Labour Department is now preparing reports with a view to the submission of Conventions Nos. 117 and 118 to Congress. Recommendations Nos. 116 and 117 have been brought to the attention of the departments concerned.

MOROCCO

The instruments adopted at the 46th Session of the Conference have been submitted to the King and to the Prime Minister.

NEW ZEALAND

The instruments adopted at the 46th Session of the Conference were submitted to the House of Representatives in June 1963. The document submitted on that occasion analyses the provisions of each of the instruments in question in relation to the national law and practice and outlines the action which the Government is contemplating with regard to them. Owing to certain divergences between Convention No. 117 and New Zealand legislation it is not proposed to ratify that instrument. For the same reasons the Government cannot ratify Convention No. 118. Recommendations Nos. 116 and 117 are accepted with certain reservations.

NIGERIA

Under the national Constitution, labour and welfare matters lie within the concurrent jurisdiction of the federal and regional authorities. Consequently, the instruments adopted by the Conference at its 46th Session have been communicated to the regional governments with the comments of the federal Government. Several provisions of Convention No. 117 are applied under the national law. Serious consideration is being given to the possibility of ratifying Convention No. 118. Recommendation No. 116 is not acceptable owing to the country's economic position. The financial resources do not permit Recommendation No. 117 to be fully applied.

NORWAY

The texts of the instruments adopted at the 46th Session of the Conference were submitted to Parliament by Royal Decree in December 1962, together with the report of the Government delegation to the 46th Session and a statement outlining national law and practice in relation to the subject-matter of these instruments. It is not intended to ratify Convention No. 117. On the other hand, ratification of Convention No. 118 (in respect of certain Parts) and the acceptance of Recommendations Nos. 116 and 117 have been proposed to Parliament.

PHILIPPINES

The instruments adopted by the Conference at its 46th Session were submitted to the House of Representatives in April 1963. The Government has recommended that appropriate action should be taken in relation to these instruments in view of the fact that they have features conducive to social progress.

RUMANIA

The instruments adopted at the 46th Session of the Conference were submitted to the Council of State of the Rumanian People's Republic in June 1963.

SENEGAL

The texts of Recommendations Nos. 116 and 117, which were adopted at the 46th Session of the Conference, have been submitted to the National Assembly. The principles laid down in these instruments are largely applied in practice.

REPUBLIC OF SOUTH AFRICA

The texts of the instruments adopted at the 46th Session of the Conference and a list of all the instruments adopted to date indicating the Conventions and Recommendations ratified or accepted by the Republic of South Africa were submitted to the two Houses of Parliament in January 1963. These instruments were submitted also to the Executive Council. The Government considers that it cannot ratify Convention No. 118. Since for economic reasons certain sectors are unable to reduce working hours, Recommendation No. 116 cannot be accepted. Vocational training is based on the separation of facilities for the various racial groups. Thus although its basic principles are applied, legislation does not give full effect to Recommendation No. 117.

SPAIN

The texts of Convention No. 117 and Recommendation No. 118 have been submitted to the Council of Ministers which will decide whether they are to be ratified.

SWEDEN

The instruments adopted by the Conference at its 46th Session were submitted to Parliament in January 1963 together with the Government's proposals. Ratification of Convention No. 118 has been proposed.¹ A final decision in relation to Convention No. 117 cannot be taken until that instrument has been considered by the committee set up by the Nordic countries to discuss social affairs. With regard to Recommendation No. 116, the Government states that a number of measures have been taken in the last few years with a view to reducing hours of work. The principles of Recommendation No. 117 will be taken into consideration in the future development of the Government's activities with regard to vocational training.

SWITZERLAND

In March 1963 the federal Council submitted to the federal Assembly a report on the proceedings of the 46th Session of the International Labour Conference. This report includes the texts of the instruments adopted at that session and comments concerning the Government's attitude in relation to them. The Government considers that Convention No. 117 is of no direct concern to Switzerland. For reasons connected in particular with the transfer of rights to non-contributory benefits, ratification of Convention No. 118 as a whole is out of the question. On the other hand the Convention could be ratified with regard to accident insurance, but it is not thought desirable to do so for only one branch of social security, which is in any case covered by another Convention. In the light of the conditions peculiar

¹ The ratification of this Convention was registered on 25 April 1963.

to Switzerland, the principle of the 40-hour week laid down in Recommendation No. 116 is not realistic, according to the Government's report. On the other hand the principles of Recommendation No. 117 have the Government's approval.

In addition, the Government has supplied the following information in reply to the general request concerning the application in federal States of the provisions of article 19 (7) (b) of the I.L.O. Constitution:

For various reasons the Confederation has always taken the view that federal action is more appropriate in relation to international labour Conventions and Recommendations. This is so, for example, when the Government considers that it cannot accept the principles of certain instruments and does not wish to see the cantons adopting the opposite attitude. Moreover, under section 34^{ter} of the national Constitution the Confederation has such extensive powers in relation to labour and social questions that social policy becomes primarily a matter for federal action.

SYRIAN ARAB REPUBLIC

According to the information the Government has supplied, the instruments adopted by the Conference at its 44th and 46th Sessions have been submitted to the competent authorities, except for Convention No. 117. It is stated that information concerning the action taken in relation to these instruments will be supplied at a later date. (Ratification of Convention No. 118 was registered on 8 November 1963.)

TANGANYIKA

The instruments adopted by the Conference at its 46th Session have been submitted to the Parliament, together with a report containing the Government's comments and proposals. Convention No. 82, which is the original version of Convention No. 117, has been declared applicable to Tanganyika with modifications. Since the Government intends to take advantage of these modifications it cannot ratify Convention No. 117. The ratification of Convention No. 118 is not contemplated owing to the very low level of protection under the existing social security scheme. The principles of Recommendation No. 116 are contrary to government policy. Recommendation No. 117 is accepted.

TUNISIA

The instruments adopted at the 46th Session have been submitted to the competent authorities. Recommendation No. 115, which was adopted at the 45th Session, has been accepted.

TURKEY

On the occasion of the submission of the estimates for the Ministry of Labour to the National Assembly, the Minister made a statement in which he dealt, *inter alia*, with the instruments adopted by the Conference at its 46th Session. He stated that these instruments were under consideration by the appropriate departments.

UKRAINE

The instruments adopted at the 46th Session of the Conference were submitted to the Praesidium of the Supreme Soviet in December 1962.

UNITED ARAB REPUBLIC

The Government has supplied a report containing a detailed analysis of the national law in relation to Recommendations Nos. 116 and 117.

UNITED KINGDOM

The instruments adopted at the 46th Session of the Conference were submitted to Parliament in April 1963. The relevant parliamentary paper contains an analysis of the provisions of these instruments and proposals concerning the action to be taken in relation to them. The Government states it gave its support to the adoption of Convention No. 117 but does not propose to ratify it since the instrument is mainly intended for former non-metropolitan territories. Though it approves of the principles of Convention No. 118, the Government considers that that instrument can best be applied through bilateral agreements, and for that reason it is not proposed to ratify the Convention. The Government does not accept Recommendation No. 116. On the other hand, it approves of Recommendation No. 117.

UNITED STATES

The instruments adopted by the Conference at its 46th Session, which lie partly within the competence of the federal Government and partly within that of the constituent states, have been communicated to Congress and to the authorities of the states and of Puerto Rico, together with a report on the joint position of the departments concerned regarding the action to be taken in relation to these instruments. The Government does not contemplate ratification of Conventions Nos. 117 and 118. The national legislation is in conformity with Recommendation No. 116. As regards Recommendation No. 117, a vocational training law is pending before Congress.

The Government has also supplied the following information in reply to a general request concerning the application in federal States of the provisions of article 19 (7) (b) of the I.L.O. Constitution:

The instruments adopted by the Conference are submitted to Congress with a report containing the views of the federal departments concerned. If the report shows that the instruments in question can serve as a basis for legislation the President of the United States submits to Congress proposals concerning the legislation that is thought desirable.

The texts of Conventions and Recommendations that call for action by the federated states are communicated to the Governors for such action as they think fit. The Governors submit the instruments, with suitable recommendations, to the authorities they consider appropriate in each case, e.g. the Department of Labor or the legislature. In addition, frequent consultations take place between the federal administration and the state departments responsible for labour questions.

U.S.S.R.

The instruments adopted at the 45th Session of the Conference were submitted to the Praesidium of the Supreme Soviet in May 1963.

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PART ONE

GENERAL REPORT

GENERAL REPORT

I. Introduction

1. The Committee of Experts appointed by the Governing Body of the International Labour Office to examine the information and reports submitted under articles 19, 22 and 35 of the Constitution by Members of the International Labour Organisation upon the application by them of Conventions and Recommendations, held its 34th Session in Geneva from 13 to 25 March 1964. The Committee has the honour to present its report to the Governing Body.

2. The composition of the Committee is as follows:

Sir Grantley ADAMS, Q.C. (Barbados),

Former Prime Minister of the West Indies; former delegate to the United Nations Assembly;

Sir Adetokunbo ADEMOLA (Nigeria),

Chief Justice of the Federal Republic of Nigeria;

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),

Associate 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. 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;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; formerly 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; Member of the Institute of International Law; Member of the Curatorium of the Academy 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.

3. The Committee regretted that Mr. KOROVIN was prevented for reasons of health from participating in its present session.

4. During its session the Committee learned of the resignation of Professor F. M. VAN ASBECK, for reasons of health. The Committee deeply regrets the departure of one of its senior members who, since 1947, has made such an outstanding contribution to its work. Through his participation in the Mandates Commission of the League of Nations, Professor van Asbeck was particularly well qualified to act as Reporter on questions concerning the application of international labour standards in non-metropolitan territories. In this capacity, as well as in the broader field of human rights, Mr. van Asbeck gave to the Committee the benefit of his vast experience, of his sense of justice and of his complete objectivity born of a scrupulous respect for facts. The Committee wishes to place on record the sense of personal loss of its members, its admiration and its gratitude for Professor van Asbeck's eminent services over so many years in promoting the standards and objectives of the I.L.O.

5. The Committee regretted also that Mr. Isaac FORSTER had to resign from membership of the Committee. It congratulates him on his election as Judge at the International Court of Justice, which led to this decision, and wishes to express its great appreciation of the fruitful contribution which Mr. Forster made to its work through his intellectual and human qualities, his experience, his judicial objectivity and his unfailing spirit of friendly co-operation. The services he rendered in promoting the application of international labour Conventions have been all the more distinguished by reason of his participation in the first Commission, set up in 1961, to examine a complaint made under article 26 of the I.L.O. Constitution.

6. The Committee elected Sir Ramaswami MUDALIAR as Chairman, and Mr. BATIFFOL as Reporter of the Committee. Sir Grantley ADAMS acted as Reporter on general questions affecting non-metropolitan territories.

II. Work of the Committee

7. 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 unratified Conventions and on Recommendations selected by the Governing Body.

8. From 1 January to 31 December 1963, 126 ratifications of Conventions were registered; 82 of these were new ratifications; 44 resulted from the continuance by new States Members of the obligations undertaken on their behalf by the States which were responsible for the international relations of these countries before they became independent. In 1963, 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 they became independent. The total number of ratifications at the time of the adoption of the Committee's report amounted to 2,882. The total number of declarations of application of Conventions to non-metropolitan territories stood at 1,250 (1,099 declarations of application without modification and 151 with modifications). Details concerning the declarations registered during the past year are to be found in paragraph 35 below.

9. Approximately 2,400 reports—on the application of Conventions ratified by States Members and on Conventions declared applicable to non-metropolitan territories, reports supplied under article 19 of the Constitution on unratified Conventions and on Recommendations and texts with information concerning submission to the competent authorities—were examined by the Committee this year. To this figure must be added the number 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.

10. In conformity with the two-yearly procedure approved by the Governing Body and the Conference Committee and applied since 1960, detailed reports on the application of ratified Conventions were due, as a rule, only on one group of Conventions, although general reports were due on the remaining Conventions, as indicated below (paragraph 23).

11. The Committee must reiterate that the effective 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. The Committee recalls that, in order to avoid delays in the supervision of the application of Conventions, it had asked the International Labour Office in its capacity as the Secretariat of the Committee to ascertain upon receipt of governments' reports whether these reports took account of previous comments made by the Committee of Experts or the Conference Committee. If necessary, the Office would immediately contact the government concerned in order to explain that the Committee would be unable to carry out its task unless the necessary information were 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 23 governments and requested them to supply further information. Nine of these governments responded to the request addressed to them. The Committee particularly regrets, however, that the following countries did not reply to these requests: Argentina, Byelorussia, Czechoslovakia, France (French Guiana, Guadeloupe, Martinique), Greece, Mali, Mexico, Philippines, Sierra Leone, Tanganyika, Ukraine, United Arab Republic, United Kingdom (British Virgin Islands, Grenada), Yugoslavia. The Committee again draws the attention of governments to the fundamental importance of their replying in time to the requests addressed to them, so as to enable the Committee to continue to fulfil its task, in conformity with the present procedure, and to prevent serious delays in the supervision of the application of Conference decisions.

13. The Committee must also urge governments once again to supply within the prescribed time limits their reports to the International Labour Office, since this is essential to the effective operation of the procedure. This is particularly important

in the case of first reports which are due after the entry into force of a Convention. The Committee regrets especially that a large number of first reports has been received only after long delays. The same is true when the application of a Convention has given rise to observations or requests for further information. As a general rule it is essential that all reports be supplied by the prescribed dates, whether reports on ratified Conventions or on unratified Conventions and on Recommendations, because of the time required for their possible translation, for their communication to the members of the Committee and for their preliminary examination prior to the Committee's session.

14. In its General Observations regarding certain countries the Committee draws the special attention of various governments to this matter. It has also asked the Office, in all cases where no information has been provided in reply to a previous observation or request, to ask the governments concerned to supply a detailed report covering the period 1963-64. The Committee urges the governments concerned to include, in these reports, replies to its previous comments.

15. Since these omissions may sometimes be explained by the fact that certain new States Members are not yet fully aware of the rules governing the supply and preparation of reports, the Committee ventures to point out, as already indicated in 1962 and in 1963, that the International Labour Office is readily available to these new States Members for any assistance they may need with regard to reports on the application of Conventions.

16. In reviewing the effect of the comments it had made at previous sessions the Committee noted during the present meeting that a considerable number of governments have taken account of the Committee's past observations and direct requests and have introduced changes in their legislation or practice. The Committee is pleased to be able to record that over 70 such cases of progress, relating to 45 countries (34 States Members and 11 non-metropolitan territories), came to its attention this year. The list of the countries and Conventions involved is as follows:

Countries	Conventions Nos.
Austria	42, 94
Bulgaria	13, 32
Cameroon	6
Canada	105
China	22, 23
Congo (Brazzaville)	33
Czechoslovakia	29
France	19, 77
Gabon	4
Ghana	16
Greece	1
Haiti	42
Israel	77, 78, 79, 94
Italy	55, 73
Ivory Coast	13, 18
Kenya	29, 65, 94
Mexico	90
Morocco	22, 94
New Zealand	17
Norway	42
Peru	35, 37, 39
Poland	45, 69
Portugal	69, 73
Rumania	6, 89
El Salvador	105
Sierra Leone	16, 64, 87, 95
Tanganyika	95

Countries	Conventions Nos.
Tunisia	52
Turkey	81
Ukraine	29
U.S.S.R.	29
Uruguay	17, 103
Viet-Nam	6, 14
Yugoslavia	102
Denmark: * * *	
Greenland	19
France:	
St. Pierre and Miquelon	6
United Kingdom:	
Bechuanaland	29, 65, 82, 105
Bermuda	94
Fiji	29, 94
Hong Kong	105
Mauritius	65
Northern Rhodesia	29, 65, 82, 85
Nyasaland	85, 87
Solomon Islands	29, 105
Swaziland	105

Details of these various cases of concrete action for the application of ratified Conventions will be found in Part Two (sections I and II) of the present report. The Committee greatly appreciates the measures taken by governments from all parts of the world, in response to its previous comments, so as to achieve fuller compliance with their obligations under international labour Conventions. Action of this kind not only represents an earnest of the governments' desire to discharge their obligations but also provides concrete support for the task entrusted to the supervisory bodies of the I.L.O.

III. Examination of the Practical Application of Conventions

17. At its previous session the Committee had explored in some detail the possibilities available to ascertain the extent to which ratified Conventions are applied in practice. The Committee was pleased to learn that the Conference fully endorsed the principles enunciated as regards the incorporation of ratified standards into internal law and agreed also to the need for keeping the question of practical application under close review. The Committee therefore deemed it useful to pursue this matter at the present and future sessions.

18. As stressed on many earlier occasions, the Committee considers that the existence of an efficient labour inspectorate provides the surest guarantee that national and international labour standards are complied with not only in law but also in fact. The various requirements laid down in the Labour Inspection Convention, 1947 (No. 81), deal with the factors which have a bearing on the activities of labour inspectors and on the success of their work. As the Committee had before it this year detailed reports on the effect given to this instrument by ratifying States, it was able to obtain an up-to-date picture of the degree of compliance with the Convention, with particular reference to its most essential provisions.¹ The Committee welcomes

¹ The Committee thus found that of the 60 countries where the Labour Inspection Convention, 1947 is in force, four do not as yet comply in full with its Article 6 (status and conditions of service of inspectors), 20 have encountered difficulties in regard to Article 12 (powers of inspectors) and 12 do not entirely meet the requirements of Article 15 (code of conduct of inspectors).

the proposal, made by the Governing Body Committee on Standing Orders and the Application of Conventions and Recommendations, that the reports under article 19 of the Constitution to be requested in 1965 should cover the Labour Inspection Convention, 1947 (No. 81) and its two supplementary Recommendations. A comprehensive review of the effect given to these instruments, in both ratifying and non-ratifying countries, may thus become possible two years hence.

19. The existence of a well-organised labour inspectorate has the further advantage of permitting the collection of full and authoritative data regarding actual conditions. The preparation of detailed annual inspection reports, as required by the 1947 Convention (Articles 20 and 21), enables the Committee to gain a much clearer picture of the manner in which labour laws are complied with in practice. The Committee therefore attaches particular importance to the regular publication of these documents and to their early communication to the International Labour Office, as also required by the Convention. The Committee found that 14 of the 60 countries where the Convention is in force have not yet discharged this basic obligation.

20. The supply of statistical and other data on practical application is also required in virtue of other international labour Conventions and of the report forms adopted by the Governing Body. The Committee has often appealed in the past to governments to provide these data whenever appropriate. It found that 25 per cent. of the reports examined contain information of this kind and considers that an appreciably higher degree of response would greatly facilitate its assessment of day-to-day application. Consistent failure to supply this type of information must therefore be regarded as imperilling the task of supervision. The Committee has again drawn attention, in its General Observations, to cases where States have included little or no such information in their reports.

21. There are two further sources of information which help to reveal problems in the actual implementation of ratified Conventions. The first of these are the decisions of national tribunals dealing with labour cases. The report forms ask governments to supply decisions of courts of law only if they involve questions of principle. Although, for this reason, the number made available has never been very large, it reached nonetheless a total of 40 for the present session.

22. The final, and in some respects the most interesting, method of obtaining direct information on practical application is through any comments made by the representative organisations of employers and workers to which copies of the reports must be communicated by governments. The Committee found that this year again such observations were mentioned in only a small number of reports, ten in all (four from Austria, two from the Federal Republic of Germany, one from Italy, one from Sweden and two from the United Kingdom: Bermuda and Fiji). The Committee realises that the representative organisations are not likely to comment on the application of Conventions unless they receive the copies of reports, in accordance with article 23, paragraph 2, of the Constitution. It has decided to verify in some detail to what extent governments comply with this obligation and in particular whether the names of the organisations which receive the copies are listed, as requested in the report forms. The Committee is also aware that, in the last analysis, the amount of information provided depends on the ability and willingness of the organisations themselves to take an active part in this aspect of international supervision. The Committee was interested to learn, therefore, that the Workers' members of the Conference Committee had initiated measures to inform trade union organisations in all countries of their rights and obligations in connection with their governments' reports.

IV. Reports Submitted by Governments on Ratified Conventions

(a) *Supply of Annual Reports*

23. The reports requested from governments which came before the Committee this year related in most cases to the period 1 July 1961 to 30 June 1963. Further, detailed reports, which would not normally have been required under the two-yearly system, were specially requested this year by the Committee from certain governments. These reports therefore related to the period 1 July 1962 to 30 June 1963. In accordance with the reporting procedure now in force, the reports which came before the Committee this year fell essentially into two groups: on the one hand, reports on 50 Conventions for which detailed reports were requested for the period 1961-63¹; on the other hand, 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 divergences had previously been noted between the national law or practice and the Conventions in question, or again because reports or replies due for the previous period had not been received.

24. Furthermore, the Committee had before it general reports from governments on those Conventions which they have ratified and for which no detailed reports were requested for this year, together with a number of detailed reports voluntarily submitted by certain governments, which were not due under the two-yearly procedure nor specially requested by the Committee. Finally, the Committee examined a number of reports on ratified Conventions received too late for examination last year.

25. As already indicated, certain reports arrived after considerable delay and the Committee was unable to examine them in detail. The Committee had therefore no alternative but to defer examination of the reports in question until its next session.

26. The number of reports requested from governments on the situation in the metropolitan territory of States Members amounted to 1,624, whereas 1,309 reports on ratified Conventions were requested last year, i.e. an increase of 24 per cent. At the end of the present session of the Committee 1,314 reports had been received at the Office. This figure corresponds to 80.9 per cent. of the reports requested and represents an increase of 24 per cent. compared with the number of reports received up to the date of its previous session. A list showing the reports received classified according to countries and Conventions is given in Part Two (section I, Appendix I) of this report. There is also given in Part Two (section 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. This table also shows the number and percentage of reports which were received by the date by which the governments were asked to supply them.

27. It will be noted that the proportion of reports received this year is, as in previous years, around 80 per cent. While expressing its satisfaction that the proportion of States Members which have duly supplied their reports is so high, the Committee nevertheless regrets once again that, in a sizable number of cases, certain governments still continue to fail to fulfil their basic obligation of supplying reports on the Conventions which they have ratified. Yet this is one of the essential obliga-

¹ The Conventions concerned are the following: Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115.

tions which they have accepted under the Constitution of the International Labour Organisation and by ratifying Conventions. The Committee therefore addresses an urgent appeal to them not to fail to supply all the reports due in future. The absence of reports is even more regrettable in cases where the Committee had noted serious discrepancies in the application of Conventions or had requested additional information without which it is unable to assess the effect given to Conventions. The situation is similar whenever certain governments do supply their reports but fail to reply in them to the points raised in observations or direct requests. In these various cases the Committee could only repeat its previous observations or requests.

28. The need to send reports by the date requested also bears stressing once again. As the Committee has previously pointed out in a more general context, it is essential to the functioning of the machinery of examination that reports should be sent by the date due. As regards the reports on ratified Conventions, the Committee had emphasised last year the seriousness of the situation created by the decrease in the percentage of reports received by the date due, i.e. 15 October. The Committee is still concerned by this situation because the percentage, which fell to 18.1 per cent. in 1962 and to 15.5 per cent. in 1963, is 17.2 per cent. this year. In the course of the weeks following the above date the percentage of reports rose rapidly, to over 45 per cent, by 1 December 1963. Many reports were, on the other hand, received so late that they could not be examined in any detail, or their examination even had to be postponed to next year. As this situation repeats itself from year to year in relation to the reports due from certain States (see below under "General Observations"), the Committee must strongly urge governments not to fail to comply with all their obligations concerning the supply of reports on ratified Conventions in future, including the rules prescribed as regards the form and the time limit for their supply.

29. Of the 106 States from which detailed reports had been requested, 62 have supplied all those which were due. However, by 1 January 1964, i.e. two-and-a-half months after the prescribed date, 44 States had not yet sent more than one-half of the detailed reports requested. Furthermore, no reports at all have so far been received for the current reporting period from the following countries: Albania, Bolivia, Burundi, Congo (Brazzaville), Congo (Leopoldville), Cuba, Ecuador, Guatemala, Guinea, Honduras, Indonesia, Jordan, Lebanon, Libya, Peru, El Salvador, Uganda, Upper Volta, Venezuela.

30. The total number of countries which supplied a general report on all or some of the Conventions for which no detailed reports were due or requested has reached 30. The reports supplied by 16 of these States contained information on matters of importance, such as changes in national law or practice; these reports enabled the Committee to take note of such changes without delay, despite the operation of the two-yearly procedure.

31. A total of 121 reports due for the first time since the ratification of the relevant Conventions was received from 39 countries. In accordance with its terms of reference, the Committee has drawn attention to the points in respect of which discrepancies appeared to exist between a Convention and national legislation or practice, and to the points in respect of which additional information appeared necessary to enable the Committee to assess, fully, the effect given to a Convention.

32. The following 15 countries which were due to supply first reports on certain Conventions for examination by the Committee this year have failed to do so: Algeria (Conventions Nos. 10, 17, 18, 19, 29, 42, 56, 63, 69, 71, 73, 74, 77, 78, 81, 89, 92, 94, 95, 101); Burma (Convention No. 63); Chad (Convention No. 98); Ecuador

(Conventions Nos. 2, 24); Guatemala (Conventions Nos. 26, 30, 58, 63, 65, 99, 100, 101, 110, 112, 113, 114); Guinea (Convention No. 105); Iceland (Convention No. 102); Ivory Coast (Convention No. 105); Kuwait (Convention No. 87); Lebanon (Convention No. 14); Libya (Convention No. 52); Peru (Conventions Nos. 8, 9, 12, 20, 22, 23, 68, 69, 71, 73, 102); Uganda (Conventions Nos. 12, 17, 19); Upper Volta (Convention No. 97); Yugoslavia (Convention No. 114). In addition five countries from which first reports were due for examination in 1963 have again failed to supply the reports in question: Costa Rica (Conventions Nos. 45, 87, 88, 94, 96, 98); Guatemala (Conventions Nos. 19, 45, 108); Honduras (Conventions Nos. 78, 106, 108, 111); Peru (Conventions Nos. 36, 38, 40); Syrian Arab Republic (Conventions Nos. 87, 107). Three countries from which first reports were already due for examination in 1962 have again failed to supply them: Costa Rica (Conventions Nos. 92, 106, 107); Cuba (Convention No. 110); Panama (Conventions Nos. 30, 42, 45). One country (Panama) has failed to supply first reports originally due for examination in 1961 (Conventions Nos. 52, 87, 100) and even in 1960 (Conventions Nos. 3, 12, 17).

33. The Committee was informed that the Food and Agriculture Organisation of the United Nations (F.A.O.) had expressed its interest in being associated in the examination of the reports to be supplied by governments on the application of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which is about to enter into force. The Committee considers that the collaboration of the F.A.O., as well as of other organisations with recognised competence in certain of the matters dealt with in this instrument, should prove of assistance in assessing the degree of compliance with the relevant provisions of the Convention. If the Governing Body should give its consent to the suggestion of the F.A.O., the Committee would intend to follow a similar procedure in this case as it has done in respect of the Indigenous and Tribal Populations Convention, 1957 (No. 107), in the examination of which the United Nations and several specialised agencies have been associated since 1961.

(b) Examination of Reports by the Committee

34. In making its detailed examination of the reports submitted by governments on ratified Conventions the Committee has followed its normal practice. 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 the governments concerned on its behalf by the International Labour Office. As pointed out in previous years, the making of these direct requests does not always imply doubt as to the extent of conformity of law and practice with ratified Conventions; some of them consist merely of acknowledgments 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

35. The Committee noted that, since its last session, 131 declarations concerning the applicability of Conventions to non-metropolitan territories had been communicated to the Director-General of the International Labour Office, pursuant to article 35 of the Constitution (in all cases by the Government of the United Kingdom).

They included 40 declarations of application or acceptance without modification and 11 declarations of application or acceptance with modifications; the remaining declarations indicated that a decision was reserved or that the Convention was inapplicable to the territory in question. The present total of declarations registered is 2,254, including 1,099 declarations of application or acceptance without modification and 151 declarations of application or acceptance with modifications.

Reports Examined

36. The Committee was 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.

37. Of the 1,475 detailed reports requested on the application of Conventions in non-metropolitan territories, 1,347—or 91.3 per cent.—have been supplied. The proportion of reports received thus maintains the progress noted in 1963, and represents the highest percentage ever reached.

38. There has also been an improvement in the contents of the reports supplied. In 1963 the Committee had noted that the proportion of reports in respect of non-metropolitan territories containing information on the practical application of Conventions (statistics, inspection activities, court decisions, etc.) was considerably lower than in the case of member States, and it made general observations on this matter to a number of States responsible for non-metropolitan territories. There has been an encouraging response to these observations: whereas last year only one-eighth of the reports for non-metropolitan territories contained particulars of practical application, this year one-quarter of the reports do so (a proportion corresponding to that for member States). The Committee hopes that it will be able to note further progress in this respect in the coming years.

Reports on Unratified Conventions and on Recommendations

39. The Committee learned, as indicated in paragraph 18 above, that proposals are now pending before the Governing Body that reports be requested in 1965, under article 19 of the Constitution, on the 1947 Convention and Recommendations concerning labour inspection. Having regard to the special importance attached both by the Conference Committee and the Committee of Experts to the development of inspection services in non-metropolitan territories, the Committee hopes that, in the event of this proposal being adopted by the Governing Body, appropriate reports will be submitted also in respect of all such territories.

Amendment of the Constitution

40. The Committee has noted that proposals are to be considered by the Conference this year to amend the Constitution of the Organisation, by substituting new provisions in article 19 for the existing article 35.

VI. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

41. 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 46th (1962) Session, namely: the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117); the Equality of Treatment (Social Security) Convention, 1962 (No. 118); the Reduction of Hours of Work Recommendation, 1962 (No. 116); and the Vocational Training Recommendation, 1962 (No. 117);
- (b) additional information on action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference from its 31st (1948) Session to its 45th (1961) Session (Conventions Nos. 87 to 116 and Recommendations Nos. 83 to 115);
- (c) replies to the observations and direct requests made by the Committee in 1963.

Forty-sixth Session

42. The Committee has noted with satisfaction that the Governments of the 38 countries listed below have stated that they have submitted to the competent authorities the instruments adopted at the 46th Session of the International Labour Conference: Albania, Australia, Byelorussia, Bulgaria, Canada, Central African Republic, China, Denmark, Ethiopia, Federal Republic of Germany, France, Hungary, India, Indonesia, Ireland, Israel, Ivory Coast, Japan, Kuwait, Luxembourg, Malaysia (states of Malaya), Mauritania, Morocco, New Zealand, Nigeria, Norway, Philippines, Rumania, Republic of South Africa, Sweden, Switzerland, Tanganyika, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, United States.

43. From the information supplied by these Governments it would appear that, in the majority of cases, the obligation to submit has been fulfilled either within the normal time limit of 12 months, or within the exceptional time limit of 18 months.

44. Moreover the Governments of the following six countries have stated that certain of the instruments adopted at the 46th Session of the Conference have been submitted to the competent authorities¹: Austria, Guatemala, Jordan, Senegal, Syrian Arab Republic, United Arab Republic.

Thirty-first to Forty-fifth Sessions

45. The Committee has also noted with satisfaction that since its last session the following ten countries have been added to the list of 34 countries which had stated that all the instruments adopted at the 45th Session of the Conference have been submitted to the competent authorities: Belgium, Brazil, Czechoslovakia, Ethiopia, Finland, Ghana, Iran, Italy, Malaysia (states of Malaya), Nigeria. Moreover, as regards Czechoslovakia, a large number of Conventions and Recommendations

¹ Including ratified Conventions.

adopted from the 32nd to the 45th Sessions of the Conference have, according to the information supplied by the Government, been submitted to the competent authorities.

46. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member with regard to the obligation to submit Conventions and Recommendations to the competent authorities.

General Assessment

47. Section III of Part Two of this report contains the individual observations regarding the position or the points to which the Committee draws the special attention of governments. As in previous years, requests have been made direct to a certain number of governments regarding other points calling for additional information; the list of these countries is to be found at the end of the above-mentioned section III. In this connection the Committee has noted with regret that the majority of governments have not replied to the direct requests addressed to them in 1963. It recalls that the procedure for direct requests tends, in accordance with the wishes of the Conference Committee, to reduce the number of the observations on which the governments are invited each year to supply explanations before the said Committee, and, thereby, to lighten the task of these governments. The Committee, consequently, expresses the hope that these governments will in future reply as fully as possible in every case to the requests thus made.

48. In 1963, 34 States Members had submitted the instruments adopted by the Conference at its 45th (1961) Session out of the total of 101 Members of the Organisation at the time of this session. In 1964 the proportion of States which have observed the obligations concerning all the Conventions and Recommendations adopted at the 46th (1962) Session remains appreciably the same: 38 out of 102 States which were Members of the Organisation at the time of the session in question.

49. The over-all situation has thus remained very unsatisfactory for the past several years. The Committee is consequently obliged once more to draw the attention of governments to the importance of the obligations incumbent upon them by virtue of article 19 of the Constitution of the I.L.O. to submit the Conventions and Recommendations to the competent authorities. It expresses the firm hope that next year an appreciably larger proportion of countries will be found to have fulfilled their obligations than for the present period. The information and explanations supplied by the governments to the Conference Committee in 1963 and the discussions which took place in that Committee would seem to indicate in fact that the governments have a better understanding of the importance of the obligations under article 19 of the Constitution.

50. One of the obstacles which prevented several governments from fulfilling their obligations appeared to arise from a certain confusion between the concept of ratification or acceptance of the Conventions and Recommendations, on the one hand, and the submission of these instruments to the competent authorities, on the other. The distinction between these two concepts would by now appear to be clearly established. The Committee has noted with satisfaction in this respect that according to the Governments of Greece and Iran they have now overcome the difficulties encountered previously in the submission of the Conventions and Recommendations, in all cases. These difficulties arose from the fact that, in principle, the Governments concerned could only place before their national legislative authorities Bills intended to give effect to the instruments in question.

51. Marked progress has also been noted as regards the definition of the authorities to which the Conventions and Recommendations must be submitted. On this point, the Committee recalls that the authorities in question are normally those which are empowered to legislate, i.e. in most cases the legislative body. The Committee was glad to learn that the Governments of Czechoslovakia and Yugoslavia, which had apparently experienced some uncertainty in this respect, now consider the most representative legislative body to be the competent authority within the meaning of article 19 of the Constitution. In the same connection, it is interesting to mention the case of Senegal where the Recommendations adopted during the last two sessions of the Conference have been submitted to the National Assembly, although the Government considers that the subject-matter of these instruments falls solely within the competence of the executive.

52. These examples are very encouraging, and the Committee expresses the hope that the governments of those countries which, until now, did not consider it necessary to submit the Conventions and Recommendations to the most representative legislative body, will reconsider their position in this matter.

53. If progress could be noted regarding the application of the principles set forth above, the same cannot be said of the form which the obligation to submit the Conventions and Recommendations to the competent authorities should take. Several governments simply indicate that the instruments have been submitted to the competent authorities, without supplying the documents and other information required by the memorandum on this subject adopted by the Governing Body at its 140th Session. The Committee attaches great importance to the governments' supplying such documents and information since it would be unable, in their absence, to make a full assessment of the extent to which the obligations under article 19 of the Constitution have been fulfilled.

54. It will be recalled that, in accordance with the wish expressed by the Conference Committee in 1960, the Committee had intended to undertake an over-all examination of the application of the special provisions, contained in article 19, paragraph 7 (b), of the Constitution, in respect of federal States. While the number of States which have replied to the general request for information, addressed to them on several occasions, is slightly higher than for last year, the Committee regrets that the information available is not sufficient as yet to enable it to proceed with this examination in a comprehensive manner. A summary of the information supplied by the governments on this question is contained in Report III (Part III)¹ to be submitted, in accordance with article 23, paragraph 1, of the Constitution of the I.L.O., to the 48th Session of the Conference.

VII. Reports Submitted by Governments on Unratified Conventions and on Recommendations

55. The reports which governments were requested by the Governing Body to supply under article 19 of the Constitution related to two groups of instruments: on the one hand, four instruments relating to holidays with pay, i.e. the Holidays with Pay Convention, 1936 (No. 52), the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), the Holidays with Pay Recommendation, 1936 (No. 47), and the

¹ I.L.O.: *Summary of Information on the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference*, Report III (Part III), International Labour Conference, 48th Session, Geneva, 1964 (Geneva, 1964).

Holidays with Pay Recommendation, 1954 (No. 98); and, on the other hand, three instruments respecting weekly rest, i.e. the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103).

56. The number of reports received from States Members, under article 19 of the Constitution, on these Conventions and Recommendations reached 404 of a total of 614 reports requested, i.e. 65.7 per cent. Moreover, 221 reports were supplied in respect of non-metropolitan territories. A table showing the reports supplied by various governments will be found at the end of Part Three of this report.

57. The Committee's general conclusions arising from the examination of the reports on each group of the above-mentioned instruments will be found in Part Three of this report. As usual, the 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 Conventions.

58. As regards the question of holidays with pay, the Committee notes that the Governing Body had requested reports under article 19 on these instruments, following a resolution adopted by the Conference at its 45th Session in 1961, in which the Conference requested that the advisability of revising the Holidays with Pay Convention, 1936, should be examined. The Committee bore in mind the fact that the information thus obtained on the national legislation and practice could serve as a basis for examining the possibility of the revision of the Convention.

59. In accordance with the practice followed in previous years, these general conclusions were prepared on the basis of a preliminary examination by a Working Party of three members of the Committee chosen by it at its previous session.

* * *

60. As in all prior years, the Committee wishes to emphasise the valuable assistance it has received from the officials of the I.L.O., whose competence and devotion have again been greatly appreciated by every one of its members.

Geneva, 25 March 1964.

(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. The Committee notes with regret that the draft Labour Code is still under consideration and that the Government is unable to indicate when it is likely to be enacted. As this Code is to take the terms of ratified Conventions into account and as the Government has referred to this draft legislation for the past six years, the Committee expresses the hope that every effort will be made to secure its adoption at an early date.

Pending the enactment of this Code, the Committee urges the Government to indicate in detail in its future reports how the existing ministerial decrees give effect to ratified Conventions.

The Committee notes, moreover, that the Government does not state 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.

Albania. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests made as regards Conventions Nos. 4, 6, 10, 29, 52, 77 and 78.

As this is the third occasion during the past four years that the Government has failed to supply its reports in time for their examination, the Committee can only express its serious concern at this persistent failure to comply with the reporting obligation.

Algeria. The Committee notes that only six of the 26 reports due have been received and that these arrived with considerable delay. The Committee hopes that in future all the reports will be supplied in good time.

Argentina. The Committee notes with regret that the reports on Conventions Nos. 13 and 81 do not reply to observations previously made, despite the special letter sent by the International Labour Office, at the request of the Committee, drawing attention to this fact.

The Committee trusts that future reports will contain all the information required.

Bolivia. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the requests previously made as regards Conventions Nos. 5, 14, 19, 26, 42 and 96.

As this is the seventh occasion in eight years that the Government has failed to supply its reports the Committee can only draw due attention to this persistent failure to comply with the reporting obligation.

Brazil. The Government merely states that copies of the reports will be communicated to the representative organisations of employers and workers, in accordance

with article 23, paragraph 2, of the Constitution. The Committee would be glad if the Government would indicate in future whether this has, in fact, been done.

The Committee notes, moreover, that most of the reports do not contain any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Bulgaria. The Committee notes with regret that the reports on Conventions Nos. 29, 30, 42 and 44 have not been received, and that no information is therefore available in reply to the observations and requests previously made as regards these instruments.

The Committee notes, moreover, that the 43 reports which were received arrived more than four months after the date due, so that the first reports on Conventions Nos. 71, 112 and 113 could not be examined at the present session. Finally, the Committee notes that none of the reports contains any information on the practical application of Conventions.

The Committee trusts that in future reports will be supplied by the date requested and that they will, where appropriate, contain information on practical application.

Burma. The Committee notes that most of the reports received arrived some four months after the date due and that no reports have been supplied on two Conventions (Nos. 17 and 19) in respect of which requests had previously been made.

Moreover, most of the reports do not contain any information on the practical application of the Conventions and only one report indicates that copies have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution.

The Committee trusts that all reports will in future be supplied by the date requested, that they will, where appropriate, contain information on the practical application of Conventions and that they will also indicate in all cases whether copies have been communicated to the representative organisations of employers and workers.

Burundi. The Committee notes that the Government is in the process of revising its legislation so as to adapt it, *inter alia*, to the requirements of the various Conventions ratified by Burundi. The Committee trusts that this revision will soon be completed and that the Government will be able to indicate in its next reports how effect is given to the Conventions concerned.

Byelorussia. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Cameroon. The Committee notes that the reports which have been received deal exclusively with the application of the Conventions concerned in Eastern Cameroon. As certain of these Conventions are applicable in Western Cameroon, the Committee hopes that the future reports will provide information on the position in respect of those parts of the Federation where a given Convention is in force.

The Committee also notes that most of the reports do not contain any information on the practical application of Conventions. It hopes that future reports will, where appropriate, include such information.

Central African Republic. The Committee notes that the reports arrived four months after the date due. Moreover, most of the reports do not contain any information on the practical application of Conventions.

The Committee hopes that all future reports will be supplied by the date requested and will, where appropriate, contain information on practical application.

Chad. The Committee notes that the six reports which were received arrived almost five months after the date requested and that the reports not received include those on two Conventions (Nos. 29 and 105) in respect of which requests had previously been made. Moreover, none of the reports contains any information on the practical application of Conventions.

The Committee trusts that all reports will in future be supplied by the date requested and will, where appropriate, provide information on practical application.

China. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Colombia. The Committee notes that the draft revision of the Labour Code, which has been before the Congress since 1960, has been approved by the Senate and is under examination in the Chamber of Representatives. As this revision aims, in particular, at giving fuller effect to many of the Conventions ratified by Colombia, the Committee draws the Government's attention to the observations it has made regarding a number of these instruments in 1963 and in the present report. The Committee reiterates the hope that the executive and legislative branches of Government will take account of these observations so that the Labour Code, in its revised form, will be in full conformity with the relevant international labour Conventions.

The Committee notes, moreover, that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Congo (Brazzaville). The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 4, 13, 29, and 41.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Congo (Leopoldville). The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 4, 14, 17, 19, 29, 42, 50 and 89.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Costa Rica. The Committee notes with regret that only three of the 16 reports due have been received and that the first reports on nine Conventions have not been received for the second year (Nos. 45, 87, 88, 94, 96, 98) or the third year (Nos. 92, 106, 107) in succession.

The Committee expresses the hope that the Government will be able, in future, to supply all the reports due.

Cuba. The Committee notes with regret that for the fourth year in succession the Government has failed to supply its reports in time for their examination by the Committee of Experts. As a result, the first report on the Plantations Convention, 1958 (No. 110), which has been due since 1962, has once again not been supplied.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Czechoslovakia. The Committee notes with regret that the reports on Conventions Nos. 44 and 88 do not reply to the previous observation and request, despite the

special letter sent by the International Labour Office, at the request of the Committee, drawing attention to this fact.

The Committee trusts that future reports will contain all the information required.

Dominican Republic. The Government merely states that 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, but does not indicate the names of the organisations concerned. The Committee would be glad if the Government would provide this information with its future reports.

The Committee notes, moreover, that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Ecuador. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 26, 29, 95, 98 and 100.

As this is the third occasion during the past four years on which the Government has failed to supply its reports in time for their examination, the Committee can only express its serious concern at this persistent failure to comply with the reporting obligation.

France. The Committee notes that certain of the reports do not indicate whether copies have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution.

The Committee would be glad if all future reports would contain this information.

Gabon. The Committee notes that the reports arrived four months after the date due so that the first reports on Conventions Nos. 10, 12, 19, 45, 96, 99, 100, 101 and 105 could not be examined at the present session.

The Committee trusts that the reports will in future be supplied by the date requested.

Guatemala. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 77, 78, 79, 81, 87, 88, 89, 90, 94, 95, 96, 97 and 98.

Moreover, 15 of the reports due are first reports, including three (Conventions Nos. 19, 45 and 108) which were already requested for the second year in succession.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Guinea. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 4, 6, 13, 18, 29, 41, 81, 95, 113 and 114.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Haiti. The Committee notes that the reports arrived more than three months after the date due. The Government does not indicate, moreover, 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. Finally, most of the reports do not contain any information on the practical application of Conventions.

The Committee trusts that future reports will be supplied by the date requested, will indicate the organisations to which copies have been communicated and will, where appropriate, contain information on practical application.

Honduras. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 29, 45, 87, 95, 98 and 100.

Moreover, four of the reports due are first reports (Conventions Nos. 78, 106, 108 and 111) which were already requested for the second year in succession.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Hungary. The Committee notes that most of the reports contain no information on the practical application of Conventions. The Committee hopes that all future reports will, where appropriate, contain such information.

Iceland. The Committee notes that the reports arrived more than three months after the date due. The Committee trusts that future reports will be supplied by the date requested.

Indonesia. The Committee notes with regret that the reports due have not been received. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Iraq. The Committee notes that the reports arrived more than three months after the date due and that they do not indicate whether copies have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution.

The Committee trusts that future reports will be supplied by the date requested and will indicate the organisations of employers and workers to which copies of the reports have been sent.

Jamaica. The Committee notes with regret that the reports on Conventions Nos. 81, 87 and 94 have not been received and that no information is therefore available in reply to the requests previously made as regards these instruments.

The Committee hopes that all reports will be supplied in future.

Kuwait. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Liberia. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Libya. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the request previously made as regards the Forced Labour Convention, 1930 (No. 29).

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Malagasy Republic. The Government merely states that 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, but does not indicate the names of the organisations concerned.

The Committee would be glad if the Government would provide this information with its future reports.

Malaysia. The Committee was informed that the Government of Malaysia had recently notified the Director-General of the International Labour Office that it recognised that it continued to be bound by the obligations entered into by or on behalf of the constituent states of Malaysia. As a result, seven Conventions are now applicable throughout the whole of the country, whereas the obligations of a number of other Conventions continue to be in force in one or several of the individual states constituting Malaysia (states of Malaya, state of Sabah, state of Sarawak, state of Singapore).

As the Committee had before it at its present session only the reports concerning the states of Malaya, it looks forward to examining at its next session the reports concerning the other states of Malaysia. In preparation for this examination, the Committee has asked the International Labour Office to communicate to the Government the direct requests made since 1961 in respect of the various states. The Committee trusts that the information supplied in reply to these requests and to the report forms will enable it to obtain a full picture of the effect given to the various Conventions which are in force in Malaysia.

Mali. The Committee notes with regret that the reports on Conventions Nos. 13 and 18 do not reply to previous requests despite the special letter sent by the International Labour Office, at the request of the Committee, drawing attention to this fact. Six other reports arrived, moreover, only shortly before the opening of the Committee's session, including the report on Convention No. 29, which also fails to reply to a previous request. Finally, none of the reports contains any information on the practical application of Conventions.

The Committee trusts that all future reports will be supplied by the date requested and will contain the information required.

Mauritania. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee 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 Conventions. The Committee hopes that all future reports will, where appropriate, contain such information.

Netherlands. The Government merely states that copies of the reports have been communicated to the principal central organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution, but does not indicate the names of the organisations concerned.

The Committee would be glad if the Government would provide this information with its future reports.

Nicaragua. Although the reports arrived only a few days before the opening of its session, the Committee was able to ascertain that there has been no material change in regard to the serious divergences noted in the past as regards many of the Conventions ratified by Nicaragua.

The Committee therefore deals with such cases once again in its observations regarding the Conventions in question. The Committee greatly regrets the Government's continued failure to give effect to its international obligations particularly as a decree was issued in 1962 "to make basic changes to the Labour Code" but did not in any way eliminate the serious divergences referred to above.

In these circumstances the Committee can only draw due attention to the fact that, 30 years after their ratification by Nicaragua, many Conventions still require important measures to be taken to ensure their implementation in that country.

The Committee notes, moreover, that none of the reports contains any information on the practical application of Conventions or on the communication of copies to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution.

The Committee trusts that future reports will be supplied by the date requested and will contain all the information required.

Niger. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Norway. The Government merely states that copies of the reports will be communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. The Committee would be glad if the Government would indicate in future whether this has in fact been done.

Pakistan. The Committee notes with regret that the reports on Conventions Nos. 29, 90, 105 and 111 have not been received and that no information is therefore available in reply to the observation and requests previously made as regards these instruments. Moreover, the reports received arrived more than three months after the date due. Finally, most of the reports do not contain any information on the practical application of Conventions.

The Committee trusts that all reports will in future be supplied by the date requested and will, where appropriate, contain information on practical application.

Panama. In 1960, 1961, 1962 and 1963 the Committee had noted with increasing concern that nine first reports due from this country on Conventions Nos. 3, 12, 17, 30, 42, 45, 52, 87 and 100 had not yet been supplied. Government representatives had repeatedly assured the Conference Committee that measures would be taken so that these reports would be sent at the earliest possible date. Moreover, in reply to the contention of the Workers' delegate of Panama that ratified Conventions, and, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), were not applied in his country, the Government representative had stated in 1963 that Panama's obligations towards the I.L.O. would be fulfilled in the future.

The Committee notes that the report on the Labour Inspection Convention, 1947 (No. 81), which is not a first report, has been received this year but that the reports on the above-mentioned nine Conventions are again missing. The Committee must draw the special attention of the Governing Body and the Conference to this disquieting situation which prevents the International Labour Organisation from assessing the effect given to ratified Conventions.

Peru. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests made as regards Conventions Nos. 1, 4, 24, 25, 29, 35, 37, 39 and 52. Moreover, 14 of the reports due are first reports, including three (Conventions Nos. 36, 38 and 40) which were already due for examination in 1963.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Philippines. The Committee notes with regret that the reports on Conventions Nos. 53, 77, 89 and 90 have not been received and that no information is therefore available in reply to the observations and requests previously made as regards these instruments. Moreover, the report on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), does not indicate whether copies

have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution.

The Committee trusts that all reports will be supplied in future and will contain all the information required.

Rumania. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

El Salvador. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the request previously made as regards Convention No. 12.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Senegal. The Committee notes with regret that the report on Convention No. 18 has not been received and that no information is therefore available in reply to the request previously made as regards this instrument. Moreover, eight of the reports, including three first reports (Conventions Nos. 19, 98 and 105), were received only during the closing days of the Committee's session, so that their examination had to be postponed until the next session.

The Committee trusts that all reports will be supplied by the date requested in future.

Somalia. The Government indicates that the Labour Code which has hitherto been in force only in the former Trust Territory of Somaliland is now being revised with a view to its extension to the whole of the Republic and that this revision is also designed to achieve greater conformity with international labour Conventions. The Committee notes this statement with great interest and hopes that the above-mentioned revision will be completed at an early date.

Republic of South Africa. The Committee was informed that by letter of 11 March 1964 the Government of the Republic of South Africa notified the Director-General of its decision to withdraw from the International Labour Organisation, indicating that as from that date it will regard all obligations towards the Organisation as having been terminated.

The Committee noted that article 1, paragraph 5, of the Constitution provides as follows:

No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

It also noted that the Director-General had informed the South African Government that all the obligations of South Africa under the Constitution remain binding up to her withdrawal, which cannot become effective until 11 March 1966 and that, in accordance with the terms of the Constitution, South Africa will continue thereafter to be bound by the obligations arising under and relating to the Conventions she has ratified.

The Committee has examined in the usual manner the reports of the Republic of South Africa at present before it.

Spain. The Committee notes that most of the reports do not contain any information on the practical application of Conventions. The Committee hopes that all future reports will, where appropriate, contain such information.

Sudan. The Committee notes with regret that the report on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), has not been received and that no information is therefore available in reply to the request previously made as regards this instrument. Moreover, two of the reports received merely state that copies will be communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution, and another report does not contain any information at all in this connection.

The Committee trusts that all reports will be supplied in future and will indicate whether copies have been sent to the representative organisations of employers and workers.

Syrian Arab Republic. The Committee notes with regret that for the second year in succession the first reports on Conventions Nos. 87 and 107 have not been received. Moreover, the first reports on Conventions Nos. 17, 18 and 19 arrived too late for examination at the present session. Finally, most of the reports do not contain any information on the practical application of Conventions.

The Committee trusts that all future reports will be supplied by the date requested and will, where appropriate, contain information on practical application.

Uganda. The Committee notes with regret that the reports due have not been received. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Ukraine. The Committee had noted in 1963 that most of the reports did not contain any information on the practical application of Conventions and had asked the Government to supply such information, where appropriate, in future. In its reports for 1961-63 the Government stated in reply that it had already provided the necessary information in its previous reports and that it could therefore merely repeat that the application and observance of the labour legislation are the responsibility of the administrative services, the undertakings, the organisations, the officials and the citizens of the Ukrainian S.S.R., and that such application is supervised by the trade unions, the workers themselves, the organs of the Party, the State, the competent ministries, the judicial authorities and a control commission set up in 1962.

The Committee has noted this information regarding the nature of the supervisory authorities with interest. It would point out, however, that the report forms call, in addition, for "a general appreciation of the manner in which the Convention is applied", such as "extracts from the reports of the inspection services", information concerning "the number and nature of the contraventions reported", etc.

The Committee hopes therefore that the Government will be able to include this type of data on the practical application of Conventions in its future reports.

The Committee notes, moreover, with regret that seven of the 13 reports due have not been received, including those on Conventions Nos. 87, 90 and 98, and that no information is therefore available in reply to the observations and requests previously made as regards these instruments. The Committee trusts that the Government will not fail in future to supply all the reports due.

U.S.S.R. Further to its comments made since 1959, regarding its inability to consult the Labour Codes in force in the various republics of the Union, the Committee noted with interest, from the statement made by the Government in the Conference Committee in 1963, that the preparatory work for the drafting of basic principles of labour legislation had been completed and that, following their adoption, the texts of the new Codes in the republics would be communicated to the I.L.O.

The Committee notes, on the other hand, that the reports arrived almost four months after the date due. Recalling that in 1963, the reports had also been received

very late, the Committee trusts that the Government will make every effort to ensure that the reports will henceforth be supplied by the date requested.

Finally, as the reports do not contain any information on the practical application of Conventions, the Committee hopes that future reports will, where appropriate, include such information.

United Arab Republic. The Committee notes with regret that the reports on Conventions Nos. 17, 18, 19, 29, 52, 81, 87, 88, 89, 94, 96, 101 and 105 do not reply to previous observations and requests, despite the special letter sent by the International Labour Office, at the request of the Committee, drawing attention to this fact.

The Committee trusts that future reports will contain all the information required.

Upper Volta. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the requests previously made as regards Conventions Nos. 6, 13, 18 and 29.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Uruguay. The Committee had before it the reports for the period 1960-62 which had been received too late to be considered in detail at its 1963 session. The Committee was also able to examine the reports for the period 1962-63, although they arrived more than three months after the date due.

The Committee noted with interest certain draft amendments to the existing legislation which are to give fuller effect to a number of Conventions. It deals with these amendments in requests addressed directly to the Government, in the hope that divergences to which it has had to draw attention in the past will thus be eliminated. In other cases, however, the Committee observes that no progress has been made in ensuring compliance with ratified Conventions, as indicated below, under the instruments concerned. The Committee notes, moreover, that very few of the reports contain any information on the practical application of Conventions.

The Committee trusts, in these circumstances, that the Government will pursue and intensify its efforts to bring its law and practice into conformity with all the Conventions by which Uruguay is bound, that the next reports will be drawn up as provided for in the report forms and that they will be supplied by the date requested.

Venezuela. The Committee notes with regret that the reports due have not been received and that no information is therefore available in reply to the observations and requests previously made as regards Conventions Nos. 1, 2, 3, 6, 11, 13, 14, 22, 26, 27 and 29. The Committee particularly regrets the absence of these reports because a Government representative had assured the Conference Committee in 1963 that the replies to the observations and requests were being communicated to the I.L.O.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Viet-Nam. The Committee notes that none of the reports contains any information on the practical application of Conventions. The Committee hopes that future reports will, where appropriate, contain such information.

Western Samoa. The Committee notes with satisfaction that the Government was good enough to supply reports on the six Conventions which had been declared applicable on behalf of Western Samoa prior to its attaining independence. In communicating these reports, the Government stated that it did not regard itself legally bound by the above Conventions nor obliged to furnish reports on them, but that it

was prepared to do so as a gesture of good will towards the International Labour Organisation and of sympathy with its objectives.

Without expressing a view on the legal position of Western Samoa with regard to the Conventions concerned the Committee greatly appreciates the action thus taken by the Government, pending Western Samoa's becoming a Member of the I.L.O., and observes that the relevant reports indicate compliance with the six Conventions concerned. The Committee looks forward with interest to the future supply of these reports.

Yugoslavia. The Committee notes with regret that the reports on Conventions Nos. 18, 56 and 89 have not been received and that no information is therefore available in reply to the requests previously made as regards these instruments. The Committee notes, moreover, that the reports on Conventions Nos. 22, 48 and 52 do not reply to previous requests, despite the special letter sent by the International Labour Office, at the request of the Committee, drawing attention to this fact. In addition, the first reports on Conventions Nos. 53, 74 and 113 were received too late for examination at the present session.

The Committee trusts that all future reports will be supplied by the date requested and will contain all the information called for.

* * *

In addition, requests regarding certain other points are being addressed to the following States: *Austria, Federal Republic of Germany.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Czechoslovakia (ratification: 1921). The Government states in its report that the Ministerial Directives requested by the Committee since 1958 which contain detailed stipulations concerning overtime will cease to have effect after the publication of the new Labour Code and that it is therefore unnecessary to supply copies of the Directives. It also indicates that these Directives permit the authorisation of overtime only within the limits prescribed by the basic Act of 1918. The Committee recalls however that the proposed Code was first mentioned by the Government in 1957 and notes that its preparation has not yet been completed; it must point out, therefore, that without examination of the texts of the Directives it is impossible to determine whether the overtime permitted is in full conformity with the Convention. The Committee regrets, therefore, that these Directives, originally mentioned by the Government in 1957, have not yet been communicated. It trusts that, unless the new Labour Code is enacted in the near future and contains the necessary safeguards, the Government will supply copies of these Directives without further delay, thus enabling it to examine the present situation with regard to overtime.¹

Dominican Republic (ratification: 1932). The Committee notes the information contained in the report for 1960-62, which arrived too late to be examined in 1963, and in the report for 1961-63.

The Committee notes with regret that no information is supplied as regards the proposed modification of section 269 of the Labour Code which excludes certain road transport undertakings from the scope of the hours of work provisions. It recalls that the Government stated in 1958 that this provision was to be modified and

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

it trusts that the necessary action will be taken without further delay, as the existing measures are contrary to the Convention.

The Committee takes note of the list—communicated by the Government—of undertakings which work continuously. It understands that longer working hours are permitted in these undertakings (Article 4 of the Convention) and must therefore point out that many of these establishments (for example, loading and unloading of goods, laundries, slaughter-houses, bakeries) do not correspond to the necessarily continuous processes covered by this provision of the Convention. The Committee hopes therefore that measures will soon be taken in respect of the following points to which attention was already drawn in previous observations:

- (a) the legislation should specify that exceptions in regard to work which is carried on continuously may be permitted only in “those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts”, as required under Article 4 of the Convention.
- (b) the legislation should fix maximum working hours for such processes, not exceeding 56 in the week on the average, as required under Article 4 of the Convention.
- (c) the legislation should not authorise the prolongation of the working day by one hour for the shift workers concerned, permitted under section 148 of the Labour Code, as such an extension is not provided for in the Convention.

The Government indicates that there are no legislative provisions corresponding to Article 6, paragraph 2, of the Convention. The Committee must therefore point out once again that Article 6, paragraph 2, of the Convention specifically requires that the maximum number of additional hours shall be fixed and it hopes therefore that the Government will take steps in the near future to ensure compliance with the provision. In this connection the Committee also points out that, in conformity with Article 6, paragraph 2, of the Convention, employers' and workers' organisations must be consulted as regards the maximum number of additional hours to be permitted.

Finally, the Committee notes that the above-mentioned observations have been pending for a considerable number of years and it trusts that there will be no further delay in bringing the legislation into conformity with the Convention.¹

Greece (ratification: 1920). In view of the observations it has made for a number of years concerning the categories of railway workers required to work longer hours than those which are laid down in the Convention, the Committee notes with particular interest that by Royal Decree No. 315 of 30 May 1963 the eight-hour day was extended to further categories of such workers, so that at present it applies to over two-thirds of their total number. It notes, moreover, from the statement of a Government representative to the Conference Committee in 1963 that the committee of experts set up to study the possibility of extending the eight-hour day is pursuing its work and that the Government hopes soon to announce the extension of Decree No. 315 to the remaining categories of railway workers to which the eight-hour day does not yet apply. The Committee trusts that such extension will be found possible at an early date and that the progress that has already been achieved towards the fuller application of the Convention will thus be continued.

Further to its previous direct requests and to the allegations made in this connection by the Union of Workers of the Salonika Urban Transport Services, the Com-

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

mittee notes with interest that Ministerial Decision No. 2382 of 2 February 1963 lays down a normal eight-hour working day and a 48-hour working week for Salonika urban transport services, which are excluded from the scope of Royal Decree No. 582 of 1960.

Haiti (ratification: 1952). The Committee takes note of the Government's reply to its observation, particularly as regards Article 8 of the Convention. Further attention is drawn to the following points.

Article 1 of the Convention. In its observation made in 1961 and 1963 the Committee noted that, 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 covered by this Article, namely land transport services, laundries and bakeries. The Government replies in its report that in practice the limits of normal working hours of eight per day and 48 per week laid down in section 98 of the Code are interpreted as applying to these undertakings, although in view of the nature of the work they perform they are authorised to continue work after legal closing hours in shifts supervised by the Labour Inspectorate. The Government states, moreover, that the handling of goods at docks and quays, etc., is regarded as falling within the scope of activities of transport undertakings.

The Committee considers, however, that in view of the terms of section 104 of the Code, which expressly excludes the above-mentioned undertakings from the application of section 98 and section 99, measures should be taken to remove all possible doubt in the matter by amending the Code so as to confirm the interpretation given in practice to this section and to ensure that the undertakings concerned should work normal hours as prescribed by Article 2 of the Convention, and overtime only as prescribed by Article 6.

Article 5. The Committee notes that the Government refers under this Article of the Convention to sections 25 and 99 of the Code. Since neither of these sections specifically relates to exceptional cases where it is recognised that the normal limits prescribed by Article 2 of the Convention cannot be applied (apart from authorisation of overtime), the Committee would be grateful if the Government would confirm that no recourse is had to this Article.

Article 6. The Committee had requested the Government to take steps to ensure the application of paragraph 2 of this Article of the Convention by adopting regulations to fix the maximum number of additional hours permitted in industrial undertakings. In reply, the Government refers to section 100 of the Code which provides that overtime may be worked up to 20 hours per week. While aware of this limitation on overtime, the Committee points out that it is an insufficient safeguard against excessive recourse to overtime, as it would permit workers to be employed on a 68-hour week over extended periods. It hopes therefore that the Government will take measures to fix the maximum number of additional hours permitted over a period of several months or a year.

Article 7, paragraph 1 (a). As the Government's reply is not clear on this point, the Committee would be glad if the Government would indicate in its next report whether the categories of undertakings authorised to operate continuously, to which it had referred in its report for the period 1959-60 (sugar factories at the time of harvest, sisal factories, etc.), are the only undertakings where a 56-hour week is authorised under section 105 of the Code.

The Committee takes due note of the Government's statement that section 1, fifth paragraph, of the Act of 5 May 1948, which provided that time spent by an

employee in rectifying errors for which he was responsible should not be counted as overtime, is now considered as repealed.

Nicaragua (ratification: 1934). The Committee regrets to note that the Government's report for the period 1961-63 contains no information in reply to the various points raised in the observation and the direct request made in 1959. It notes moreover that although the Committee had drawn the Government's attention to the discrepancies which exist between national legislation and the requirements of the Convention, the 1962 amendment of the Labour Code contains no provisions which remove these discrepancies. The Committee therefore feels bound to repeat its previous direct request and observation regarding this Convention. It recalls that in its observation and request it drew the Government's attention to the following points:

Article 1 of the Convention. The Government stated in an earlier report that section 169 of the Labour Code, in virtue of which workers in land transport other than urban transport may work a 14-hour day and 60-hour week, was to be amended. The Committee hopes that the necessary measures will be taken without delay, since this category of workers is within the scope of the Convention and entitled to an eight-hour day and 48-hour week.

Article 5. The Committee points out that, when working hours are calculated as an average over several weeks (for example, under section 168 of the Labour Code), the Convention provides that such redistribution of working hours should be done by agreements between workers' and employers' organisations. If no such agreements exist the Committee considers that provision should be made, by legislation or otherwise, for the consultation of the workers' and employers' organisations concerned.

Article 3 and Article 6, paragraph 1 (*b*). The Committee is pleased to note that legislative provisions are to be introduced to define the special cases in which overtime may be worked in virtue of section 56 of the Labour Code. It hopes that the measures in question will ensure conformity with these provisions of the Convention; it is pointed out that, as regards the determination of the exceptions which may be permitted under Article 6, paragraph 1 (*b*), the Convention provides that employers' and workers' organisations must first be consulted (Article 6, paragraph 2).

Article 6, paragraph 2. In reply to a question raised by the Government, the Committee indicates that the purpose of this provision of the Convention, which prescribes, *inter alia*, that the maximum of additional hours must be fixed by regulations, is to impose a supplementary restriction on the working of overtime. The maximum in question may be established by fixing the number of weeks in which overtime is authorised when, as in the case of Nicaragua, a specified number of additional hours is permitted in the week; or by fixing the global number of additional hours authorised in the year. The maximum is applicable only to overtime allowed in order to deal with exceptional cases of pressure of work under Article 6, paragraph 1 (*b*), of the Convention. Thus, the extension of the hours of work permitted under Article 3 of the Convention in case of accidents, *force majeure*, etc., is not normally covered by the provision fixing the maximum of additional hours. The legislative provisions which the Government intends to introduce with a view to determining the special cases in which overtime may be worked (see above under Article 3 and Article 6, paragraph 1 (*b*)), should eliminate the difficulties mentioned by the Government in connection with Article 6, paragraph 2. The Committee hopes therefore that the Government will consider restricting the number of weeks in the year in which overtime may be worked or fixing the maximum of additional hours that may be allowed over several months or a year; the Committee recalls in this connection the fact that the Government has already indicated its intention to reduce the number of additional hours which may be permitted under section 56 of the Labour Code.

Article 8. The Committee notes the information supplied regarding the functions of the labour inspection service, but it considers that the satisfactory application of this Article of the Convention calls for legislative provisions or regulations requiring every employer to notify hours of work and rest periods by means of the posting of notices or in another approved manner (paragraph 1 (*a*) and (*b*) of Article 8) and requiring every employer to keep a record in the form prescribed by law or regulation of all additional hours worked (paragraph 1 (*c*) of Article 8).

The Committee strongly urges the Government to take without delay all the necessary measures to bring legislation into full conformity with the Convention, which was ratified 30 years ago.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Peru (ratification: 1945). The Committee refers to the numerous observations it has made in recent years, in which it drew the Government's attention to the absence of measures 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. The Committee greatly regrets to note that the Government has failed to supply a report on this Convention for the period 1962-63 and must therefore refer to the information supplied by a Government representative to the Conference Committee in 1963. It notes from that information that a Labour Bill had been prepared and was ready for promulgation. The Committee hopes that this Bill will ensure full compliance with the Convention and urgently requests the Government to pursue its efforts to secure its promulgation without delay.¹

Spain (ratification: 1929). The Committee referred in the observations it has made in recent years to the practical difficulty it has experienced in evaluating the effect given to Conventions Nos. 1 and 30 and to the desirability of adopting a new comprehensive text which would specify clearly that certain minimum requirements respecting hours of work—corresponding with those of Conventions Nos. 1 and 30—should be observed in labour provisions at all levels of the legislative hierarchy. Although the Government has maintained that in the hierarchy of labour legislation, labour regulations and collective agreements, precedence would always be given to the clauses most favourable to the workers, the Committee, in explaining the reasons for its difficulties in the observation which it made in 1963, found from certain examples that there is in fact no guarantee that the more favourable clause will necessarily prevail.

The Committee notes that in the Conference Committee in 1963 the Government continued to insist on the practical validity of the principle that in the field of labour relations the most favourable clause in labour provisions shall prevail. It notes, however, the Government's statement to the Conference Committee that the revision of labour legislation which is to give effect to the Committee's observations and requests over a number of years respecting Conventions Nos. 1 and 30 had reached an advanced stage and that a draft had already been prepared which would take the form either of a code or of a general labour ordinance. The Committee follows with great interest the measures thus initiated by the Government to secure the adoption of a single text which will clarify the position regarding the various hours of work provisions at present in force in Spain and which will remove the existing discrepancies between these provisions and the requirements of Conventions Nos. 1 and 30. The Committee can therefore only express the hope that full consideration will be given to the points raised in its previous observations and requests before this text is finally adopted and that its adoption will be found possible at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Dominican Republic, Greece, Nicaragua, Spain, Syrian Arab Republic, Uruguay, Venezuela.*

Convention No. 2: Unemployment, 1919

Austria (ratification: 1924). Further to its previous observations the Committee notes with interest that a new Placement Bill now under discussion provides in particular for the co-ordination of public and private employment agencies required by

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Article 2, paragraph 2, of the Convention. The Committee trusts that the early adoption of this Bill will secure the implementation of this provision of the Convention.

Chile (ratification: 1933). In reply to the observation of 1962 the Government states that the new Bill reorganising the labour services to provide specialised staff for the employment service which will be responsible for the functioning of employment agencies in the provinces has reached the final stage for adoption. The Government adds that the necessary measures are being taken for the appointment of advisory committees.

The Committee takes note of this information with interest and trusts that the early enactment of this Bill will lead to the implementation of the Convention, which Chile ratified over 30 years ago.

Colombia (ratification: 1933). Further to its previous observations, the Committee notes from the Government's report that the draft Bill regarding the employment contract, section 15 of which provides for a national employment service, is still under study by the legislature, and that the former national employment service continues suspended since 1960. In addition the Committee regrets to note that the Bill does not appear to call for the appointment of committees, including employers' and workers' representatives, to advise on matters concerning the carrying on of the service, as required by Article 2, paragraph 1, of the Convention.

The Committee trusts that the early adoption of the above Bill with suitable amendments to bring it into conformity with Article 2 of the Convention will permit the re-establishment of a national employment service, so as to comply with the obligations assumed by Colombia in ratifying this Convention 31 years ago.

Nicaragua (ratification: 1934). Further to its previous observations and direct requests the Committee notes with regret that the Government's report does not indicate the creation of the advisory committees required by Article 2, paragraph 1, of the Convention, and that in spite of the Government's statement in 1958 that provision for advisory committees would be made in a proposed legislation for the revision of labour legislation, such a provision has not in fact been included in Decree No. 765 of 12 October 1962 which seeks to make basic changes to the Labour Code. The Committee urges the Government to take immediate steps for the setting-up of these advisory committees, so as to meet the obligation which it assumed in ratifying this Convention 30 years ago.

The Committee also regrets to note that the Government's report does not furnish data on the number of public placement agencies established (Article 2, paragraph 1) or indicate whether there are any private employment agencies and, if so, whether their operations are co-ordinated with those of the public agencies (Article 2, paragraph 2). The Committee hopes that the Government's next report will not fail to indicate the manner in which these provisions of the Convention are applied.¹

Sudan (ratification: 1957). The Committee notes with interest that new employment offices have been set up in four areas away from Khartoum.

The Committee notes, on the other hand, that appointment has not yet been made of the Advisory Board provided for by section 9 of the Employment Exchanges Ordinance of 1955. As Article 2, paragraph 1, of the Convention requires the appointment of committees, including employers' and workers' representatives, to

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

advise on matters concerning the carrying on of free public employment agencies, and as the Committee first raised the question of such appointment in its direct request of 1959, the Committee hopes that the Advisory Board will be appointed at an early date.

The Committee notes that, in accordance with sections 3 and 4 of the 1955 Ordinance, certain temporary employees or employees of establishments having a very small payroll are exempted from the ordinance's provisions and that the latter does not cover practically all unskilled workers and all persons seeking employment outside industry and commerce. The Committee recalls that, in reply to a direct request made in 1959 concerning the situation of these employees as regards assistance in obtaining employment, the Government stated in its 1958-59 report that the Council of Ministers had approved proposed new legislation on the organisation of the employment service. The Committee notes, moreover, that according to information communicated by the Government to the Conference Committee in 1963, the proposed new legislation will permit the employment offices to register applications from all persons seeking employment, including those excluded from the scope of the Ordinance of 1955, if they wish to register. The Committee would be glad if the Government would state in its next report whether this legislation has been adopted.

Uruguay (ratification: 1933). Further to its previous observations, the Committee notes that, according to section 9 of the draft Bill for the creation of a national employment service, the executive branch is required to set up advisory committees only when it considers such a measure to be opportune. As Article 2, paragraph 1, of the Convention requires such committees to be appointed to advise on matters concerning the carrying on of the public employment agencies, the Committee trusts that section 9 of the draft Bill will be amended to require the establishment of advisory committees immediately upon the creation of a national employment service and that such a service will be set up in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Finland, Iceland, Ireland, Poland, Rumania, Spain, Syrian Arab Republic, Venezuela*.

Convention No. 3: Maternity Protection, 1919

Argentina (ratification: 1933). The Committee notes with interest the information supplied by the Government, both in its report and to the Conference Committee in 1963, in reply to the observations and requests made in previous years regarding the application of the following Articles of the Convention: Article 3 (c) (last sentence)—mistake of the medical adviser in estimating the date of confinement; and Article 4—prohibition of dismissal during the absence of a woman on maternity leave.

With regard to Article 3 (c), first sentence, of the Convention, which prescribes that maternity benefits shall be provided either out of public funds or by means of a system of insurance, the Committee must point out that if Act No. 11933 of 1934, to which the Government refers in its report, does not lay down a qualifying period, Decree No. 80229 of 1936, issued under this Act, states in section 35 that women workers who are members of the Maternity Fund shall be entitled to benefits only—

(a) when they have actually been employed at the time of conception and have paid the insurance contribution for a certain period; and

(b) when they have not been in employment at the time of conception, but have paid contributions for eight quarters in the three years immediately preceding conception.

The Committee would therefore be grateful if the Government would indicate, in its next report, whether women workers who do not fulfil the conditions prescribed by section 35 of Decree No. 80229 are entitled to maternity benefits provided out of public funds as prescribed in this case by the above-mentioned provision of the Convention.

Colombia (ratification: 1933). The Committee notes the information supplied by the Government, both in its report and at the 1963 Conference, in reply to the observations made in connection with Articles 3 and 4 of the Convention.

With regard to Article 3, the Committee notes with interest the statement of the Government that sections 94 and 97 of the draft revision of the Labour Code, which has been submitted to the Congress for approval, will give effect to the above-mentioned Article of the Convention, including: subparagraphs (a) and (b)—maternity leave of 12 weeks; subparagraph (c) (last sentence)—granting of maternity benefit in case of extension of the maternity leave as a result of a mistake of the medical adviser in estimating the date of confinement; subparagraph (d)—a pause of half an hour twice a day for nursing the child.

With regard to Article 4, which relates to the prohibition of dismissal for any reason during the whole period of maternity leave, the Committee notes that under section 241 (243 in the new numbering) of the Labour Code in force, the employer must keep a woman worker's post open while she is on maternity leave or while she is suffering from incapacity as a result of illness due to pregnancy. The Committee must, however, draw the attention of the Government to the fact that the draft revision of the Labour Code, to which the Government refers in connection with Article 3 of the Convention, contains no provision corresponding to that of the present Code, but seems, on the contrary, to provide the possibility (sections 99 and 100), which would conflict with the Convention, of dismissal of a woman during the period covered by the Convention subject to the prior authorisation of the labour inspector or the local authority, as the case may be. The Committee trusts that this point will be taken into account in the revision of the Labour Code.

The Committee also took note of the new extensions to the compulsory social security scheme and hopes that this scheme will be made general in the near future.

Federal Republic of Germany (ratification: 1927). The Committee notes with regret that, in spite of the repeated assurances of the Government, no progress has yet been made in bringing the national legislation into conformity with the following Articles of the Convention: Article 3 (c)—payment 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 the notice would expire during such leave.

The Committee notes, however, the statement of the Government that the observations made by the Committee in connection with the corresponding provisions of the Maternity Protection Act, 1952, and the question of the amendment of these provisions will be the subject of detailed discussions during the examination of the new draft amendment submitted to the Parliament in 1962. The Committee trusts that the amendment of the national legislation as required by the Convention will take place in the very near future.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Nicaragua (ratification: 1934). The Committee takes note of the Government's reply to the observations and requests made over a number of years and regrets to note that this reply contains no new information to affect the Committee's previous observations regarding the application of Articles 2, 3 and 4 of the Convention (limited field of application; insufficient maternity leave and benefits at the expense of the employer for women workers not subject to insurance; nursing periods; possibility of dismissal of a woman worker in certain circumstances during maternity leave).

In these circumstances the Committee must once again recall the existing situation in a new direct request and it insists that the Government take the necessary steps to bring national legislation into full harmony with the Convention on the points referred to above and supply information on the extension of the social security scheme, which should cover all workers in the country.

Venezuela (ratification: 1944). In 1961 and 1963 the Committee 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.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Cuba, Gabon, Nicaragua, Venezuela*.

Convention No. 4: Night Work (Women), 1919

General Observation

In recent years the Committee has observed that some Members which have ratified both Convention No. 4 (adopted in 1919) and one of the revising Conventions concerning night work of women (No. 41 or No. 89) have encountered certain difficulties due to the simultaneous application of two Conventions (revised and revising) on the same subject. This is due to the fact that the ratification of one or the other of the two revising Conventions does not involve the automatic denunciation of Convention No. 4. Generally, such difficulties have now been obviated as Conventions adopted since 1929 contain a standard clause providing that should the Conference adopt a new Convention revising a former Convention, the ratification by a Member of the revising Convention shall, unless the new Convention otherwise provides, involve the immediate denunciation *ipso jure* of the revised Convention, if and when the revising Convention shall have come into force.

As the revising Conventions (Nos. 41 and 89) are drafted in a more flexible manner and allow wider exceptions to the night work prohibition than Convention No. 4, a State Member which is bound simultaneously by two Conventions concerning night work of women is confronted with the following alternatives:

- (a) to ensure the observance of the obligations arising cumulatively from the two Conventions so that it can avail itself only of those permissive clauses (exceptions) which are authorised both under Convention No. 4 and the revising Convention;
or
- (b) if the Member concerned wishes to avail itself of exceptions authorised under the revising Convention but which go beyond those permitted under Convention No. 4, to denounce the latter.

In making its assessment of the effect given to ratified Conventions, the Committee has noted that the legislation of some Members simultaneously bound by two Conventions concerning night work of women, while in harmony with the more flexible provisions of a revising Convention, does not fully conform with certain clauses contained in Convention No. 4. In such cases the Committee has addressed direct requests to the governments concerned drawing their attention to this point and to the possibility of denouncing Convention No. 4, so as to limit their obligations in future to the provisions of the revising Convention which may be more easily complied with by the Members concerned.

The Committee trusts that Members now simultaneously bound by Convention No. 4 and one of its revising Conventions, as well as any Members wishing to ratify Convention No. 89 in future, will give due consideration to the possibility of denouncing Convention No. 4, should they encounter any difficulty in attempting to comply with both this Convention and one of the revising Conventions.

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Afghanistan (ratification: 1939). As the report again contains no information on the effect given to the Convention, the Committee must assume that no legislative or other measures have yet been taken to implement the provisions of the Convention.

The Committee urges the Government to take without further delay all necessary measures to ensure compliance with this Convention, which was ratified 25 years ago.¹

Albania (ratification: 1932). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

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 divergences 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 must point out that in the absence of any new information the provisions of the Convention continue to be applied only to a very limited extent (expectant and nursing mothers; particularly arduous or unhealthy work). In these circumstances the Committee urges the Government to give full effect to the Convention without further delay.¹

Austria (ratification: 1924). See under Convention No. 89.

Chile (ratification: 1931). The Committee notes with regret that no progress has been made in enacting the Bill which is to give full effect to the Convention. In the circumstances Chilean legislation (Part II, section 48, of the Labour Code of 1931) applies the prohibition of night work 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 in manual work or not.

The Committee urges the Government to take without further delay the necessary measures to ensure full conformity between the legislation and the Convention, which was ratified over 30 years ago.¹

Colombia (ratification: 1933). The Committee notes with regret that the draft Labour Code has not yet been enacted. As there exists at present no legislation

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

(except as regards pregnant women) to give effect to the Convention, which was ratified more than 30 years ago, and as the Government has referred to legislative amendments since 1956, the Committee urges the adoption of the necessary provisions without further delay.¹

Gabon (ratification: 1960). The Committee notes with satisfaction from the Government's reply to the previous direct request that General Order No. 3759 of 25 November 1954, which authorised the suspension of the prohibition of night work by women in circumstances going beyond Article 4 of the Convention, has been repealed by Decree No. 276-PR of 5 December 1962, which prohibits the employment of women at night in industry except in cases of *force majeure*.

Nicaragua (ratification: 1934). The Committee has been drawing attention for many years to the absence of any prohibition of night work for women and young workers. In 1960 the Government had given a formal assurance that legislation to this effect was about to be adopted.

The Committee must note therefore with particular regret that Decree No. 765 of 12 October 1962, to make basic changes to the Labour Code, does not contain any new provisions whatever dealing with night work of women and young persons. In these circumstances the Committee can only draw attention to the fact that two fundamental Conventions, which Nicaragua ratified 30 years ago, continue to remain without application in that country.¹

Peru (ratification: 1945). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

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).

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 hopes that the Government will make every effort to take the necessary action without further delay.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Guinea, Mauritania, Portugal, Rwanda, Spain, Tunisia*.

Convention No. 5: Minimum Age (Industry), 1919

Nicaragua (ratification: 1934). Further to its previous direct requests the Committee notes with regret from the Government's report for 1961-63 and the 1962 amendment to the Labour Code, that no measures have been taken to require the keeping by employers of a register of all persons under 16 years employed by them and to determine the line of division which separates industry from commerce and agriculture in conformity with the provisions of the Convention. Recalling the Government's assurances to issue the necessary regulations, the Committee must

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

once again urge the Government to take steps as soon as possible with a view to ensuring the application of this instrument, which was ratified 30 years ago.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Brazil, Congo (Brazzaville), Poland, Sierra Leone.*

Convention No. 6: Night Work for Young Persons (Industry), 1919

Cameroon (Eastern Cameroon) (ratification: 1960). The Committee notes with satisfaction, from the Government's reply to the direct request of 1962, that Decree No. 63-60 of 7 June 1963, modifying the provisions of section 10 of Order No. 981 of 27 February 1954, limits the possibility of making exceptions from the night work prohibition to the cases provided for in Article 2, paragraph 2, of the Convention (work to be carried on continuously in the five categories of industries specified in the said Article).

Chile (ratification: 1925). Further to its previous observations and request, the Committee notes with regret that no progress has been made in enacting a Bill designed to extend the night work prohibition to all young persons in industrial undertakings whether engaged in manual work or not, as is required by the Convention (the prohibition of night work contained in Part II, section 48, of the Labour Code of 1931 applies only to manual workers).

As the Government had indicated in 1961 that such a Bill had been prepared the Committee hopes that the legislation will be brought into conformity with the Convention without further delay.

France (ratification: 1925). The Committee notes from the statement made by a Government representative at the Conference Committee in 1962 that a circular of 4 December 1961 drew the attention of labour inspectors to the provisions of the Convention and requested them to give special attention to the observance in bakeries of sections 22 and 23 of Book II of the Labour Code, prohibiting night work of young persons. However, the circular of 4 July 1894, informing the labour inspectorate that, under the opinion given by the Council of State, small-scale food industries, including bakeries, were not industrial in character and therefore not covered by the provisions of sections 21, 22 and 23 of the Code (Book II), appears to remain still in force. As the 1894 circular is contrary to the Convention the Committee must urge the Government once again that this circular be revoked without delay in order to remove any uncertainty regarding the application of the Convention to the above-mentioned industries.

Hungary (ratification: 1928). Further to its previous observations the Committee notes that the Government is proceeding with its study to ensure full conformity between the legislation and the Convention. The Committee trusts that this study will be completed in the near future so that the serious divergence between the national legislation (which does not prohibit night work for young persons between 16 and 18 years of age as provided for in Article 2 of the Convention) and the Convention will be eliminated.¹

Nicaragua (ratification: 1934). See under Convention No. 4.¹

Rumania (ratification: 1912). Further to its observations the Committee notes with satisfaction from the report that section 50 of the Labour Code has been

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

amended by a Decree of 15 January 1964 which defines "night" as a period of 11 consecutive hours (between 9 p.m. and 8 a.m.), as is required by Article 3 of the Convention.

Togo (ratification: 1960). The Committee notes with interest from the Government's reply to the direct request of 1963 that the Government will take the necessary measures to amend section 7 of Order No. 15/MTAS-FP dated 6 December 1958 in order to bring it into conformity with Article 2, paragraph 2, of the Convention. It also notes that pending this amendment the labour inspectorate, in authorising exceptions from the night work prohibition for young persons, will strictly limit the authorisations to the cases provided for in Article 2, paragraph 2, of the Convention (work to be carried on continuously in the five categories of industries specified in the said Article).

The Committee hopes that the Government will find it possible to bring the legislation into conformity with the above provision of the Convention at an early date.

Venezuela (ratification: 1933). In 1963 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.

Viet-Nam (ratification: 1953). Further to its previous direct requests the Committee notes with satisfaction that the Order of 8 August 1953 determining the industries authorised to make temporary exceptions to the night work prohibition has been repealed by an Order of 4 January 1962.

As section 171 of the Labour Code still authorises, however, exceptions (for industries in which raw materials or goods subject to rapid deterioration are treated) which go beyond those permitted under Article 2, paragraph 2, of the Convention (in respect of young persons over the age of 16 years occupied in a limited number of industries specified in the Article), the Committee hopes that the above section will be amended so as to bring it into conformity with the Convention.

The Committee hopes that section 168 of the Code will also be amended in order to ensure that the night work prohibition applies both to young persons who are manual workers (*ouvriers*) or apprentices and to young persons who may be employed in industrial undertakings on non-manual work.

The Committee notes the Government's statement in the report that account will be taken of the Committee's observations when the Labour Code is next amended. The Committee trusts that full conformity will thus be achieved at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Algeria, Burma, Dahomey, France, Guinea, Ireland, Mauritania, Portugal, Rumania, Senegal, Spain, Switzerland, Tunisia, Upper Volta, Venezuela*.

Convention No. 7: Minimum Age (Sea), 1920

Nicaragua (ratification: 1934). The Committee observes with regret from the Government's report for 1961-63 and from the 1962 amendments to the Labour Code that no measures have been taken to give effect to the Convention (prohibition of the work on board vessels of children under 14 years). Recalling that the Convention was ratified 30 years ago and that the Government had repeatedly promised to propose the amendment of the legislation, the Committee must address an urgent

appeal to the Government to take all steps to bring about the adoption of the necessary measures as soon as possible, with a view to ensuring the application of this instrument.¹

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In addition, a request regarding certain other points is being addressed directly to *Sierra Leone*.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Argentina (ratification: 1933). The Committee notes with regret that, according to the information supplied by a Government representative to the Conference in 1963 and confirmed in the report for the period 1962-63, it has not been possible to adopt the Bill to amend certain sections of the Commercial Code with a view to bringing them into harmony with the Convention, since the Congress has not met.

The Committee can therefore only urge once more that measures be adopted in the near future to eliminate all divergences between the national legislation and the Convention, by amending, *inter alia*, the provisions of section 1004 of the Commercial Code. This section imposes a limitation on the period during which the unemployment indemnity resulting from the loss or foundering of the vessel is paid to the seaman, namely it terminates on the day on which the vessel would have reached its port of destination, while Article 2 of the Convention provides that the indemnity shall be paid for the days during which the seaman remains in fact unemployed, subject to the provision that the total indemnity may be limited to two months' wages.¹

Colombia (ratification: 1963). The Committee notes the Government's reply to its observation of 1963 that at the present stage in the proceedings for the adoption of the draft Labour Code the addition of clauses to cover the provisions of the Convention (deleted from the original text by the Senate) would delay the adoption of the Code, in as much as the amendments which would be proposed would require to be examined by the two Houses. The Government accordingly considers that it would be preferable not to impede the adoption of the draft Code in its present form and not to propose the addition of clauses covering this Convention until the Code has been adopted.

The Committee is nevertheless bound to urge that the necessary measures to ensure the application of the Convention be taken as quickly as possible.

Mexico (ratification: 1937). The Government had indicated in 1962 that it was prepared to eliminate the discrepancy between the national legislation and the Convention, if the Committee would prove that this discrepancy exists in actual fact. In response to this invitation the Committee had pointed out in its observation of 1963 that—(a) section 126, paragraph XII, of the Federal Labour Act imposes two conditions for the payment of unemployment indemnity neither of which, as admitted by the Government, is provided for in the Convention; (b) the Government had never confirmed, as it had been requested by the Committee, that the insurance referred to in section 221 of the General Communications Act includes payment of an indemnity against unemployment arising out of shipwreck; (c) the Government had never supplied information on the number of workers covered by the relevant legislation and the number of indemnities granted under Article 2 of the Convention.

The Committee much regrets that the Government's report once again fails to provide the particulars mentioned under (b) and (c) above, so that there con-

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

tinues to exist a complete lack of information whether and to what extent seamen in Mexico have in fact benefited from the minimum protection of two months' unemployment indemnity in case of shipwreck, required by the Convention.

As to section 126, paragraph XII, of the Federal Labour Act, the Government replies that it is broader in its coverage than the Convention and that the repeal of this provision, in accordance with the Committee of Experts' wish, would be less favourable to the workers. The Committee must point out that it has at no time asked for the repeal of the said paragraph XII, but has merely called for its amendment so as to ensure the application of the Convention. The Committee considers that this purpose could be fulfilled, for instance, by inserting in the above paragraph of section 126 a specific provision requiring the employer to pay, in the case of loss or foundering of a vessel, an indemnity for the days during which the seaman remains in fact unemployed, it being understood that this indemnity may be limited to two months' wages.

The Committee urges the Government to take action along the lines indicated above and to state in its future reports whether any cases of shipwreck have occurred and, if so, whether the required indemnities have been paid.¹

Nicaragua (ratification: 1934). The Committee notes with regret that Decree No. 765 of 12 October 1962 to make basic amendments to the Labour Code—which has come to the Committee's notice—does not amend in any respect provisions concerning the employment of seamen (Chapter V, sections 151-166), although the Government had indicated in its previous reports that the revised Labour Code was to give full effect to the provisions of the Convention.

The Committee must therefore once again draw the Government's attention to the fact that section 155 of the Code guarantees the payment to seamen of an indemnity against unemployment in case of loss or foundering of a vessel only if the shipowner had insured the vessel, a condition which is contrary to the requirements of the Convention.

The Committee therefore must urge the Government once again to take all appropriate steps to guarantee to seamen the payment, in all cases of unemployment resulting from loss or foundering of a vessel, of an indemnity which fully conforms to the requirements of Article 2, paragraph 2, of the Convention (indemnity paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total amount of which may be limited to two months' wages).

Rumania (ratification: 1930). The Committee notes with interest that, in response to the wish it expressed in 1961 and 1962, the Government contemplates the repeal of section 20 (c) of the Labour Code (possible termination of employment if "operations cease for more than a month"), which is contrary to Article 2 of the Convention but which, according to the Government's statement, is not applied in practice.

The Committee hopes that the repeal of this section will take place in the near future and that information in this connection will be supplied in the next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nigeria*, *Sierra Leone*.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933). The Committee notes with regret, from the information provided in the report in reply to the observation made in 1963, that the Labour Code, section 15 of which in particular was, according to the Government, to give effect to the Convention, has not yet been promulgated. The Committee must therefore again urge that legislation be adopted as soon as possible to provide for the placing of seamen in conformity with the provisions of the Convention.

Nicaragua (ratification: 1934). The Committee notes with regret that no progress appears to have been made towards the adoption of measures to give effect to the Convention. Consequently, it can only urge the Government once again to take steps at last to ensure the placing of seamen in full conformity with the provisions of the Convention, which was ratified 30 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Colombia, Cuba*.

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Albania, Nicaragua, Peru, Spain*.

Convention No. 11: Right of Association (Agriculture), 1921

Chile (ratification: 1925). The Committee takes note of the information supplied by the Government to the effect that the Bill to amend the provisions of the Labour Code relating to the right of association in agriculture, which has been referred to in previous years, has not been adopted by the National Congress, since it is before the Chamber of Deputies at the third stage of the constitutional procedure.

In these circumstances the Committee, regretting that no progress has been made towards bringing the national law into conformity with the provisions of the Convention, is obliged to repeat once more the observations made in previous years:

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 works 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

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

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.

The Committee very much regrets that the necessary measures have not been adopted to bring the legislation into conformity with the provisions of the Convention, but it still trusts that the Government will adopt these measures without further delay and so fulfil the international obligations it has undertaken.¹

Nicaragua (ratification: 1934). The Committee has taken note of a reply from the Government dated June 1963, according to which there was to be a general revision of the Labour Code and the Trade Union Regulations in that year. The Committee has also taken note of the statement by a Government representative to the Conference Committee in 1963 to the effect that the Government intended to encourage the formation of trade unions of industrial and agricultural workers according to democratic principles. The Committee regrets, however, that the report subsequently received contains no reference whatever to a revision of the Trade Union Regulations. In these circumstances the Committee cannot but repeat once again its 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 trusts that the Government will take the necessary steps without further delay to bring its national legislation into conformity with the provisions of the Convention.

Venezuela (ratification: 1944). The Committee notes with regret that the Government has not supplied its report for 1962-63. However it notes with interest, from the information submitted by the Government to the Conference Committee in 1963, that the regulations concerning agricultural work, although they do not conform to the standards existing in industry, have been replaced in practice by collective agree-

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

ments and by the law on agrarian reform and, in addition, new draft regulations concerning agricultural work which remedy the deficiencies of the regulations now in force have been submitted to Congress.

The Committee trusts that the adoption of the new regulations will have the effect of abolishing all the divergences between agricultural workers and industrial workers to which attention has been drawn, and thus secure "to all those engaged in agriculture the same rights of association and combination as to industrial workers".

The Committee hopes that the draft regulations concerning agricultural work will be adopted in the near future and requests the Government to be good enough to inform it of any measures which may be taken in this respect.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba, Rwanda.*

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Colombia, Nicaragua, Portugal, El Salvador.*

Convention No. 13: White Lead (Painting), 1921

Argentina (ratification: 1936). The Committee notes with regret that the Government's report contains no information in reply to the observation made in 1962; it can therefore but repeat its previous observation, which was as follows:

Following the observations and requests which it has been making for many years, the Committee takes note of the Government's statement . . . to the effect that the committee appointed to study ways and means of bringing the national legislation into conformity with the provisions of the Convention is carrying on its work in consultation with the employers' and workers' organisations concerned in accordance with the provisions of Article 1, paragraph 1, of the Convention.

The Committee, therefore, hopes that the Government will adopt as soon as possible legislation giving full effect to this Convention which was ratified in 1936—

- (a) defining, as regards areas of Argentina other than the city of Buenos Aires (where the use of paint containing white lead is generally prohibited), paint operations in which the use of white lead, sulphate of lead and any product containing these pigments is necessary;
- (b) prescribing detailed provisions corresponding to those of the Convention for operations where the use of such substances is not prohibited (Articles 5, 6 and 7 of the Convention).

The Committee trusts that the Government will not fail to take the measures and supply the information referred to above.¹

Bulgaria (ratification: 1925). Further to its previous observation the Committee takes note with satisfaction of Ordinance No. 1896 of 16 May 1962 which prescribes a general prohibition of the use of white lead and sulphate of lead in painting operations.

Colombia (ratification: 1933). Further to its previous observations the Committee notes with interest from the Government's report that section 62 of the Bill to amend the Labour Code which empowers the Government to regulate the use of white lead, sulphate of lead, etc., in painting as required by the Convention, has been approved by the Senate, and that the Bill is under examination by the House of Representatives. The Committee trusts that the Government will pursue its efforts to secure the early

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

adoption of the above-mentioned provision and that the next report will contain full information on the progress achieved.

Guinea (ratification: 1959). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with interest that the Government is contemplating the issue of regulations to oblige heads of undertakings to supply suitable clothing for painters to wear during the whole of the working period (Article 5, II (b), of the Convention).

The Committee hopes that the Government will also take the necessary steps to prohibit the employment of young persons and women in painting work of an industrial character (Article 3 of the Convention) since, according to the report, such work, which is not widely performed at present, is to be systematically developed in the future.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

Hungary (ratification: 1956). In reply to a direct request made in 1962 the Government states that regulations will be enacted to give effect to the requirements of Article 1 and Article 5, I (a), of the Convention. The Committee notes this statement with interest and hopes that the next report will contain information on the progress achieved in this respect.

Ivory Coast (ratification: 1960). Following its previous requests, the Committee notes with satisfaction that Orders Nos. 62-152 and 62-153 of 9 May 1963, which amend Orders Nos. 8822 and 8827 of 14 November 1955, give effect to Article 5, II (b) and III (a), of the Convention.

Mexico (ratification: 1938). For a number of years the Committee has drawn the Government's attention to the need for taking appropriate legislative measures to prohibit the use of white lead and sulphate of lead and all products containing these pigments in internal building operations, and to regulate their use in operations for which it is not prohibited, in conformity with the requirements of this Convention, which Mexico ratified 26 years ago. A Government representative stated in the Conference Committee in 1963 that, under article 133 of the Constitution, ratified Conventions have force of law and that should white lead be used in the future the Government would take the necessary measures for the adoption of provisions on the matter. As the Government's report for 1961-63 repeats its previous view that Article 6 of the Convention leaves full latitude to each member State to regulate the application of Articles 1 to 5 as it deems fit, the Committee feels bound to point out once again 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 addition the Committee notes that, although the Government explained that the absence of regulations was due to the fact that "white lead is not used in Mexico", the Revised Federal Labour Law contains provisions prohibiting the employment of children under 16 years and women in industrial painting involving the use of white lead, sulphate of lead and other products containing these pigments. The Committee therefore trusts that the Government will make every effort to adopt also other measures concerning the use of these pigments, so as to ensure the enforcement of Article 1, Article 2, paragraph 2, and Article 5 of the Convention.

Finally, the Committee notes that the above-mentioned provisions (sections 109, II, and 110-G) of the Revised Federal Labour Law prohibit the admission of children

under 16 years and women to any painting work of an industrial character involving the use of white lead or sulphate of lead, whereas Article 3 of the Convention requires that the prohibition should apply to children under 18 years. The Committee would therefore be grateful if the Government would also take the necessary measures to bring national legislation into full conformity with the Convention on this point.

Nicaragua (ratification: 1934). For several years the Committee has drawn the Government's attention to the need to introduce into national legislation measures regulating the use of white lead, sulphate of lead and other products containing these pigments, in conformity with the requirements of the Convention. It observes with regret from the report for 1961-63 and from the 1962 amendment to the Labour Code that in spite of the Government's repeated assurances no progress has been made towards the enforcement of this instrument, which was ratified 30 years ago. In these circumstances the Committee feels itself bound to address an urgent appeal to the Government to make every possible effort with a view to giving effect without further delay to the protective measures prescribed by the Convention.¹

Venezuela (ratification: 1933). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee trusts that the Government will make, without further delay, every effort to take the necessary action with a view to ensuring the full application of this Convention, which was ratified 30 years ago.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Hungary, Italy, Mali, Mauritania, Niger, Poland, Rumania, Spain, Upper Volta, Uruguay.*

Convention No. 14: Weekly Rest (Industry), 1921

Viet-Nam (ratification: 1955). Following its requests and observations the Committee has taken note with satisfaction of Decree No. 6-63 of 22 March 1963 which, in conformity with Article 5 of the Convention, makes provision for periods of rest to compensate for the exceptions authorised by sections 182, 183 and 190 of the Labour Code.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Congo (Leopoldville), Syrian Arab Republic, United Arab Republic, Venezuela, Viet-Nam.*

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Nicaragua (ratification: 1934). The Committee has drawn the Government's attention for several years to the fact that there exist no provisions in national legislation to prohibit the work of persons under 18 years of age on vessels as trimmers or stokers and to require the keeping of a register by shipmasters of all persons under 18 years employed by them in conformity with Articles 2 and 5 of the Convention respectively. The Committee regrets to note from the report for 1961-63 and from the 1962 amendments to the Labour Code that, in spite of the Government's repeated assurances to amend the legislation, no measures have yet been introduced to give effect to the essential requirements of the Convention, which was ratified 30 years ago. It therefore feels bound to address an urgent appeal to the Government to make every possible effort to bring, without further delay, national legislation into conformity with this Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Cuba, Ghana, Sierra Leone, Uruguay.*

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Ceylon (ratification: 1951). Replying to an observation of 1962, the Government merely indicates, as it did in the report for the period 1959-61, that steps have been taken to prepare rules giving effect to the provisions of the Convention. The Committee thus regrets to note that no progress has been made in this connection since 1959. It trusts that the Government will adopt the necessary measures to ensure the application of this Convention in the near future.

Ghana (ratification: 1957). Further to its direct request of 1962 the Committee notes with satisfaction that the Merchant Shipping Act of 1963 provides for the medical examination of young persons employed on board ship in conformity with the provisions of the Convention.

Nicaragua (ratification: 1934). The Committee takes note of the statement of the Government that the Department of Social Welfare has prepared draft regulations on the work of young persons containing provisions that give effect to the Convention. As the Government first announced the adoption of these provisions in 1957, the Committee regrets that they have not yet been put into effect, particularly on the occasion of the publication of Decree No. 765 of 12 October 1962 which introduced certain amendments to the Labour Code.

The Government, moreover, refers to the provisions of Chapter V of Title III of the Labour Code concerning prohibition of the work of young persons. These provisions, however, do not prohibit the employment of young persons under 18 years of age on vessels nor provide that these young persons shall undergo a compulsory medical examination before employment.

The Committee can therefore only address a further urgent appeal to the Government to adopt measures without delay to give full effect to the provisions of the Convention.¹

Sierra Leone (ratification: 1961). Further to its direct request of 1962 the Committee notes with satisfaction the enactment of an amendment to the Employers and

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Employed Act which provides for the annual repetition of medical examinations of young persons employed at sea, in conformity with Article 3 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *New Zealand, Somalia, Spain, Uruguay.*

Convention No. 17: Workmen's Compensation (Accidents), 1925

Argentina (ratification: 1950). As the situation regarding Articles 6 and 7 of the Convention remains unchanged, the Committee must repeat the comments made originally in 1958 relating to these Articles, which have also been the subject of direct requests in 1960 and 1962.

Article 6 of the Convention. The national legislation provides for compensation for industrial injury only when the incapacity lasts longer than six working days, whereas this Article of the Convention authorises a maximum waiting period of four days.

Article 7. The national legislation does not appear to contain a provision prescribing, in conformity with this Article of the Convention, additional compensation for injured workmen whose incapacity necessitates the constant help of another person.

The Committee hopes that the Government will adopt appropriate measures to bring the national legislation into conformity with the above-mentioned Articles of the Convention.

Chile (ratification: 1931). The Committee has been pointing out for some years the desirability of bringing section 276 of the Labour Code (which provides for the payment, in the event of partial permanent incapacity, of compensation that never exceeds two years' wages) into conformity with Article 5 of the Convention, which provides that the compensation payable to the injured workmen where permanent incapacity results from the injury shall be paid in the form of periodical payments. The Government has referred in successive replies to a Bill to establish compulsory employment injury insurance which is to amend the above-mentioned provision in the sense required by the Convention.

On the other hand, the Government stated before the Conference Committee in 1963 that this provision of the Convention was applied in practice, since both Act No. 10383 on the social security of workers and Act No. 10475 on the pensions of salaried employees granted pensions in every case of permanent incapacity, irrespective of whether this was the result of employment injury or not. The Committee considers that although these provisions may in practice reduce the divergence with the Convention, they cannot be regarded as adequate to ensure its application, since they are subject to a number of conditions, such as that of having paid contributions for a specific period, that are not provided for by the Convention.

The Committee notes, however, that the Government, in its report for 1961-63, again refers to the above-mentioned Bill, stating that it has not yet been passed by the National Congress, but that the Labour Services are insisting and will continue to insist on the hastening of its passage.

The Committee therefore trusts that the Government will do everything possible to bring about the early adoption of this Bill to ensure the full application of the Convention, which was ratified over 30 years ago.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Colombia (ratification: 1933). The Committee has taken note of the information supplied by the Government in reply to its observation in 1962.

The Government states that the regulations established by Decree No. 1698 of 1960 have not yet come into force, and that the Labour Code remains in force throughout the country. The Committee must accordingly refer once again to the points on which national legislation in force is not in conformity with the Convention:

Article 2 of the Convention. The exceptions established under sections 225 to 228 go beyond those permitted under Article 2 of the Convention: handicraft undertakings which employ no more than five workers and undertakings whose capital is less than 10,000 pesos (in this case the employer's liability is limited to first aid); undertakings whose capital is between 10,000 and 50,000 pesos and between 50,000 and 125,000 pesos (in these two categories of undertakings the employer's liability is limited to first aid in case of employment injury and to a certain amount of medical care in case of incapacity; undertakings in the latter category must also pay 50 per cent. of the cash benefit provided for under the general legislation).

Article 3. With respect to workers in public administration the Government states in its report that sections 4 and 11 of Act No. 64 of 1946 amend in some respects Act No. 6 of 1945. However, in view of the upper limits laid down in these sections for disablement benefits (the equivalent of two years' wages) and for death benefits (36 monthly payments), it cannot be said that these workers enjoy "a special scheme, the terms of which are not less favourable than those of the Convention".

Article 5. Under section 206 of the Labour Code, compensation for employment injury is payable only in the form of a lump sum, whereas Article 5 of the Convention provides that "the compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments" and may be paid wholly or partially in a lump sum only "if the competent authority is satisfied that it will be properly utilised".

Article 11. The fact that debts arising out of employment contracts are privileged debts under section 2494 of the Civil Code is not sufficient to guarantee "in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or, in the case of death, to their dependants", as required by Article 11 of the Convention.

With regard to Decree No. 1698, the text of which the Committee took note in 1962 and which has not yet come into force, the Committee refers in a direct request to the Government to various points in this text which are not completely in accordance with the Convention.

The Committee trusts that the Government will take all possible steps to ensure adoption of the necessary legislation to establish throughout the country a scheme of workmen's compensation for accidents that is in accordance with the Convention.

Malaysia (states of Malaya) (ratification: 1957). The Committee has noted the information submitted by the Government in reply to the request made in 1962 with respect to Article 5 of the Convention. The Government states that the payment of compensation in the form of a lump sum is in conformity with this Article because the officials responsible for paying the lump sum always ensure that it will be properly utilised. The Government adds that the Convention does not specify any period and, furthermore, that the employer's liability is determined in terms of a fixed sum of money and it would be unrealistic to divide that sum into small amounts which could be of no use to the beneficiary.

The Committee must emphasise that this provision of the Convention has always been understood to refer to a life income or pension (in the case of permanent incapacity) or an income or pension to be paid for the duration of the contingency. The Convention considers the question of compensation from the point of view of the worker who must receive adequate compensation for the loss of capacity. It therefore establishes the principle of periodical payments, the payment of a lump sum being allowed only as an exception when the competent authority is satisfied that it will be properly utilised, and not vice versa, as appears to be the case in the states of Malaya. In this connection, the Committee is addressing a detailed direct request to the Government which refers to various documents that support the above point of view.

With regard to the other two points which were the subject of a direct request in 1962 and in respect of which the Government has supplied no information, the Committee must repeat the comments which it then made:

Article 10. The Committee has noted that according to the Government, the amount of compensation has been increased several times to take into account all manner of contingencies and in order to cover the cost and renewal of artificial limbs and surgical appliances. It has also noted in this connection that the Government supplies such appliances through the state hospitals at reduced cost and even free of charge when the applicant is unable to pay for them. The Committee must point out that the increased compensation now paid does not necessarily ensure the renewal of surgical appliances, since there is no proof that the amount in question is sufficient to cover all costs, nor any way of ascertaining that it is in fact used for this purpose. Furthermore, the fact that state hospitals supply surgical appliances free of charge to persons who have not the means to pay for them is not sufficient to give effect to this Article of the Convention which provides for the supply and normal renewal of such appliances to all injured workmen, free of charge, regardless of their financial resources, or, in exceptional cases, the award to the insured workman of additional compensation to be used for this purpose, provided that measures are taken to ensure that it is properly used.

Article 11. The Committee has noted that the majority of employers are insured against accident risks and that very few deposit the required 5,000 Malayan dollars with the Commissioner for Labour, and that in practice the number of uninsured employers who have been unable to fulfil their obligations as regards compensation for industrial accidents is negligible. In the circumstances, the Committee believes that it would not be difficult to take the necessary measures to guarantee the payment *in all circumstances* of compensation due to workmen or their dependants in the event that the 5,000 dollars deposit with the Commissioner for Labour are not sufficient.

The Committee hopes that the Government will take the necessary steps to bring the national legislation into conformity with the Convention on the points mentioned above.

New Zealand (ratification: 1938). The Committee notes with satisfaction that section 23 of the Employment Injury Compensation Act has been amended in conformity with the comments of the Committee in previous observations and that the obligation of the employer to defray the costs of artificial limbs and surgical appliances and of repairing or replacing them is established without time limit (Article 10 of the Convention).

In connection with Article 5 of the Convention, however, the Committee notes with regret that no progress has been made, since the Government merely takes note of the comments it made. The Committee must therefore urge that 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 of which requires that compensation shall be paid 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.

The Committee can only repeat the hope expressed in 1963 that the Government, which has been good enough to take the Committee's views into account in the

implementation of Article 10 of the Convention, will be able to adopt the same attitude with regard to that of Article 5.

Nicaragua (ratification: 1934). The Committee has noted the report for 1961-63, from which it seems that the position has not changed. In the circumstances the Committee must once more stress the points to which it has drawn attention since 1960 in direct requests.

In 1959 the Government stated that it did not wish to amend the Labour Code and thought it preferable to embody the amendments suggested by the Committee in the Social Security Law. Although there are divergences between the Labour Code and Articles 5, 7, 10 and 11 of the Convention and although until now the Social Security Law has come into force only in the urban area of the district of Managua, the Committee has directed its remarks, in view of the above-mentioned statement by the Government, to the divergences between the Social Security Law and the Convention.

Section 64 of the Law in question excludes workers who have reached the age of 60 years when they first enter the employment of another person. No such exception is allowed by the Convention. Moreover no provisions are made, in accordance with Article 7 of the Convention, for the grant of an additional benefit to workers whose incapacity is of such a degree that they need the constant assistance of another person.

The Committee hopes that the Government will not fail to take the necessary action to bring the above-mentioned Law into conformity with Articles 2 and 7 of the Convention and to make it applicable to all workers throughout the country.

Sweden (ratification: 1926). In connection with the possible denunciation of the Convention referred to in the Government's report for 1959-61, the Committee notes that the Government reserves its position until the special committee set up to review the present employment injury insurance scheme presents its report, which was expected early in 1964. The Committee hopes that in drawing up this report this committee will consider the possibility of eliminating the discrepancy with Article 9 of the Convention, which consists of the fact that injured workmen must bear part of the cost of medical aid. The Committee would be grateful if the Government would indicate what conclusions the above-mentioned special committee has reached in this connection.

United Kingdom (ratification: 1949). The Committee notes with interest that the Government has its observations under urgent consideration and that it is hoped that a decision will shortly be made.

The Committee trusts that this decision will secure the elimination of the participation of injured workmen in the costs of medical aid and surgical appliances, in conformity with Articles 9 and 10 of the Convention.

Uruguay (ratification: 1933). The Committee takes note with satisfaction of the adoption of the Act of 21 November 1961, making employment injury insurance compulsory, section 14 of which provides for the attachment of assets in the event of the employer's failing to comply with the obligations to insure his employees to cover the probable amount of compensation and section 22 of which prescribes that the "Banco de Seguros del Estado" shall provide medical aid for the uninsured workers who request it and requires the employer to reimburse the expenses.

These provisions represent a considerable advance in the application of Article 11 of the Convention, but it cannot be considered that they ensure "in all circumstances" the payment of compensation to workmen who suffer personal injury due to industrial accidents or to their dependants, since in the event of the insolvency of the uninsured

employer the "Banco de Seguros del Estado" guarantees only "medical aid", paying compensation only to the extent covered by the goods seized to meet it. The Committee considered that in order to ensure the full application of this Article it would be desirable either to establish a guarantee fund to meet these cases of the insolvency of the uninsured employer or to give injured workmen the right to recover compensation from the insurance institution irrespective of whether the employer is insured or not, in a similar way to that provided in respect of medical aid under section 22 of the new Act.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Burma, Chile, Colombia, Congo (Leopoldville), Cuba, Greece, Iraq, Malaysia, Mexico, Philippines, Poland, Portugal, Rwanda, Sierra Leone, Spain, Tanganyika, Tunisia, United Arab Republic.*

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Ceylon (ratification: 1952). The Committee regrets to note that an amendment which had been described by the Government in 1961 as being about to be adopted, and which was to supplement the schedule of occupational diseases appended to the Workmen's Compensation (Amendment) Act, 1957, with a view to bringing the schedule fully into conformity with the Convention, has in fact not yet been adopted. The amendment would involve adding the loading and unloading or transport of merchandise in general to the list of trades, industries and processes that may give rise to anthrax infection, and poisoning by mercury, its amalgams and compounds, to the list of diseases and toxic substances. These points have been raised by the Committee in various requests and observations ever since 1958.

However, the Committee has noted the Government's statement that the above-mentioned amendment will be considered along with other amendments to the legislation concerning industrial accidents and occupational diseases which the competent authorities intend to adopt as soon as possible.

The Committee hopes, therefore, that the national legislation will be brought into conformity with the Convention at an early date.

Colombia (ratification: 1933). The Committee notes the information supplied by the Government, both to the Conference Committee (1962 Session) and in its report for 1961-63, in reply to the observations made during the previous years on the list of processes likely to cause anthrax infection.

The Committee again notes with regret that, despite the repeated statements of the Government, no measures have yet been taken to bring the national legislation on this point into full conformity with the Convention, which was ratified more than 30 years ago.

The Committee notes, however, that the Government is studying the possibility of adding to the list appearing in section 201 of the Labour Code in force the processes set forth by the Convention in this connection, and expresses the hope that this amendment will be introduced in the near future.

Ivory Coast (ratification: 1960). The Committee thanks the Government for the information supplied in its report in response to the requests made during previous years.

It notes with satisfaction that Decree No. 62-154 of 9 May 1962, promulgated in order to give effect to the requests of the Committee, has extended the list of processes likely to cause lead or mercury poisoning or anthrax infection, in such a way as to bring this list into conformity with the processes set forth in the Convention.

With regard to the pathological manifestations due to the poisonings in question, the Committee also notes the assurances given by the Government, in accordance with which measures will be taken as part of the reform of the national legislation following the adoption of the new Labour Code, so that all manifestations likely to result from these poisonings shall be covered by the legislation in conformity with the schedule of Article 2 of the Convention.

The Committee hopes that these measures will be adopted in the near future, and requests the Government to refer for more details in this connection to the direct request that is being addressed to it.

Nicaragua (ratification: 1934). The Committee takes note of the information supplied by the Government in reply to its observation and the requests made in previous years regarding the extension of the social security system (in particular that part which relates to occupational risks) to further categories of workers in the other areas of the country outside the capital district. The Committee notes that steps have been undertaken with a view to extending the scope of this scheme to other important towns in the country and that in the meantime the workers not covered by insurance are subject to the provisions of the Labour Code.

In these circumstances the Committee trusts that the Government will find it possible to take the steps necessary to ensure the full application of the Convention to workers governed by this Code, since it contains no list of occupational diseases or of corresponding trades, industries or processes liable to cause these diseases as required by Article 2 of the Convention.

The Committee hopes also that the social security scheme can be made general in the near future and that the Government will not fail to indicate in its next report the new extensions of this scheme and the measures taken to bring the Labour Code into full conformity with the Convention regarding the above-mentioned lists.

Switzerland (ratification: 1927). The Committee notes the information supplied in the report of the Government and the reply to the request made during previous years in connection with the extension to occupational diseases of the accident insurance scheme applicable to agricultural workers.

The Committee notes that the federal Act on agriculture has not yet been amended in this connection. It hopes that the amendment will be introduced in the near future in order to give legal sanction to a practice that has already, as the Government states, been established for some years.

Tunisia (ratification: 1959). The Committee notes the reply of the Government to the requests made in 1961 and 1962 regarding the pathological manifestations resulting from poisoning by lead and mercury and the processes likely to cause anthrax infection. It notes in particular that the Government admits that the national legislation (Act of 11 December 1957) imposes restrictions on the workers' right to compensation not envisaged by the Convention, but states that under section 48 of the Tunisian Constitution, duly ratified treaties have the force of law and have greater authority than that of the national legislation, even if they conflict with it. Thus, adds the Government, since the Convention has been ratified by Tunisia, its text has precedence over the national legislation in the event of conflict or the introduction of a new element.

In similar cases, both the Committee of Experts and the Conference Committee consider that, even when the automatic incorporation in internal law of a ratified Convention involves the repeal or implicit amendment of earlier legislation, the most satisfactory solution would be for the national legislation to be brought formally into conformity with the Convention, so that all persons concerned (judges, labour

inspectors, employers and workers) should be aware of the amendments thus introduced and any uncertainty as regards the position in law be avoided.

The Committee therefore hopes that the Government will be able to adopt the necessary measures to amend the list of occupational diseases and corresponding processes appended to the 1957 Act, in conformity with the Convention and the explanations given in the direct request of 1962, and that the Government will be able to indicate in its next report what progress has been made in this connection.

Upper Volta (ratification: 1960). In 1960 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.

Yugoslavia (ratification: 1927). In 1960 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.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Dahomey, Guinea, India, Ivory Coast, Mali, Mauritania, Niger, Pakistan, Portugal, Senegal, United Arab Republic, Upper Volta, Yugoslavia.*

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

China (ratification: 1934). The Committee pointed out in 1959, 1960 and 1962 that section 9 of the Labour Insurance Act of 1958 prescribes for foreign workers only voluntary adherence to the social security scheme and consequently does not ensure equality of treatment, in conformity with Article 1 of the Convention, between national workers and foreign workers in respect of workmen's compensation for accidents. The Government has referred on two occasions to a draft Labour Code providing for the compulsory adherence of foreign workers to the social security scheme. The Committee trusts that this draft Code will be adopted without delay and bring the national legislation into conformity with the basic provision of the Convention.

Czechoslovakia (ratification: 1927). The Committee has made direct requests since 1958 for information concerning the extent to which section 45, subsection 2, of Law No. 55 of 1956 concerning social security provides for equality of treatment in respect of workmen's compensation as between nationals of Czechoslovakia and nationals of other States Members that have ratified the Convention.

That section provides that the payment of benefits abroad shall be governed (a) by the provisions of international agreements, and (b) in those countries with which no agreement has been concluded, by instructions issued by the national Social Security Bureau in agreement with the ministries concerned. In reply to the Committee's question whether the provisions of these agreements applied to the nationals of countries that had ratified the Convention, the Government replied in its report for 1957-58 that the provisions were applied only to the nationals of countries with which Czechoslovakia had signed an agreement or to the nationals of States which, without being parties to such agreements, were covered by the instructions of the Social Security Bureau issued in agreement with the ministries concerned.

In 1960 the Committee asked the Government to supply the text of the instructions issued by the national Social Security Bureau, and the Government replied that no

instructions had been issued for the payment of benefits to the nationals of countries with which no bilateral agreement had been signed, and that the Convention was fully applied in practice.

In its latest report the Government states once more that the Convention is applied in practice, that "the payment of benefits . . . outside the territory of the Czechoslovak Socialist Republic is optional unless the payment of such benefits is guaranteed by an international agreement", and that "in the case of an alien another requirement is that the State of which the alien is a national should respect the principle of reciprocity in the payment of benefits".

The Committee points out that the purpose of this Convention, which has been ratified by Czechoslovakia, is precisely to guarantee equality of treatment in respect of compensation for occupational accidents. Thus Article 1 provides that a ratifying State "undertakes to grant to the nationals of any other Member which shall have ratified the Convention who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals", and that this equality of treatment shall be guaranteed "without any condition as to residence". The Convention therefore lays down an obligation which cannot be regarded as "optional"; moreover it does not accept any condition as to reciprocity since it provides for a system of automatic reciprocity among ratifying Members.

Bearing in mind also that according to the Government the provisions of the Convention are fully applied in practice, the Committee hopes that the Government will take the necessary action to guarantee that the obligations assumed under the Convention are formally discharged.

France (ratification: 1928). In connection with the requests of 1960 and 1962 the Committee takes note with satisfaction of the adoption of Decree No. 62/1378 of 19 November 1962 amending subsection 5 of section L.416 of the Social Security Code so that this provision, which extends the benefit of the legislation on employment injuries to prisoners undertaking penal labour, now contains no distinction based on nationality, and thus ensures the equality of treatment required by the Convention.

Nicaragua (ratification: 1934). In reply to the request the Committee has made since 1958 the Government states once more that the provisions of the Labour Code and of the social security legislation apply to nationals and aliens without distinction. The Committee must point out that its request concerned the provisions governing the payment of benefits abroad when the incapacitated persons who had qualified for a pension had transferred their place of residence outside the country or when the dependants of the deceased worker were resident outside the country. On these points the Committee had asked that information should be provided with regard to (a) Nicaraguan nationals and their dependants, and (b) aliens and their dependants. It is desirable that this information should cover both compensation covered by the Labour Code and that granted under the social security scheme.

The Committee urges the Government to provide the information requested above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Bolivia, Burma, Colombia, Congo (Leopoldville), Cuba, Indonesia, Israel, Ivory Coast, Jamaica, Malagasy Republic, Portugal, Rwanda, Spain, Sudan, Tanganyika, Trinidad and Tobago, United Arab Republic, Uruguay.*

Convention No. 20: Night Work (Bakeries), 1925

Colombia (ratification: 1933). The Committee notes with disappointment from the Government's reply to its observation made in 1963 that the section included by the Government in the Bill to amend the Labour Code with a view to giving effect to the Convention was excluded from the Bill on its approval by the Senate. The Committee must express once again its regret that in spite of its repeated observations over a number of years there do not yet exist any provisions which give effect to the obligations which were assumed under this Convention over 30 years ago. The Committee notes in this connection that a Government representative to the Conference in 1963 stated that the Government gave a formal undertaking to urge the National Congress to give effect to the Convention when it adopted the Bill. It trusts therefore that in view of this undertaking the Government will not fail to renew its efforts to secure without delay the adoption of measures which will prohibit night work in bakeries during a period of at least seven consecutive hours, permit only the exceptions authorised by the Convention and ensure the effective enforcement of the prohibition of such work.¹

Spain (ratification: 1932). The Committee had pointed out in its observation made in 1963 a contradiction between the Regulation of 12 July 1946 relating to night work in bakeries and the resolution dated 5 July 1961 of the General Directorate of Labour Regulation, which authorised the working of shifts in a bakery during the period within which work is prohibited by the Convention and, in part, by the 1946 Regulation. The Committee notes with interest the statement of a Government representative to the Conference that this contradiction has been removed by a subsequent resolution and would be grateful if the Government would supply the text thereof with the next report. It would be glad if the Government would also confirm that no other resolutions have been made by the General Directorate of Labour Regulation which authorise the working of shifts in bakeries during the period prohibited by the Convention.

The Committee regrets to note, however, that the Regulation of 1946, which in section 33 prohibits work in bakeries for a period of only six consecutive hours between 8 p.m. and 5 a.m., has not yet been revised so as to bring it into conformity with Article 2 of the Convention, which requires that work be prohibited for at least seven consecutive hours and that these hours include the interval between 11 p.m. and 5 a.m. The Committee recalls that the Government first referred to its intention to revise this Regulation in 1958 and it draws the Government's attention to the fact that effect is not yet given to the fundamental requirement of the Convention, which was ratified over 30 years ago. It must therefore once again urge the Government to pursue its efforts to secure without further delay either the necessary revision of the 1946 Regulation or the incorporation in the general revision of labour legislation at present being undertaken of provisions which give full effect to the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Spain*.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 22: Seamen's Articles of Agreement, 1926

General Observation

The Committee notes that certain countries (Federal Republic of Germany, Mexico, Morocco) express the opinion that the prohibition of the denunciation in a foreign port of an agreement for an indefinite period constitutes a more favourable arrangement for the seamen than the provisions of Article 9 of the Convention, under which both parties have the right to terminate such an agreement "in any port where the vessel loads or unloads provided that the notice specified in the agreement shall have been given, which shall not be less than twenty-four hours".

The Committee wishes to emphasise—as it has done in its individual observations and requests—that the above-mentioned Article 9 must be considered as a basic provision of the Convention since it aims at guaranteeing the seaman's freedom of choice and movement. If the fact that a seaman is assured of his agreement being terminated only in a home port may be regarded as representing a certain advantage, this is counterbalanced by the serious disadvantage, as stressed by the Committee since 1956, that the seaman does not enjoy the right granted by the Convention, to terminate his agreement for an indefinite period in any port where the vessel loads or unloads.

The Committee ventures to point out in this connection that, following previous observations by the Committee, a certain number of countries (Belgium, China, France, Poland) have modified their national legislation, so as to give full effect to the provisions of Article 9. Other countries, such as Spain, have taken initial steps in the same direction or have indicated (Finland, Norway) that their legislation must be interpreted as giving the seamen the possibility to terminate their agreement for an indefinite period in any port where the vessel loads or unloads.

The Committee hopes, in these circumstances, that all the countries which have ratified this Convention and which have not as yet given full effect to the provisions of its Article 9 will be in a position to adopt measures along the lines indicated above.

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Argentina (ratification: 1950). In reply to an observation made in 1963 the Government states that the committee responsible for the amendment of certain provisions of the Commercial Code has not yet achieved any positive results. The Committee must therefore note once more, with regret, that the revision of national legislation, referred to by the Government since 1954, with a view to bringing it into harmony with the provisions of the Convention has not yet been carried out.

In view of the numerous discrepancies pointed out on several occasions between national legislation and the Convention, which was ratified by Argentina 14 years ago, the Committee can only make a strong appeal once more to the Government to secure the early enactment of legislation to give effect to the provisions of the Convention.¹

China (ratification: 1936). Further to its previous observation, the Committee takes note with satisfaction of the publication of the Merchant Shipping Act (amended up to 25 July 1962).

Colombia (ratification: 1933). The Committee notes that in reply to the observation of 1962 the Government's report refers to the Colombian Merchant Marine Regulations, approved by the Ministry of War on 4 August 1962, which provide

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

that "a seaman's work-book" should be given to seamen, as required by Article 5 of the Convention. The Government referred, moreover, in its previous report to certain provisions of the Maritime Commercial Code which had not hitherto been mentioned. These provisions, as was pointed out by the Committee in an observation in 1962, seem to give only very partial effect to some of the provisions of the Convention.

With regard to the application of Articles 9, 10 and 11 of the Convention the Committee notes that the Government's report refers to the provisions of sections 48, 61 and 62 of the Labour Code in force, which apply to all workers including seamen. The Committee considers, however, that these general provisions cannot be regarded as sufficient to give effect to the Convention. Section 48 of the Labour Code, in particular, provides for the renunciation of contracts for an indefinite period within a minimum period of notice of 45 days, whereas Article 9, paragraph 1, of the Convention provides for a minimum of 24 hours. The Government admitted, moreover, on several occasions—in particular in the report received in 1961—that there existed in Colombia no legislative text which gives specific effect to the Convention. The Committee noted further that there had been included in the draft Labour Code submitted by the Government to Parliament a chapter which included several new provisions relating to seamen's articles of agreement based on the terms of the Convention.

The Committee must therefore again appeal to the Government to secure the early adoption of measures to bring into force legislation which gives clear and full effect to this Convention.¹

Federal Republic of Germany (ratification: 1930). The Committee takes note of the reply to its observation of 1962, and notes with regret that the Government maintains the position that it has adopted several times since 1959, namely that there is no divergence between the national law (Seamen's Act, 1957) and Article 9 of the Convention. The Government adds that its consultations with the employers and the workers show that, even if there should be a discrepancy between the two texts, the 1957 Act seems more suited to present shipping conditions, since agreements for an indefinite period have become the general rule.

The Committee can only reiterate its view that section 63 of the Seamen's Act, 1957, under which an agreement for an indefinite period remains valid, after the expiration of the period of notice (but not for more than six months), until the vessel reaches a port in the Federal Republic of Germany, is not in conformity with Article 9, paragraph 1, of the Convention, which grants the seaman the right to terminate an agreement for an indefinite period in any port where the vessel loads or unloads. The fact that the majority of seamen sign on at present, as the Government states, by agreements for an indefinite period makes it even more necessary to respect the standards set out by the Convention concerning the termination of such agreements.

In these circumstances the Committee draws the attention of the Government to the obligations it has assumed in ratifying the Convention and appeals to it urgently to re-examine its position and consider measures to amend the Act in force so as to bring it into conformity with Article 9, paragraph 1, of the Convention. The Committee attaches all the more importance to such measures since (a) Article 9 tends to ensure liberty of choice and movement for the seaman in terminating his agreement; (b) several other countries have amended their legislation to this effect in recent years; (c) the legislation in force in the Federal Republic of Germany before 1957 was in conformity with Article 9 of the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Mexico (ratification: 1934). The Committee takes note of the reply to the observation made in 1963. It notes that the Government intends to supply in its next report the measures taken to give effect to the following provisions of the Convention: Article 5, paragraph 2 (statements which should not be contained in the seaman's work-book), and Article 9, paragraph 2 (requirements for giving notice of termination of articles of agreement for an indefinite period).

The Committee regrets to note, on the other hand, that the Government insists again that section 146 of the Federal Labour Act, which provides that a seaman's agreement may not be terminated when the vessel is abroad, is more favourable to the seaman than Article 9, paragraph 1, of the Convention, which provides that an agreement for an indefinite period may be terminated by the seaman or the master in any port where the vessel loads or unloads. The Government concludes that the federal Act need not therefore be amended, by reason of the provisions of article 19, paragraph 8, of the Constitution of the I.L.O. which provides that the ratification of any Convention should not affect the laws which ensure more favourable conditions to the workers. The Government states, moreover, that the labour contract rests on reciprocal rights and obligations and that its effects cannot therefore be left to the "whim of the worker", except in the cases specifically provided for.

In this regard the Committee must recall that Article 9, paragraph 1, of the Convention which provides for the possibility of termination of the contract by either party concerned seeks in particular to give the seaman freedom to terminate a contract for an indefinite period (provided that proper notice has been given by that party in conformity with Article 9, paragraph 2) in the case where such termination would appear to the party to be desirable. This Article therefore leaves to the seaman himself (as also to the master) discretion to decide whether or not termination of such contract is more favourable to his interests. It may therefore be concluded that a provision such as section 146 of the federal Labour Act, which restricts this power of free choice, cannot be regarded as more favourable to workers than the provisions of the Convention.

The Committee therefore strongly appeals to the Government to examine this problem once again in the light of these considerations and of the observations made in recent years. It trusts that measures will be taken to amend section 146 of the federal Labour Act so as to give clear effect to the basic provisions of Article 9, paragraph 1, of the Convention.

Morocco (ratification: 1952). Following its previous requests the Committee takes note with satisfaction of the publication of Dahir No. 1-61-223 of 24 October 1961, which gives effect to the provisions of Article 9, paragraph 2, and Article 13 of the Convention.

The Committee notes, on the other hand, the reply of the Government concerning the application of Article 9, paragraphs 1 and 3, of the Convention, maintaining that making the termination of an agreement for an indefinite period in a foreign port (section 201*bis* of the Merchant Shipping Code) subject to the previous authorisation of the maritime or consular authority could be covered by the provisions of Article 9, paragraph 3. This paragraph provides that national law shall determine the "exceptional circumstances" in which such an agreement shall not be terminated. The Committee must again point out in this connection that the presence of a vessel in a foreign port cannot be considered one of the exceptional circumstances intended, since Article 9, paragraph 1, of the Convention provides expressly for the termination of the agreement "in any port where the vessel loads or unloads" without restriction. The exceptional circumstances considered in Article 9, paragraph 3, refer rather to cases where there are conditions endangering the navigability and security of the vessel.

The Government also indicates in its reply that the above-mentioned provision of the Commercial Code is intended to avoid unconsidered actions and hasty decisions by which seamen might break their agreement abroad, where their chances of immediate re-employment are often hazardous. While it is admitted that in certain circumstances the termination of the agreement might have unforeseen disadvantages for the seaman, the Committee considers that Article 9, paragraph 1, of the Convention is intended to allow the seaman freedom to terminate a contract for an indefinite period (provided that proper notice has been given in conformity with Article 9, paragraph 2) when such termination should appear desirable to him.

The Committee, therefore, again expresses the hope that the Government will be able to adopt the necessary measures to guarantee to seamen the possibility of terminating agreements for an indefinite period in any port where the vessel loads or unloads, as provided in Article 9, paragraph 1, of the Convention.

Nicaragua (ratification: 1934). The Committee notes that the Government refers in its report to the provisions of Chapter V of the Labour Code, particularly to section 158. Since these provisions, as the Committee first pointed out in 1958, fail to give effect to many provisions of the Convention (Articles 3, 4, 5, 6, 9, 13 and 14), the Committee regrets that the amendments to the Labour Code put into effect by Decree No. 765 of 12 October 1962 have not amended the provisions of Chapter V so as to bring them into conformity with the provisions of the Convention.

The Committee can therefore only address a new and urgent appeal to the Government to adopt new measures without delay giving full effect to the provisions of the Convention.¹

Pakistan (ratification: 1932). The Committee refers to its previous requests and notes from the Government's report that the legislative provisions for the application of the Convention to seamen engaged on board Pakistani ships in countries which have not ratified the Convention, are still in the course of preparation.

Since this question has been outstanding since 1958, the Committee expresses the hope that the new provisions in question can be adopted in the near future.

Spain (ratification: 1931). In response to the observations and direct requests made by the Committee since 1957 the Government published an order in 1960 amending section 174 of the National Regulations respecting employment in the mercantile marine. This amendment, which authorises the seaman to terminate an agreement for an indefinite period in any port where the vessel loads or unloads (Article 9, paragraph 1, of the Convention), however, requires the seaman, in addition, to supply written proof that the local authorities permit him to disembark.

The Committee pointed out in 1962 that this additional requirement might impose a restriction incompatible with Article 9 of the Convention, since it introduced a condition other than the notice provided for in paragraph 2 of the Article and since it is unconnected with the exceptional circumstances contemplated by paragraph 3. In its reply the Government insists that it is the immigration legislation in certain countries which renders necessary the introduction of the above requirement, as in these countries the master of the vessel or the shipowner may be held responsible, subject to heavy penalties, in case the seaman should disembark without due permission of the local authorities and even in case of his desertion.

In the absence of any specific indications by the Spanish Government as to the nature of the strict immigration provisions alluded to, it is difficult for the Committee

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

to ascertain the exact bearing of these provisions on Article 9 of the Convention. Even in the absence of such information, however, the Committee deems it necessary to recall certain principles so as to ensure that the implementation of the above-mentioned order of 1960 does not lead to the infringement of the Convention.

Article 9 of the Convention, which guarantees the seaman the possibility to terminate his contract for an indefinite period in any port subject to notice, does not in fact require that permission to land has been granted by the local authorities. On the other hand, the minimum period of notice of eight days laid down in the order of 1960 should begin to operate before the vessel touches port, especially if the duration of the stopover is shorter than this period of notice. Finally, the seaman should be required to provide written proof only in those cases where the national immigration regulations hold the master or the owner of the ship responsible for the re-embarkation of a seaman even after he has been granted permission to land on the understanding that he has received his discharge and that he will depart on another vessel. The Committee considers such a possibility extremely unlikely, since it would be equivalent to holding the master or the shipowner responsible for a seaman even though the employment relationship has come to an end.

In these circumstances the Committee trusts that the Government will find it possible to amend section 174 of the National Regulations respecting employment in the mercantile marine, either so as to eliminate the requirement for written proof of permission to land, or so as to impose this requirement only if the master or owner of the vessel may be held responsible by the local authorities for re-embarking the seaman even after the seaman has ceased to be a member of the crew, his contract for an indefinite duration having been terminated in accordance with Article 9 of the Convention.

The Committee would also be grateful if the Government would supply information in its next report on the legislative provisions which give effect to the Convention in the African Provinces of Spain.

Uruguay (ratification: 1933). The Committee notes with considerable regret that the Government's report contains no new information and merely refers to the information given in previous reports. This information related to certain sections of the Commercial Code which the Committee has already on several occasions considered to be insufficient to give effect to the provisions of the Convention and in particular to Articles 3 (2), 8 and 13.

In these circumstances the Committee urgently requests the Government to adopt without further delay the legislative measures or regulations necessary to secure the full application of the Convention, which was ratified by Uruguay 31 years ago.

Venezuela (ratification: 1944). In 1960, 1962 and 1963 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.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, China, Colombia, India, New Zealand, Poland, Somalia, Venezuela, Yugoslavia*.

Convention No. 23: Repatriation of Seamen, 1926

Argentina (ratification: 1933). In reply to a request made in 1963 the Government states that it will endeavour, as far as possible, to adapt the national legislation to the provisions of the Convention and adds that the latter is already fully applied in practice.

The Committee can only recall once again the divergences that have been pointed out several times since 1954 between the national legislation and the provisions of the Convention, concerning the following Articles: Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated); Article 4, subparagraph (*b*) (expenses of repatriation due to the seaman in case of shipwreck); Article 5, paragraph 1 (maintenance of repatriated seaman up to the time fixed for his departure).

The Committee trusts that the Government will adopt the necessary measures without further delay to ensure the full application of the above-mentioned provisions.

China (ratification: 1936). The Committee takes note with satisfaction of the promulgation of the revised text of the Merchant Shipping Act dated 26 July 1962 by virtue of which a seaman repatriated as member of a ship's crew shall be entitled to remuneration for work done during the voyage, in conformity with Article 5, paragraph 2, of the Convention.

Colombia (ratification: 1933). The Committee notes that in reply to the observation made in 1962 the report refers to the provisions of section 57 (8) of the Labour Code in force, according to which it is the employer's obligation "to pay to the employee any reasonable travelling expenses if the employee was obliged to change his place of residence for the purpose of his work, unless the contract was terminated through the fault or at the wish of the employee . . .". The Committee considers that this provision of a general nature cannot be regarded as sufficient to give full effect to the provisions of Articles 3 and 4 of the Convention concerning the repatriation of seamen. On the other hand, the provisions of the Maritime Commercial Code which the Government referred to in its previous report seem to give effect to the Convention only to a very partial extent, as the Committee noted in its observation in 1962.

The Government admitted on several occasions—in particular, in the report received in 1961—that no legislative text existed in Colombia which specifically gave effect to this Convention. The Committee noted, moreover, that there had been included in the draft Labour Code submitted by the Government to the national Congress a chapter which included a sufficiently detailed section relative to the repatriation of seamen and based on the provisions of the Convention.

The Committee can therefore only urge the Government once again to ensure that measures are taken at an early date to bring into force legislation which gives clear effect to this Convention.¹

Nicaragua (ratification: 1934). The Committee notes that the Government refers to the provisions of section 154 of the Labour Code. Since this section, as the Committee has already pointed out, particularly in an observation of 1958, seems to give effect only to Article 3, paragraph 1, of the Convention, the Committee regrets that the amendments to the Labour Code put into effect by Decree No. 765 of 12 October 1962 have not amended the provisions of Chapter V, Title III, so as to

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

give effect to the provisions of the Convention¹ that are not yet applied in Nicaragua (Article 3, paragraphs 2, 3 and 4, Articles 4 and 5).

The Committee can therefore only address a new and urgent appeal to the Government to adopt without further delay measures giving full effect to the Convention.¹

Uruguay (ratification: 1933). The Committee regrets to note that the Government's report contains no new information nor does it reply to repeated observations which indicated that the legislation in force—notably articles 1167 to 1179 of the Commercial Code and article 80 of the Consular Rules of 17 January 1917—cannot be considered as giving adequate effect to Articles 3 and 5 of the Convention (manner and expenses of repatriation).

In these circumstances the Committee can only once more urge the Government to take the necessary measures with a view to giving full effect to this Convention, which was ratified by Uruguay more than 30 years ago.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Ireland, Philippines, Spain*.

Convention No. 24: Sickness Insurance (Industry), 1927

Chile (ratification: 1931). The Committee thanks the Government for the information supplied with regard to its request of 1962. This information has been duly noted.

The Government states that the Medical Care (Private Employees) Bill has made no real progress and is still under discussion by the Social Insurance and Labour Committee. In view of the fact that such employees are covered only by a variety of schemes which do not extend to all employees and do not provide all the benefits referred to in the Convention, the Committee hopes that the Government will not fail to take the necessary measures to provide medical care and cash benefits as prescribed by the Convention for all the workers to whom the Convention applies.

In this connection the Committee wishes to point out that the only permissible exceptions to the application of this Convention relate to private workers "whose wages or income exceed an amount to be determined by national laws or regulations" (Article 2, paragraph 2 (b)) and "persons who in case of sickness are entitled, by virtue of any laws or regulations or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention".

The Committee would be grateful if the Government would not fail, in its next report, to provide concrete information on any progress made in this respect.

Colombia (ratification: 1933). In connection with the observations that it has been making since 1951 the Committee notes that, in spite of the Government's statement made to the Conference Committee in 1962, the report for 1961-63 contains no new element showing that any progress has been made towards the extension of the social security scheme to other regions or sectors of activity. In these circumstances the Committee, as in 1962, "must express its deep regret, and insist that the application of the Convention shall be extended throughout the country and to all categories of workers specified in the Convention as soon as possible".

The Committee would be grateful if the Government would indicate precisely in its next report the present scope of the social security scheme, in respect of the territory and the categories of workers to which it applies.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

France (ratification: 1948). In previous years the Committee pointed out that article 249 of the Social Security Code of 1956 fixes a certain period of work which must be fulfilled by the insured so that he may qualify for the benefits in kind prescribed, whereas Article 4 of the Convention stipulates that the right of an insured to these benefits shall not be conditional upon any period involved.

On this matter the Government has pointed out that the essential aim of the condition imposed by article 249 of the Social Security Code (60 hours of work during the three months preceding the request) is to prevent abuses by allowing the period for which wages are paid to the insured to be determined, and that the French system, on the other hand, does not allow the elimination of insured persons from the scheme.

The Committee readily recognises that the divergence indicated is only of minor importance and that the French system, moreover, has the advantage of covering categories of workers who may be excluded under the Convention.

In these circumstances, while clearly regretting that the Government does not consider it possible to reconcile the advantages of this system with the letter of Convention No. 24, the Committee has noted with interest that for some time now the question of the eventual ratification of Convention No. 102 (which lays down more extensive obligations, but contains a more flexible clause on this point) has been under consideration in France.

Haiti (ratification: 1955). The Committee has taken note of the information supplied in the Government's report in reply to a request and an observation made in 1962.

In relation to one of the points in the observation the Committee notes that owing to difficulties inherent in the scheme the sickness and maternity insurance scheme provided for in the Labour Code has not yet been established, but that the necessary technical studies are being carried out with a view to its establishment. The Committee can only deplore the fact that the sickness insurance scheme provided for in an Act of 12 September 1951 is not yet in operation, and urges the Government to make every effort to bring the scheme into operation.

With regard to the other point of the observation the Committee has noted that the Government intends to amend section 602 of the Labour Code in due course in order to abolish the waiting period laid down in respect of eligibility for medical care. The Committee hopes that section 602 of the Labour Code will be amended as the Government states, and that the waiting period for eligibility for medical care will be abolished.

Nicaragua (ratification: 1934). The Committee has noted that there have been certain extensions to the sickness insurance scheme, which, however, is still not in force outside the capital district. The Committee is once more bound to urge the Government to take the necessary action to introduce sickness insurance throughout the rest of the country, and would be grateful if the Government would continue to supply detailed information on the progress made in this respect in connection with benefits, sectors of employment and geographical areas.

Peru (ratification: 1945). While regretting that the Government has not sent a report for 1961-63, the Committee has taken note of the statement by a Government representative in the 1962 Conference Committee that the Government proposed to carry out a general study of the sickness insurance scheme with a view to securing its financial stability and finding a solution to the problem of domestic servants.

As the Committee has pointed out on numerous occasions since 1950 in observations and direct requests, the sickness insurance scheme in Peru is not compulsory for workers in domestic service. The Committee is bound to recall that since 1951

the Government has repeatedly stated its intention of amending the domestic legislation in order to bring it into conformity with the Convention, and has referred in this connection to the preparation of various studies and Bills designed to bring Peruvian law into line with the Convention. The Committee trusts that the Government will succeed in its efforts to include these workers in the sickness insurance scheme.

Moreover, having regard to the fact that since the sickness insurance scheme was extended to the province of Cuzco no information has been supplied about further extensions, the Committee must once again urge the Government to extend the scope of the sickness insurance scheme at an early date to include all the workers in the country, as required by Article 2 of the Convention. The Committee is obliged to recall in this connection that the Government stated in 1951 at the Conference that it was drawing up appropriate plans and hoped over a period of six years to have all workers in the country protected by a system of sickness insurance.

The Committee trusts that the Government will not fail to supply information on the progress that is being made both with respect to the inclusion of domestic servants in the sickness insurance scheme and with respect to the geographical scope of the scheme.

Rumania (ratification: 1929). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

In 1959 the Committee asked the Government (1) to state the texts of legislation which ensures payment of cash benefits in the event of temporary incapacity (Article 3 of the Convention) and (2) to supply, in conformity with Part IV of the report form, statistical information, etc., concerning the practical application of the Convention. The Government having failed to supply the necessary information the Committee repeated the same request for information in 1960.

The Committee trusts that the Government will not fail to supply this information in the near future.

Uruguay (ratification: 1933). The information supplied in the reports for 1960-62 and 1962-63 shows that the situation in respect of the application of the Convention has not altered appreciably. There are various Acts establishing sickness insurance for certain categories of workers, but in the absence of a general scheme a great part of the workers referred to by the Convention are not covered by any kind of sickness insurance. On the other hand, the Government gives no information on a general Bill concerning sickness insurance that was mentioned some years ago, which, according to information supplied in 1959, had been submitted to Parliament. The Committee must therefore again express its great regret that no action has been taken, and it trusts that the Government will adopt the necessary measures to put into effect the provisions of this Convention, which was ratified more than 30 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Colombia, Norway, Peru, Spain*.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Chile (ratification: 1931). See under Convention No. 24.

Colombia (ratification: 1933). See under Convention No. 24.

Haiti (ratification: 1955). See under Convention No. 24.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Nicaragua (ratification: 1934). See under Convention No. 24.

Uruguay (ratification: 1933). See under Convention No. 24.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Colombia, Peru, Spain*.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Ecuador (ratification: 1954). In 1963 the Committee had made an observation and 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.

Venezuela (ratification: 1944). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Burma, Congo (Brazzaville), Ecuador, Ghana, India, Nicaragua, Rwanda, Syrian Arab Republic, Uruguay*.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Nicaragua (ratification: 1934). The Committee regrets to note from the report for 1961-63 and the 1962 amendment to the Labour Code that, in spite of the Government's previous assurances, no provisions have been adopted to regulate the marking of weight on heavy packages transported by vessels, in accordance with this Convention which was ratified 30 years ago. In these circumstances the Committee feels itself bound to insist once again that the Government make every possible effort to take the necessary action without further delay.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Uruguay, Venezuela*.

Convention No. 28: Protection against Accidents (Dockers), 1929

Nicaragua (ratification: 1934). The Committee notes that the Government refers once again in its report to sections 182, 183 and 184 of the Labour Code, which

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

merely limit the weight of burdens to be carried by men. These provisions are quite insufficient to give effect to the many detailed provisions of the Convention, intended to ensure the protection of dockers against accidents.

The Committee recalls that the Government already referred in 1958 to regulations which were to give effect to the Convention. The Committee must therefore again strongly urge the Government to take the necessary measures to adopt as soon as possible regulations which will ensure complete application of this Convention, which was ratified by Nicaragua 30 years ago.¹

Convention No. 29: Forced Labour, 1930

Bulgaria (ratification: 1932). The Committee notes with regret that, for the third successive year, the Government has supplied no report on this Convention, notwithstanding the observations made by the Committee. It has however noted the statements made by a Government representative to the Conference Committee in 1963.

1. *Special Labour Services*. The Committee recalls that, 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 called up for two years' service in the Special Labour Services, for employment on construction projects and in agricultural work, whereas, 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 purposes of the Convention only if it is "for work of a purely military character". The Government representative stated before the Conference in 1963 that the Special Labour Services had been created to respect the constitutional principle of equality before the law, since the size of the army was limited by the peace treaty of 1947, and young people who could not be drafted into the army on account of this limitation could not be exempted from national service. It seems to the Committee that a variety of solutions could be found to reconcile the constitutional principle of equality before the law, the provisions of the peace treaty of 1947, and the requirements of the Convention (and it has noted that the Governments of Hungary and Rumania, where there are corresponding constitutional provisions and peace treaty limitations on the size of the army, have not indicated in their reports that this has necessitated similar departures from the provisions of the Convention).

The Committee once more expresses the hope that measures will be taken to bring the above-mentioned legislation into conformity with the Convention. If any difficulties should be encountered in this connection, the International Labour Office would be able to provide appropriate advice and assistance in the light of existing practice in other countries.

2. *Self-taxation of the population*. The Committee recalls that, under section 8 of the Act of 6 February 1958, 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 section 9, which provides that certain categories of persons "shall be exempt from contributing to a self-taxation scheme in the form of voluntary labour"). Under section 1 of the Ordinance of 14 February 1961, issued pursuant to the Act of 1958, the labour exacted under these provisions 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.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee notes the statement by the Government representative to the Conference Committee in 1963 that the above-mentioned provisions should be interpreted within the context of other sections of the Act of 1958, notably sections 1 to 5, which established the voluntary nature of this work. The Committee notes that the sections mentioned provide for the approval of self-taxation schemes by meetings of the citizens concerned. However, this fact would take the schemes in question out of the scope of the Convention only if they involved merely minor communal services as defined in Article 2, paragraph 2 (*e*)—see the comments in paragraph 66 of the General Conclusions on forced labour in Part Three of the Committee's report of 1962. Having regard to the magnitude of the schemes (as noted above), they appear not to be confined to minor communal services, but rather to relate to the exaction of labour as a tax for the execution of local public works, which Article 10 of the Convention requires to be abolished.

In view of the statement made by the Government representative in 1963 that citizens in fact offer themselves voluntarily for the execution of self-taxation schemes, the Committee trusts that no difficulty will be experienced in eliminating from the legislation all provisions referring to citizens' obligations in this respect (particularly sections 8 and 9 of the Act of 1958).

Central African Republic (ratification: 1960). The Committee notes with regret that no information has been supplied, in answer to its direct request of 1962, concerning the measures proposed to bring the legislation referred to in that request into conformity with the Convention, and that further legislation incompatible with the Government's obligations under the Convention has been adopted. Reference may be made in particular to the following legislation:

1. By virtue of section 11 of Act No. 60-107 of 20 June 1960 instituting permanent control of the active population, all persons between the ages of 18 and 50 years who cannot prove that they belong to one of specified categories (employers, artisans, tradesmen, farmers, workers subject to the Labour Code, public officials, soldiers, etc.) are deemed idle persons and liable to imprisonment for from three to 12 months. Section 28 of Act No. 60-109 of 27 June 1960 provides for a census of the active population, government measures against persons without work, and the fixing of individual minimum areas to be cultivated and the objectives of production in each rural community. Act No. 60-112 of 20 June 1960 makes further provision for compulsory cultivation by each able-bodied cultivator of an area and crops fixed annually by government order, subject to penal sanctions. These provisions are inconsistent with the obligation, under Article 1 of the Convention, to suppress the use of forced or compulsory labour (which, as the Committee indicated in the General Conclusions concerning forced labour in Part Three of its report of 1962, paragraph 69, precludes recourse to any new forms of forced labour or any forms previously abolished).

2. By Act No. 62-304 of 8 May 1962 all persons between 10 and 19 years of age, whether male or female, are liable to call-up for service in the Organisation of National Youth Pioneers devoted, *inter alia*, to the economic and social development of the country (sections 1 and 2). Furthermore, persons liable to military service who are not called up for service in the army may be enrolled in the National Youth Pioneers in the place of military service (section 4). These provisions are likewise incompatible with the requirements of the Convention (Article 1 and Article 2, paragraph 2 (*a*)).

As it appears from the Government's report that its current programme includes the revision of the Labour Code for the purpose, *inter alia*, of implementing ratified Conventions, the Committee hopes that the Government will at the same time take

the necessary measures to bring the above-mentioned laws into conformity with Convention No. 29.

Congo (Leopoldville) (ratification: 1960). The Committee notes with regret that no report has been supplied for the last four years, nor has any information been provided in answer to the direct requests made by it in 1962 and 1963. The Committee is once more addressing a direct request to the Government. It trusts that the Government will not fail to supply a report for the next reporting period, and to provide full information on the various points raised by it.¹

Czechoslovakia (ratification: 1957). The Committee notes with satisfaction, from the information supplied in answer to its previous direct requests, that Act No. 88 of 1950 (Administrative Penal Code), Act No. 89 of 1950 (Code of Administrative Criminal Procedure) and Act No. 102 of 1953 (amending the Administrative Penal Code), to which reference was made in the reports of the United Nations-I.L.O. *Ad Hoc* Committee on Forced Labour and the I.L.O. Committee on Forced Labour, were repealed by Act No. 60 of 1961 concerning the responsibilities of people's committees in the maintenance of socialist order, which is confined to minor offences in respect of which offenders are not liable to imprisonment, so that the penalties cannot involve imposition of work.

Dominican Republic (ratification: 1956). The Committee notes with interest the Government's statement, with respect to the direct requests made by the Committee since 1959, that new prison regulations now being prepared will provide specifically that prisoners may not be hired to or placed at the disposal of private individuals, companies or associations, as required by Article 2, paragraph 2 (c), of the Convention. The Committee trusts that these provisions will be adopted at an early date, and that the text thereof will be appended to the Government's next report.

In its report for 1958-59, the Government referred to the construction of local roads and other services performed under the plan for total literacy, and expressed the view that such work constituted minor communal services within the meaning of Article 2, paragraph 2 (e), of the Convention. While the Government has supplied a copy of an (undated) law requiring illiterate adults to attend literacy classes, the Committee regrets that it has not, as requested in 1960, 1962 and 1963—

- (a) indicated the precise nature of the work which can be imposed by virtue of the plan for total literacy;
- (b) indicated whether the population or its direct representatives have the right to be consulted on the need for such services (in accordance with Article 2, paragraph 2 (e), of the Convention);
- (c) supplied copies of the laws and regulations governing the exaction of the labour in question.

The Committee trusts that the Government will not fail to supply the above-mentioned information and documentation in its next report.

Ecuador (ratification: 1954). The Committee notes with regret that the Government has once more failed to submit a report on this Convention, notwithstanding the concern expressed in previous observations at the Government's persistent failure to supply information in reply to the direct requests made since 1959. The Committee is once more addressing a direct request to the Government, and urges it to supply full information on the points raised.¹

Gabon (ratification: 1960). 1. The Committee notes with interest that, following its direct request in 1962, Act No. 30/62 of 10 December 1962 amended section 7 of

¹ The Government is asked to report in detail for the period ending 30 June 1964.

Legislative Decree No. 4/PM of 6 December 1960 on the organisation and recruitment of the army so as to delete the provision for the call-up of persons liable to military service for work of general interest.

However, provisions for the call-up of men for civic service for a period of two years are still contained in Act No. 19/61 of 12 May 1961 on the organisation of national defence (sections 4 and 5); Decree No. 294/PR of 12 September 1963 specifically includes among the functions of the Chief of Staff of the armed forces the submission of proposals to the President for the call-up, within the framework of a civic service, of recruits of the second division for national works (section 7); and the Labour Code of 4 January 1962 excepts from the prohibition of forced labour any obligations under the civic service (section 2). The Committee, however, notes the Government's statement that it has not yet had occasion to have recourse to the forms of labour excepted from the definition of forced labour in the Labour Code, intending to use them only in exceptional cases. In these circumstances, and having regard to the fact that the Labour Code already contains an exception in respect of labour exacted in cases of emergency (in conformity with Article 2, paragraph 2 (*d*), of the Convention), the Committee hopes that the Government will take the necessary measures to amend the above-mentioned provisions relating to compulsory call-up for a civic service so as to ensure their conformity with Article 1 and Article 2, paragraph 2 (*a*), of the Convention.

2. The Committee regrets to note that the Government has not supplied any information, in reply to its direct request of 1963, concerning Ordinance No. 50/62 of 21 September 1962, under which every citizen over 18 years of age must be able to prove that he is occupied, unless physically unfit, or able to prove registration at a school (section 1); every unemployed citizen must register (section 2); every citizen without an occupation must accept any available employment to which he is directed by the authorities (section 3); and non-compliance with these provisions is punishable by the penalties laid down for vagrancy (section 4).

The Committee observes that these provisions grant the authorities extensive powers to exact from citizens (apparently of either sex) forced or compulsory labour within the meaning of the Convention, that is, "work or service which is exacted from any person under the menace of a penalty and for which the said person has not offered himself voluntarily". These powers are all the more extensive, because (*a*) the ordinance contains no specific criteria for determining whether a person is to be considered as "occupied"; (*b*) the persons may be compelled to take up employment in any kind of undertaking, whether public or private; (*c*) the persons concerned must accept the employment to which they are directed, whatever the conditions of employment; and (*d*) no time limit is set on the period during which the direction is to operate. Moreover, although offences under the ordinance are to be punished in the same way as vagrancy, they have no relation to the generally accepted meaning of vagrancy.

As the Committee indicated in 1962 in its General Conclusions concerning forced labour (Part Three of its report, paragraph 69), by undertaking, in accordance with Article 1 of the Convention, to suppress the use of forced or compulsory labour in all its forms, the Government bound itself not to introduce any new forms of forced or compulsory labour. The Committee accordingly trusts that Ordinance No. 50/62 of 21 September 1962 will be repealed at an early date.

Greece (ratification: 1952). The Committee notes that a committee was established in 1961 to prepare draft legislation which would deal also with the problem of work of a non-military character carried out by the armed forces, which has been the subject of observations by the Committee since 1959. As nearly three years have

passed since the establishment of the body in question, the Committee trusts that the Government will be able to report to the Conference at its 48th Session in 1964 that appropriate legislation has been adopted.

Guinea (ratification: 1959). The Committee regrets to note that no report has been supplied on this Convention, and that accordingly no information is available in answer to its direct request of 1963, which dealt in particular with agricultural work performed by conscripts, in the following terms:

The Committee notes the Government's statement, in reply to its direct requests of 1960 and 1962, that the agricultural work undertaken by the army, in accordance with the compulsory military service laws, is of great economic importance, as it makes possible increased rice production. In this connection, the Committee wishes to draw the attention of the Government to the fact that Article 2, paragraph 2 (a), of the Convention permits the exaction of work or services in virtue of compulsory military service laws only for work of a purely military character. Accordingly, the Committee would be glad if the Government would give consideration to the adoption of appropriate measures whereby the agricultural work in question could be carried out by voluntary labour, instead of conscripts, thus ensuring the observance of the Convention in this respect.

Honduras (ratification: 1957). The Committee regrets to note that no report has been supplied on this Convention, and that accordingly no information is available in answer to its direct request of 1962.

As noted by the Committee in its earlier requests, by virtue of section 3 of Decree No. 39 of 15 February 1944, all men of military age are required to perform eight months' compulsory military service. Under section 316 of the Constitution of Honduras, the armed forces are required, *inter alia*, "to co-operate with the Executive in work relating to . . . education, agriculture, preservation of natural resources, construction of roads, communications, colonisation . . .". From the information previously supplied by the Government on the practical application of section 316 of the Constitution, it would appear that the armed forces (including persons performing compulsory military service) are used extensively for work of the kind mentioned in this section.

Under Article 2, paragraph 2 (a), of the Convention, work or service exacted under compulsory military service laws is excepted from the Convention only when used "for work of a purely military character". Accordingly, the Committee would be glad if the Government would give consideration to the adoption of appropriate measures whereby the work referred to above could be carried out by voluntary labour, instead of conscripts, thus ensuring the observance of the Convention in this respect.

Israel (ratification: 1955). The Committee notes with interest that sections 1, 3 to 5 and 7 to 10 of the Emergency Regulations (Mobilisation of Manpower), which had provided authority for call-up for labour service and for imposing restrictions on termination of contracts of employment in certain undertakings, but which had not been invoked since the coming into force of the Convention for Israel, were repealed by an order published on 15 March 1962.

The Committee has also noted the information concerning agricultural training undertaken in accordance with the provisions of the Defence Service Law, supplied in answer to the direct request made by the Committee in 1962 in the Government's report for 1961-63 and the supplementary communication subsequently addressed to the I.L.O.

The Committee 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 Convention only when used "for work of a purely military character". The Committee has carefully examined the legislation of Israel concerning military service and the information supplied by the Government on its practical application, and has in particular noted the Government's assurance that it is reasonably satisfied

that the text of the relevant legislation establishes the voluntary character of the agricultural training in question, but that it is examining the possibility of amendments to the legislation, in whatever form may be found appropriate, to clarify this further.

In proceeding to the above-mentioned examination of the relevant legislation, the Government may wish to take account of the following considerations:

1. The Committee notes that section 17 of the Defence Service Law (consolidated text of 1959) and regulation 11 of the Defence Service Regulations make provision for the deferment of the compulsory military service of existing members of settlement nuclei. It appears to the Committee that these provisions—like other bona fide systems of deferment of or exemption from military service for persons in occupations considered to be of special national importance—give rise to no difficulties as regards the application of the Convention.

2. Apart from the above-mentioned provisions, according to section 16 (a) of the Defence Service Law, “the first 12 months of the regular service of a person of military age shall, after basic military training, be devoted mainly to agricultural training, as shall be prescribed by regulations”. However, under section 16 (d) of the Law (which was introduced as a provisional measure and the validity of which has been extended from time to time, at present until 7 September 1964), “the Minister of Defence may direct, in respect of a person of military age 18 years or over, that his period of service assigned for agricultural training shall, notwithstanding the provisions of subsection (a), be postponed or be devoted, wholly or in part, to regular service other than agricultural training”. The Government has indicated that in practice the powers vested in the Minister under section 16 (d) of the Law are exercised so that only those conscripts who request to undertake agricultural training within the prescribed period of military service do so, subject to the consent of the military authorities; it has expressed the view that, in these circumstances, devoting a certain period of military service to agricultural training is a voluntary act, so that the labour in question does not constitute forced or compulsory labour within the meaning of the Convention. While noting these views, the Committee nevertheless observes that, in the case of the provisions of section 16 of the Law (as distinct from the procedure provided for in section 17 and the regulations made thereunder) the choice between active service in the armed forces or agricultural work in settlements is made by the persons concerned only subsequent to their compulsory call-up, and that the agricultural training and work undertaken by the conscripts are an integral part of their normal military service in compliance with the obligations imposed by the Defence Service Law. In these circumstances it would seem difficult to consider that, during their period of service in agricultural settlements, the persons concerned lose their status of conscripts. The Committee moreover notes, in this connection, from indications given in the Government’s reports, that agricultural training and work by conscripts in settlements are under the supervision of the Ministry of Defence, that, as this is a form of military duty, such conscripts in principle remain subject to military law, and that they receive the same rate of pay from the army as other soldiers of equal rank, the settlements paying to the Ministry of Defence, for their labour, rates of pay equal to those of ordinary agricultural workers.

3. The Committee hopes that, in the process of amending the relevant legislation, the Government will give special attention to the provisions of section 16 of the Defence Service Law with a view to eliminating from it any inconsistencies with the Convention. In this connection the Committee does not overlook the Government’s statement in a previous report that the primary objective of the above-mentioned system is to promote constructive and idealistic trends within the young generation, and believes that it should be possible to find solutions fully in con-

formity with international standards which would also permit these objectives to be achieved, having regard in particular to the comments in point 1 above concerning systems of deferment and/or exemption:

Ivory Coast (ratification: 1960). The Committee regrets that no report has been supplied on this Convention, and that therefore its previous direct requests remain unanswered. It would appear that national legislation provides for various forms of forced or compulsory labour contrary to the Convention:

1. Under Act No. 63-4 of 17 January 1963 and Decree No. 63-48 of 9 February 1963, whenever sufficient voluntary labour is not available, all men and women over 18 years of age may be called up by the Government, for successive periods of two years, for work in public or private administrations, undertakings or services, contrary to Articles 1 and 4 of the Convention.

2. Under section 19 of Act No. 61-209 of 12 June 1961 on the organisation of national defence and section 2 of Act No. 61-210 of 12 June 1961 on recruitment for the armed forces, army conscripts may be used not only for defence purposes but also for the execution of works of national interest and the operation of state undertakings, whereas, under Article 2, paragraph 2 (a), of the Convention, work or service exacted under compulsory military service laws is excepted from the Convention only when used "for work of a purely military character".

3. Under sections 92 and 100 of Order No. 134 of 20 April 1951 concerning prison organisation, convicts may be hired out to private undertakings, contrary to Article 2, paragraph 2 (c), of the Convention.

The Committee hopes that the Government will take the necessary measures to bring the above-mentioned legislation into conformity with the Convention.

Kenya (ratification: 1964). The Committee notes with satisfaction, from the information supplied in answer to its previous direct requests, that the African District Councils Ordinance, 1950 (under section 36 (1) (18) of which by-laws might be made for the exaction of labour for certain local public works), has been repealed by the Local Government Regulations, 1963, that by-laws already in force under the aforesaid section are to cease to operate within a period of three to five years, and that all local authorities having such by-laws were instructed in 1962 by the Ministry of Local Government to revoke or amend them so as to confine the types of work to be performed to minor communal services.

Liberia (ratification: 1931). The Committee notes the information supplied by the Government concerning the measures which it is proposed to take to implement certain recommendations made by the Commission appointed under article 26 of the Constitution. It would be glad if further information could be supplied on the following matters arising out of the report of the aforesaid Commission.

1. Paragraph 419 of the Commission's report. The Committee notes that the Secretary of Agriculture and Commerce was to submit to the current session of the Legislature, which opened in December 1963, proposals for legislation in keeping with the recommendations made by the Commission appointed under article 26. It hopes that copies of the legislation adopted to this end will be supplied with the next report.

2. Paragraph 420. The Government is requested to indicate the measures which have been taken with a view to the issue of a supplement to the Liberian Code of Laws containing the texts of the international labour Conventions ratified by Liberia and indicating the sections of the Code which have been repealed as a consequence of such ratification.

3. Paragraph 430. The Committee notes that the Government's report reached the International Labour Office only on 17 January 1964, that is three months after the date fixed by the Governing Body for the submission of reports, and that it consisted merely of brief indications concerning two points arising out of the report of the Commission appointed under article 26. The Committee trusts that in future measures will be taken to ensure strict fulfilment of the assurances given to the Commission on behalf of the Government that it would make full and requisite reports.

4. Paragraphs 444, 449 and 451. The Committee notes the Government's statement that negotiations are under way to delete those sections of the Government's agreements with the Firestone Company and the Liberia Mining Company which oblige the Government to assist these companies to secure an adequate supply of labour. In this connection the Committee wishes to make the following observations:

- (a) according to information given to the Commission appointed under article 26, an agreement to eliminate the relevant clause from the Firestone Company's concession had already been concluded, and the Commission recommended that the necessary legislative approval of this agreement should be sought and granted during the legislative session of 1962-63; the Committee accordingly trusts that these measures will be taken without delay;
- (b) the Committee hopes that, as recommended by the Commission appointed under article 26, the corresponding clause in the concession agreement of the Liberia Mining Company will also be rescinded and that legislative approval to such rescission will be obtained during the legislative session 1963-64;
- (c) the Committee would be glad if the Government would indicate the measures taken, in accordance with the recommendations of the Commission appointed under article 26, to make a thorough review of all outstanding concessionary contracts with a view to the abrogation of any provisions contained in them concerning government assistance in securing labour.

5. Paragraph 446. The Government is requested to indicate the measures taken to review the position concerning schemes similar to the Firestone Company's former Chiefs' Assistance Programme operated by other employers and to ensure that no arrangements of this nature survive anywhere in Liberia. The Government is requested to supply copies of any circulars or instructions which may have been issued to labour inspectors or other government officials, as well as to employers, in this connection.

6. Paragraph 453. The Government is requested to indicate the measures taken to review current policy and practice as regards the construction and maintenance of secondary roads and public works other than projects executed under major contracts, and the manner in which such policy is implemented throughout the country, indicating the steps taken to ensure the elimination of any abuses in this connection.

The Committee notes the statement made to the Commission appointed under article 26 by the Legal Counsel of the Department of Public Works and Utilities that, under the Rural Road Programme for opening up of "farm to market" roads, the people in the local area supply labour, which is considered one-third of the cost of the project, the other two-thirds (including machinery, equipment and materials) being supplied by the Government (paragraph 279 of the Commission's report). Having regard to this statement, the Government is requested to indicate whether the labour on the projects in question is paid and, if so, from what sources.

7. Paragraphs 454 to 459 and Part IV of the report form adopted by the Governing Body. The Government is requested to supply detailed information concerning—

- (a) the development of the labour inspection services provided for in the labour legislation adopted in 1961, and the activities of the inspectorate aimed at ensuring, in accordance with Articles 24 and 25 of the Convention, the strict application of all provisions intended to give effect to the Convention;
- (b) the development of public employment services and vocational training facilities.¹

Malagasy Republic (ratification: 1960). The Committee notes with regret, from the information supplied in answer to the direct request addressed to the Government in 1962, that no measures are contemplated to bring the legislation to which it had referred into conformity with the Convention, and that further legislation incompatible with the Government's obligations under the Convention has been adopted. Reference may be made in particular to the following provisions:

1. By virtue of section 2 (c) of the Labour Code and Ordinance No. 60-118 of 30 September 1960 (as amended by Ordinance No. 62-022 of 19 September 1962), provision has been made for compulsory national service comprising, on the one hand, military service, and, on the other, civic service, performed in distinct formations for the social and economic development of the country, the period of service being three years.

The above provisions are inconsistent with Article 2, paragraph 2 (a), of the Convention, which requires that any work exacted in virtue of compulsory military service laws shall be "for work of a purely military character".

2. By virtue of Ordinance No. 62-062 of 25 September 1962 on the repression of idleness, and Decree No. 63-268 of 15 May 1963 issued thereunder, all men between 18 and 60 years who cannot prove that they have a regular occupation and do not cultivate minimum areas of land, fixed annually for each rural commune by prefectural order, are deemed idle persons. They can thereupon be required to cultivate the specified minimum area, by order of the prefect, which also specifies the crops to be grown and the period within which they are to be grown. Where the person concerned does not possess the required land, the land to be cultivated is also specified in the order. Any disobedience of such orders is punishable with imprisonment for from one to three months.

These provisions are inconsistent with the obligation, under Article 1 of the Convention, to suppress the use of forced or compulsory labour (which, as the Committee indicated in the General Conclusions concerning forced labour in Part Three of its report of 1962, paragraph 69, precludes recourse to any new forms of forced labour or any forms previously abolished).

3. Section 2 (b) of the Labour Code and Act No. 59-007 of 23 September 1959 provide for the exaction of forced or compulsory labour on public works as a means of recovery of taxes. These provisions are contrary to Article 10 of the Convention, under which such labour has to be abolished.

4. The Committee had also requested the Government to supply further information on work exacted under *fokonolona* agreements, to which reference is made in section 2 (b) of the Labour Code and section 472 (7) and (8) of the Penal Code. It regrets that such information has not been supplied, and addresses a further request to the Government on this question.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee notes the Government's statement in its report that it considers the legislation on the civic service, *fokonolona* work, repression of idleness and labour on public works in payment of taxes to be justified by existing social and economic conditions, even if it may in part constitute a violation of the Convention.

At the same time the Government has quoted from a presidential instruction of 27 December 1962 that it is not desired to re-establish forced labour, but only to appeal to the people for a voluntary contribution; it has also quoted from an article by Mr. Gabriel Ardant published in the *International Labour Review* in July 1963, in which it was pointed out that the key to the solution of employment problems in developing countries "is to give the unemployed an opportunity to work on investment projects from which they will derive direct benefit. . . . People working for themselves need no compulsion and the State will not have to pay wages as an incentive; mere encouragement should suffice."

As the Government has indicated that it subscribes to these principles, which accord fully with the Convention, the Committee hopes that it will review national legislation in the light thereof, and will be able as a result to bring that legislation into conformity with the Convention.

Nicaragua (ratification: 1934). In direct requests repeatedly addressed to the Government over the past five years, the Committee requested it—

- (a) to supply copies of the laws and regulations governing prison labour;
- (b) to supply a copy of an Act of 10 September 1945 concerning compulsory labour in the event of damage to an undertaking (to which reference had been made in an earlier report);
- (c) to indicate whether, in compliance with Article 2, paragraph 2 (a), of the Convention, work performed under compulsory military service laws was of a purely military character.

The Committee notes with regret that the Government has once more failed to reply to these requests, and urges it to provide the legislation and information in question without further delay.¹

Ukraine (ratification: 1956). The Committee notes with satisfaction from the Government's report that a Decree of 15 December 1961 repealed provisions of the Administrative Code of the Ukrainian S.S.R. concerning the imposition of corrective labour by administrative procedure and provided, as from 1 January 1962, that corrective labour may be imposed only by decision of a court of law (Article 2, paragraph 2 (c), of the Convention).

U.S.S.R. (ratification: 1956). The Committee notes with satisfaction that, under a Decree of 20 June 1961, fines imposed by administrative procedure may not be replaced by corrective labour (Article 2, paragraph 2 (c), of the Convention).

United Arab Republic (ratification: 1955). The Committee regrets to note that the Government has not supplied the information repeatedly requested since 1958, concerning the application of Article 2, paragraph 2 (d), and Article 25 of the Convention. The Committee is once more addressing a direct request to the Government, and trusts that full information on the matters mentioned therein will be supplied in a report for the period ending 30 June 1964.²

Venezuela (ratification: 1944). The Committee notes with regret that the Government has not submitted a report on this Convention, and that therefore the direct

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

² The Government is asked to report in detail for the period ending 30 June 1964.

requests made since 1960 (to which the Government omitted to reply in its two previous reports) still remain unanswered. The Committee is once more addressing this request to the Government, and urges it to supply full information on the points raised.¹

Viet-Nam (ratification: 1953). The Committee notes that the latest report contains no new information concerning the adoption of regulations governing prison labour or the revision of section 8 of the Labour Code to ensure that work exacted in virtue of compulsory military service shall be of a "purely military" character and to abolish the exception concerning work and services arising from fiscal obligations. The Committee recalls that it has had occasion to make observations on these matters over a number of years and that repeated assurances have been given ever since the report for 1956-57 that appropriate legislation would be enacted. The Committee therefore trusts that the Government will be able to have such legislation adopted in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Austria, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, Federal Republic of Germany, Ghana, Guinea, Haiti, Honduras, Hungary, Iceland, India, Iran, Israel, Kenya, Liberia, Libya, Malagasy Republic, Mali, Mauritania, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Rumania, Senegal, Sierra Leone, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Togo, Uganda, Ukraine, United Arab Republic, Upper Volta, U.S.S.R., Venezuela, Viet-Nam.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Nicaragua (ratification: 1934). The Committee greatly regrets to note that the Government's report for the period 1961-63 contains no information in reply to the various points raised in the observation and the direct request made in 1959. It notes moreover that although the Committee had drawn the Government's attention to the discrepancies which exist between national legislation and the requirements of the Convention, the 1962 amendment of the Labour Code contains no provisions which remove these discrepancies. The Committee therefore feels bound to repeat its previous direct request and observation regarding this Convention. It recalls that in its observation it drew the Government's attention to the following points:

Article 7, paragraph 2, of the Convention. See the observation on Convention No. 1, Articles 3 and 6, paragraph (1) (b) (definition of temporary exceptions). Since section 56 of the Labour Code covers temporary exceptions in both Conventions, the Government's attention is drawn to the more detailed definition in Article 7, paragraph 2, of Convention No. 30, which would need to be taken into account in the proposed amending legislation.

Article 7, paragraph 3. The Committee regrets to note that the report makes no mention of the amendment of section 56 which the Government stated in 1958 would be made to reduce to ten the maximum number of hours which could be worked in one day. The Committee trusts that the suggestions it has made in its direct request under Article 6, paragraph 2, of Convention No. 1 will be adopted in order to put section 56 into conformity not only with Convention No. 1 but also with Article 7, paragraph 3, of Convention No. 30, which provides that the maximum number of additional hours permitted in the year, in respect of temporary exceptions, must be fixed.

Article 11. See observation on Convention No. 1, Article 8.

¹ The Government is asked to report in detail for the period ending 30 June 1964.

The Committee notes that although section 63 of the Labour Code provides that the weekly rest periods in the postal, telephone and telegraph services should be governed by special regulations, the Government states that no such regulations have been made and that these services are covered by the general provisions of the Labour Code. The Committee suggests, therefore, that the appropriate modifications should be made to section 63 and that the scope of the Labour Code should be so defined as to show clearly that its provisions apply equally in both public and private establishments.

The Committee strongly urges the Government to take without delay all the necessary measures to bring legislation into full conformity with the Convention, which was ratified 30 years ago.¹

Norway (ratification: 1953). The Committee thanks the Government for its detailed replies to the observation and direct request made in 1961 and 1963.

1. Article 4 of the Convention. The Committee takes due note of the Government's statement that when work is distributed irregularly over the week in accordance with section 23 (1) of the Act, the first paragraph of this subsection is interpreted as ensuring that hours of work in any day would not exceed nine, and that employers' and workers' organisations are agreed on this interpretation.

2. Article 6. The Committee notes with interest that formal instructions will be issued to the competent services of the Ministry of Local Government and Labour stating that they may not permit the redistribution of hours of work over a six-week period under section 24 (1) of the Act for persons employed in commerce and offices unless a maximum working day of ten hours is prescribed.

3. The Committee notes with interest that, as regards section 24 (3) of the Act, which also authorises a redistribution of hours of work, the Committee's request that regulations be issued prescribing a maximum working day of ten hours in such cases will be taken into consideration during revision of the said regulations for the services concerned.

4. Article 7. The Committee notes that as regards section 26 (1) of the Act, which authorises up to ten hours' overtime per week, the Government states that both the Norwegian Employers' Association and the Norwegian Trade Union Federation are in agreement that overtime in commerce and offices under this section is used only occasionally and that, since employers usually require such work to be carried out rapidly and employees often wish to do their overtime in as few days as possible, a prescription of a maximum limit of daily overtime is unnecessary. The Committee recalls, however, that, in its report for 1958-60, the Government stated that arrangements were made so "that the overtime work is reasonably distributed over several days". It points out that this earlier practice was in greater conformity with the Convention. Accordingly, the Committee hopes that, in order to prevent an undue concentration of overtime hours on any one day, the Government will take whatever measures are appropriate to limit the maximum number of additional hours permitted in the day, it being understood that ratifying States are free to determine what the maximum in question should be.

5. The Committee had pointed out that section 25 (1) (*d*) of the Act, which permits overtime "warranted by public or general interests or other considerations", was contrary to the Convention in that it fell outside the scope of the exceptions permitted under Article 7. In reply the Government states that no significant difference would arise in practice between section 25 (1) and Article 7 of the Convention, especially in view of Article 7 (2) (*d*) which authorises overtime "in cases of abnormal pressure of work due to special circumstances". The Committee assumes therefore

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

that recourse is had to section 25 (1) (c) of the Act—which permits overtime in case of “unexpected or extraordinary pressure of work”—and to the above-mentioned section 25 (1) (d) of the Act only in the circumstances prescribed in Article 7 (2) (d) of the Convention. It would be glad if the Government would confirm this formally in its next report.

6. The Committee notes with interest that formal instructions will be issued that authorisations of exceptions be granted under section 24 (6) of the Act in respect of intermittent work only if the maximum number of additional hours permitted in the day is specified in each case.

7. The Committee notes that the necessity of maintaining special regulations for state-owned transport undertakings (including the Post Office and the Telegraph Office) under section 25 (1) (e) of the Act will be investigated. The Government is requested to indicate in the next report whether it is proposed to maintain these regulations in so far as they relate to office workers.

8. The Committee takes note of the information supplied concerning special overtime rules made by the Directorate of Labour Inspection and by the Ministry in virtue of section 26 (3) of the Act and of the examples of such special rules, applicable, e.g. to the postal and telecommunications services. It notes that these rules vary from case to case, may permit as much as 100 hours' overtime a month and 350 a year, and do not lay down the maximum number of additional hours which may be allowed in the day. The Committee hopes therefore that the Government will issue instructions to the Directorate and the Ministry to ensure that when rules are made under section 26 (3) they should prescribe the maximum daily working hours, as required by Article 7, paragraph 3, of the Convention.

Spain (ratification: 1932). See under Convention No. 1.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Kuwait, Nicaragua, Spain, Syrian Arab Republic, Uruguay*.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950). The Committee takes note of the statement made by a Government representative to the Conference in 1963 that a committee composed of government representatives and representatives of employers and workers engaged in ports has been established to draw up port labour regulations which would take into account the provisions of the Convention.

The Committee already noted in 1958 the appointment of a committee of specialists to examine the question of bringing national legislation into harmony with the provisions of the Convention. It further notes, with regret, that the committee's work has not achieved any result. In these circumstances, and since national legislation gives only very limited effect to the Convention, the Committee trusts that the task of the newly appointed committee will soon be completed and that new legislation which conforms to the provisions of the Convention will be enacted in the very near future.

Bulgaria (ratification: 1949). Following its previous requests, the Committee notes with interest that the Water Transport Safety Regulations, 1959, have given effect to many provisions of the Convention. However, certain divergences which still seem to

remain between these Regulations and the terms of the Convention are dealt with in a request addressed directly to the Government.

Mexico (ratification: 1934). Further to the observation made in 1963 the Committee notes with interest that a Government representative to the Conference in 1963 stated that the Government would take all possible steps to adopt the provisions necessary to give full effect to Articles 4, 6, 11 and 13 of the Convention. This statement is confirmed by a written reply from the Government in which it indicates the reasons for which, in its opinion, Articles 4 and 6 of the Convention may be regarded as already applied in fact.

The Committee hopes that the next report will indicate the measures taken to bring the legislation into full conformity with the above-mentioned provisions of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Congo (Brazzaville) (ratification: 1960). Further to its direct request made in 1963 the Committee notes with satisfaction that Decree No. 63-239 of 31 July 1963 regulates the duration of light work done by children over 12 years of age outside the hours fixed for school attendance, in conformity with Article 3, paragraph 1 (c), of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon, Central African Republic, Dahomey*.

Convention No. 34: Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935). The Committee notes with regret that, although the Government indicated in its report for 1960-62 that the municipalities had been requested to refrain from issuing licences to employment agencies for domestic servants and that the competent authorities had been requested to overcome the obstacles preventing full application of the Convention, the Government's present report contains no information whatever, in reply to the previous observations, with regard to the prohibition of the above-mentioned agencies.

The Committee urges the Government to take immediate steps to adopt such measures so as to bring the legislation into conformity with the provisions of this Convention (ratified 29 years ago) which require the abolition of all fee-charging employment agencies conducted with a view to profit and also the regulation of agencies not conducted with a view to profit.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Mexico, Spain*.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). With regard to the observations made in previous years concerning suspension of the right to a pension as an additional penalty for certain crimes against the person, private property or the national economy—causes of suspension which are not included among those listed in Article 8 of the Convention—the Committee noted the information supplied by the Government to the effect that such a suspension can be decided only by the courts and that it is a penalty imposed in exceptional cases only.

The Committee notes with regret, however, that no action has yet been taken to bring the national legislation into full conformity with the Convention on this point, although the Government stated in 1961, through its representative before the Conference Committee, that such action was intended.

The Committee has also noted the Government's reply to its previous requests concerning the application of Article 12, paragraph 5, of the Convention (equality of treatment between nationals of the State concerned and the nationals of other States bound by the Convention). The Committee noted that under section 21 (*g*) of the regulations made under the Pensions Act of 1958, a pension shall continue to be paid to Bulgarian nationals who are outside the national territory (for the first six months without special permission and subsequently subject to permission from the Ministry of Finance), whereas under section 21 (*b*) of the regulations the pension is suspended in respect of aliens who leave the country, irrespective of whether the latter insured persons are or are not nationals of other States that have ratified the Convention (except in the case of Czechoslovakia and Poland, with which the Government has concluded bilateral agreements).

In this connection the Committee considers that the provisions of section 21 (*b*) of the above-mentioned regulations conflict with Article 12, paragraph 5, of the Convention, which provides for equality of treatment between the nationals of the country concerned and aliens who are nationals of other countries bound by the Convention, and under which it is not necessary for bilateral agreements to be concluded between the countries involved.

The Committee hopes that the Government will not fail to take the necessary action to bring the national legislation into full conformity with the Convention in respect of the above-mentioned points.

Peru (ratification: 1945). As the Government has again submitted no report, the Committee notes with regret that it has no information on the manner in which the new legislation on the pension scheme for workers and employees (Act No. 13640 of 21 April 1961 and its regulations, Act No. 13724 of 18 November 1961 and its regulations, completed by Act No. 14069 promulgated by Presidential Decree of 11 July 1962) gives effect in practice to the provisions of the Convention.

The Committee has nevertheless studied the provisions of the above-mentioned legislation. It notes with satisfaction that the legislation takes account of the observations made in previous years with respect to the application of the pension scheme to private employees and employees in the liberal professions and with respect to the tribunals competent to hear appeals made by insured persons. However, the Committee observes that the legislation in question has not improved the position of domestic workers, who are still not covered by the compulsory insurance scheme.

The Committee also notes certain other divergences to which the attention of the Government is being drawn in a direct request.

The Committee hopes that it will be possible to take the necessary steps to bring the national legislation into full conformity with the Convention in respect of these

points and that the Government will not fail to provide, in its next report, the information requested.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Poland*.

Convention No. 36: Old-Age Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

* * *

In addition, a request regarding certain other points is being addressed directly to *Poland*.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35 (the comments concerning Articles 8 and 12, paragraph 5, of Convention No. 35 are valid for Articles 9 and 13, paragraph 5, of Convention No. 37 respectively).

Peru (ratification: 1945). See under Convention No. 35.

However, the observations made by the Committee in previous years remain valid as regards the tribunals competent to deal with appeals from insured persons under the workers' invalidity insurance scheme, in view of the fact that the Government has not submitted a report and that Act No. 13640 of 21 April 1961 on workers' retirement pensions and its regulations contain no provisions relating to invalidity insurance.

In addition an examination of Act No. 13724 of 18 November 1961 on employees' social insurance and of its regulations and of the legislation supplementing these texts, shows some divergences between them and the Convention, to which the Committee is drawing the Government's attention in a direct request.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Poland*.

Convention No. 38: Invalidity Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 37.

* * *

In addition, a request regarding certain other points is being addressed directly to *Poland*.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35 (the comments concerning Articles 8 and 12, paragraph 5, of Convention No. 35 are valid for Articles 11 and 15, paragraph 5, of Convention No. 39 respectively).

Peru (ratification: 1945). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Poland*.

Convention No. 40: Survivors' Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 39.

* * *

In addition, a request regarding certain other points is being addressed directly to *Poland*.

Convention No. 41: Night Work (Women) (Revised), 1934

Afghanistan (ratification: 1939). See under Convention No. 4.

Burma (ratification: 1935). The Government's report merely states that "steps will be taken to denounce this Convention in due course". The Committee takes note of this information with regret and wishes to point out that, as long as the Convention remains in force in Burma, full reports on its application continue to be due by the Government.

Ceylon (ratification: 1950). The Committee notes from the Government's reply to the observation of 1962 that a Bill to amend the Employment of Women, Young Persons and Children Act of 1956 with a view to bringing it into conformity with the revised Convention No. 89 had lapsed but was again being presented to the Parliament. As the present legislation is not in accordance with Convention No. 41 and as the Government has referred to the possible ratification of Convention No. 89 since 1958, the Committee trusts that the above-mentioned Bill will be enacted in the near future.

Hungary (ratification: 1936). Further to its previous observations the Committee notes that the Government is proceeding with its study to ensure full conformity between the legislation and the Convention. The Committee trusts that this study will be completed in the near future so that legislative measures will be adopted to give full effect to the Convention. As pointed out by the Committee since 1955, the Labour Code prohibits night work only in the case of pregnant women and nursing mothers, whereas the Convention prohibits such work for all women in industrial undertakings, except in the cases specified in Articles 4 and 8.

The Committee urges the Government to eliminate this serious divergence without further delay.¹

Peru (ratification: 1945). See under Convention No. 4.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic*, *Congo (Brazzaville)*, *Guinea*, *Iraq*.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Argentina (ratification: 1950). The reply of the Government to the requests made by the Committee in 1959, 1960 and 1962 concerning the list of occupational diseases and corresponding processes contains no information on a possible amendment of the relevant national legislation.

The Committee must therefore raise the matter once again, and requests the Government to adopt the necessary measures to supplement the list of occupational diseases appended to Act No. 9698 of 11 October 1915 and its amendments of

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

14 January 1916, 19 February 1932 and 29 April 1936, and to establish a list of processes likely to cause these diseases, in conformity with the schedule to Article 2 of the Convention.

The Committee hopes that these measures will be adopted in the near future and that the Government will be able to indicate in its next report what progress has been made in this connection.

Austria (ratification: 1936). The Committee, referring to its observations of 1962 and its requests of previous years concerning alloys of lead, amalgams of mercury, and bitumen and mineral oil (the last two products as substances likely to cause epitheliomatous cancer of the skin), notes with satisfaction that the federal Act of 15 December 1961 has amended the list of occupational diseases appended to the federal General Social Insurance Act of 1955 (section 177 of Annex 1 to this Act), in accordance with the Convention.

Belgium (ratification: 1949). The Committee, referring to its requests of 1959, 1960 and 1962, notes with regret that no measure has yet been adopted to include the operations of "loading and unloading or transport of merchandise" in general among the processes likely to cause anthrax infection (heading III of the list of occupational diseases appearing in the Royal Order of 9 September 1956).

The Committee notes with interest, however, the statement of the Government that preliminary studies on the risk of anthrax infection in the above-mentioned operations are in progress, and hopes that the necessary measures will be adopted in the near future to bring the national legislation into full conformity with the Convention on this point.

Bulgaria (ratification: 1949). The Committee regrets to note that since the Government has supplied no report there is no information available concerning the action taken on the requests and the observation which the Committee had made in previous years with regard to certain kinds of work that can give rise to anthrax infection and primary epitheliomatous cancer of the skin.

As regards anthrax infection, the national legislation does not refer to the loading and unloading or transport of merchandise in general but only to the loading and unloading or transport of "infected or other animals", while with regard to epitheliomatous cancer of the skin the legislation does not mention pitch, bitumen, mineral oil and the compounds, products or residues of these substances, which are mentioned in the Convention.

In its previous reports the Government had stated that it intended to revise the national list of occupational diseases along the lines of the Convention and that the new legislation would be made available as soon as it had been adopted.

The Committee trusts that this revision will take place in the near future and that the Government will soon be in a position to state what progress has been made in this respect.

Czechoslovakia (ratification: 1949). The Committee notes the reply of the Government to the observations and requests made in previous years with regard to the list of industries or processes likely to cause epitheliomatous cancer of the skin and anthrax infection (Article 2 of the Convention).

With regard to epitheliomatous cancer of the skin, the Committee took due note of the Government's statement that the words "substances causing cancer" employed in the national legislation (item No. 18 of the list appended to the Social Security Act of 1956) are to be interpreted as covering not only all known cancerogenous materials, including those listed in the Convention (tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances), but also any other substances that may in future be described as cancerogenous.

With regard to anthrax infection, the Committee wishes to draw once more the attention of the Government to the fact that the terms of the national legislation relating to undertakings in which workers are likely to contract this disease (item No. 22 of the 1956 Act), even if they can be interpreted so as to cover, as the Government states that they do, the handling of live animals or of carcasses or parts of carcasses, do not seem to cover the loading and unloading or transport of merchandise in general, as the Convention does. The Convention, by listing among the corresponding processes for anthrax infection the loading and unloading or transport of merchandise in general establishes presumption of occupational origin of the disease for workers employed in these processes and infected with anthrax; the national legislation, on the contrary, seems to demand proof that the disease has appeared as a result of the employment in the case of undertakings where the workers are not exposed automatically to the risk of a "disease communicated to human beings from animals, either directly or by carriers".

The Committee hopes that the Government will examine the question again and that it will adopt the necessary measures to bring the national legislation into conformity with the Convention on this point.

Denmark (ratification: 1939). The Committee thanks the Government for the information supplied in reply to the requests of 1960 and 1962 relating to the application of the principle of presumed occupational origin by the establishment (as prescribed by the Convention) of a list of trades, industries or processes likely to give rise to the diseases specified in the Convention, and to the amendment of certain items in the national list of occupational diseases.

As regards the presumption of occupational origin, the Committee has noted with interest that the Government intends to take the Committee's comments into account when revising the national legislation.

As regards the amendment of the schedule of occupational diseases appended to the Act of 1959 the Committee has considered the explanations given in the report. These explanations, however, do not cause the Committee to alter its views with regard to silicosis (which is specifically associated with tuberculosis in the Convention, irrespective of the degree of seriousness of the disease) or with regard to poisoning by benzene or its homologues and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. In this connection the Convention refers to substances or categories of substances which are defined in chemical terms and not in terms of their industrial uses (which can always vary since these substances can be used otherwise than as solvents or refrigerating agents).

In these circumstances the Committee hopes that the Government will also be able to take account of the above-mentioned points when it revises the national legislation, and hopes that such a revision will take place in the near future.

The Committee also requests the Government to indicate whether item No. 7 in the schedule of occupational diseases appended to the Act of 1959 concerning the pathological disorders due to radiation has been extended along the lines of the Convention, in accordance with the Government's intention as stated in its previous report.

France (ratification: 1948). For several years the Committee has been drawing the Government's attention to—

- (a) the restrictive character of the list of pathological manifestations in the schedule of occupational diseases appended to the French legislation (whereas the Convention covers all pathological manifestations resulting from these diseases); and

(b) certain other divergences between that list and Article 2 of the Convention.

As regards the first aspect of these observations, the detailed reply given in the Government's report has been examined by the Committee, which regrets to note that the reply adds little to what is already known and that there still seems to be a misunderstanding concerning the scope of the Convention and the comments previously made by the Committee.

As in the past, the Government refers to the way in which the French legislation establishes the principles of the presumed occupational origin of a disease. In this connection the Committee would recall that under the Convention such a presumption is provided for not only on the basis of a list of "noxious substances"—as seems to be assumed in the Government's report—but on the basis of a dual criterion comprising, first, certain specified diseases and, second, certain trades or industries in which such diseases can be contracted.

The Committee must therefore point out once more that its observations do not relate to the principle of presumed occupational origin *per se*, but to a restrictive enumeration of certain pathological manifestations, the detailed description of which in the schedules to the French legislation is apt to limit the number of cases in which compensation would be payable under the Convention. In this respect the Convention is drafted in general terms and covers all pathological manifestations that may result from the diseases listed in the first column of the schedule when they affect workers belonging to the trades or industries listed in the second column.

The Committee has also taken note with interest of a decision of the Social Section of the Civil Division of the Supreme Court of Appeal dated 11 October 1962 and mentioned by the Government, concerning the interpretation of the medico-legal aspect of one of the symptoms listed in the French legislation with regard to lead poisoning (namely anaemia confirmed by repeated blood tests). This decision reveals that there is some scope for personal judgment in the interpretation of the definitions contained in the schedules to the French legislation, but it nevertheless confirms that there is a danger that no compensation whatever may be payable for disorders or diseases which do not correspond to the detailed definition of the symptoms given in the legislation.

In the circumstances the Committee is still of the opinion that the national legislation is not fully in conformity with the Convention and that steps should be taken to ensure such conformity. The Committee therefore suggests that the Government should, for example, give consideration to an amendment of the national legislation with a view to making it clear that the list of symptoms corresponding to the various diseases listed in the schedules is not meant to be exhaustive. This could be done by insertion of the word "including" in the list of symptoms; it would be the simplest way of emphasising that these schedules are not supposed to be exhaustive, and of allowing compensation to be paid for any other diseases which might be caused by substances that are listed in the Convention but not included in the schedules to the French legislation.

The second aspect of the Committee's previous observations related to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and poisoning by phosphorus or its compounds (only some of the products that can give rise to such poisoning are listed in the national legislation), epitheliomatous cancer of the skin (the legislation mentions only that caused by pitch), and anthrax infection (among corresponding processes the legislation does not mention the loading and unloading or transport of merchandise in general).

As regards the first two (poisoning by the halogen derivatives of hydrocarbons of the aliphatic series and poisoning by phosphorus or its compounds), the Committee noted with interest that the French Industrial Health Board is to collect as much

information as possible with a view to the adoption of a European list of occupational diseases to be drawn up under the auspices of the Economic Commission for Europe.

The Committee expresses the hope that this information will permit a revision of the national legislation along the lines of Article 2 of the Convention, not only with regard to poisoning by the above-mentioned substances but also with regard to epitheliomatous cancer of the skin and anthrax infection.

The Committee trusts that the Government will take account of the foregoing considerations and will not fail to indicate in its next report what action it intends to take in order to eliminate these divergences, the existence of which has been pointed out for several years. The Committee hopes that such action may be taken all the more easily because the evolving character of the French legislation (very rightly emphasised by the Government in its report) allows these schedules to be frequently revised and amended.

Federal Republic of Germany (ratification: 1955). The Committee took note of the reply of the Government to the requests that it has made during previous years concerning epitheliomatous cancer of the skin and the alloys of lead and amalgams of mercury (Article 2 of the Convention).

With regard to epitheliomatous cancer of the skin, the Committee notes with interest that under the terms of the Notice published by the Federal Ministry of Labour and Social Affairs on the interpretation of item No. 47 relating to cancer of the skin, which appears in an annex to the Ordinance of 28 April 1961 on occupational diseases, the words "similar substances" likely to cause these conditions must be understood as including bitumen and mineral oil.

With regard to alloys of lead and amalgams of mercury, the Committee took note of the Government's statement that items 6 and 15 of the same annex to the above-mentioned ordinance, which refer to poisoning by lead and by mercury respectively, cover in practice every chronic or acute affection caused by lead, its alloys or compounds or by mercury, its amalgams and compounds and that these affections give a right to compensation either as occupational diseases or as accidents "arising in the course of employment".

Haiti (ratification: 1955). The Committee notes with satisfaction that following the observations which it made in previous years, the Managing Board of the Social Insurance Institute of Haiti by decision of 3 January 1964 revised the list of occupational diseases as prescribed by the Convention.

The Committee would be grateful if the Government would supply in its next report information on the cases of diseases for which benefits are granted by virtue of the new list and information on the progress achieved in extending the compulsory insurance scheme to other categories of workers throughout the whole national territory.

Luxembourg (ratification: 1958). The Committee regrets to note that no action has yet been taken in relation to requests and observations that have been made since 1958 in relation to Convention No. 18, with regard to the addition to the list of types of work corresponding to anthrax infection of the loading and unloading or transport of merchandise in general, in accordance with Article 2 of the Convention.

The Committee has noted, however, that the question involved is being considered by the National Occupational Diseases Board, and that concrete proposals are to be submitted to the Government shortly.

The Committee has also noted the Government's statement concerning the incorporation in the municipal law of Luxembourg of duly ratified international Conventions, and requests the Government to provide in its next report any court decisions, administrative circulars, decisions of insurance bodies or other informa-

tion (statistics, etc.) confirming that in practice this Convention is applied by virtue of the fact that it has become part of the law of the land, particularly as regards the points raised by the Committee.

In any event, in similar cases both the Committee of Experts and the Conference Committee have taken the view that even when such incorporation implies the abrogation or amendment of earlier legislation the most satisfactory solution would be for the national legislation to be brought into formal conformity with the Convention so that all those concerned (judges, labour inspectors, employers and workers) may be aware of the changes that have been introduced, and so as to eliminate any uncertainty with regard to the legal position.

The Committee therefore hopes that the amendment of the national list of occupational diseases along the lines indicated by the Convention, as contemplated by the Government, will take place in the near future.

Mexico (ratification: 1937). The Committee regrets to note that in its report the Government provides no information in reply to the requests made in previous years with regard to the amendment of the list of occupational diseases given in section 326 of the Federal Labour Act with a view to bringing that list fully into conformity with Article 2 of the Convention as regards poisoning by alloys of lead and amalgams of mercury, poisoning by phosphorus or its compounds, some kinds of poisoning by benzene or its homologues or their nitro- or amido-derivatives, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, work corresponding to anthrax infection (handling of animal carcasses and loading and unloading or transport of merchandise in general) and epitheliomatous cancer of the skin (processes involving the handling or use of pitch, bitumen or mineral oil or the compounds, products or residues of these substances).

The Committee had also noted the Government's statement concerning the incorporation in Mexican legislation, under article 133 of the National Constitution, of duly ratified international Conventions, and had, in this connection, requested the Government to communicate decisions of the Social Security Institute, court decisions, administrative circulars and any other decisions or information (statistics, etc.) confirming that the Convention was applied in practice by the mere fact that it had been incorporated in the country's municipal law, particularly with regard to the points the Committee had raised.

In any case, both the Committee of Experts and the Conference Committee had considered in this connection that the best solution would be for the national legislation, i.e. section 326 of the Federal Labour Act, to be brought into formal conformity with the Convention in order to avoid any confusion and uncertainty as regards the exact legal position and to enable all those concerned (judges, labour inspectors, employers and workers) to be informed of it.

The Committee therefore urges the Government to take in the near future—as it stated it would in its previous reports—the necessary action to supplement the list of occupational diseases along the lines of Article 2 of the Convention, and in the meantime to provide the information referred to above.¹

Morocco (ratification: 1957). The Committee notes with interest that the Government is contemplating amending the Order of 31 May 1943 on occupational diseases, so as to take into account the points raised by the Committee in the requests made in previous years concerning poisoning by lead, mercury, phosphorus and arsenic and the alloys or amalgams and compounds of these products, and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee hopes that these amendments will also cover poisoning by the amido-derivatives of benzene and its homologues, which have also been referred to in the above-mentioned requests, and that the draft text which is at present under consideration will be adopted in the near future.

New Zealand (ratification: 1938). The Committee notes the reply of the Government to the requests first made in 1958 relating to the establishment of a list of occupational diseases corresponding to that of Article 2 of the Convention, a list that appeared in previous legislation. This reply, however, brings no appreciable change in the situation which motivated the previous comments of the Committee.

As the Committee indicated in its request of 1962, if the "full coverage" system may, to a certain extent, cover a greater proportion of workers, it does not ensure the full application of the Convention in that it does not establish a presumption of occupational origin for the diseases appearing in the first column of the schedule of the Convention, when they are contracted by workers employed in the industries set out in the second column of this schedule.

The Committee also indicated in its request that the "full coverage" system would not be incompatible with the Convention provided that the Government could assure the workers covered by the Convention of protection at least equal to that afforded by the Convention in respect of the presumption of occupational origin for the diseases in question. Moreover, as noted by the Committee in this report, another member State with a similar compensation scheme has adopted a dual list of the kind provided for in the Convention to supplement its "full coverage" system.

In these circumstances the Committee expresses the hope that the Government will be able to adopt the necessary measures, either by legislative action or by issuing administrative regulations, to bring the national legislation into full conformity with the Convention.

Norway (ratification: 1935). The Committee notes with satisfaction that the Government has given effect to the requests made in previous years in connection with Article 2 of the Convention, concerning the list of occupational diseases and the processes liable to cause them. The Royal Decree of 3 August 1962, issued in pursuance of section 10 of the Industrial Accident and Occupational Diseases Insurance Act of 1958, establishes a list of occupational diseases and corresponding industries and processes similar to that of the Convention, and thus institutes, in accordance with the Convention, a presumption of occupational origin for the diseases appearing in this list when they affect workers employed in the trades and industries in question.

The Committee also notes with interest that the new "dual list" system, will be a part of the general compensation scheme ("system of full coverage") applied in Norway under the above-mentioned 1958 Act, and that the scheme, thus amended, will assure the workers covered by the Convention of protection equal to that afforded by this text.

Sweden (ratification: 1937). The Government again refers to sections 6 and 7 of the Employment Injury Insurance Act of 1954 in reply to the requests and observations that the Committee has been making since 1956 concerning the establishment of a list of occupational diseases and corresponding processes in conformity with that prescribed by the Convention (this list appeared in the previous legislation but was eliminated by the 1954 Act).

The Committee has already pointed out several times that the above-mentioned sections introduce a system of "full coverage" which, even if it is more favourable to certain categories of workers, fails to ensure the full application of the Con-

vention, particularly in regard to the establishment of a presumption of occupational origin for the diseases appearing in the first column of the schedule of the Convention when they affect workers engaged in the industries or trades set out in the second column of the schedule in question.

In these circumstances the Committee trusts that the Government will be able to take the necessary measures, either by legislative action—for example as part of the regulations provided for by section 6 (c) of the 1954 Act, under which the Royal Notification of 1954, mentioned by the Government, was also promulgated—or by issuing administrative regulations, with a view to supplementing the system of insurance against occupational injuries at present in force and bringing it into conformity with the Convention. Moreover, as noted by the Committee in the present report, similar measures have been adopted by another member State, which has supplemented its existing “full coverage” system by a dual list, in conformity with the Convention.

Uruguay (ratification: 1954). The Committee has noted the Government's reply to the observation and requests made in previous years with regard to the list of occupational diseases, which diverges in many respects from the Convention, and has noted the Government's statement that poisoning by phosphorus or its compounds, arsenic or its compounds and the halogen derivatives of hydrocarbons of the aliphatic series, as well as operations likely to give rise to such poisonings, are regarded as hazards covered by the national legislation. The Committee would be grateful if the Government would, in its next report, supply detailed information with regards to the laws, regulations, administrative instructions, etc., which provide that workmen's compensation shall be payable in respect of such poisonings, as provided by the Convention.

The other points on which the national legislation is not in conformity with the table in Article 2 of the Convention are mentioned in a further request addressed to the Government directly.

The Committee has also noted the Government's statement that the Convention was incorporated in the municipal law of Uruguay by the mere fact of its ratification and that it has become applicable without there being any need for special legislation.

The Committee therefore requests the Government to communicate in its next report any court decisions, administrative circulars, decisions of insurance bodies or other information (statistics, etc.) confirming that in practice the Convention is applied by virtue of the fact that it has been incorporated in the national legislation, especially with regard to the points raised by the Committee.

In such cases, both the Committee of Experts and the Conference Committee have taken the view that even when such incorporation leads to the abrogation or implicit amendment of earlier legislation, the best solution would be for the national legislation to be brought into formal conformity with the Convention so that all those concerned (judges, labour inspectors, employers and workers) may be aware of the changes made and so as to avoid any uncertainty with regard to the legal position.

The Committee hopes that the necessary measures to bring the national legislation into full harmony with the Convention may be taken without difficulty (as indicated by the Government in one of its previous reports) and that the next report will contain information on the progress made along these lines.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Belgium, Bolivia, Brazil, Burundi, Congo (Leopoldville), Cuba, Czechoslovakia, Greece, Iraq, Japan, Netherlands, Norway, Rwanda, Republic of South Africa, Spain, Turkey, United Kingdom, Uruguay.*

Convention No. 43: Sheet-Glass Works, 1934

Bulgaria (ratification: 1949). The Committee notes that, in reply to a request of 1962 and an observation of 1963, the Government refers to a resolution of 5 March 1958 which prohibits overtime for workers on a reduced working day, and to provisions respecting the posting of notices prescribed in Order No. 385 of 3 May 1952.

The Committee finds however that the information available is still not such as to permit it to ascertain the extent to which Conventions Nos. 43 and 49 are implemented. It recalls in this connection that on various occasions since 1955 the Government's reports have referred to numerous legislative texts relevant to the application of various provisions of the Conventions; moreover, in its report for 1957-58 the Government referred to new provisions respecting sheet-glass works, but has not subsequently indicated whether these had been adopted and, if so, whether they affect the other texts referred to in the Government's reports.

The Committee would therefore be grateful if, as already requested, the Government would include in its next report a list of all the texts which are now in force relating to the application of Conventions Nos. 43 and 49 and would indicate, under Articles 1, 2 and 3 of these Conventions, what are the provisions of national legislation which give effect to them.

Czechoslovakia (ratification: 1938). The Committee notes with regret that, in spite of its repeated requests for information on the manner in which effect is given to Conventions Nos. 43 and 49, the Government has once again failed to supply the detailed reports called for.

It finds therefore that, on the basis of the information available to it, the position regarding the implementation of these Conventions is as follows: the only relevant legislative texts are (a) Act No. 126/1938 by virtue of which the Conventions were promulgated at the time of their ratification—according to the Government, the validity of this text was confirmed by the Act of 24 September 1956 which introduced a 46-hour week but provided in section 14 that more favourable provisions would remain unaffected; and (b) Notification No. 616/1945 which does not contain provisions meeting the substantive requirements of the Conventions and which applies only to sheet- and plate-glass works (i.e. not to the glass-bottle works covered by Convention No. 49) and is not applicable to the whole country. As regards the practical application of these instruments, which was delayed for nearly 20 years because of the war and post-war conditions, the Government indicated in 1958 that they were now fully implemented; however, despite repeated requests by the Committee for detailed information on the precise legislative or other measures by which effect is given to each provision of the Conventions, this has never been supplied by the Government.

Accordingly, whilst the Committee notes the Government's statements that the Conventions are now applied in practice, it regrets the Government's continuing failure to supply any evidence as to this effective application. It recalls that observations have been pending on these Conventions since 1949 and it urgently calls upon the Government to show concretely the manner in which each provision of Conventions Nos. 43 and 49 is applied both in law and in practice (regulations, work rules or collective agreements; extracts from inspection reports, statistics, etc.).¹

Mexico (ratification: 1938). The Committee takes note of the Government's statement that there exist no automatic sheet-glass works in Mexico other than the works in Nuevo León mentioned in the report for 1958-60.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

It notes, moreover, that additional hours worked by virtue of section 75 of the Federal Labour Act in the event of a catastrophe or imminent danger are not deemed to be overtime and no record is kept of such hours.

The Committee points out, however, that—

- (a) Article 3, paragraph 2, of the Convention requires that adequate compensation should be granted for all additional hours worked in pursuance of this Article (in case of accident, urgent work), whether or not such hours are deemed in national legislation to be overtime; and
- (b) Article 4, paragraph (c), requires that a record should be kept of all such hours and of the compensation granted in respect thereof.

The Committee would therefore be glad if the Government could take steps to provide, in the case of automatic sheet-glass works, for the grant of adequate compensation for and the keeping of a record of hours worked under section 75 of the Federal Labour Act.

The Committee would also be grateful if the Government would state by virtue of what measures the record, referred to in the Government's report, of additional hours worked in accordance with section 74 of the Act is required to be kept and would supply a specimen copy of such a record.

Uruguay (ratification: 1954). Since the report for 1959-62, which arrived too late to be examined in 1963, contains no information in reply to the requests made since 1957, the Committee must once again repeat its request, which was as follows:

The Committee notes the Government's statement that the Convention is applicable in two undertakings; it finds that the texts of the collective agreements governing hours of work in the glass works in question have not been forwarded and that the relevant regulations have not yet been adopted. The Committee would be glad therefore if the Government would attach to its next report the text of the collective agreement or agreements relating to the two undertakings in question, together with the text of the above-mentioned regulations, if approved.

Article 1. The Committee would be glad to know the definition of the categories of workers covered by the Convention.

Article 2. In virtue of what provisions are workers guaranteed an eight-hour day, a 42-hour week and a 16-hour rest period between spells of work? Has a system providing for at least four shifts been established and are the average weekly hours calculated over a period not exceeding four weeks?

Article 3. In virtue of what provisions are the additional hours referred to in the Government's report permitted (paragraph 1) and what compensation is given for additional hours worked (paragraph 2)?

Article 4. In virtue of what provisions are employers required to notify the hours at which each shift begins and ends (paragraph (a)), and not to alter notified hours of work (paragraph (b))? What forms have been prescribed for the record of additional hours (paragraph (c))?

The Committee hopes that the Government will not fail to supply the information referred to above.

Convention No. 44: Unemployment Provision, 1934

Bulgaria (ratification: 1949). In 1960, 1962 and 1963 the Committee had made a direct request concerning the application of this Convention. In the absence of a report since 1960 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.

Czechoslovakia (ratification: 1950). The Committee notes with regret that the Government's report does not reply to the observation made in 1962. The Committee is bound, therefore, to repeat this observation, which was as follows:

The Committee notes with regret that, once more, the Government's report fails to indicate what measures have been taken to maintain a scheme ensuring the payment of benefits to persons who are involuntarily unemployed.

The Committee recalls that in 1956 a Government representative stated before the Conference Committee that "the competent authorities were examining the possibility of introducing the provisions of the Convention into the national legislation", and that this statement was confirmed in the Government's report for 1955-56. In 1957 the Committee requested the Government to keep it informed of the action taken in this connection. No reply was received to this request, which was repeated in 1958.

In 1958 a Government representative stated before the Conference Committee that "if a case arose in which a person was unable to find employment immediately, following a change of work, the said person would be covered by a system of state allowances". The Conference Committee expressed the hope that the Government's next report would give details of the exact nature of this compensation and of the regulations on which it was based. In 1959 the Committee of Experts noted with regret that this information had not been supplied and again requested the Government to "supply information on the precise nature of the unemployment benefits in Czechoslovakia to which the Government representative at the Conference Committee referred, and on the legislation or regulations in virtue of which they are paid".

In reply to this request, the Government stated in its report for the 1958-59 period that an Ordinance of 27 August 1943 concerning benefits and allowances paid to persons involuntarily unemployed was still effective, but not applied in practice since no unemployment existed in the country. While expressing surprise that the Government was referring for the first time to a law passed during the war years, the Committee asked the Government to confirm that this ordinance was still in force, to indicate what administrative and financial measures had been taken to make it effective, and to inform workers of its provisions, and finally to supply a copy of the ordinance and of the regulations of application in force, if any.

The Committee regrets to note that the Government has not indicated in its latest report whether any measures have been taken to inform workers of the provisions of the above-mentioned ordinance, so that where appropriate they could ask for unemployment compensation and benefit, and that it did not enclose a copy of the ordinance and the regulations of application in force, as requested.

Since however the Government itself admits that the Ordinance of 27 August 1943 is meaningless in terms of practical application and states that in view of the absence of unemployment "the establishment and maintenance of a relief system for the unemployed would be utterly incomprehensible to the Czechoslovak people", the Committee is forced to the conclusion that, apart from certain provisions for handicapped persons contained in the Decree of 8 March 1960, there is no general scheme actually in force providing benefits to persons involuntarily unemployed.

The Committee is therefore bound to point out, as it has done in the past, that the absence at a given moment of unemployment does not free the country from the obligation to maintain, in accordance with Article 1 of the Convention, "a scheme ensuring benefits or allowances to persons who might be involuntarily unemployed". The Committee hopes, therefore, that the Government will be good enough to establish the system provided for in the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France, Norway*.

Convention No. 45: Underground Work (Women), 1935

Chile (ratification: 1946). The Committee notes with interest the reply to its direct request of 1962 that a Bill to add to the Labour Code a section 162*bis* providing for the same exceptions to the prohibition of the employment of women on underground work in mines as those laid down in Article 3 of the Convention was submitted on 18 April 1963 to the Ministry of Labour and Social Affairs for early transmission to the National Congress.

The Committee hopes that the Bill in question will soon be adopted.

China (ratification: 1936). The Committee notes with interest the information supplied by the Government in reply to its observation of 1963.

It notes that section 187 (2) of the Regulations for the Security of Mines in Taiwan Province, which allowed, subject to special authorisation, the employment of women on light work connected with transport in mines, has been declared null and void and that consultations are being held between the provincial government of Taiwan and the Ministry of Economic Affairs with a view to introducing the necessary amendments to these Regulations to bring them into conformity with the Convention. The Committee hopes that the amendments in question have been adopted and asks the Government to supply the revised text of the above-mentioned Regulations.

The Committee also notes that in October 1962 the Ministry of the Interior ordered that all women employed on underground work were to be transferred to the surface before the end of 1963. The Committee hopes that the Government will indicate in its next report the measures adopted to this effect.

Lastly, the Committee observes with regret that the Government does not mention in its report any measure intended to bring the Mines Act, 1950, the scope of which covers only mines employing 50 or more workers, into conformity with the Convention, which applies to all mines regardless of the number of workers employed. The Committee trusts that the Government will direct its attention to eliminating without delay the divergence first indicated in 1958, which exists on this point also between the national legislation and the provisions of the Convention.

Greece (ratification: 1936). The Committee takes note with interest from the reply to its direct request of 1962 that the regulations for work in mines, which are to give full effect to Article 3 of the Convention, are being prepared for publication. The Committee hopes that the regulations will shortly be published, and asks the Government to supply the text thereof.

Poland (ratification: 1957). The Committee refers to its previous direct requests and notes with satisfaction that the Council of Ministers has promulgated an Ordinance dated 11 May 1962 which eliminates all possibility of exemptions wider in scope than those which are authorised by Article 3 of the Convention.

Yugoslavia (ratification: 1952). In observations made since 1960, the Committee has drawn the Government's attention to the necessity of amending section 76 of the Employment Relationships Act, which authorises wider exemptions from the prohibition of underground work by women than those which are provided for by Article 3 of the Convention. The Committee notes with interest the Government's assurance that account will be taken of these observations in the revision of the national legislation, which has already been begun.

The Committee trusts that this revision will, in the near future, ensure full conformity with Article 3 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Dominican Republic, Finland, Honduras, Hungary, Malaysia, Spain, Ukraine*.

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification: 1937). The Committee has noted the Government's reply to its observations of previous years and once more regrets to note that no measures have yet been taken to ensure the application of the Convention to nationals of States which have ratified this text, apart from the completion of bilateral agreements.

As the Committee has already indicated on several occasions, ratification of the Convention imposes an obligation on each member State to adopt legislation giving effect to those provisions, and to make it possible to apply them even in the absence of any bilateral agreement with those other States which have ratified the Convention, as reciprocity results automatically from ratification alone.

The Committee has also indicated that the Convention directly establishes, between those member States which have ratified it, an international system of maintenance of pension rights for migrant workers, a system for which the Convention defines the main technical rules. If, however, it provides in certain Articles (as for example, Articles 8 and 10 quoted by the Government) the possibility of concluding supplementary agreements on certain points of detail which member States should regulate in a manner other than that provided for by the Convention (for example, Article 8 relates to the possibility of a method of converting national currency otherwise than provided for by this text; Article 10 allows the reservation, under certain conditions, of the payment of subsidies, supplements to or fractions of pensions, payable out of public funds, to nationals of Members with which supplementary agreements have been concluded on this subject, etc.), it should nevertheless be noted that the application of the general principles given in the Convention must be ensured independently of bilateral treaties.

Regarding the reference to a commission provided for by Article 20 of the Convention, it is appropriate to recall that a request on this subject was addressed in 1955 to all States which had ratified this text, and four of those replying to this request—including Hungary—did not consider the constitution of this commission to be necessary.

In these circumstances the Committee is once more obliged to insist that the Government take the necessary measures without further delay to fulfil the obligations imposed by this Convention, ratified 27 years ago.

Spain (ratification: 1937). The Committee took note of the information provided by the Government both to the Conference Committee in 1962 and in its report in reply to the observations made since 1958.

The Committee noted that the Government has concluded new bilateral agreements, in particular with countries to which there is considerable movement of manpower, and with certain Latin American countries. It must, however, point out, as it has already done several times, that the Convention by its very ratification establishes an automatic reciprocity system and must therefore be applied to the nationals of all States Members that have ratified it, there being no need to conclude bilateral agreements to this effect.

The Committee has also noted that the Government is considering the establishment of a uniform system of social security of wide scope. It has also been informed that a new basic law on the subject has recently been adopted; this law provides (Principle II, section 8) that account will be taken of the provisions of the ratified Conventions and agreements in connection with the assimilation of the nationals of all States other than those expressly mentioned in the law (Latin American States, etc.).

The Committee hopes that the legislation which will be adopted on the basis of this law will ensure to nationals of member States bound by the Convention the maintenance of pension rights, regardless of the volume of migration between Spain and these States or the existence of bilateral agreements.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands, Yugoslavia*.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

Bulgaria (ratification: 1949). See under Convention No. 43.

Czechoslovakia (ratification: 1938). See under Convention No. 43.¹

Convention No. 50: Recruiting of Indigenous Workers, 1936

Argentina (ratification: 1950). In 1963 the Committee noted with regret that, although the Convention had been ratified 13 years earlier, legislation to implement its provisions had not yet been enacted, and expressed the hope that such legislation would be adopted without further delay. At the Conference in 1963 the Government supplied copies of Act No. 12789 of 1942 concerning the engagement of workers and of certain local agreements regarding the recruitment of workers in 1953 and 1955 (to which reference had not been made in any of the Government's reports). The Committee notes that the texts supplied by the Government deal with only certain matters covered by the Convention, and regrets that no further information concerning the application of the Convention is contained in the Government's last report, notwithstanding the request made by the Committee in 1963 that a detailed report be supplied.

The Committee is addressing a direct request to the Government, and trusts that the Government will not fail to supply detailed information on the questions raised, in a report for the period ending 30 June 1964.²

Congo (Leopoldville) (ratification: 1960). The Committee notes with regret that no report has been supplied for the last four years, nor has any information been provided in answer to the direct request made by it in 1963, in the following terms:

The Committee notes that the Legislative Decree concerning contracts for the hire of services of 1 February 1961 repealed legislation which previously regulated the recruitment of workers (section 98), but contains no new provisions on this subject. The Committee accordingly requests the Government to indicate the measures taken or proposed to be taken to give effect to the Convention.

The Committee would also be glad if information could be supplied on the practical application of the Convention, including the number of workers recruited, the areas in which they were recruited, and the branches of activity for which they were recruited.

The Committee hopes that the Government will not fail to supply the information in question.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Rwanda, Somalia*.

Convention No. 52: Holidays with Pay, 1936

Burma (ratification: 1954). The Committee notes from the Government's report that all proposals to modify existing labour legislation have been suspended, as the Government is contemplating a new set of labour laws.

The Committee recalls that observations and requests on this Convention have been pending for some years and it trusts that the new labour laws, when adopted, will give full effect to the Convention and that the Government will accordingly take into account the various points listed in the request sent directly to the Government.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

² The Government is asked to report in detail for the period ending 30 June 1964.

Byelorussia (ratification: 1956). The Committee notes with regret that no reference is made in the Government's report to the observations made by the Committee in 1960, 1962 and 1963. 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 whatever to the granting of annual leave with pay, and that in virtue of Article 4 of the Convention any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday shall be void.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

France (ratification: 1939). The Committee notes with regret that the Government has not replied to the observation addressed to it in 1962. It recalls that it had drawn attention on several occasions to the discrepancy between section 54 (*m*) of Book II of the Labour Code, which permits the suspension of annual leave in certain undertakings, and the Convention. While noting once again the Government's statement that no recourse is had to this provision and that its application is not contemplated, the Committee would appreciate it if the Government would proceed with the necessary modification of section 54 (*m*) of Book II of the Labour Code at an appropriate time.

Italy (ratification: 1952). The Committee notes that the Government's reply to the observation made in 1962 contains no new elements of information on the manner in which effect is given to the Convention. It finds, therefore, that the position in Italy as regards annual holidays with pay is briefly as follows:

The principle of the right to annual holidays is laid down in the national Constitution. Certain legislative texts applying to limited categories of workers fix the duration of annual leave and contain provisions corresponding to some of the requirements of the Convention. A wide range of collective agreements, covering the great majority of workers, contain provisions relating to holidays with pay; these agreements are being progressively given force of law. The holiday rights of workers not covered by appropriate legislation or by collective agreements are ensured by virtue of custom and equity.

This situation calls for the following comments, already made on various occasions by the Committee in previous years:

(a) Only a relatively small number of workers are covered by legislative measures fixing the duration of holidays and other conditions relating thereto, and there can be no guarantee that the freely established collective agreements applying to other workers are such as to cover all workers in all the undertakings and establishments covered by the Convention, even if these agreements are given force of law.

(b) There is no guarantee that all collective agreements contain provisions ensuring the full application of the Convention, whether as regards the duration of holidays, or as regards other questions, such as restrictions on the division into parts of holidays, prohibition to deduct public holidays and periods of sickness from annual holidays, etc. This uncertainty exists not only in respect of collective agreements which have not been declared binding and in regard to which the Government has no power to interfere, but also in respect of those which have been given force of law under Act No. 741 of 1959; thus, although this Act provides that collective agreements may not be extended if they conflict with the binding provisions of existing laws, it does not seem that the Government is empowered to require the insertion of new provisions in a collective agreement which is to be given force of law, with a view to ensuring the application of a ratified Convention.

(c) As regards the Government's statement in a recent report that ratified Conventions are automatically incorporated in the national legislation, such a measure would in any case be without effect on the non-self-executing provisions of the Convention, and no evidence has been supplied to show that even the self-executing provisions of the Convention are applied by this means. On the contrary, the Committee has already had occasion to refer to a 1955 decision by the Milan Court of Appeal (*Mass. Giur. Lav.* 1955, 184) which contravenes the Convention. Accordingly, as already stated by the Committee, it seems unlikely that all persons concerned (magistrates, workers, employers, inspectors, etc.) are fully informed of the provisions of the Convention and that the latter can be effectively applied solely through the principle of incorporation of ratified international Conventions in the national legislation.

(d) Finally, as regards the application of holiday rights by custom and equity in the case of workers not covered by law or collective agreements, there can be no guarantee that the varied and detailed provisions of the Convention will be implemented in all such cases.

In all these circumstances the Committee can only conclude that there is no evidence, and can be no guarantee, that the Convention is fully applied to all the workers employed in all the undertakings and establishments listed by the Convention. It trusts that the Government will appreciate the validity of these conclusions and will accordingly take steps without delay to adopt legislation ensuring the application of the minimum requirements of the Convention, in so far as they may not already clearly be implemented by existing provisions of the legislation or collective agreements, it being understood that more favourable standards may be fixed by collective agreements.

The Committee also notes observations by the General Confederation of Italian Industry which were forwarded by the Government. This organisation raises objections to the Committee's comments on Article 2, paragraph 3, of the Convention, and states that in its view the Convention prohibits the deduction from annual holidays of public holidays and interruptions of work due to sickness, only if these occur during the year and not if they occur during the holiday itself. The Committee must refer in this connection to the relevant passages (Chapter V) of its General Conclusions on holidays with pay (Part Three of the Committee's report).

Mexico (ratification: 1938). The Committee takes note with interest of the Government's statement that section 210 of the Federal Labour Law (authorising the exclusion of small-scale industry) is no longer applied, that such exemptions are not recognised by the Supreme Court and that measures will be taken to abrogate section 210. It looks forward to learning in the Government's next report of the steps taken in this connection.

Tunisia (ratification: 1957). The Committee notes with satisfaction that, following its request on the subject, an Act of 4 November 1963 modifies section 4 of the Act of 25 July 1946 (as amended in 1948), so as to ensure that at least six working days of the annual holiday shall be taken consecutively, as required by Article 2 (4) of the Convention.

Ukraine (ratification: 1956). The Committee notes the Government's statement that the postponement of leave is permitted only in exceptional circumstances when this is required for the normal working of the undertaking, and that it is subject to agreement between the employer and the worker. It points out however that, even in such cases, the Convention does not permit the postponement of the minimum pre-

scribed holiday and it trusts that the Government will take steps to modify the national legislation (section 120 of the Labour Code and the Regulations of 30 April 1930) so as to ensure that, in so far as postponement is permitted, this may in no case affect the granting of an annual holiday at least as long as that prescribed in the Convention.

The Committee also notes that the Government supplies no information regarding the replacement of holidays by compensation in cash (sections 91 and 116 of the Labour Code and sections 23-27 of the Regulations of 30 April 1930). It must therefore point out once again that these provisions are contrary to the Convention and it trusts that measures will be taken without further delay to ensure that the minimum annual holiday prescribed by the Convention may not in any case be replaced by compensation in cash.

U.S.S.R. (ratification: 1956). The Committee notes that, in reply to observations made in 1960 and 1962, the Government indicates in its report that there are very few cases in which holidays are replaced by compensation in cash. However, as the payment of compensation in lieu of holidays is permitted by law on a wide scale under sections 91 and 116 of the Labour Code and under the Regulations of 30 April 1930, the Committee hopes that the Government will take steps in the near future to eliminate this discrepancy between the legislation and the Convention and to ensure that the minimum holiday prescribed by the Convention may in no case be replaced by compensation in cash.

Uruguay (ratification: 1954). The Committee notes with regret that the Government supplies no information on its observation regarding a discrepancy to which attention has been drawn repeatedly since 1957. The Committee is bound, therefore, to refer once more to the discrepancy between section 10 of the Act of 17 December 1945, in virtue of which holidays can be replaced by compensation in cash in certain cases, and the Convention. In this connection the Committee noted that the Act of 23 December 1958, which modifies the 1945 Act, maintains this exemption; it pointed out that, under the terms of the Convention, the prescribed minimum annual holiday must be granted in all cases after one year's service and that the right to the minimum holiday may not be relinquished or forgone in any circumstances.

The Committee hopes that the Government will, without further delay, take the necessary action to eliminate this continued discrepancy between the national legislation and the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Brazil, Bulgaria, Burma, Byelorussia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Finland, Gabon, Greece, Hungary, Iraq, Israel, Italy, Ivory Coast, Kuwait, Morocco, New Zealand, Peru, Senegal, Syrian Arab Republic, Tunisia, Ukraine, United Arab Republic, U.S.S.R., Uruguay, Viet-Nam.*

Convention No. 53: Officers' Competency Certificates, 1936

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Philippines, Syrian Arab Republic.*

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Italy (ratification: 1952). Following its previous requests, the Committee notes with satisfaction Ministerial Circular No. 32/4454 of 13 September 1960, addressed by the Government to the bodies concerned to confirm the implicit repeal, as a result of the ratification of the Convention, of the provisions of section 368 of the Navigation Code establishing in respect of the repatriation of sick or injured seamen a distinction based on nationality, contrary to Article 11 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Liberia, Mexico, Morocco*.

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States: *Belgium, Bulgaria, Yugoslavia*.

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Requests regarding certain points are being addressed directly to the following States: *Sierra Leone, Uruguay*.

Convention No. 59: Minimum Age (Industry) (Revised), 1937

Requests regarding certain points are being addressed directly to the following States: *Cuba, Nigeria, Sierra Leone, Uruguay*.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Requests regarding certain points are being addressed directly to the following States: *Cuba, Uruguay*.

Convention No. 62: Safety Provisions (Building), 1937

Mexico (ratification: 1941). *Federal District*: Articles 11 to 15 of the Convention. The Committee notes that the Government, in its reply to the observation of 1963, expresses its agreement with the interpretation according to which the provisions of the national legislation relating to lifts and hoists (Chapter 42.4 of the Regulations of 1951 on building and urban services in the Federal District) are not applicable to the temporary hoisting machines and tackle covered by the Convention and used in the course of building work. The Government adds, however, that the said Articles of the Convention must, in view of their imperative nature, be considered as automatically in force in Mexico by the mere fact of the ratification of the Convention. The Committee again points out that Articles 11 to 15 of the Convention call for the adoption of special regulations and that for this reason the above-mentioned legislation should provide specifications of the hoisting tackle and accessories used in building operations, particularly in respect of the quality of their material and their strength (Article 11), the frequency of their testing (Article 12) and the ascertainment of their working load (Article 14, paragraph 1).

Article 17. The Committee notes with interest the statement of the Government that an approach has been made to the competent authorities with a view to the

adoption of an amendment to the 1951 Regulations in order to provide for special measures of protection in respect of work carried on in proximity to any place where there is a risk of drowning.

States of the Republic. The Committee notes with regret that the report of the Government, although it recognises again the need to extend the application of the standards of the Convention to all the states of the Republic, only repeats the information that has been given in this connection since 1961, and indicates no progress in the matter. Thus, the great majority of Mexican building workers remain without the benefit of the measures of protection provided for by the Convention.

In these circumstances the Committee again addresses an urgent appeal to the Government to adopt without delay the measures which are essential in order to ensure the full application of the Convention throughout the national territory.¹

Uruguay (ratification: 1954). The Committee notes with regret that, according to the information supplied by the Government in reply to numerous previous observations, the committee responsible for drawing up new legislative provisions intended to give effect to the Convention was dissolved in 1960.

Since no new measure appears to have been adopted in this connection, the Committee can only regret once again the fact that the national legislation is not yet in conformity with the provisions of the Convention. It urges the Government anew to do everything possible to hasten the adoption of laws or regulations giving effect to the following provisions of the Convention: Articles 3 (*a*); 10, paragraph 2; 11, paragraphs 1 and 2; 14, paragraphs 1, 3 and 4; 15, paragraphs 2 and 3.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Bulgaria*.

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Cuba (ratification: 1954). The Committee takes note of Act No. 1021 of 27 April 1962 and of the information given in the report that the Planning Board and Department of Statistics have been instructed to compile the statistics required by the Convention. Recalling its previous observations, the Committee trusts that the Government will now take all possible steps to ensure that information showing the effective application of the Convention shall be contained in its next report.

Czechoslovakia (ratification: 1950). The Committee notes with interest the information supplied by the Government in reply to its requests concerning Article 9, paragraph 2, and Article 10, paragraph 2, of the Convention. With regard to the latter provision, it hopes that the measures announced by the Government will enable the statistics of average earnings to be supplemented in the very near future by separate figures for each sex.

Moreover, the Committee, repeating an observation already made in 1960 and 1962, hopes that measures will be taken to ensure that the statistics of hours actually worked give separate figures for each of the principal industries, as required by Article 5, paragraph 3, of the Convention.

Furthermore, the Committee, while noting that the Government supplies certain statistics of wages regularly to the I.L.O., observes that this does not give full effect to Part III of the Convention, in accordance with which the Government should publish statistics of time rates of wages and of normal hours of work, compiled for a

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

representative selection of the principal mining and manufacturing industries. It hopes that the Government will take the necessary measures in this connection.

Denmark (ratification: 1939). The Committee notes with regret that the last two reports of the Government (1959-61 and 1961-63) contain no information on statistics of hours actually worked (Article 5 of the Convention). The Committee hopes that the Government will not fail to supply to the International Labour Office with the least possible delay the statistics in question, which it had undertaken to compile as from 1 March 1960, following the request addressed to it directly in 1959.

France (ratification: 1951). The Committee notes the information given by the Government concerning the application of Articles 13 and 15 of the Convention.

Mexico (ratification: 1942). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee, having examined the information contained in the report in answer to its observation and direct request of 1960, draws the attention of the Government to the following points:

Part II of the Convention. The Government indicates that plans have been established with a view to compiling accurate statistics of average earnings. Since such statistics would seem to have been published for the last time in 1957 (*Anuario estadístico de México, 1957*), the Committee hopes that the plans announced by the Government will soon be implemented so as to give effect to the provisions of Part II of the Convention.

The Committee hopes in particular that the statistics of average earnings will include workers employed in building and construction as provided for under Article 5, paragraph 1, of the Convention, and that the statistics of hours actually worked will be published for *wage earners employed* in each of the principal industries.

Finally, the Committee is obliged to draw attention again to Article 10, paragraph 2, of the Convention, concerning the publication of separate statistics for both sexes and for adults and juveniles at least once every three years, bearing on average earnings and, as far as possible, hours actually worked.

Part III. The report contains no indication with regard to statistics of time rates of wages and normal hours of work.

Part IV. The report contains no new information concerning statistics of wages and hours of work in agriculture.

In these circumstances, the Committee must again insist that statistics be drawn up and published in the manner provided for in the Convention, which was ratified 20 years ago.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Sweden (ratification: 1939). The Committee notes with interest that the problem of regular statistics concerning the building and construction industries will now be studied in the light of a pilot survey undertaken by the Central Bureau of Statistics. It hopes that, after the completion of this survey, the Government will not fail to adopt the necessary provisions to apply Part II of the Convention in respect of the building and construction industries.

United Arab Republic (ratification: 1940). The Committee notes with interest the report of the Government and the progress achieved in the compiling of statistics of earnings and hours of work. It observes with regret, however, that the index numbers showing the general movement of earnings, provided for by Article 12 of the Convention, have not been compiled, although the Government had indicated that they could be compiled as from 1961. The Committee, referring to the observations and requests previously made in this connection, hopes that the necessary

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

measures for the application of Article 12 of the Convention will be adopted in the near future.

Uruguay (ratification: 1954). The Committee notes with regret the difficulties mentioned in the report for 1961-62 that continue to impede the application of the Convention. It trusts that the Government will spare no effort in adopting without delay the necessary measures to give effect to the Convention, ratified ten years ago, and also that the Government will supply in the next report detailed information on its application.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Ceylon, Chile, Finland, Syrian Arab Republic, Uruguay.*

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Sierra Leone (ratification: 1961). The Committee notes with satisfaction that, following its earlier observations and requests, the Employers and Employed (Amendment) Act of 1962 has implemented a number of provisions of the Convention to which legislative effect was not previously given.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nigeria, Rwanda, Sierra Leone, Uganda.*

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Kenya (ratification: 1964). The Committee notes with satisfaction that, following its previous observations and requests, the Resident Labourers Ordinance, which contained penal sanctions for breach of contract, was repealed from 1 May 1963, and that the penal sanctions in section 48 of the Employment Ordinance have been repealed by the Essential Services Ordinance, 1963.

The Committee also notes with interest that the Labour Advisory Board has approved proposals for further amendments of the Employment Ordinance which would include the repeal of section 51 (providing for penal sanctions in certain circumstances) and that, pending the adoption of the necessary legislation, administrative action has been taken to preclude any further prosecutions.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Ghana, Kenya, Nigeria, Sierra Leone, Tanganyika, Uganda.*

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Cuba (ratification: 1953). The Committee takes note of the information supplied by the Government in its report for 1960-62, which arrived too late to be examined in 1963, and finds that in respect of certain provisions of the Convention further information is desirable.

1. The Committee notes from information supplied by the Government that all amendments in the legislation affecting road transport workers are brought to the attention of such workers by means of the posting of notices in depots and stations.

2. The Committee notes that the Government has not supplied, as requested since 1959, copies of the collective agreements which fix conditions of work in road transport undertakings. While noting that Act No. 1022/62, referred to in the Govern-

ment's report, requires that such agreements should not contain provisions which are less favourable than those which are prescribed by the legislation, the Committee nevertheless considers that examination of some specimen agreements would permit an assessment of the effect given to the detailed provisions of the Convention, and it would be grateful if they would be supplied with the next report.

3. The Committee notes that section XV of Decree No. 2513 of 19 October 1933 lays down the form in which employers should keep registers indicating the hours of work and rest periods of employees and provides for the submission of these registers to labour inspectors for examination, in accordance with Article 18, paragraph 2, of the Convention.

4. The Committee notes that Ministerial Resolution No. 3136 of 9 January 1956, which provided for the keeping of drivers' workbooks, has been repealed by Resolution No. 10 of 20 January 1959 of the National Transport Corporation, the text of which, though stated to be appended to the report, has not been supplied. The Committee would be grateful if the Government would supply the text of this resolution and, as requested by the Committee since 1958, specimen copies of the drivers' workbooks provided for in accordance with Article 18, paragraph 3, of the Convention.

5. The Committee recalls that the Government's report for 1957-58 stated that in practice drivers prefer to accumulate actual working hours up to 192 hours in order to be able to rest for the remainder of the month. The Committee notes, on the other hand, the Government's statement in its report for 1960-62 that no measures have been adopted permitting drivers to accumulate working hours in this way. The Committee would therefore be grateful if the Government would confirm that in fact recourse is not had to Article 6 of the Convention, which permits the calculation of weekly hours as an average provided that the number of weeks over which such average is calculated is determined.

The Committee trusts that the Government will not fail to supply the information and the texts requested with its next report.

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In addition, a request regarding certain other points is being addressed directly to *Uruguay*.

Convention No. 68: Food and Catering (Ships' Crews), 1946

Argentina (ratification: 1956). Further to its previous observations the Committee regrets to note that the Government's report neither contains any new information on the measures taken to give effect to the Convention, nor supplies the text of the collective agreements referred to by a Government representative to the Conference Committee of 1963, as applying its provisions. It notes, moreover, that the State Merchant Navy Service Regulations, communicated by the Government, deal only with state-owned ships and fail in any case to give effect to most of the provisions of the Convention.

The Committee regrets that the Bill to amend the Commercial Code, which the Government mentioned previously, has not yet been adopted, and must urge the Government to make every effort to secure the adoption, at an early date, of all necessary measures to implement the various provisions of the Convention in respect of publicly as well as privately owned ships.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 69: Certification of Ships' Cooks, 1946

Poland (ratification: 1954). Further to its previous requests the Committee takes note with satisfaction of the promulgation of the Ordinance of the Minister of Navigation dated 7 February 1963 respecting the competency of the officers and seamen of the Polish Marine. It notes that this ordinance takes into account the provisions of Article 4, paragraph 2, subparagraph (b), of the Convention concerning the minimum period of service at sea to be prescribed as necessary for the grant of a certificate of qualification as a ship's cook.

Portugal (ratification: 1952). The Committee takes note of the reply of the Government to the request of 1962. It notes with satisfaction that the legislation giving effect to the Convention (Decrees Nos. 23764 of 13 April 1934 and 41643 of 23 May 1958) has been made applicable to the overseas provinces by Order No. 19525 of 27 November 1962.

* * *

In addition, a request regarding certain other points is being addressed directly to *France*.

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: *Argentina, France, Norway*.

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Committee notes with regret that the Government's report does not give any of the information requested since 1958. The Committee trusts that the Government will not fail to supply information, without further delay, in respect of both private vessels subject to the Maritime and River Law and government vessels subject to the State Merchant Marine Regulations, to both of which the provisions of the Convention are applicable.

A request in this connection is once again being addressed directly to the Government.¹

Italy (ratification: 1952). Following its previous observations the Committee takes note with satisfaction of Act No. 1602 of 28 October 1962 and the Ministerial Decree of 8 May 1963, which bring the national legislation into conformity with the provisions of Articles 4 and 5 of the Convention.

Portugal (ratification: 1952). The Committee notes with satisfaction that, pursuant to the direct request made in 1962, the Government has issued Ministerial Order No. 19525 of 27 November 1962 making applicable to all overseas provinces Legislative Decree No. 41643 of 23 May 1958 giving effect to the Convention, and has moreover indicated that, in conformity with Article 4, paragraph 1, of the Convention, the shipowners' or seafarers' organisations concerned had been consulted prior to prescribing the nature of the medical examination and the particulars to be included in the certificate.

Uruguay (ratification: 1954). The Committee notes with regret that the report received in 1963 does not furnish any information with regard to the measures aimed at ensuring the application of the Convention, which had been mentioned in 1956.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee trusts that the Government will not fail to indicate, without delay, the measures which may have been taken with a view to giving effect to the Convention, which was ratified ten years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Sweden.*

Convention No. 74: Certification of Able Seamen, 1946

Portugal (ratification: 1952). The Committee has taken due note of the information supplied by the Government in reply to the direct request of 1962, and, in particular, of the fact that a Legislative Decree will soon be issued to establish, in conformity with Article 2, paragraph 4 (a), of the Convention, the minimum period of service at sea required for applicants for a certificate of qualification at 24 months in the case of persons holding a diploma from the Merchant Navy School for Seamen and Engine-Room Hands.

The Committee hopes that it will be possible to adopt the above legislation in the near future.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands.*

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Argentina (ratification: 1955). While it thanks the Government for the information furnished in its report on Convention No. 78 in reply to certain previous requests (and to which it refers in a new direct request), the Committee notes with regret that the Government has not replied to the requests made in 1960 and 1962 with regard to Article 4 of the Convention (medical examinations required until at least the age of 21 years in occupations which involve high health risks). Inasmuch as the Committee had noted since 1958 that there was no national legislation giving effect to this Article, and that a Government representative had stated at the 43rd Session of the Conference in 1959 that collective agreements applied the Convention in this regard, the Committee trusts that the Government will indicate without further delay the provisions of these collective agreements or any other provisions which may have been adopted to ensure the application of Article 4.

France (ratification: 1951). The Committee notes with interest that, following its direct requests, the Government states that the possibilities of temporary exceptions with respect to application of the Decree of 27 November 1952 (which are provided for in the Decrees of 11 December 1958, 20 May 1959 and 10 July 1959 concerning certain transport undertakings) have not been utilised and could not in any case affect the basic provisions of the above-mentioned Decree of 27 November 1952 concerning medical supervision of young persons, but only the organisation of the medical service. The Committee has also taken note with satisfaction of the regulation issued under Decree No. 60-965 of 10 September 1960 which makes the entire staff of the French National Railways subject to medical supervision.

On the other hand, as regards mining establishments, the Committee notes with regret that, in spite of the observation made in 1960 and 1962, the Government has provided no information regarding the possible adoption of decrees to implement the

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Ordinance of 6 January 1959 concerning occupational medicine in underground mines, surface mines and quarries.

With reference to a remark made by the Government, the Committee considers it desirable to specify that it is concerned with the extension of occupational medicine to the mining industries in so far as this relates to medical examinations to determine the fitness of young persons for employment and the repetition of such examinations, etc., required by the Convention and in view of the fact that the provisions necessary for this purpose in respect of mining establishments were apparently to have been included in the above-mentioned decrees. In the absence of such provisions, the only indication provided by the Government concerning the application of the Convention in these establishments is that young workers are subject to the medical supervision of the organisation responsible for such supervision in the national coal mines. In the circumstances the Committee requests the Government to furnish precise information on the measures in force in this respect and on any measures envisaged to give full effect to the provisions of the Convention in mining establishments, under the terms of Article 1, paragraph 2.

Hungary (ratification: 1956). The Committee notes with regret that the report does not refer to the observation made in 1962. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee takes note with interest of the statement in the report, in reply to the direct request of 1961, that the Government is examining the measures to be taken to bring national legislation into harmony with the provisions of the Convention as regards medical re-examination (Article 3, paragraph 3, of the Convention) and the methods of supervision (Article 7).

The Committee expresses once more the hope that these measures will be adopted at an early date.

Israel (ratification: 1953). Article 4 of the Convention. The Committee notes with interest that during 1962 measures have been taken to ensure medical examination for workers of all ages who are employed in occupations involving high health risks, and that the text of these provisions will be supplied by the Government in due course.

Italy (ratification: 1952). The Committee notes from the report that the Bill intended to ensure the application of the Convention has not yet been enacted. Recalling its previous observations, it trusts once more that the amendments, which relate to basic provisions of the Convention and have been under consideration since 1955, will be adopted in the very near future.¹

Luxembourg (ratification: 1958). The Committee observes with regret that the measures previously announced for the application of the Convention have not yet been adopted. It notes from the last report of the Government that general provisions covering the medical examination for fitness for employment in industry of children and young persons are now contained in the Bill concerning the protection of children and young workers and that regulations are to be issued in pursuance of them. It hopes that the necessary Act and regulations will be adopted in the very near future and that they will contain all the necessary details for the application of the various provisions of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Guatemala, Haiti, Iraq, Philippines, Uruguay.*

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

**Convention No. 78: Medical Examination of Young Persons
(Non-Industrial Occupations), 1946**

Argentina (ratification: 1955). See under Convention No. 77 with regard to medical examinations until at least the age of 21 years in occupations which involve high health risks. Such examinations are also required by Article 4 of Convention No. 78.

France (ratification: 1951). Article 1 of the Convention. The Committee notes with regret that the Government limits itself to pointing out the considerable difficulties in applying the Convention, particularly as regards the supervision which would be required by an extension to domestic servants of the legislation concerning medical protection for workers. The Committee trusts, however, that, notwithstanding these difficulties, the Government will not fail to ensure the application of the Convention in the near future to young persons employed as domestic servants, in accordance with its intention expressed as early as the 1958 session of the Conference.

Furthermore, the Committee notes that, according to the Government, a discrepancy with the requirements of the Convention cannot occur in respect of young persons working on their own account, particularly because registration with the registry of commerce and registry of trades cannot, for all practical purposes, be made before the age of 18. The Committee would be glad if the Government would indicate whether there exists any legislative provision forbidding such registration.¹

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes that no legislative provisions have been adopted to give effect to Article 1, paragraph 1 (application of the Convention to young persons working on their own account or on account of their parents), and to Article 7, paragraph 2 (a), of the Convention (measures of identification of such young workers engaged in itinerant trading or in any other occupation in public places).

The Committee hopes that the necessary measures will be taken in the near future to fill the gaps regarding a Convention ratified ten years ago, on these points.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Hungary (ratification: 1956). See under Convention No. 77.

Israel (ratification: 1953). Article 4 of the Convention: See under Convention No. 77.

Italy (ratification: 1952). See under Convention No. 77.

Luxembourg (ratification: 1958). See under Convention No. 77.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Bulgaria, Cuba, France, Guatemala, Haiti, Hungary, Iraq, Luxembourg, Uruguay.*

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Argentina (ratification: 1955). The Committee regrets to note that the report contains no new information in reply to the observations which it has made since 1958.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

As the Government had promised in the Conference Committee in 1960 that draft legislation would be adopted with a view to bringing national legislation into conformity with the Convention, the Committee can only point out once again that section 6 of the Employment of Women and Young Persons Act (No. 11317) of 30 September 1924 fixes the period of night rest for young persons under the age of 18 years at only ten hours in summer and 11 hours in winter, whereas the Convention requires the prohibition of night work to cover a period of at least 14 consecutive hours in the case of children under 14 years of age (Article 2) and at least 12 consecutive hours in the case of children between 14 and 18 years of age (Article 3). The Committee strongly urges that this legislation be amended without further delay to give full effect to the provisions of the Convention.

The Committee also notes with regret that the Government has not yet indicated what arrangements have been made for the granting of individual licences in the case of the employment in public entertainment at night of young persons under 18 years of age. The Committee trusts that in preparing the draft legislation which is to ensure conformity with the provisions of the Convention, provision will also be made for the establishment of a system of licences in such cases, as required by Article 5 of the Convention.

Bulgaria (ratification: 1949). Further to its previous observations, the Committee notes with regret that no progress has been made in amending section 5 of the Ordinance of 5 March 1959 under which young persons may start work in summer at 5 a.m. while under Article 3, paragraph 1, of the Convention they may, in no case, start work before 6 a.m. The Committee reiterates the hope that the Government will find it possible to bring the above ordinance into full conformity with the Convention at an early date.

Dominican Republic (ratification: 1953). Further to its previous observations and requests the Committee takes due note of the Government's formal promise to give full effect to the Convention. The Committee recalls in this connection that it has already drawn attention to the following discrepancy between the legislation and the Convention.

In virtue of section 224 of the Labour Code, as amended by section 2 of the Act No. 5475 dated 20 January 1961, the prohibition of night work for young persons applies only 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.

The Committee trusts that the legislation will be brought into full conformity with Article 3, paragraph 1, of the Convention in the very near future.

Israel (ratification: 1953). The Committee notes with satisfaction that, by virtue of the Youth Labour (Amendment) Law of 1963, the extension of work of young persons up to 11 o'clock at night "in respect of non-industrial occupations within the meaning of the Convention" is made subject to the requirements laid down in Article 3, paragraph 2, of the Convention.

The Committee wishes to point out however that the newly introduced subsection (e) of section 25 of the above Law authorises the Minister of Labour to permit young persons to be employed until midnight "where work is done in shifts and special conditions justify such employment". As the Convention does not provide for such exceptions, the Committee hopes that the legislation will again be suitably amended, in respect of non-industrial occupations.

Italy (ratification: 1952). The Committee notes with interest from the report that Act No. 1325 of 29 November 1961 has introduced a prohibition of night work for children between 13 and 15 years of age engaged in non-industrial occupations.

However, according to the report, the legislation still does not prohibit night work in non-industrial occupations for young persons between 15 and 18 years of age, whereas under the Convention such persons shall not be employed at night.

Further, section 2 of the above Act defines "night" as a period of 12 hours in the case of children under 14 years of age and as a period of only eight hours in the case of children between 14 and 15 years of age, whereas under Article 2, paragraph 1, and Article 3, paragraph 1, of the Convention the period of night rest in such cases shall be respectively of at least 14 and 12 consecutive hours.

In these circumstances the Committee reiterates the hope that a Bill to amend Act No. 653 of 26 April 1934, which has been under consideration since 1955, will be enacted without further delay so as to eliminate the serious divergences which continue to exist between the legislation and the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Byelorussia, Cuba, Dominican Republic, Guatemala, Israel, Luxembourg, Ukraine, U.S.S.R., Uruguay.*

Convention No. 81: Labour Inspection, 1947

Argentina (ratification: 1955). The Committee notes the information supplied to the Conference Committee in 1962 in reply to its observation and the report on the work of the inspection service during the period 1961-63. However, as the report does not contain additional information on the points raised by the Committee, the Government's attention is drawn to the following points:

Article 7 of the Convention. The Committee notes with interest that texts Nos. 139 of 1945 and 95 of 1947 deal with the training of inspectors, at least for the federal capital. It would be grateful if the Government would indicate in its next report whether these texts are also in force in the provinces and if it would supply information on their practical application.

Article 12. The Committee notes the provisions of Acts Nos. 8999 of 1912 and 11544 and 11570 of 1929 giving inspectors the right to enter at all times premises subject to inspection (paragraph 1 (a) and (b)). The Committee notes, however, that there is no provision conferring upon inspectors the powers provided for by paragraphs 1 (c) (i), (ii) and (iv) and 2 of this Article (examinations, supervision, inquiries, etc.). It must therefore urge the Government once again to take measures in order to give effect to these fundamental provisions of the Convention.

Article 13. The Committee requests the Government to indicate the measures adopted or envisaged to give effect to this Article of the Convention.

Article 14. The Committee notes that, according to Act No. 9688 of 1915 respecting industrial accidents and occupational diseases (section 25), the decrees of 1918 made under the Act and Decree No. 1005/49 (section 2), employers are required to declare industrial accidents to the Secretary of Labour and Social Security. The Committee requests the Government to indicate whether there are provisions establishing the same requirement in respect of occupational diseases.

Articles 20 and 21. The Committee notes the documents appended to the Government's report concerning the activities of the labour inspectorate during the years 1961-62 and 1963. It notes that these documents do not contain any information regarding—

the staff of the labour inspection service (Article 21 (b));

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

the number of undertakings liable to inspection and the number of workers employed therein (subparagraph (c));

the number of industrial accidents and occupational diseases (subparagraphs (f) and (g)).

The Committee recalls, moreover, that the information required under Article 21 of the Convention must be included in the annual general report on the activities of the Labour Inspectorate which, according to Article 20 of the Convention, must be published and communicated to the International Labour Office within three months of its publication. Steps should be taken by the Government to ensure the publication of such a report in future and its transmission to the Office within the required time limits.

In addition, the Committee notes with regret that the Government has not replied to its observation concerning the application of the Convention in the provinces. It therefore requests the Government once again—

- (a) to re-examine the situation as a whole;
- (b) to ensure that the necessary measures are adopted to give full effect throughout the territory to this important Convention, which was ratified nine years ago;
- (c) to communicate full and detailed information in its next report on the progress made regarding the various provisions of the Convention.¹

Austria (ratification: 1949). The Committee takes note of the Government's reply to its observation of 1962. It notes that the difference of views continues between the Austrian Federation of Trade Unions and the Congress of Chambers of Labour, on the one hand, and the Mines Administration on the other, in respect of the authority that should be responsible for labour inspection in mines. Since the Government states that it is agreed on the need for collaboration between the various inspection services (Article 5 (a) of the Convention), the Committee hopes that the efforts intended to make such collaboration effective will contribute to the efficiency of inspection activities in mines.

Moreover, the Committee would be grateful if the Government would indicate in its next report the strength of the mines staff responsible for carrying out the functions of labour inspection, since this information does not appear in the general report on mines for 1962.

Belgium (ratification: 1957). The Committee notes that the Government has given no information on the progress achieved towards the adoption of the Bill respecting labour inspection which was to give effect to the essential provisions of the Convention and in particular to sections 12, 13 and 15. Since this Bill had already been submitted to Parliament for examination in 1962, the Committee trusts that it can be adopted in the near future.

Brazil (ratification: 1957). The Committee takes note with interest of the Government's reply to its request of 1962. This reply states that a draft decree intended to amend the legislation in force so as to take into consideration the detailed observations of the Committee is at present being prepared. It hopes that this decree will be issued in the near future, that it will give full effect to all the provisions of the Convention and that the next report of the Government will contain a copy of the text.

The Committee also notes that, despite the assurances of the Government, no report on the activities of the labour inspection services has so far been received by the International Labour Office. The Committee trusts that the Government will in

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

future be able to transmit regularly to the I.L.O. the annual reports on the labour inspection services containing all the information required under Article 21 of the Convention.

Cuba (ratification: 1954). The Committee takes note of the Government's report for the period 1960-62, which arrived too late for examination in 1963. It notes that this report gives only a very incomplete reply to the questions raised by the Committee for several years, and in particular that no regulations have been made under Act No. 1021 of 27 April 1962 to organise the Ministry of Labour (which replaces Act No. 907 of 1960) to establish the status, powers and duties of labour inspectors (Articles 6, 12 and 15 of the Convention). In fact, the very general provisions of Act No. 1021 appear insufficient to give effect to the Convention, which was ratified by Cuba ten years ago. The Committee therefore expresses the firm hope that the necessary legislative and administrative measures will be adopted in the near future and that the central inspection authority will not delay in publishing the annual general report on the work of the inspection services, in conformity with Articles 20 and 21 of the Convention.

The Committee, moreover, draws the attention of the Government to the following provisions, to which effect has not yet been given and which should be taken into account in the regulations referred to above.

Article 3, paragraph 1 (*b*) and (*c*) and paragraph 2, of the Convention. There is no provision laying down that the inspectors shall supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions and that they shall bring to the notice of the competent authority defects or abuses not covered by existing legal provisions. Furthermore, the Government's reports do not indicate what further functions may be entrusted, should the need arise, to labour inspectors.

Articles 6 and 7. The third general provision of Act No. 1021 states that the Minister of Labour may freely appoint the whole staff of the Ministry with the exception of the under-secretaries. It does not seem that this can be reconciled with the provisions of these Articles of the Convention, which lay down that the status of the labour inspection staff shall guarantee "stability of employment" and make this staff independent "of changes of government and of improper external influences" (Article 6) and that the recruitment of inspectors shall be carried out "with sole regard to their qualifications for the performance of their duties" (Article 7). The Government is requested to indicate the measures adopted or contemplated to give full effect to these Articles of the Convention.

Article 12. There is no provision laying down that the inspectors shall have the powers provided for by the various paragraphs of this Article. The Government is therefore requested to indicate, in detail for each subparagraph, the measures contemplated to give effect to each of the provisions of this Article.

Article 14. The Government's report indicates that Act No. 1010 of 15 February 1962 gives effect to this Article. The Act in question, however, contains no provision making it compulsory for the employer to notify employment injuries and occupational diseases to the labour inspectorate. A provision to this effect should be included in the regulations of the labour inspectorate.

Article 15. The Committee draws the attention of the Government to the need to provide in the above-mentioned regulations that the inspectors: (*a*) shall be prohibited from having any interest whatever in the undertakings under their supervision; (*b*) shall be bound on pain of penalties not to reveal, even after leaving the

service, any manufacturing or working secrets which may come to their knowledge in the course of their duties; (c) shall treat as absolutely confidential the source of any complaint and shall give no intimation to the employer that a visit of inspection was made in consequence of the receipt of such a complaint.¹

Dominican Republic (ratification: 1953). The Government, in reply to the observation of 1962, merely indicates that a draft dealing with the organisation of the labour inspectorate is in course of preparation with the technical assistance of the I.L.O.

In these circumstances the Committee can only express the hope that this assistance will place the Government in a position to give effect to the various provisions of the Convention (including Article 13, paragraph 2, in connection with which draft regulations on industrial safety and hygiene were announced by the Government several years ago). Furthermore, the Committee recalls that the most recent copy supplied of the report published by the Secretariat of State for Labour covers the year 1958 and contains only part of the information required by Article 21 of the Convention. The Committee hopes that it will be possible to publish an annual report on the activities of the labour inspection services in future and to transmit it to the Office within the periods provided by Article 20 and that it will contain all the information required by Article 21 of the Convention.

Greece (ratification: 1955). The Committee takes note of the reply to its observation of 1963 made by the Government to the Conference in 1963. It notes that, when laws or regulations prescribe the keeping of registers by the employer, these registers must be produced to the labour inspector (Article 12, paragraph 1 (c) (ii), of the Convention) and that the inspector may, moreover, enforce the posting of notices concerning hygiene and safety and the prevention of accidents and occupational diseases (Article 12, paragraph 1 (c) (iii)).

The Committee must, on the other hand, again draw the attention of the Government to the following points:

Article 12, paragraph 1 (c) (i). The Government states that the application of this provision is ensured in practice. However, neither section 7, paragraphs 2, 3, 4 and 5, of Decree No. 2954 of 1954, which establishes the powers of inspectors, nor Decree No. 868 of 1960, which establishes, *inter alia*, the duties of the "External Services" (sections 26, 27 and 28), empowers the inspectors to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions.

Article 12, paragraph 1 (c) (iv). Furthermore, the texts referred to in the preceding paragraph do not empower the inspector to take for purposes of analysis samples of materials and substances used in the undertaking.

Article 13. The Government refers to section 151 of the Decree of 14 March 1934 on the hygiene and safety of workers, which prescribes that "the labour inspectors may recommend other protective measures to undertakings in addition to the measures prescribed by this decree and may require undertakings to adopt these measures if they are requisite for the safety of the employees". It also refers to section 39 of the Decree of 17 February 1956, which prescribes that, in respect of building workers, the inspector may enforce the interruption of work when the safety of the worker is in danger. These provisions, however, give only partial effect to the present Article of the Convention, which prescribes, *inter alia*, that labour inspectors shall be empowered to make orders requiring alterations to be carried out within a specified

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

time limit to secure compliance with the legal provisions relating to the health or safety of the workers (paragraph 2 (a)), and measures with immediate executory force in the event of imminent danger to the health or safety of the workers (paragraph 2 (b)).

Articles 20 and 21. The Committee regrets to note once more that, despite the assurances of the Government, no annual general report on the work of the inspectorate has so far been published. It therefore asks the Government to adopt the necessary measures to ensure that such a report is published within the 12 months following the year to which it relates and transmitted to the I.L.O. within three months of publication, and that it contains all the information required by Article 21 of the Convention.

The Committee trusts that the Government will not fail to adopt the necessary measures to bring national legislation and practice into conformity with the above-mentioned provisions of the Convention.

Guatemala (ratification: 1952). The Committee notes with regret that the Government's report for 1961-63 has not been supplied. It had noted from a statement made by a Government representative to the Conference Committee in 1962 that, on the one hand, effect was given in practice to Article 14 of the Convention, and that, on the other hand, the annual reports of the Ministry of Labour and Social Welfare are published regularly and would be transmitted to the International Labour Office. As such a report has, however, not been received to date, the Committee is obliged to repeat its observation of 1962, which was in the following terms:

Article 12, paragraph 1 (c) (i) and (ii), of the Convention. It would not appear that the new Code empowers inspectors (1) to interrogate alone or in the presence of witnesses the employer or the staff of the undertaking; (2) to copy or make extracts from the books or registers consulted during the inspection visit.

Article 14. There is no provision making it compulsory to notify the labour inspectorate of cases of occupational disease, as called for in the various observations made since 1957.

Articles 20 and 21. The Government has not as yet taken any action to ensure the publication of an annual general report on the activities of the inspection services and containing the information required under Article 21 of the Convention.

The Committee urges the Government to take the necessary measures to give full effect to the above provisions of the Convention.

Haiti (ratification: 1952). The Committee regrets to note once again that no steps have been taken to give effect to Article 14 of the Convention, which lays down that the labour inspectorate shall be notified of industrial accidents and cases of occupational disease. The Committee recalls that it has raised this point repeatedly since 1957 and trusts that the Government will take the necessary steps in this connection in the near future, within the framework of the new Labour Code or by other appropriate means.¹

India (ratification: 1949). The Committee notes with interest that the *Indian Labour Yearbook* for 1961 was communicated to the International Labour Office in 1963 and that it contained all the information called for by Article 21 of the Convention.

Israel (ratification: 1955). Following its previous comments, the Committee notes with interest that the report on the activities of the labour inspection services for 1961-62 is in process of publication. Since similar information was given by the

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Government in 1962 and since the Convention was ratified nearly ten years ago, the Committee trusts that publication will be made in the very near future and that the report will deal with all the matters mentioned in Article 21 of the Convention.

Nigeria (ratification: 1960). The Committee notes that the revision of the Labour Code Act has not yet been completed. Since, according to the Government, the revised Act will ensure conformity with Articles 12, paragraph 1 (c) (iv), and 15 of the Convention, the Committee hopes that this revision will be completed in the near future.

Pakistan (ratification: 1953). The Committee takes note of the information provided in reply to the observation and direct request made in 1963. It regrets to note that the Mines Act, 1923, and the Factories Act, 1934, have not yet been amended to give effect to Articles 12, 14 and 15 of the Convention. It also notes, however, that the provincial governments have been asked to take steps as soon as possible to bring these Acts into conformity with the Convention. It trusts that the competent authorities will take all possible steps finally to give full effect to these essential provisions of the Convention.

The Committee also takes note of the reports on factory administration (1960) and on the application of the Shops and Establishments Act (1960 and 1961) submitted by the government of East Pakistan. No other general annual report on the work of the labour inspection service with regard to application of the various Acts for which it is responsible, in each province, has yet been communicated to the International Labour Office in conformity with Articles 20 and 21 of the Convention. The Committee trusts that the reports on labour inspection in the provinces will henceforth be published and submitted within the time limit laid down by the Convention.

Panama (ratification: 1958). The Committee takes note of the reply of the Government to its direct request of 1961.

Article 6 of the Convention. The Government states that all inspectors in office on 1 January 1961 have been dismissed and that all those now in office were appointed recently and that, moreover, by a recent decision the post of Inspector General of Labour does not belong to the professional administrative service. The report adds that the current government programme is aimed at integrating the inspection staff with the public service.

Since, under the Convention, the inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government, the Committee trusts that the Government will adopt the necessary measures as soon as possible to ensure to the inspection staff the conditions of employment provided for by this Article of the Convention.

Articles 20 and 21. The Committee notes that no annual report on the work of the labour inspection services appears to have been published to date. It hopes that the Government will take steps so that a general report on the work of the inspection services may in future be published every year and transmitted to the Office within the periods laid down in Article 20 and that it will contain all the information required by subparagraphs (a) to (g) of Article 21.

Sierra Leone (ratification: 1961). In reply to previous direct requests the Government states that it has noted the Committee's comments and that appropriate action will be taken as soon as possible. The Committee therefore recalls the points it has raised for a number of years :

Article 12, paragraph 1, of the Convention. According to the annual report of the Labour Department for 1961 (paragraph 54) the inspections mentioned do not

include investigations conducted under the Registration of Employees Act, but relate only to supervision of wages. In these circumstances the Committee would be glad to know if labour inspectors are generally empowered to carry out inspections in accordance with all the provisions of the labour legislation. If so, what are the provisions which confer those powers? If the powers of inspectors relate only to application of part of the labour legislation, are there inspectors responsible for the application of the Employers and Employed Act and the Registration of Employees Act? If so, what provisions lay down their functions and powers?

Article 12, paragraph 2. No provisions have yet been adopted expressly to give effect to this paragraph, which, according to the Government's statement, is already applied in practice.

Article 15 (c). Except for the Machinery (Safe Working and Inspection) (Amendment) Act of 1960 there are as yet no measures which give effect to this provision.

Article 21. The Committee has taken note of the Annual Report of the Labour Department for 1961. It notes—

- (1) that the statistics of workplaces liable to inspection and the number of workers employed therein (subparagraph (c)) cover only undertakings in which at least six workers are employed;
- (2) that the statistics of inspection visits (subparagraph (d)) relate only to inspection of wages;
- (3) that the report contains no statistics of violations and penalties imposed (subparagraph (e)).

The Committee expresses the hope that the next annual report of the Labour Department will contain all the information required under Article 21 of the Convention and that steps will soon be taken to give full effect to Articles 12 and 15 of the Convention.

Turkey (ratification: 1951). Articles 20 and 21 of the Convention. Following its observation of 1962, the Committee notes with satisfaction that the Government has adopted measures to publish the overdue annual reports of the labour inspectorate and to ensure the publication of these reports in future within the required period. It also notes that future reports will contain the statistics of violations and of penalties imposed, as required under Article 21 (e).

United Arab Republic (ratification: 1956). The Committee notes with regret that the report for 1961-63 does not reply to the points raised in its previous requests and observation. Consequently, it can only request the Government once again to supply information on the following points:

Article 3, paragraph 2, of the Convention. Apart from the functions listed in paragraph 1 of this Article, are the labour inspectors entrusted with any further functions?

Article 6. The Government is requested to supply copies of the instruments relating to the status of public officials (in particular, Act No. 210 of 1951), and the status and conditions of service of the labour inspection staff.

Article 12, paragraph 1 (a). As section 212 of the Labour Code does not appear in itself to empower labour inspectors to make inspection visits outside the working hours of the establishments to be inspected, the Government is requested to indicate whether the orders provided for by section 212 (4) of the Labour Code to ensure "the effective inspection of work by night and outside working hours" have been issued and, if so, to supply copies of the relevant texts.

Article 12, paragraph 1 (c) (i) and (iv). The Government is requested to indicate the measures adopted or envisaged expressly to empower inspectors "to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking" and to "take . . . samples of materials or substances . . .".

Article 12, paragraph 2. The Government is requested to indicate the provisions entitling the inspector to refrain from notifying the employer of his presence if he considers that such notification may be prejudicial to the effectiveness of the inspection.

Article 15 (a) and (c). There is no provision prohibiting inspectors from having any interest in the undertakings under their supervision (subparagraph (a)), and requiring inspectors to treat as confidential the source of any complaint and to abstain from giving any intimation to the employer that a visit of inspection was made in consequence of a complaint (subparagraph (c)). The Government is requested to indicate the measures envisaged to give effect to these provisions of the Convention.

Article 17. The Government is requested to indicate the measures which give effect to this Article of the Convention.

Articles 20 and 21. The Committee notes with regret that, in spite of the numerous requests on this point, no annual general report on the work of the inspection services has been published to date. Consequently, the Committee requests the Government to take the necessary steps to ensure that such a report is published and transmitted to the International Labour Office within the time limit laid down by Article 20, and that it contains all the information required by subparagraphs (a) to (g) of Article 21 of the Convention.

In view of the importance of this Convention the Committee must insist upon the Government's taking account of the above-mentioned points.¹

United Kingdom (ratification: 1949). The Committee notes with interest from the Government's report that the adoption of the Offices, Shops and Railway Premises Act of 31 July 1963, which is to come into force in the summer of 1964, will enable the Government to examine the possibility of accepting Part II of the Convention, which concerns labour inspection in commerce.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Bulgaria, Ceylon, Costa Rica, Cuba, Cyprus, Dominican Republic, Ghana, Guinea, Haiti, Iraq, Italy, Jamaica, Kenya, Luxembourg, Morocco, Nigeria, Pakistan, Panama, Peru, Spain, Syrian Arab Republic, Tanganyika, Tunisia, Turkey, Uganda, Yugoslavia*.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to *Somalia*.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to *Congo (Leopoldville)*.

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

A request regarding certain points is being addressed directly to *Uganda*.

¹ The Government is asked to report in detail for the period 1963-64.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948*General Observations*

Mr. Gubinski, member of the Committee, stated that he could not subscribe to the observations of the Committee as regards the application of the Freedom of Association Conventions in the socialist countries. He expressed his 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 his view this transfer distorts the aspects of social reality and may lead to erroneous conclusions. Mr. Gubinski feels 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 once again in this connection, as it had done in 1962 and 1963, 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.

* * *

Burma (ratification: 1955). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 to the effect that the Government now intends to revise the entire social legislation with a view to improving the conditions of the workers, that the Trade Unions Act is also to be revised and that during the revision the Government will take into consideration the observations made by the Committee of Experts. The Committee observes that the report supplied subsequently contains no further information on the matter. In these circumstances the Committee is obliged to repeat the observations made in 1962 and 1963 in the following terms:

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 adopt without further delay the necessary measures to bring its legislation into conformity with the provisions of the Convention.

Byelorussia (ratification: 1956). The Committee notes that the Government states in its report that it has taken into consideration paragraph 26 of the report of the Conference Committee on the Application of Conventions and Recommendations, which had accepted a proposal not to renew the discussion and not to request additional information on the application of this Convention, in June 1963. The Government also affirms that the legislation and practice in force in Byelorussia fully meet the provisions of the Convention.

In the absence of new elements, the Committee can only refer to the conclusions reached by it in previous years, namely that various legislative provisions that it listed in 1963 are or are liable to be contrary to the rights and guarantees laid down in the Convention. As it indicated in 1963, 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 again requests the Government to keep it informed of any development in this connection.

The Committee also requests the Government to furnish in its next report the information which has been requested since 1959 and which is again asked for in a direct request.¹

Cameroon (ratification: 1960). The Committee takes note with interest of the information supplied in the report of the Government in response to the direct request of 1963 concerning Ordinance No. 62/OF/24 of 31 March 1962, which provides that persons who have ceased to exercise their trade cannot carry out management functions in trade unions representing this trade.

It appears from this information that the ordinance in question has not in practice had the effect of prohibiting persons who do not exercise the trade represented by a trade union from holding managerial office in this trade union. The Committee takes note of the statement of the Government that on the one hand the ordinance is intended merely to keep from such office the "professionals of trade unionism", who are not remunerated by their own trade union and who "ensure their livelihood by drawing an illegal remuneration for the activities that they claim to be exercising on behalf of the workers", and that on the other hand the trade unions are admittedly directed or represented by workers engaged by them under contract who do not necessarily belong to the trade represented by these unions.

The Committee notes with interest that in practice the text enacted does not appear to have had the effect of prohibiting persons who do not follow a certain trade from carrying out management functions in a union representing this trade.

The Committee nevertheless observes that in its present wording Ordinance No. 62/OF/24 could be interpreted as prohibiting members of the trade unions which are referred to by section 9 of the Labour Code (persons who have ceased to exercise their trade after a period of at least one year) from being appointed to

¹ The Government is requested to supply a report for the period ending 30 June 1964.

management functions in a trade union and from acting as representatives of a trade union in the councils, tribunals and other bodies established under the Code.

Since the very statements of the Government itself show that this is neither the purpose of the ordinance nor the manner in which it is, in fact, applied, the Committee hopes that the Government will have no difficulty in amending its legislation so as to eliminate the existing discrepancy between its terms and the standards of the Convention, which in Article 3, paragraph 1, provides that workers' and employers' organisations shall have the right both "to elect their representatives in full freedom" and to organise their activities freely. The Committee would be grateful if the Government would keep it informed of any measures that may be adopted to this effect.

Central African Republic (ratification: 1960). The Committee notes with interest the information given by the Government to the Conference Committee in 1963; it notes in particular that the revision of certain sections of the Labour Code is at present under examination with a view to ensuring the application of the provisions of the Convention.

1. In connection with the discrepancy existing between paragraph 1 of section 10 of the Labour Code, which lays down that the officers of a trade union "shall have belonged to the occupation for five years", and Article 3, paragraph 1, of the Convention, according to which trade unions should be able "to elect their representatives in full freedom", the Committee notes that it will be for the National Assembly, to which the Bill to amend the Labour Code will soon be presented, to decide the amendment of section 10, and that the Minister of Labour and Social Welfare is in favour of the rectification requested by the I.L.O. The Committee hopes that the amendment in question will be approved in the near future and asks the Government to keep it informed of any measure adopted in this connection.

2. The Committee notes the Government's statement that sufficient attention had not been given to the wording of the last phrase of section 22 of the Labour Code. The Committee trusts that, when the Labour Code is being amended, section 22 will be modified so that the trade unions may appoint their representatives in full freedom, in accordance with Article 3, paragraph 1, of the Convention.

3. The Committee's attention had been drawn to Act No. 60/170 of 12 December 1960, whereby the President of the Republic, acting by decree of the Council of Ministers, may "dissolve any... trade union... whose activities are gravely disturbing to public order" and to the fact that in application of this Act Decree No. 60/011 of 10 January 1961 had ordered the dissolution of a trade union. The Committee pointed out that such measures were 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" and that while Article 8 of the Convention stated 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 notes that the Government states in its reply that there has in fact been a procedural error, since it should have been the judicial and not the government authority that pronounced the dissolution of the trade union in question. The Committee trusts that the Government, in order to avoid the occurrence of any other error in a question of such vital importance for trade unions, will repeal or amend, in so far as trade unions are concerned, Act No. 60/170 of 12 December 1960. The Committee asks the Government to indicate the measures it intends to adopt to this effect.

Cuba (ratification: 1952). The Committee notes the information supplied by the Government to the Conference Committee in 1963 in reply to the observation made by the Committee of Experts in 1963.

1. The Committee notes with interest that members of sugar-cane co-operatives have acquired the right of association on the conversion of the former sugar-cane co-operatives into sugar-cane farms and that consideration is being given to the provisions of section 17 of Act No. 962 of 1961 which still exclude certain categories of workers from the Act on trade unions. The Committee hopes that the Government will not fail to take the necessary measures to grant to all workers who are still excluded under section 17 of this Act the right to establish and to join trade unions, in accordance with Article 2 of the Convention, which recognises the right to organise of workers and employers, without distinction whatsoever.

2. The Committee notes the statement of the Government, according to which the Royal Decree of 1888 is not a specific law for employers' organisations. Noting, however, at the same time that it appears to be the only legislative text in force that regulates, in respect of employers, the right of association provided for in section 37, paragraph 1, of the Fundamental Law, the Committee can only urge that the provisions of section 12 of the Royal Decree of 1888, under which the governing authority may at any time enter the headquarters of an association and the premises in which it holds its meetings, could seriously affect the right of associations to organise their administration and their activities in freedom (Article 3 of the Convention).

3. The Committee noted in 1962 that section 1 of Act No. 962 provides that workers "have the right to establish trade union organisations without previous authorisations". However, Title III of Chapter II (sections 34 to 37) provides that trade unions must be registered with one of the Ministry of Labour directorates, and 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 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 trade unions, 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.

A Government representative stated in 1962 that sections 34 to 37 did not imply any prior authorisation, that registration was a mere formality and that up to that time the registration of a trade union had not been denied. In 1963 the Government stated that sections 34 to 37 supplemented the constitutional provision contained in section 69 of the Fundamental Law, which provides that "registration shall establish the legal personality of trade unions" and that the power of the Minister of Labour to accept or refuse the registration of an organisation is intended only to ensure that the aims and activities of trade union organisations shall conform with existing legal provisions.

The Committee would be grateful if the Government would indicate the exact reasons for which the registration of a trade union could be denied, or in other words, whether registration can be denied only for defects of form that it is always possible to rectify.

4. The Committee had also noted 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 in 1962 that this provision of the Act was intended to avoid multiplicity of unions and the existence of parallel unions in an enterprise, which was a cause of weakness. The Committee considered 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, the majority position being ascertained in accordance with objective criteria. Nevertheless, this did 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.

The Committee is surprised that the Government should indicate that it considers the recognition of certain special rights to specific unions to be unacceptable to the Cuban workers since it would mean a form of discrimination inadmissible in the country. In fact, article 3, paragraph 5, of the Constitution of the International Labour Organisation sanctions the concept of "organisations . . . which are most representative", and the Committee on Freedom of Association has stated that "the mere fact that the law of a country draws a distinction between the most representative trade union organisations and other trade union organisations is not in itself a matter for criticism". The Committee cannot therefore consider that the granting, with appropriate guarantees, of certain rights to majority unions (as regards representation for such purposes as collective bargaining or consultation by governments or for the purpose of nominating delegates to international bodies) constitutes in any way a discriminatory practice. For this reason it must maintain the observation made before, which was directed against the prohibition at present imposed on the workers of a specific basic labour unit of work from joining a trade union that is not the only trade union branch in each unit under consideration.

5. The Committee must also maintain the following observations made in 1962 and 1963, since 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 compatible 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. The Committee had also noted 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 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

Government indicates that the Cuban workers have not chosen to establish other organisations than those indicated in section 11 of the Act, that is, one union branch in each basic labour unit, only one national trade union in each branch of administration or labour and a single central trade union organisation in the country. The Committee observes that, although without provisions such as those of section 11 the workers would be able to establish a single union branch, only one national trade union in each branch of labour and a single central organisation in the country, the existence of such provisions does seem, on the contrary, to prevent the workers from being able to establish more than one trade union organisation in each of the sectors mentioned, if they should wish to do so, in accordance with Articles 2 and 6 of the Convention. In these circumstances the Committee must repeat its observation on the matter.

8. The Committee pointed out to the Government in 1962 and 1963, in a direct request, that section 23 of the Act, which provides for the compulsory adhesion of primary trade unions to the national industrial union, the sole representative of the industry or occupation concerned by virtue of section 11, does not permit trade unions to draw up or amend their constitutions in freedom, since primary trade unions must necessarily conform to the constitutions of the higher organisation and must do so by virtue of legislative provisions. The Committee, while it notes the information supplied by the Government, according to which the fundamental freedom of Cuban trade unions is a practical reality embodied in the law and that the *de facto* and *de jure* situation corresponds with the Convention, is obliged to observe that such a provision is contrary to Article 3 of the Convention, which grants trade unions the right to draw up their constitutions and rules in freedom.

The Committee hopes 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 harmony with the Convention.

Dahomey (ratification: 1960). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee has 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 hopes that the Government will make every effort to take the necessary action without further delay on all the points mentioned above.¹

Dominican Republic (ratification : 1956). The Committee thanks the Government for the information supplied in response to the direct requests of 1961 and 1963. It regrets, however, to note that the report does not refer to the observation made in 1961 and repeated in 1963. The Committee is bound therefore to repeat this observation, which was worded 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.

The Committee hopes that the Government will adopt all necessary measures to bring its legislation into conformity with the provisions of the Convention.

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

... 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 that the Government will make every effort to take the necessary action without further delay to bring its legislation on these points into harmony with the Convention.

Honduras (ratification: 1956). The Committee has taken note with interest of the statement made by a Government representative to the Conference Committee in 1963 to the effect that the Ministry of Labour intends to draft a text in conformity with the provisions of the Convention which will be incorporated in a law amending the Labour Code with respect to trade unions. The Committee has also noted that the draft of the above-mentioned law will be submitted to it in due course. Nevertheless, the Committee regrets that it has not since received a report from the Government

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

containing further information on this question. In the circumstances the Committee is obliged to repeat the observations made in previous years, which were as follows:

1. The Committee pointed out in 1959 that 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 trusts that the Government will take all necessary steps to speed up the revision of the above-mentioned provisions of the Labour Code and bring them into harmony with the provisions of the Convention. It trusts furthermore that the Government will be good enough to furnish the information for which it is again asking in a direct request.

Hungary (ratification: 1957). The Committee has taken note of the discussion in the Conference Committee in 1963 concerning the application of the Conventions on freedom of association in Hungary. It has also taken note of the information provided by the Government in its report.

The Committee has studied this information very carefully and considers that it contains no new elements which could alter the conclusions reached in previous

years, namely that the legislation in force in Hungary includes provisions which are contrary to, or which may be contrary to, the rights and guarantees laid down in the Convention. In this connection, the Committee made a number of comments and observations relating in particular to Legislative Decree No. 18 of 1955, various provisions of the Labour Code and Decree No. 53 of 28 November 1953. In consequence the Committee can only refer to those comments and observations and express the hope that the Government will take all necessary steps to bring its legislation into harmony with the Convention.

The Committee is prepared to make a more careful examination of these matters when the legislation has been amended or when new information has been provided. In the meantime, the Committee requests the Government to keep it informed of any new facts and to furnish the information still outstanding, which was asked for by the Committee in a direct request.¹

Pakistan (ratification: 1951). The Committee thanks the Government for the information supplied in response to the observation and direct request made in 1963. The Committee notes the bare information furnished by a Government representative to the Conference Committee in 1963 to the effect that "the question of the application of Convention No. 87 was still under consideration by the Government, but that a decision on the matter was expected shortly" and observes that in the report received subsequently the Government confines itself to stating its regret that it is not yet possible to amend the Notification of 30 August 1948, but it nevertheless hopes that the necessary amendment will soon be adopted to bring its provisions into conformity with those of Articles 2 and 5 of the Convention. The Committee, in fact, had observed that the provisions were still in force under which different organisations must be set up for each category of civil servants and had stated on various occasions that these provisions were incompatible with Article 2 of the Convention, which provides that workers "without distinction whatsoever shall have the right to establish and to join organisations of their own choosing".

The Committee observes that, despite the declarations made by the Government, regulations were adopted in 1963 applicable to the employees of the local councils of West Pakistan in accordance with which a different organisation must be established for each category of local council employees. The Committee can only regret that measures have been adopted at the level of the local councils similar to those which have been the subject of observations at the national level, and must therefore once more ask the Government to adopt the necessary measures to bring its legislation into conformity with the Convention.²

Philippines (ratification: 1953). The Committee takes note with regret of the statement made by a Government representative to the Conference Committee in 1963 to the effect that the Bill which had been pending before Congress had been withdrawn following the observations made by the Experts on some of its provisions and that a special committee had been entrusted with the preparation of a new Bill, which it was hoped to table at the next session of Congress. The purpose of the Bill, in fact, was to amend Act No. 875 of 17 June 1953, on which the Committee had made certain comments five years ago, and the Government had undertaken 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 observes that this year's report makes no reference to the matter.

¹ The Government is requested to report in detail for the period ending 30 June 1964.

² The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

In these circumstances the Committee is obliged to repeat the observation made in connection with Act No. 875 of 17 June 1953 in the following terms: that only registered organisations can have legal personality and that, under Republic Act No. 875 of 17 June 1953, registration may be refused or withdrawn, according to the political opinions of the officers of an organisation, the result of such measures being to deprive the organisation of legal personality. This provision is not 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. In particular, it would seem that registered organisations do not fully enjoy the right "to elect their representatives in full freedom" provided for in Article 3 of the Convention and that they could, moreover, be dissolved contrary to Article 4 of the Convention, which provides that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority".

The Committee trusts that the Government will adopt without delay the necessary measures to bring its legislation into conformity with the provisions of the Convention.¹

Poland (ratification: 1957). The Committee is grateful for the information supplied in response to its direct request of 1963. It observes, however, that this year's report brings no new element to alter the conclusions that it has reached in previous years, namely that there are provisions in Polish legislation that run, or may run, counter to the rights and guarantees laid down in the Convention. The Committee has made various comments and observations in this connection, particularly concerning sections 5, 6 and 9 of the Trade Unions Act of 1 July 1949, and sections 73, 74, 75, 76, 77, 160, 162 (a), 163 (a) and 163 (b) of the Order of 7 June 1927 concerning industrial law.

The Committee can therefore only refer to these comments and observations and express the hope that the Government will adopt all the necessary measures to bring its legislation into conformity 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 the subject of a direct request.²

Rumania (ratification: 1957). The Committee takes note with interest of the information supplied in response to the request made in 1963, information showing that Decree No. 263 of 1957 has repealed the provisions of section 2 of Act No. 316 of 1947, which provided for previous authorisation by the authorities for the establishment of trade unions. The Committee regrets, however, that this year's report contains only the text of Decree No. 263 of 1957 and that of a limited number of sections (which had been communicated previously) of Act No. 52 of 1945, despite the repeated requests that the Committee has been making since 1959 that the Government should communicate all the relevant texts.

The Committee must therefore again urge the Government to annex to its next report—

- (a) an up-to-date text of Act No. 52 of 1945;
- (b) all regulations issued pursuant to this Act;

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

² The Government is requested to report in detail for the period ending 30 June 1964.

(c) the legislative texts governing the right of meeting.¹

Sierra Leone (ratification: 1961). The Committee notes with satisfaction that Act No. 21 of 1962 to amend the Trade Unions Act removes the provision whereby the Registrar could refuse registration of a new trade union if there was already an existing union catering for workers similar to those of the proposed union and provides for appeal to the Supreme Court against the cancellation of registration by the Registrar.

Ukraine (ratification: 1956). The Committee regrets that the Government has not supplied the report that was requested for the period ending in June 1963.

In the absence of new elements the Committee can only refer to the conclusions reached by it in previous years, namely that various provisions of the legislation, which were recapitulated in 1963, are or are liable to be contrary to the rights and guarantees laid down in the Convention. As it indicated in 1963, 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 again requests the Government to keep it informed of any developments that may take place in this connection.

The Committee also asks the Government to supply in its next report the information still pending, which is again the subject of a direct request.¹

U.S.S.R. (ratification: 1956). The Committee notes that the Government states in its report that it does not seem necessary to repeat once more the detailed explanations that have already been supplied in response to the request of the Committee of Experts and that it is appropriate in this connection to refer to the proposals unanimously adopted at the 47th Session of the Conference to the effect that it was not necessary to renew the discussion and to request additional information on the application of the Conventions concerning freedom of association in the socialist countries, including the U.S.S.R. The Government also affirms that during the period under consideration the Convention continued to be fully applied.

In the absence of new elements the Committee can only refer to the conclusions reached by it in previous years, namely that various legislative provisions, which it recapitulated in 1963, are or are liable to be contrary to the rights and guarantees laid down in the Convention. As it indicated in 1963, 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 again requests the Government to keep it informed of any development in this connection.

The Committee also requests the Government to furnish in its next report the information which is still outstanding and which is again asked for in a direct request.²

United Arab Republic (ratification: 1957). Since 1960 the Committee has pointed out each year a certain number of important discrepancies between the legislation and the provisions of the Convention, and these questions have been discussed on numerous occasions in the Conference Committee. In 1961 the Government representative stated in the Conference Committee that these discrepancies were due to "the fact that a transitional period had been considered necessary in order better to ensure freedom of association later", and in 1962 the Government stated that the observations of the Committee would be examined by a special tripartite committee set up to revise the Labour Code of 1959, in order to take these observations into

¹ The Government is asked to report in detail for the period ending 30 June 1964.

² The Government is requested to furnish a report in detail for the period ending 30 June 1964.

account, and that it was hoped it would not be necessary to repeat these observations the following year.

The Committee notes with regret that, unfortunately, no progress has been achieved since these statements were made, and that the Government's report merely indicates that the Committee's observations have been communicated to the Higher Labour Consultative Council responsible for the preparation and amendment of labour laws, and that any new developments will be reported to the I.L.O.

The Committee can only renew its wish, which was also expressed by the Conference Committee, that every effort should be made to bring the legislation into harmony with the Convention with regard to the numerous points mentioned by the Committee in detail in 1963.

The Committee also hopes that the Government will not fail to give information in its next report with regard to the points raised in the various direct requests made since 1961.

The Committee hopes that next year it will have available full replies with regard to the points raised in its observations and direct requests of previous years, which it repeats once again in a direct request being sent to the Government, and that these replies will indicate what concrete measures have been adopted with a view to eliminating the discrepancies pointed out.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Burma, Byelorussia, Cameroon, Central African Republic, Cuba, Dominican Republic, Guatemala, Honduras, Hungary, Jamaica, Liberia, Nigeria, Pakistan, Philippines, Poland, Rumania, Sierra Leone, Ukraine, United Arab Republic, U.S.S.R., Yugoslavia.*

Convention No. 88: Employment Service, 1948

Australia (ratification: 1949). Further to its previous observations the Committee once again notes with regret that efforts by the Minister and the Department of Labour and National Service to re-establish a fully representative high-level national advisory committee of representatives of employers and workers (relating to the administration of the Commonwealth Employment Service and to the Ministry of Labour Advisory Council) have not yet succeeded.

As the Committee has had occasion to refer to this matter since 1954, it can only express the hope that the above-mentioned efforts will soon be successful (particularly as regards the administration of the employment service) so as to give effect to Articles 4 and 5 of the Convention.

Brazil (ratification: 1957). The Committee notes with interest from the Government's report that the Bill to reorganise the Ministry of Labour and Social Welfare, which takes into account suggestions previously made by the Committee and provides for the establishment of a National Department of Manpower under the Ministry, has reached the final drafting stage.

The Committee hopes that adoption of this Bill in the near future will lead to the implementation of the Convention and that the next report will provide full particulars of the measures taken to this effect.

Cuba (ratification: 1952). Further to its previous observations the Committee notes that section 15 of the Organic Law for the Ministry of Labour (Act No. 1021 of 27 April 1962) describes the duties of the Manpower Directorate, but that no

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

provision has been made for the establishment of advisory committees on a national and, where necessary, a regional and local basis, so as to ensure the co-operation of employers' and workers' representatives in the organisation and operation of the employment service and in the development of employment service policy.

The Committee urges the Government to adopt measures for the creation of such advisory committees, in accordance with Articles 4 and 5 of the Convention.

Dominican Republic (ratification: 1953). The Committee notes from the Government's report that, as action for the reorganisation of the employment service was not initiated until 1962, the advisory committees required by Articles 4 and 5 of the Convention (including the National Advisory Committee on Employment provided for by Decree No. 5740 of 5 May 1960) have not yet been set up.

The Committee trusts that, as indicated in the Government's report, these advisory committees will be established in the very near future.

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with interest, from the information supplied in reply to the observation of 1960 that the Government is taking action with a view to extension of the employment service, which at present consists of only one office in the capital city, to other regions, and that, for this purpose, the Government has requested the technical assistance of the I.L.O.

The Committee hopes that it will in this way be possible for the Government—(a) to establish a network of regional and local offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers; (b) to establish joint national and, where necessary, regional and local advisory committees; and (c) to train a competent staff (Articles 3, 4 and 9 of the Convention).

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Iraq (ratification: 1951). Further to its previous observation, the Committee notes with interest that, according to sections 3 and 4 of the Regulation concerning employment agencies, No. 39 of 1963, the Central Employment Department shall collect and analyse all available information on the situation of the employment market. The Committee trusts that this information will be made available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public, as required by Article 6 (c) of the Convention.

The Committee regrets to note, however, that the Government's report contains no information on the following points raised in the observation of 1962, which it is therefore bound to repeat:

The Committee thanks the Government for the information supplied in response to the request made in 1960. As only one employment office (the Central Employment Service in Baghdad) is at present functioning, the Committee notes with interest the Government's statement that the establishment of other offices is under active consideration, that recommendations to this end made by an I.L.O. expert have been accepted in principle and that the necessary financial provision is to be included in the next budget. The Committee trusts that through the adoption of these measures it will be possible to establish a "national system of employment offices", comprising a "network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers", as required by Articles 1, 2, 3 and 6 of the Convention.

Articles 4 and 5 of the Convention. The Committee regrets to note that the Employment Council and the local employment committees provided for in sections 87, 90, 91 and 92 of the Labour Code of 1958 have not yet been set up and hopes that the Government will, in the near future, take appropriate action to set up such advisory committees.

Articles 6, 7 and 8. The Committee notes the Government's intention to take appropriate measures to organise the work of the employment offices in order to meet the requirements of these

Articles of the Convention particularly with a view to—(a) assisting applicants, where appropriate, to obtain vocational guidance or vocational training or retraining; . . . and (c) providing adequately for the needs of particular categories of applicants for employment, such as disabled persons.

The Committee trusts that the Government will, in its next report, provide detailed information on the progress made in giving effect to these various requirements of the Convention.

Italy (ratification: 1952). Further to its observations made since 1955, the Committee notes the Government's statement that it has made renewed efforts to bring about agreement between employers' and workers' organisations concerning a different composition of the joint advisory committees which are called upon to collaborate with the employment services, but that the unequal representation of employers and workers in these committees continues. As the Government again refers in this connection to the applicability of article 19, paragraph 8, of the I.L.O. Constitution, the Committee can only draw attention once more to its observations of 1957 and 1958, with which the Conference Committee concurred, that "it would appear preferable, in this case, not to invoke article 19, paragraph 8, of the Constitution, which deals with conditions of work rather than with procedural matters such as those referred to in Article 4, paragraph 3, of the Convention".

In these circumstances the Committee notes with special interest that this problem will be examined and discussed on the occasion of the amendment of the present legislation on placement, which is now in an advanced state of preparation. The Committee trusts that the proposed amending legislation will be such as to ensure equal representation of employers and workers in the joint advisory committees, in accordance with Articles 4 and 5 of the Convention.

Philippines (ratification: 1953). Further to its previous observations the Committee notes with interest from the Government's detailed report that the Appropriation Act for the fiscal year 1963-64 provides for the establishment of ten regional public employment offices in addition to the one which now exists in Manila.

As the new offices are not yet functioning, pending the appointment and training of their personnel, the Committee hopes that steps will soon be taken to appoint and train suitably qualified staff so that these new offices will fulfil all the functions described in Article 6 of the Convention.

The Committee trusts, moreover, that the Government will take steps to establish advisory committees in accordance with Articles 4 and 5 of the Convention.

Sierra Leone (ratification: 1961). The Government states, in reply to the Committee's previous direct requests, that heavy commitments have prevented the establishment of the advisory committees required by Articles 4 and 5 of the Convention. The Committee expresses the hope that the Government will be able, in the near future, to comply with these important provisions of the Convention.

United Arab Republic (ratification: 1954). Further to its previous observations the Committee notes with regret that the advisory committees provided for in section 15 of the Labour Code have still not been established, and urges the Government once again to take steps without further delay to set up such committees, in accordance with Articles 4 and 5 of the Convention.

The Committee regrets to note, moreover, that the Government's report does not contain information in reply to its direct requests made since 1961. It must therefore deal with this matter once again in a direct request, and trusts that the Government will not fail to supply full information in its next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Belgium, Cuba, Cyprus, Czechoslovakia, Ghana,*

Greece, India, Israel, Luxembourg, Nigeria, Sierra Leone, Spain, Syrian Arab Republic, Tanganyika, United Arab Republic, Yugoslavia.

Convention No. 89: Night Work (Women) (Revised), 1948

Austria (ratification: 1950). The Committee regrets to note that no progress has yet been made in eliminating the following discrepancies existing between the legislation in force (Hours of Work Code of 1938) and the Convention, although it has drawn attention since 1953 to the need for amending this legislation:

1. No prohibited interval of at least seven consecutive hours (Article 2 of the Convention) is provided for female employees in the legislation.

2. No provision is made for the previous consultation of employers' and workers' organisations in the case of an interval beginning after 11 o'clock in the evening (Article 2 of the Convention) nor in the case of exceptions in the national interest (Article 5 of the Convention).

3. Exceptions to the interval prescribed by the national law (8 p.m. to 6 a.m.) are allowed by section 20, paragraph 1, of the Hours of Work Code "for technical and general economic reasons"; such exceptions are allowed by Article 4 (b) of the Convention only to prevent the loss of materials subject to rapid deterioration.

The Committee notes from the Government's report that the Night Work of Women Bill is still being considered by the organisations and administrative services concerned and that the Austrian Confederation of Trade Unions and the Austrian Chamber of Labour have expressed their regret at the delay in submitting this Bill to Parliament. The Committee trusts that full conformity with the Convention will be achieved at any early date.¹

Czechoslovakia (ratification: 1950). The Committee notes from the statement made by a Government representative to the Conference Committee in 1963 that the draft containing the principles of the Labour Code would remove the discrepancy existing between the legislation which does not expressly provide for a night rest of at least 11 consecutive hours for women employed in industrial undertakings and Article 2 of the Convention which does provide for such a night rest.

As no new information on this revision has been supplied in the report, the Committee can only urge the Government to take all necessary measures in order to eliminate without further delay this discrepancy between national legislation and the Convention, to which attention has been drawn since 1955.¹

France (ratification: 1953). See under Convention No. 6.

Netherlands (ratification: 1954). The Committee had noted in 1962 that the Director-General of Labour had asked the chiefs of labour inspection districts to interpret the exceptions from the night work prohibition authorised by section 83 (7) of the Labour Act, 1919, within the more limited scope of Article 4 (a) of the Convention (cases of *force majeure*). The Committee had, moreover, expressed the hope that the above-mentioned provision of the Labour Act would be suitably amended. As the report contains no new information on measures taken or contemplated to this effect, the Committee reiterates the hope that the Government will find it possible to bring the above-mentioned legislation into full conformity with the Convention at an early date.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Pakistan (ratification: 1951). The Committee notes with regret from the reply to its observation that no progress has yet been made in amending the Mines Act, section 46 (1) of which 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 for women only in cases of serious emergency when the national interest demands it. The Committee reiterates the hope that the above divergence between the legislation and the Convention will be eliminated without further delay as promised by the Government since 1955.

Philippines (ratification: 1953). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with regret that the Bill designed to bring the Woman and Child Labor Law (Act No. 679) into conformity with the provisions of Article 2 (a night rest period of at least 11 consecutive hours) and Article 5, paragraph 1, of the Convention (consultation with employers' and workers' organisations before suspension of the night work prohibition) was not approved in 1961 but that it is to be reintroduced simultaneously in both Houses when the next session of the Fifth Congress is convened. As this amendment had already been mentioned in the Government's report for 1955-56, the Committee hopes that the Bill will be passed without further delay.

In view of the long delays which have thus occurred, the Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Rumania (ratification: 1957). Further to its previous observations the Committee notes with satisfaction from the report that section 50 of the Labour Code has been amended by Decree of 15 January 1964 which defines "night" as a period of 11 consecutive hours (between 9 p.m. and 8 a.m.), as required by Article 2 of the Convention.

Republic of South Africa (ratification: 1950). Further to the previous observation and direct requests, the Committee notes with interest that the Government contemplates amending the Mines and Works Act of 1956 in order to prohibit night work of women employed above ground in mining undertakings. It hopes that this amendment will be made in the near future.

On the other hand, the Committee notes with regret the Government's statement that it does not intend to bring the legislation concerning night work of women in the building industry into conformity with the requirements of the Convention. According to the Government, in practice women employed in the building industry are engaged only in office work and are not required to work at night. In these circumstances there should be no difficulty in adapting the legislation to the requirements of the Convention, particularly in order to prevent women from ever being employed under conditions contrary to the Convention. The Committee trusts therefore that the necessary legislative prohibition will be introduced without further delay.

Uruguay (ratification: 1954). The Committee notes with regret that the report for 1962-63 contains no new information on the implementation of the Convention. The Committee is bound, therefore, to repeat its observations of 1957, 1958, 1959 and 1962 when it noted that no legislation exists in Uruguay to give effect to the Convention. The Committee considers this situation all the more regrettable because prior to the ratification of Convention No. 89 Uruguay had been bound for 22 years by the ratified Convention No. 4 without giving effect to its provisions.¹

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¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Burundi, Congo (Leopoldville), Costa Rica, Czechoslovakia, France, Greece, Guatemala, Ireland, Kuwait, Luxembourg, Rwanda, Spain, Republic of South Africa, Switzerland, Syrian Arab Republic, United Arab Republic, Yugoslavia.*

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Argentina (ratification: 1956). The Committee regrets to note that the report contains no information on any progress in eliminating the important discrepancy existing between the legislation and the Convention which was pointed out in the Committee's previous observations.

The Committee must, therefore, again draw attention to the fact that section 6 of the Employment of Women and Young Persons Act (No. 11317) of 30 September 1924 fixes a period of night rest for young persons of only ten hours in summer and 11 hours in winter, whereas Article 2 of the Convention fixes the duration of this period at a minimum of 12 consecutive hours, including, in the case of children under 16 years of age, the interval between 10 p.m. and 6 a.m. and, in the case of young persons between the ages of 16 and 18, an interval of at least seven hours between 10 p.m. and 7 a.m.

The Committee urges the Government to take the necessary measures to ensure full conformity between the legislation and the Convention in the very near future.¹

Czechoslovakia (ratification: 1950). The Committee notes from the statement made by a Government representative to the Conference Committee in 1963 that the draft containing the principles of the Labour Code would remove the discrepancies existing between the legislation and the Convention. As the report contains no new information on this revision, the Committee must reiterate the following points raised in its observations since 1960:

- (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 can only once again urge the Government to make every effort to eliminate these discrepancies without further delay.¹

Dominican Republic (ratification: 1957). See under Convention No. 79.

Haiti (ratification: 1957). As already indicated in a direct request of 1962 the Committee notes with regret that the Labour Code of 1961 prohibits night work for young persons under 18 years of age employed in industry only in the case of apprentices. The Committee trusts that the legislation to apply the Convention to all persons under 18 years will soon be adopted.

As the report refers in this connection to the provisions of section 400 of the Code, the Committee ventures to point out that this section prohibits night work for children

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

over 12 years of age working, outside school attendance hours, in non-industrial occupations only.

Italy (ratification: 1952). The Committee regrets to note from the report that no progress has yet been made in eliminating the discrepancies existing between the legislation and the provisions of the Convention to which it has drawn attention since 1955:

Article 2, paragraph 1, of the Convention. Section 13 of Act No. 653 of 1934 defines the term "night" as a period of at least 11 consecutive hours including the interval between 10 p.m. and 5 a.m., whereas the Convention defines the term "night" as a period of at least 12 consecutive hours.

Article 2, paragraph 2. The legislation does not specify that in the case of young persons under the age of 16 years the period of nightly rest shall include the interval between 10 p.m. and 6 a.m.

Article 3, paragraph 2. Section 14 of Act No. 653 provides for an exception to the prohibition of night work for young persons over 16 years of age in certain specified industries which are required to be carried on continuously, whereas under the Convention such exceptions may be granted only for purposes of apprenticeship or vocational training in the case of young persons between 16 and 18 years of age.

Article 3, paragraph 3. The legislation does not provide that young persons employed in virtue of the provisions of paragraph 2 of this Article shall be granted a rest period of at least 13 consecutive hours between two working periods.

Article 3, paragraph 4. The legislation does not appear to specify that the exception provided for by the Convention is authorised in the baking industry only for purposes of apprenticeship or vocational training of young persons who have attained the age of 16 years.

Article 6, paragraph 1 (*a*). There appears to be no legislation which makes appropriate provision for ensuring that the laws or regulations giving effect to the provisions of the Convention are made known to the persons concerned.

Article 6, paragraph 1 (*e*). The legislation does not appear to require every employer to keep a register or to keep available official records showing the names and dates of birth of all employed persons under 18 years of age.

The Committee can only trust that the Bill designed to ensure harmony between the legislation and the Convention, to which the Government has referred for several years, will be adopted without further delay.¹

Luxembourg (ratification: 1958). Further to its requests of 1961 and 1962, the Committee notes from the report that a Bill concerning protection of children and young workers, designed to give effect to all the provisions of the Convention, has been submitted to the State Council. It trusts that this Bill will be enacted at an early date.

Mexico (ratification: 1956). Further to its previous direct requests the Committee notes with satisfaction that, by virtue of a Decree dated 29 December 1962 to amend the Federal Labour Act (section 110-L), every employer is required to keep a register showing the dates of birth, etc., of young persons employed by him, as provided for in Article 6, paragraph 1 (*e*), of the Convention.

The Committee notes, on the other hand, that the report contains no information in reply to the observation of 1962 which had indicated in some detail why section 68 of the Labour Act—fixing the period of night rest at ten hours—should be amended

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

so as to ensure that young persons are in no case employed at night in industry during a period of at least 12 consecutive hours, as laid down in Article 2 of the Convention. The Committee particularly regrets that the Government did not find it possible to take this important divergence into account when the above-mentioned amendments to the Labour Act were under consideration. This omission seems all the more regrettable because the Government has repeatedly emphasised in the past that, under Article 133 of the Mexican Constitution, a ratified Convention acquires force of law, thereby automatically amending the relevant provisions of the Federal Labour Act.

In these circumstances the Committee can only reiterate the wish expressed since 1958 that the national legislation be brought formally and unambiguously into conformity with Article 2 of the Convention.

Netherlands (ratification: 1954). As regards Article 4, paragraph 2, of the Convention (exceptions from the night work prohibition), see under Convention No. 89.

Pakistan (ratification: 1951). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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*—

- (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 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 the Government has given repeated assurances that the legislation would be amended in the near future, the Committee hopes that every effort will be made to take the necessary action without further delay.¹

Philippines (ratification: 1953). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee regrets that the Bill designed to bring the Woman and Child Labor Law (Act No. 679) into conformity with the provisions of Article 2 of the Convention (a night rest period of at least 12 consecutive hours) was not approved in 1961, but notes that it will be reintroduced simultaneously in both Houses when the next session of the Fifth Congress is convened. The Committee can only reiterate its hope that this Bill which has been pending since 1958 will be passed without further delay.

In view of the long delays which have thus occurred, the Committee hopes that the Government will make every effort to take the necessary action in the very near future.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Ukraine (ratification: 1956). The Committee notes with regret that the report for 1962-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

Uruguay (ratification: 1954). The Committee notes with regret that the report for the period 1962-63 again fails to reply to its previous observations in which it drew the Government's attention since 1959 to a discrepancy between section 1 of the Decree of 28 May 1954 which prohibits night work of young persons during a period of 11 hours and Article 2, paragraph 1, of the Convention which defines "night" as a period of at least 12 consecutive hours.

The Committee has had an opportunity, on the other hand, to examine certain draft amendments to the Children's Code. Its comments on these amendments are being communicated to the Government in a direct request. The Committee trusts that full compliance with the terms of the Convention will be achieved in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Byelorussia, Costa Rica, Dominican Republic, Ghana, Guatemala, Tunisia, U.S.S.R., Uruguay.*

Convention No. 92: Accommodation of Crews (Revised), 1949

Cuba (ratification: 1952). The Committee regrets to note that the Government has supplied no report for the period 1961-63. It notes however the information supplied by a Government representative to the Conference Committee in 1963, according to which new regulations on industrial safety are under preparation and will take into account the industrial safety measures prescribed by the Convention. The Committee draws the attention of the Government to the necessity of prescribing in such regulations, in addition to the general safety provisions, the numerous technical requirements concerning crew accommodation on board ships contained in Parts II, III and IV of the Convention.

As hardly any progress has been achieved in this connection since the ratification of the Convention by Cuba, the Committee trusts that the Government will not fail to take the necessary measures in the near future to give effect to the provisions of the Convention.¹

Poland (ratification: 1954). The Committee notes that in pursuance of section 4 of Ordinance No. 10 of 11 April 1952 the Committee appointed to examine ship-building plans is bound to take into consideration the standards laid down by this Convention. It appears, however, that this provision is not sufficient to give effect to the Convention, since Article 3 of the Convention requires that States Members should "maintain in force laws or regulations which ensure the application of the provisions of Parts II, III and IV of this Convention".

The Committee can, therefore, only point out once more that it is necessary to adopt legislation to give effect to the Convention, as the Government has stated it would do on several occasions since 1955.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Portugal (ratification: 1952). The reply of the Government to the request of 1962 indicates that regulations giving effect to Part III of the Convention (Crew Accommodation Requirements) are to be published before the end of the current year. Since the Government announced the imminent publication of this regulation in 1962, the Committee trusts that the necessary measures will be adopted in the very near future.

The Committee also expresses the hope that the legislation giving effect to the Convention will soon be applied in the overseas provinces as well.

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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 notes with satisfaction that, following the observations made by it over a number of years, directives providing for the insertion of labour clauses in public contracts were approved by the Council of Ministers on 18 June 1963. It notes that these directives are to be put into effect by orders to be issued by the various federal ministries, provincial government departments and local authorities. It hopes that the Government's next report will contain full particulars of the orders which have been issued to this end, thus meeting the observations presented by the Austrian Confederation of Trade Unions and the Austrian Congress of Chambers of Labour in August 1963.

Belgium (ratification: 1952). The Committee notes with interest the Government's statement that it is intended to amend the General Specifications for State Contracts, to ensure the protection provided for by the Convention to workers employed by contractors who are not bound by a collective agreement. The Committee hopes that provisions to this effect will be adopted at an early date.

Denmark (ratification: 1955). The Committee notes that the Permanent Danish Tripartite I.L.O. Committee, having discussed in 1963 the question of providing a system which complies with the provisions of the Convention, decided to carry out new investigations. The Committee recalls, however, that observations on this question have been made since 1958, and that the Permanent Danish Tripartite I.L.O. Committee has been considering the matter since 1960. The Committee therefore trusts that measures to ensure the insertion of labour clauses in public contracts in accordance with the Convention will be taken without further delay.

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1961-63 has not been received, and that consequently no information is available with regard to the adoption of regulations to implement the Convention, which, according to the Government's report for 1959-61, were expected to be approved in October 1961.

The Committee hopes that the above-mentioned regulations, if not already approved, will be adopted without further delay, and that copies thereof will be supplied with the next report.

Israel (ratification: 1953). The Committee notes with satisfaction that, following its previous requests, Treasury Order No. 109/62 of 20 August 1962 has provided for the insertion of appropriate labour clauses in contracts made by the State for the production, assembly or transport of goods or equipment or the supply or rendering of services (Article 1, paragraph 1 (c), and Article 2 of the Convention).

Kenya (ratification: 1964). The Committee notes with satisfaction that, following its previous requests, the Government has issued instructions to all central government departments, regional administrations, East African Common Services Organisation departments, local government authorities and quasi-governmental bodies to include in their contracts specific provisions for the imposition of sanctions in the case of non-observance of the fair wages clause and for the recovery of wages by workers engaged on such contracts, in accordance with Article 5 of the Convention.

The Committee also notes with interest that the Standing Orders for local authorities laid down by the Local Government Regulations, 1963, provide for the insertion of appropriate labour clauses in contracts given out by such authorities.

Morocco (ratification: 1958). The Committee notes with satisfaction that, to meet its previous comments, the Dahir of 18 June 1936 concerning minimum wages was amended by Dahir No. 1-61-391 of 28 April 1962, to require the posting of provincial minimum wage determinations at workplaces (Article 4 (a) (iii) of the Convention).

Philippines (ratification: 1953). The Committee notes the statement made by a Government representative to the Conference Committee in 1963 that, following consultations between the chairmen of the labour committees of both Houses of Congress and the Ministries concerned, it had been agreed that all that was needed to apply the Convention was to revise the standard public works contract in order to include the clauses provided for in the Convention, and that the drafting of these clauses had been entrusted to a special committee whose work had been completed. The Committee notes with regret from the Government's report that, nevertheless, the terms of the labour clauses to be inserted in public contracts are still under consideration by the Department of Labor. It accordingly appears that this Convention, ratified 11 years ago, is still unimplemented, notwithstanding the repeated observations made by the Committee since 1956. The Committee urges the Government to apply the Convention without further delay.¹

United Arab Republic (ratification: 1960). The Committee regrets to note that the Government's report for 1961-63 contains no information in reply to its previous request concerning the measures taken to give effect to the Convention, but merely repeats the Government's earlier statement that the Labour Code applies without distinction to workers in the private sector and those in the service of the State or state undertakings. The Committee observes that the Labour Code does not contain provisions which implement the requirements of the Convention, and recalls the general observations on the Convention made by it in 1956 and 1957, in which it pointed out that the fact that the labour legislation applies without distinction to all workers does not free a government from the obligation of inserting appropriate labour clauses in public contracts as defined in the Convention.

The Committee accordingly hopes that appropriate measures will be taken to provide for the insertion in public contracts of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, and to give effect to the provisions of the Convention regarding the contracts to be covered (Article 1, paragraphs 1 to 3), the consultation of employers' and workers' organisations on the terms of the clauses (Article 2, paragraph 3), the measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Uruguay (ratification: 1954). The Committee has noted with interest the statements in the Government's report for the period 1959-62 (which was received too late for examination by the Committee in 1963) that the general specifications for public contracts of 5 March 1929, as amended, provide that contractors shall observe the wage determinations of each locality and labour laws, that the Ministry of Public Works supervises the observance of these obligations, and that the Ministry may withhold payments from the contractor in case of non-compliance with any of these obligations.

The Committee requests the Government to supply a copy of the general specifications for public contracts, as at present in force, and to provide detailed information in its next report, in accordance with the report form adopted by the Governing Body of the I.L.O., on the manner in which effect is given to each Article of the Convention.

As the information contained in the report for 1959-62 is the first intimation that there may exist measures which may give effect to this Convention, which was ratified ten years ago, the Committee would be glad if a detailed report could be supplied for the period ending 30 June 1964.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Bulgaria, Burundi, Cuba, Finland, Ghana, Jamaica, Morocco, Rwanda, Sierra Leone, Somalia, Syrian Arab Republic, Tanganyika, Turkey, Uganda.*

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957). The Committee regrets to note that the Labour Code—in which the provisions of the Convention are to be incorporated—has not yet been enacted. As the Employment Regulations of 16 January 1946 do not give full effect to the Convention, the Committee trusts that provisions to ensure its full application will be adopted without further delay.

Ecuador (ratification: 1954). The Committee notes with regret that the report for 1961-63 has not been received, and that accordingly no information has been given in answer to the requests and observations made ever since 1959 concerning the implementation of Article 14 of the Convention. The Committee hopes that the necessary information will be supplied without further delay.

Greece (ratification: 1955). Article 4 of the Convention. The Committee regrets that the Government's report contains no information in reply to the observation made in 1962, in the following terms:

The Committee notes that consideration is being given to the adoption of measures to give full effect to the requirements of Article 4 of the Convention. As at present it would appear that employers and workers are free in all cases to agree on any form of payment of wages in kind, the Committee would be glad if account could be taken of the points raised in previous direct requests, namely that Article 4 permits only the *partial* payment of wages in kind and that such payments may be made only in so far as authorised by national law and regulations, collective agreements or arbitration awards, for industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned. The Committee would also be glad if the Government would give consideration to the enactment of an express prohibition of payment of wages in the form of liquor of high alcoholic content or noxious drugs.

The Committee recalls that it has made comments on the above matters since 1958. It trusts that the necessary measures will be adopted without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Philippines (ratification: 1953). In 1962 the Committee noted the Government's statement, in answer to previous requests, that standard practice with regard to employees of retail and service enterprises employing less than five persons was in conformity with the provisions of Article 5 of the Convention (direct payment of wages), Article 7, paragraph 2 (control of prices in works stores, etc.), Article 8, paragraph 2 (information to be supplied to workers regarding conditions governing deductions from wages), Article 13 (time and place of wage payments), Article 14 (information regarding wage conditions), and Article 15 (*d*) (maintenance of wage records), although these persons were excluded from the scope of the relevant legislation (the Minimum Wage Law). The Committee observed that, in the circumstances, there should be no difficulty in adopting legislation to apply these provisions of the Convention to the workers concerned, and expressed the hope that the necessary action would be taken in the near future.

At the Conference in 1962 a representative of the Government indicated that an appropriate Bill was before Parliament.

The Committee regrets to note that the latest report gives no information concerning progress towards the adoption of the above-mentioned legislation. It recalls that observations on this question have been made since 1956, and trusts that the necessary legislation will be adopted without further delay.¹

Sierra Leone (ratification: 1961). The Committee notes with satisfaction that the Employers and Employed Act has been amended by Act No. 23 of 1962 so as to ensure full conformity with Articles 2, 3 and 4 of the Convention.

Tanganyika (ratification: 1962). The Committee notes with satisfaction that, following its previous requests, the Wages Regulation Order, 1962, has regulated the value of benefits in kind in accordance with Article 4 of the Convention, in respect of categories of workers estimated to comprise approximately 80 per cent. of the total labour force. It also notes with interest that similar provisions for other classes of workers are at present under consideration.

United Arab Republic (ratification: 1960). The Committee regrets to note that the Government's report, while containing information requested by the Committee in previous years concerning the application of Article 14 of the Convention, contains no information on a considerable number of other points mentioned in the Committee's direct requests of 1962 and 1963, concerning Articles 2, 4, 5, 7 (paragraph 2), 8 (paragraph 2), 9 and 15 (subparagraph (*a*)) of the Convention. The Committee trusts that the Government will not fail to supply full information on these matters in a report for the period ending 30 June 1964.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Brazil, Byelorussia, Cameroon, Central African Republic, Chad, Costa Rica, Cyprus, Gabon, Greece, Guatemala, Guinea, Honduras, Hungary, Iraq, Israel, Ivory Coast, Malagasy Republic, Malaysia, Mali, Mauritania, Niger, Nigeria, Philippines, Poland, Sierra Leone, Somalia, Spain, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Republic, Uruguay, U.S.S.R.*

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Brazil (ratification: 1957). Further to its previous direct requests, the Committee regrets to note from the Government's report that no legislation exists which clearly

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

abolishes fee-charging employment agencies in general, conducted with a view to profit. The Committee hopes that the Government will take steps to adopt such legislation in the near future, in accordance with the requirements of Article 3 of the Convention.

The Committee notes, moreover, the Government's statement that section 513, sole subsection, of the Consolidation of Labour Laws (C.L.L.) grants to trade unions the prerogative of establishing and maintaining employment exchanges and that, in virtue of section 564 of the C.L.L. (forbidding trade unions to engage in gainful activity), such employment exchanges may not be conducted with a view to profit. The Committee notes, however, that the report does not refer to any provisions requiring fee-charging employment agencies in general, not conducted with a view to profit, (a) to have an authorisation from the competent authority and be subject to the supervision of the said authority; (b) to refrain from making any charge in excess of the scale of charges submitted to and approved or fixed by the competent authority, with strict regard to the expenses incurred; and (c) to place or recruit workers abroad only if permitted to do so by the competent authority and under conditions determined by the laws or regulations in force. As Article 6 of the Convention calls for the adoption of such provisions, the Committee trusts that the Government will take the necessary steps to this effect at an early date.

France (ratification: 1949). Further to its previous observations the Committee notes from the Government's report that, in view of the continued inability of the public employment service to deal adequately with the placement of theatrical employees and domestic servants, the time limit for the suppression of fee-charging employment agencies for these categories of workers has been extended for another year. The Committee notes with interest, on the other hand, that a Bill to determine the means of indemnifying fee-charging employment agencies is being prepared, as such agencies are due to disappear progressively.

The Committee hopes that the adoption of such a Bill will permit full implementation of the Convention in the near future.

Federal Republic of Germany (ratification: 1954). Further to its observations of 1962, the Committee notes from the Government's report that the preliminary work on an ordinance on fee-charging agencies not conducted with a view to profit has not yet been completed.

As regards fee-charging employment agencies conducted with a view to profit, the Committee notes that, in the Conference Committee in 1963, the Workers' member of the Federal Republic of Germany drew attention to the comments which had been made by the German Confederation of Trade Unions, i.e. that the relevant legislation was not in conformity with Article 5, paragraph 2 (b), of the Convention. The Committee notes that, in regard to this matter, the Government in its present report recalls its statements in its report for 1959-61, which indicated that the procedure with respect to the renewal of licences granted to fee-charging placement agencies for theatrical and concert performers under section 54 of the Placement and Unemployment Insurance Act was as follows:

- (a) the licence was granted for a period of one year;
- (b) it was held to be valid for a further year without the need for a new application, provided the Federal Institution for Employment Exchanges and Unemployment Insurance did not give notice of termination of the licence at least six months prior to its date of expiration;
- (c) prior to the expiry of the first six months of validity of the one-year licence, the Federal Institution inquired of the employers' and workers' organisations concerned, in accordance with section 27 of the Regulations of 16 December 1959,

as to whether there were any objections to the automatic renewal of the licence for a further year.

As it appears from the procedure just described that provision has been made for (1) cancellation of the yearly licence upon its expiry, and (2) consultation with the organisations of employers and workers concerned in connection with the renewal by the competent authority of the yearly licence, it would appear to the Committee that the safeguards laid down in Article 5, paragraph 2 (*b*), of the Convention with regard to the renewal of yearly licences granted to the fee-charging employment agencies in question have been respected.

Guatemala (ratification: 1953). The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee thanks the Government for the information supplied in reply to the direct request made in 1960 and notes with interest that the Government has requested the technical assistance of the I.L.O. in the field of employment service for the purpose of bringing national legislation and practice into conformity with the Convention.

The Committee trusts that such assistance will permit the eventual abolition of fee-charging employment agencies conducted with a view to profit and that before this stage is reached in respect of all categories of persons, the exceptions authorised under Article 5 of the Convention will be made subject to the conditions laid down in this Article.

The Committee moreover notes the statement in the report that no penal provisions are necessary for violation of the provisions prohibiting fee-charging employment agencies, since as soon as such employment agencies are created they are immediately closed. As Article 8 of the Convention calls for appropriate penalties for any violation of the Convention or of any laws or regulations giving effect to it, the Committee hopes that such penalties will be prescribed in the near future.

The Committee notes finally that regulations intended to bring under government control recruiting agents concerned with work in agriculture and stock raising are under consideration by the Government. The Committee hopes that the regulations will give full effect to the Convention as regards the recruiting of agricultural workers and that the recruiting of other categories of workers will be similarly regulated in due course.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Pakistan (ratification: 1952). A Government representative informed the Conference Committee in 1962 that 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. A Government representative further informed the Conference Committee in 1963 that promulgation of this legislation was expected shortly.

The Committee notes with regret from the Government's report that, in spite of the above-mentioned statements, the Bill concerning the abolition of fee-charging agencies has still not been adopted. As the absence of such legislation has been the subject of repeated observations since 1955, the Committee can only reiterate the hope that the necessary legislation will be enacted without further delay and that the requirements of the Convention will thereby be met.¹

Turkey (ratification: 1952). The Committee notes with regret that there has been a further delay in the adoption of the draft Bill to regulate the activities of persons acting as intermediaries in agriculture. As this Bill is to regulate fee-charging employment agents, in accordance with Part III of the Convention which Turkey has accepted, and as this draft legislation was first mentioned by the Government in 1954, the Committee trusts that the above legislation will be adopted without further delay.

* * *

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Ceylon, France, Federal Republic of Germany, Israel, Ivory Coast, Japan, Syrian Arab Republic, United Arab Republic.*

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). Article 6 of the Convention. The Committee notes with regret that the report for 1962-63 has not yet been received. It takes note, however, of the information supplied by a Government representative to the Conference Committee according to which the Government, while maintaining its position as regards the payment of maternity allowances only in respect of children of French nationality, intended to re-examine the question and hoped that a solution would be found during the course of the current year at the latest.

The Committee trusts that this re-examination will enable the Government to take the necessary measures in the near future to ensure the application of the Convention, as regards maternity allowances, without discrimination on the basis of nationality.¹

Guatemala (ratification: 1952). The Committee notes with regret that for the second consecutive time the detailed report required on the Convention has not been communicated. In these circumstances, it is bound to renew its 1961 observation, which was repeated in 1962 and which dealt with the following:

Article 8 of the Convention. The national legislation does not give effect to the provisions of this Article, which provides that no migrant for employment who has been admitted on a permanent basis may be returned to his territory of origin if, by reason of accident or illness, he is unable to follow his occupation, upon condition that the illness or accident occurred subsequent to his entry.

The Committee again requests the Government to take the necessary measures to bring its legislation into conformity with the Convention and to supply full information on the progress achieved in this regard.

* * *

In addition, a request regarding certain other points is being addressed directly to *Uruguay*.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Byelorussia (ratification: 1956). See under Convention No. 87.

Cuba (ratification: 1952). See paragraph 1 of the observation on Convention No. 87 in connection with the situation of certain public employees.

Dominican Republic (ratification: 1953). The Committee notes with regret that the report does not refer to the observation made in 1961 and repeated in 1963. The Committee is obliged once more to insist on the observation, which was worded 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 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.)

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee hopes that the Government will take all necessary action to bring its legislation into conformity with the provisions of the Convention.

Guatemala (ratification: 1952). See under Convention No. 87 as regards workers other than public servants who are employed in public undertakings.

Poland (ratification: 1957). See under Convention No. 87.

Rumania (ratification: 1958). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963, a statement that appears to add no new element to the slight information available to the Committee, and regrets that the report supplied this year merely refers to this statement and to the report supplied in connection with Convention No. 87 (see under Convention No. 87). The Committee is therefore obliged to repeat the observation made in 1962 and 1963 in the following terms:

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 do everything possible to adopt the necessary measures in the light of this observation.

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Bulgaria, Cuba, Dominican Republic, Ecuador, Honduras, Liberia, Sudan, Uruguay.*

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the following States: *Brazil, Costa Rica, Ivory Coast, Peru, Sierra Leone, Uruguay.*

Convention No. 100: Equal Remuneration, 1951

Cuba (ratification: 1954). The Committee notes with regret that the Government has not appended to its report for 1961-62 (received too late for examination in 1963) specimen copies of collective agreements fixing rates of remuneration in certain of the industries in which women workers are currently employed, as requested in 1959, 1962 and 1963. The report for 1962-63 not having been received, the Committee can only express once more the hope that the Government will not fail to supply these texts with its next report.

Ecuador (ratification: 1957). The Committee regrets that the report for 1962-63 has not been received. While noting the statement made by a Government representative to the Conference Committee in 1963 that equality of remuneration without distinction as to sex is expressly laid down in the 1938 Labour Code and the 1945 Political Constitution, the Committee must nevertheless urge that the Government supply a report which replies to the observation made on several occasions since 1960, 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 trusts that the Government will not fail to take all possible steps to supply the above-mentioned information without further delay.¹

Honduras (ratification: 1956). In 1959, 1961 and 1963 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: *Costa Rica, Cuba, Honduras, Iceland, Ivory Coast, Peru, Syrian Arab Republic.*

Convention No. 101: Holidays with Pay (Agriculture), 1952

France (ratification: 1954). See under Convention No. 52.

Federal Republic of Germany (ratification: 1955). The Committee notes the Government's statement, in reply to its observation, that no abuse has occurred in practice as regards the application of the present legislation and that the workers' organisations themselves consider that there is no need to reinforce the intervention or control of the public authorities. The Committee also notes that, whereas the holiday rights of agricultural workers were prescribed, prior to 1963, by texts adopted in the Länder and by collective agreements, leave entitlement is now regulated by the federal Act of 8 January 1963.

The Committee would therefore be glad if the Government would indicate in its next report what measures have been taken or are being envisaged—in connection with the federal Act—with a view to maintaining an adequate system of inspection regarding the granting of annual leave to agricultural workers (Article 10 of the Convention).

Poland (ratification: 1956). In reply to the Committee's request regarding the measures ensuring the granting of holidays with pay to agricultural workers employed by private persons, the Government indicates that the application of the relevant legislation is supervised by trade union bodies, but it does not state what is this relevant legislation. The Committee recalls that it has asked for information on this point in 1959, 1960 and 1962 and it hopes therefore that the Government will state without fail in its next report what legislative or other measures ensure that workers in private agricultural undertakings are entitled to annual holidays with pay.

* * *

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Federal Republic of Germany, Hungary, Italy, Peru, Poland, Senegal, Sierra Leone, Syrian Arab Republic, United Arab Republic, United Kingdom, Uruguay.*

Convention No. 102: Social Security (Minimum Standards), 1952

Yugoslavia (ratification: 1954). The Committee, following observations and requests that it has made, notes with interest the repeal of the provisions of sections 151, 152 and 153 of the Pension Insurance Act that formerly deprived the beneficiary or his dependants of the right to a pension in cases not authorised by Article 69 of the Convention.

It hopes that the Government will not fail to give effect also to the observation repeated in 1963 in connection with Articles 21 and 22 of the Convention (Part IV—Unemployment Benefit), the terms of which are recalled in a request addressed directly to the Government.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark, Yugoslavia.*

Convention No. 103: Maternity Protection (Revised), 1952

Uruguay (ratification: 1954). The Committee thanks the Government for the information supplied in reply to the observations and requests made in previous years.

The Committee noted with satisfaction that Act No. 12572 of 23 October 1958 on maternity benefits has brought certain improvements to the national legislation, particularly in respect of the application of Article 3, paragraphs 2 and 4, of the Convention (compulsory maternity leave of at least 12 weeks and, in case confinement should take place after the presumed date, extension of prenatal leave up to the actual date of confinement, without reduction of the period of compulsory leave to be taken after confinement).

In connection with the application of Article 4 of the Convention, the Committee also noted with interest that in respect of cash benefits Act No. 12572 of 1958 provides: (a) that these benefits shall be paid to the woman during the whole of her absence on maternity leave, even when this leave is extended beyond 12 weeks, if confinement should take place after the presumed date or in case of illness arising out of pregnancy or confinement, and (b) that these benefits shall be paid by employers' contributions, the amount of which is based on the wages paid in respect of the total number of men and women employed, without distinction of sex.

With regard to the medical benefits provided for under Article 4 of the Convention and the categories of women workers covered by Article 1, the points on which the national legislation is not in conformity with the Convention are indicated in a new request addressed directly to the Government.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Uruguay.*

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: Abolition of Forced Labour, 1957

Canada (ratification: 1959). In 1962 the Committee noted in a direct request that, under section 43A of the Newfoundland Labour Relations Act (as amended in 1959), participation in certain kinds of strikes (e.g. sympathy strikes, strikes in a demarcation dispute, etc.) might be punished with imprisonment for up to three months. The Committee observes with satisfaction that these provisions have been repealed by the Newfoundland Labour Relations (Amendment) Act, 1963.

Dominican Republic (ratification: 1958). Following the examination of the Government's first report, the Committee in 1961 addressed to it a direct request concerning measures which appeared to be called for with a view to the implementation of Article 1, paragraphs (a), (b), (c) and (d), of the Convention, and also requested information on the practical application of a number of provisions which might affect the implementation of the Convention. In the absence of any reply to this request in the Government's report for 1960-61, it had to be repeated in 1962.

The Committee regrets to note from the Government's report for 1961-63 that no measures regarding the matters mentioned by it have been taken, nor does the report supply the information on the practical application of the provisions indicated by the Committee. The Committee is addressing a further direct request to the Government, and trusts that it will not fail to take appropriate action on the matters mentioned therein and to supply full information in a report for 1963-64.¹

Israel (ratification: 1958). See under Convention No. 29.

Portugal (ratification: 1959). The Committee notes the information supplied to the Conference Committee in 1963 and in the Government's report for 1962-63, in reply to the observations made in 1963 regarding matters arising out of the report of the Commission appointed under article 26 of the I.L.O. Constitution.

Paragraphs 730 and 736 of the Commission's report. The Committee notes the information concerning regulations, circulars, etc., issued pursuant to the Rural Labour Code of 1962, and requests that similar information be supplied in future reports.

Paragraph 735. The Committee notes the statement made by the Government's representative before the Conference Committee in June 1963 that the early repeal of Ministerial Legislative Instrument No. 24 of 9 May 1961 of Angola (which provided, as an emergency measure, for compulsory recruitment for a Labour and Economic Recovery Corps) was then contemplated. Having regard to the statement in the Government's report that in practice the workers concerned have been recruited without any compulsion, such repeal should present no difficulties, and the Committee hopes that early measures will be taken to this end.

Paragraph 738. (a) The Committee notes the information supplied concerning the number of workers recruited by the Diamond Company of Angola, and requests that similar information be supplied in future reports.

(b) The Committee notes the Government's statement that workers recruited by the Diamond Company are not obtained through the traditional authorities (*sobas*). As there would thus appear to have been a change of practice since the Commission's visit to the company in December 1961 (see paragraph 524 of the Commission's report), the Government is requested to indicate (i) the regulations, decision or other instrument by which this change was brought about (together with a copy thereof) and (ii) the nature of the new arrangements for recruiting the workers concerned.

¹ The Government is asked to supply a detailed report for the period 1963-64.

(c) The Committee notes the Government's statement that inspection by the labour inspectorate in the District of Lunda (where the company's workings are situated) has not so far revealed any infringement of section 154 of the Rural Labour Code (which prohibits public officials from taking part in recruiting). The Committee would be glad if, in future reports, the Government would (i) give information concerning the application not only of section 154 of the Code, but also of sections 157 and 158 (requiring public officials, local headmen and village chiefs to abstain from any act appearing to give assistance in recruiting), (ii) supply such information not only in respect of the district of Lunda, but also in respect of areas outside this district in which the company recruits, and (iii) provide particulars of the activities of the labour inspectorate of the Labour, Welfare and Social Action Institute in this connection.

(d) The Committee notes the information supplied concerning the medical, welfare and recreational facilities provided by the Diamond Company. It would be glad if the Government would, in future reports, in addition to such particulars, indicate (i) any improvements in conditions of employment (wages and allowances, hours of work, rest days, holidays with pay, etc.) which have been made in pursuance of the company's declared policy to make conditions more attractive with a view to replacing recruited by spontaneous labour, and (ii) the results so far achieved towards realisation of this objective.

Paragraph 741. The Committee notes the Government's statement that, in recruiting for public undertakings and services in Angola, the provisions of the Rural Labour Code are strictly applied. The Committee would be glad if the Government would (i) indicate in the next report, as already requested by it in 1963, what measures have been taken to implement the Commission's recommendation that conditions of employment in publicly owned railways and ports should be improved so as to enable them to attract voluntary labour, and (ii) supply information on the recruiting arrangements now in force in these undertakings.

Paragraph 744. The Committee notes that road construction and maintenance in Angola have now been entrusted to an Independent Board of Roads, and that rules for this Board are being drawn up. It would be glad if the Government would (i) supply a copy of the rules, when adopted, (ii) supply information on the conditions of employment of the Board's unskilled manual workers (together with copies of any standard forms of contracts of employment), and (iii) indicate to what extent such workers are obtained by recruiting.

Paragraph 749. The Committee notes the conclusions of the inspection visit to the Cassequel Agricultural Company in June 1963 reproduced in the Government's report. It would be glad if the Government would in the next report indicate (i) the arrangements now in force for engaging the company's labour and (ii) the number and proportion of recruited workers employed by the company.

Paragraph 750. Although the Government's report contains no new information concerning the system of cotton cultivation in Angola and Mozambique, the Committee notes that, after the end of the reporting period, Legislative Decree No. 45179 of 5 August 1963 was issued, and that it provides for the expiration of all existing concessions not later than 31 August 1966, makes the provincial Cotton Institutes responsible for the promotion, co-ordination and supervision of cotton-growing and related activities, including technical and financial assistance to cotton-growers (thus transferring to them functions previously discharged by concession-holders), abolishes exclusive rights of purchase of cotton, and replaces the system of fixed prices to producers by one of minimum prices.

The Committee also notes with interest that, by Order No. 12982 of 16 November 1963, the concession of the Cotton Company of Angola (Cotonang) was terminated with effect from 19 December 1963.

The Committee notes that section 3 of Legislative Decree No. 45179 provides for the making of regulations, *inter alia*, for the purpose of guaranteeing freedom of production, and requests the Government to supply copies of all such regulations which have been issued.

The Committee further notes that, under section 12 of the decree, ginning and pressing of cotton is to be permitted only in existing factories, and no new factories will be permitted to be established unless the existing ones are unable to process all the cotton produced in the area which they serve. These provisions would appear to limit very considerably the effect of the abolition of the exclusive right of concession-holders to buy cotton provided for elsewhere in the decree, particularly in the light of the provision in section 5 that only those with the technical facilities to process cotton may buy raw cotton. Recalling the earlier practices in the matter noted by the Commission in its report and its recommendations concerning arrangements to ensure that the system of marketing and processing of cotton does not in practice involve a danger of constraint to the detriment of producers, the Committee would be glad if the Government would review the above-mentioned provisions with a view to ensuring producers a greater degree of freedom in marketing their crops.

Paragraph 752. The Committee notes the information supplied concerning the practical application of vagrancy provisions, and requests that similar information be supplied in future reports.

Paragraph 754. The Committee notes the information supplied on the operation of inspection services and on the volume and nature of recruiting, and requests that similar information be supplied in future reports. It would in particular appreciate more detailed information on the activities of the inspectorate to ensure the elimination of all forms of compulsory labour, and on all cases of violations of the statutory provisions on this matter.

As, according to the information supplied, the inspection services in Angola and Mozambique are still at an initial stage, and that of Guinea remains to be established, the Committee would be glad if the Government would indicate the further measures proposed to be taken to develop the inspection services in accordance with the recommendations of the Commission.

Paragraphs 762 and 763. As, according to the information supplied, the free public placement services provided for in the Rural Labour Code have not yet been established in Angola and Guinea, and in Mozambique only a very limited beginning has been made in the capital, the Committee would be glad if the Government would also indicate the measures proposed to be taken to develop these services, in accordance with the Commission's recommendations.¹

El Salvador (ratification: 1958). Following its examination of the Government's first report, the Committee noted in a direct request in 1961 that, by virtue of section 24 of Decree No. 322 of 1946 respecting collective labour agreements, persons instigating a strike in certain circumstances were liable to be sentenced to imprisonment (involving an obligation to perform labour), and requested the Government to indicate the measures contemplated to ensure the full application of Article 1 (d) of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

The Committee notes with satisfaction that the above-mentioned decree was repealed by Decree No. 96 of 24 April 1961, and that neither this decree of 1961 nor the provisions on collective labour disputes now contained in the Labour Code of 1963 prescribed penalties for participation in strikes which may involve any form of forced or compulsory labour.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Belgium, Cameroon, Canada, Chad, China, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Ghana, Haiti, Iceland, Iran, Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Malaysia, Netherlands, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, El Salvador, Sierra Leone, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Trinidad and Tobago, Tunisia, Turkey, United Arab Republic, United Kingdom.*

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to the following States: *Cuba, Dominican Republic, Israel, Kuwait, Syrian Arab Republic.*

Convention No. 107: Indigenous and Tribal Populations, 1957

Requests regarding certain points are being addressed directly to the following States: *Ghana, Peru, El Salvador.*

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: *Ghana, Mexico.*

Convention No. 110: Plantations, 1958

A request regarding certain points is being addressed directly to *Liberia.*

Convention No. 111: Discrimination (Employment and Occupation), 1958

Portugal (ratification: 1959). The Committee thanks the Government for the report for 1962-63 supplied by it following the request made in the Conference Committee in 1963. The Committee also notes the exchange of views which took place in the Conference Committee concerning the application of the Convention by Portugal, following which the Conference Committee expressed its intention to re-examine the question in 1964, in the light of the Government's further report and of the comments of the Committee of Experts.

The Committee notes that, in respect of the points raised in its direct request of 1963, the report gives information on the situation in metropolitan Portugal, as well as on distinctions based upon sex or political opinion (matters to which the Committee refers in a new direct request).

The Committee has to note, however, that the report does not furnish information in reply to the questions which it had raised concerning the situation in the overseas provinces. As far as the Committee is aware, the legislation in force in these territories does not provide for discrimination between different groups of the population in

respect of employment and occupation; the Committee recalls however that the policy provided for by the Convention must aim at promoting equality of opportunity and treatment not only in law, but also in fact. Apart from the provision for equality of wages in section 69 of the Overseas Rural Labour Code, which it had already noted with interest, the Committee does not possess the necessary information on the positive measures which have been taken by the Government in this respect. In these circumstances the Committee requests the Government to provide full particulars of the manner in which the Convention is applied in the overseas provinces, particularly with regard to the following matters, which had been the subject of its previous requests:

1. The general policy declared in the overseas provinces to promote equality of opportunity in respect of employment and occupation for persons of various ethnic origins (Article 2 of the Convention).

2. The measures taken in the overseas provinces to promote equality of persons of different ethnic origins in public employment, with particulars of the evolution of the situation at the various levels of authority (Article 3 (d)).

3. The measures taken in practice in the overseas provinces to develop vocational training and guidance facilities affording equality of opportunity to members of the different groups of the population, and the results obtained, with particulars of the evolution of the situation as regards access of these persons to the various levels of training and employment (Article 3 (e) and (f)).

The Committee hopes that it will be possible for the Government to supply full information on the above-mentioned points to the Conference at its 48th Session and in its next report.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Dahomey, Ghana, Guinea, Hungary, Iraq, Liberia, Malagasy Republic, Pakistan, Philippines, Portugal, Somalia, Switzerland, Syrian Arab Republic, United Arab Republic.*

Convention No. 112: Minimum Age (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Liberia, Mexico, Spain.*

Convention No. 113: Medical Examination (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Guinea, Liberia, Spain.*

Convention No. 114: Fishermen's Articles of Agreement, 1959

Requests regarding certain points are being addressed directly to the following States: *Guinea, Liberia, Spain.*

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: *Ghana, Norway, Sweden.*

**Appendix I. Detailed Reports Received and Detailed Reports Not Received
by 25 March 1964**

Reports received: 1,314. Reports not received: 310. Total: 1,624.

(Article 22 of the Constitution)

Country	Reports received †		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan	5	4, 13, 41, 45, 95	0	—	5
Albania	0	—	8	4, 6, 10, 16, 29, 52, 77, 78	8
Algeria	6	6, 13, 24*, 44, 88, 96	20	10, 17, 18, 19, 29, 42, 56, 63, 69, 71, 73, 74, 77, 78, 81, 89, 92, 94, 95, 101	26
Argentina	35	2, 3, 4, 6, 8, 10, 12, 13, 16, 17, 18, 19, 20, 22, 23, 29, 32, 34, 41, 42, 45, 50, 52, 53, 68, 71, 73, 77, 78, 79, 81, 88, 90, 95, 105	0	—	35
Australia	13	10, 12, 16, 18*, 19, 22, 29*, 42*, 45, 63, 85, 88, 105*	0	—	13
Austria	21	2, 4, 6, 10, 12, 13, 17, 18, 19, 24, 25, 29, 42, 45, 63, 81, 89, 94, 95, 101, 105*	0	—	21
Belgium	29	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 53, 55, 56, 69, 73, 74, 81, 82, 85, 88, 89, 94, 96, 101, 105	0	—	29
Bolivia	0	—	6	5, 14, 19, 26, 42, 96	6
Brazil	19	5, 6, 12, 16, 19, 29, 42, 45, 52, 53, 81, 88, 89, 92, 95, 96, 98, 99, 101	0	—	19
Bulgaria *	43	6, 9, 10, 11, 12, 13, 16, 17, 19, 22, 23, 24, 25, 27, 32, 34, 35, 36, 37, 38, 39, 40, 43, 45, 49, 52, 53, 55, 56, 62, 69, 71, 73, 77, 78, 79, 81, 87, 94, 95, 98, 112, 113	6	18, 29, 30, 42, 44, 88	49

† For footnotes see end of table, p. 164.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Burma	10	4*, 6*, 15, 16*, 22*, 26, 29, 41*, 52*, 87	6	2, 17, 18, 19, 42, 63	16
Burundi	0	—	11	4, 12, 17, 18, 19, 29, 42, 85, 89, 94, 105	11
Byelorussia	12	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95*, 98	0	—	12
Cameroon	5	29, 45, 87, 94, 95	1	19	6
Eastern Cameroon . . .	4	4, 6, 13, 85	0	—	4
Western Cameroon . . .	1	105	3	16, 65, 81	4
Canada	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Rep. . . .	14	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 84, 85, 87, 95	0	—	14
Ceylon	9	16, 18, 29, 41, 45, 63, 81, 90, 96	0	—	9
Chad*	6	4, 6, 13, 41, 52, 95	4	29, 85, 98, 105	10
Chile	17	2, 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 22, 24, 25, 29, 34, 45	1	63	18
China	6	16, 19, 22, 23, 45, 105	0	—	6
Colombia	16	2, 3, 4, 8, 9, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25	0	—	16
Congo (Brazzaville)	0	—	6	4, 6, 13, 29, 41, 95	6
Congo (Leopoldville) . . .	0	—	13	4, 12, 14, 17, 18, 19, 29, 42, 50, 84, 85, 89, 94	13
Costa Rica	3	29, 99, 105*	13	45, 81, 87, 88, 89, 90, 92, 94, 95, 96, 98, 106, 107	16
Cuba	0	—	32	4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 52, 63, 77, 78, 79, 81, 88, 89, 90, 92, 94, 95, 96, 99, 101, 104, 105, 110	32
Cyprus	9	16, 19, 29, 45, 81, 88, 94, 95, 105	0	—	9

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Czechoslovakia	23	1, 4, 10, 12, 13, 17, 18, 19, 24, 25, 29, 34, 42, 43, 44, 45, 48, 49, 52, 63, 88, 89, 90	0	—	23
Dahomey	16	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 84, 85, 95, 105, 111	1	87	17
Denmark	15	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105	0	—	15
Dominican Republic . . .	17	1, 10, 19, 29, 45, 52, 79, 81, 87, 88, 89, 90, 98, 104, 105, 106, 107	0	—	17
Ecuador	0	—	8	2, 24, 26, 29, 45, 95, 98, 100	8
Finland	20	2, 12, 13, 16, 17, 18, 19, 22, 29, 42, 45, 52, 53, 63, 73, 81, 92, 94, 96, 105	0	—	20
France	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	1	97	38
Gabon	18	3, 4, 6, 10, 12, 13, 19, 29, 41, 45, 52, 85, 95, 96, 99, 100, 101, 105	0	—	18
Federal Republic of Germany	22	2, 3, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 56, 63, 81, 88, 96, 101, 105	0	—	22
Ghana	13	16, 19, 29, 45, 65, 81, 88, 89, 90, 94, 105, 111, 115	0	—	13
Greece	15	1, 2, 6, 13, 16, 17, 19, 29, 42, 45, 52, 81, 88, 89, 95	0	—	15
Guatemala	0	—	30	19, 26, 30, 45, 58, 63, 65, 77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98, 99, 100, 101, 105, 108, 110, 112, 113, 114	30
Guinea	0	—	12	4, 6, 13, 18, 29, 41, 81, 95, 105, 111, 113, 114	12

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Haiti	14	1, 12, 17, 19, 24, 25, 29, 42, 45, 77, 78, 81, 90, 105	0	—	14
Honduras	0	—	11	29, 45, 78, 87, 95, 98, 100, 105, 106, 108, 111	11
Hungary	22	2, 6, 10, 12, 13, 16, 17, 18, 19, 24, 29, 41, 42, 45, 48, 52, 77, 78, 87, 95, 101, 111	0	—	22
Iceland	9	2, 11, 15, 29, 58, 87, 98, 100, 105	1	102	10
India	12	4, 6, 16, 18, 19, 22, 29, 45, 81, 88, 89, 90	0	—	12
Indonesia	0	—	3	19, 29, 45	3
Iran	3	29, 104, 105	0	—	3
Iraq	13	17, 18, 19, 41, 42, 52, 77, 78, 81, 88, 95, 105, 111	0	—	13
Ireland	20	2, 6, 10, 12, 16, 19, 22, 23, 29, 42, 44, 45, 63, 69, 74, 81, 89, 92, 105, 108	0	—	20
Israel	17	10, 19, 29, 52, 77, 78, 79, 81, 88, 90, 94, 95, 96, 101, 105, 106, 112	0	—	17
Italy	33	2, 4, 6, 10, 12, 13, 16, 18, 19, 22, 23, 29, 42, 44, 45, 48, 52, 53, 55, 69, 71, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101	0	—	33
Ivory Coast	13	4, 6, 13, 18, 19, 41, 45, 52, 85, 95, 96, 99, 100	2	29, 105	15
Jamaica	5	16, 19, 29, 65, 105	3	81, 87, 94	8
Japan	13	2, 10, 16, 18, 19, 22, 29, 42, 45, 73, 81, 88, 96	0	—	13
Jordan	0	—	1	105	1
Kenya* ¹	9	2, 12, 29, 63, 65, 81, 88, 94, 105	0	—	9
Kuwait	5	30, 52, 89, 105, 106	1	87	6
Lebanon	0	—	1	14	1

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Liberia	5	29, 53, 55, 113, 114	0	—	5
Libya	0	—	3	29, 52, 105	3
Luxembourg	24	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 42, 45, 77, 78, 79, 81, 88, 89, 90, 96	0	—	24
Malagasy Republic	9	4, 6, 12, 13, 19, 29, 41, 95, 111	0	—	9
Malaysia	8	12, 17, 19, 29, 45, 65, 95, 105	0	—	8
Mali	8	4*, 6*, 13, 18, 29*, 41*, 85*, 95*	0	—	8
Mauritania	8	4, 6, 13, 18, 29, 41, 85, 95	0	—	8
Mexico	22	8, 12, 13, 16, 17, 19, 22, 23, 29, 34, 42, 45, 52, 53, 55, 62, 90, 95, 102, 105, 108, 112	1	63	23
Morocco	17	2, 4, 12, 13, 17, 18, 19, 22, 29, 41, 42, 45, 52, 55, 81, 94, 101	0	—	17
Netherlands	28	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105	0	—	28
New Zealand	21	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	21
Nicaragua	29	1*, 2*, 3*, 4*, 5*, 6*, 7*, 8*, 9*, 10*, 11*, 12*, 13*, 14, 15*, 16*, 17*, 18*, 19*, 21*, 22*, 23*, 24*, 25*, 26*, 27*, 28*, 29*, 30*	0	—	29
Niger	9	4, 6, 13, 18, 29, 41, 84, 85, 95	0	—	9
Nigeria	12	16, 19, 29, 45, 59, 65, 81, 88, 94, 95, 98, 105	0	—	12
Norway	26	2, 10, 13, 18, 19, 22, 24, 25, 29, 30, 42, 44, 53, 63, 69, 71, 73, 81, 88, 90, 92, 95, 96, 101, 105, 115	0	—	26

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Pakistan	11	4, 6, 16, 18, 19, 22, 45, 81, 87, 89, 96	4	29, 90, 105, 111	15
Panama	1	81	9	3, 12, 17, 30, 42, 45, 52, 87, 100	10
Peru	0	—	30	1, 4, 8, 9, 10, 12, 19, 20, 22, 23, 24, 25, 29, 35, 36, 37, 38, 39, 40, 41, 45, 52, 68, 69, 71, 73, 81, 101, 102, 105	30
Philippines	8	17, 23, 87, 88, 94, 95, 105, 111	4	53, 77, 89, 90	12
Poland	31	2, 5, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 48, 69, 73, 74, 77, 78, 79, 87, 92, 95, 96, 98, 101, 105	0	—	31
Portugal	15	4, 6, 12, 17, 18, 19, 29, 45, 69*, 73*, 74*, 92*, 104, 105, 111	0	—	15
Rumania	10	2, 6*, 8, 10, 13*, 16, 29, 87, 89*, 98	1	24	11
Rwanda	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
El Salvador	0	—	3	12, 104, 105	3
Senegal	14	4, 6, 10, 12, 13*, 19*, 29*, 41*, 52*, 85*, 95*, 98*, 101, 105*	1	18	15
Sierra Leone	27	5, 7, 8, 15, 16, 17, 19, 22, 26, 29, 32*, 45, 50, 58, 59, 64, 65, 81, 86, 87, 88, 94, 95, 98, 99, 101, 105	0	—	27
Somali Republic	6	29, 65, 84, 85, 105, 111	0	—	6
Former Trust Territory of Somaliland	6	16, 17, 19, 22, 23, 45	0	—	6
Former British Somaliland	4	50, 64, 94, 95	0	—	4
Republic of South Africa .	6	2, 19, 42, 45, 63, 89	0	—	6
Spain	29	1, 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 29, 30, 34, 42, 45, 48, 81, 88, 89, 95, 112, 113, 114	0	—	29

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Sudan	4	2, 19, 26, 29*	1	98	5
Sweden	19	2, 10, 12, 13, 16, 17, 19, 29, 42, 45, 63, 73, 81, 88, 92, 96, 101, 105, 115	0	—	19
Switzerland	15	2, 6, 16, 18, 19, 23, 29, 44, 45, 63, 81, 88, 89, 105, 111	0	—	15
Syrian Arab Republic . . .	25	1, 2, 14, 17*, 18*, 19*, 26, 29, 30, 45, 52, 53, 63, 81, 88, 89, 94, 95, 96, 100, 101, 104, 105, 106, 111	2	87, 107	27
Tanganyika	14	11, 12, 16, 17, 19, 29, 45, 65, 81, 88, 94, 95, 101, 105	0	—	14
Togo	7	4, 6, 13, 29, 41, 85, 95	0	—	7
Trinidad and Tobago . . .	6	16, 19, 29, 65, 85, 105	0	—	6
Tunisia	14	4, 6, 12, 13, 17, 18, 19, 45, 52, 81, 89, 90, 95, 105	0	—	14
Turkey	9	2, 42, 45, 81, 88, 94, 95, 96, 105	0	—	9
Uganda	0	—	10	12, 17, 19, 29, 45, 65, 81, 94, 95, 105	10
Ukraine	6	29, 45, 52, 79, 95, 112	7	10, 16, 77, 78, 87, 90, 98	13
U.S.S.R.	13	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95, 98, 112]]	0	—	13
United Arab Republic. . .	19	2, 14, 17, 18, 19, 29, 45, 52, 63, 81, 87, 88, 89, 94, 95, 96, 101, 104, 105	1	53	20
United Kingdom	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	26
United States	3	53, 55, 74	0	—	3
Upper Volta	0	—	9	4, 6, 13, 18, 29, 41, 85, 95, 97	9

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Uruguay	24	2, 10, 12, 13, 16, 17, 19, 22, 23, 24, 25, 42, 45, 52, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101	0	—	24
Venezuela	0	—	13	1, 2, 3, 6, 11, 13, 14, 19, 22, 26, 27, 29, 45	13
Viet-Nam	6	4, 6, 13, 29, 45, 52	0	—	6
Yugoslavia	26	2, 12*, 13, 16, 17*, 19*, 22, 23, 24*, 25*, 29, 45, 48, 52, 53*, 69, 74*, 81, 87, 88, 90, 100, 101, 102, 112, 113*	4	18, 56, 89, 114	30
<i>State not a Member of the I.L.O.</i> Western Samoa	6	14, 29, 50, 64, 65, 104	0	—	6

* Reports received too late to be summarised in Report III (Part I).

¹ The reports communicated by the Government of Kenya, which became a Member of the I.L.O. in 1964, cover a period preceding its admission to the I.L.O. The Government has also submitted reports on Conventions Nos. 16, 17, 19, 22, 24, 25, 42, 44, 45, 56, 69, 74, 82, 87, 92, 95, 101.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

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	83.8
1960-1962	1,309 ⁴	200	15.5	1,059	80.9	1,121	85.6
1961-1963	1,624 ⁴	280	17.2	1,314	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

Fourteen of the reports due in respect of the non-metropolitan territories of Australia were received only a few days before the Committee met. These late reports included the first reports on the application of Convention No. 105, examination of which the Committee has had to defer until its next session. It hopes that in future all reports will be supplied in time.

France

The Committee notes that a number of reports concerning the application of Conventions in the four Overseas Departments and also certain reports relating to the Comoro Islands do not indicate whether copies of the reports have been sent to representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution. The Committee would be glad if all future reports would contain this information.

It would appear from the indications given in the reports that declarations of application might be made for St. Pierre and Miquelon in respect of Convention No. 16 and for the Comoro Islands and French Polynesia in respect of Convention No. 94. The Government may wish to consider the possibility of communicating such declarations.

Netherlands

The Committee regrets that, for the third time in four years, no reports have been supplied on the application of Conventions in Surinam. This repeated failure to comply with constitutional reporting obligations is all the more serious as, in respect of a number of the Conventions concerned (Nos. 13, 17, 19, 29, 42, 62, 81, 88, 94, 95, 96), observations or requests are outstanding, which the Committee is bound to repeat. Moreover, the first report on Convention No. 105 originally due in 1961 has not yet been supplied.

The Committee must record its serious concern at thus being prevented from discharging its duties in relation to this territory. It once more urges that arrangements be made to ensure the submission in future of all reports due.

It would appear from the report concerning the application of Convention No. 16 in the Netherlands Antilles that a declaration of application might be made. The Government may wish to consider the possibility of communicating such a declaration.

United Kingdom

While noting that over 90 per cent. of the 921 reports requested have been supplied, the Committee regrets that none of the reports due in respect of Brunei and the Isle of Man have been supplied, and that only ten of the 26 reports due in respect of Basutoland have been received. The Committee also regrets that six reports on Convention No. 105 have not been supplied (Basutoland, British Guiana, Brunei,

Isle of Man, St. Vincent, Seychelles). It hopes that all the outstanding reports will be available for examination at its next session.

The Committee has had to defer until its next session the examination of the following first reports, since they were received only shortly before it met: Antigua—Convention No. 97; Nyasaland—Conventions Nos. 11, 12, 26, 86 and 105. It hopes that in future all reports will be submitted in time.

The Committee has noted that new general labour legislation has been enacted in Bechuanaland and Swaziland. As international labour standards in various fields appear to have been taken into account in drafting this legislation, the Committee hopes that the Government will be able to communicate further declarations concerning the application of Conventions to these territories. It would appear, from the information given in the reports in respect of these territories on Convention No. 94, that consideration might be given to the communication of declarations for this instrument also.

It would appear from the reports in respect of British Honduras that a declaration of application might be made for this territory in respect of Convention No. 11, and that the existing modifications concerning Conventions Nos. 88 and 94 might be cancelled. A declaration of application might also be made for Mauritius in respect of Convention No. 42.

B. INDIVIDUAL OBSERVATIONS

Convention No. 2: Unemployment, 1919

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas).

Convention No. 5: Minimum Age (Industry), 1919

A request regarding certain points is being addressed directly to the *United Kingdom* (British Virgin Islands).

Convention No. 6: Night Work of Young Persons (Industry), 1919

Denmark

Faroe Islands.

As the report contains no new information, the Committee is bound to repeat its previous observation, which was as follows:

The Committee regrets to note that legislation to prohibit night work for young persons and to give effect to the Convention has not yet been adopted despite the assurances repeatedly given by the Government since 1957. The Committee urges that effect be given to the Convention without further delay.¹

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

See section I, under Convention No. 6, *France*.

French Somaliland.

The Committee regrets to note that no progress has yet been made towards limiting the exceptions to the prohibition of night work for young persons allowed

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

under the local regulations (in respect of industries dealing with materials which are subject to rapid deterioration and in respect of industries working continuously) to those authorised under Article 2, paragraph 2, and Article 4 of the Convention (work to be carried on continuously in the five categories of industries specified in Article 2 of the Convention and cases of *force majeure*).

The Government states that in practice the above industries do not exist in the territory and that no authorisation has been granted to work at night in any of the existing industries. The Committee hopes therefore that there will be no difficulty in bringing the legislation into full conformity with the Convention as has been done in other territories, in order to exclude any possibility of employing young persons at night in circumstances contrary to the Convention.

St. Pierre and Miquelon.

Further to its previous direct requests the Committee notes with satisfaction that by Order No. 876 of 15 November 1963, Order No. 445 of 14 August 1954 relating to employment of children has been modified and brought into conformity with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Greenland), *France* (Comoro Islands).

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

A request regarding certain points is being addressed directly to the *United Kingdom* (British Virgin Islands).

Convention No. 12: Workmen's Compensation (Agriculture), 1921

A request regarding certain points is being addressed directly to the *United Kingdom* (British Virgin Islands).

Convention No. 13: White Lead (Painting), 1921

Netherlands

Surinam.

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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).

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (Comoro Islands, St. Pierre and Miquelon).

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

Netherlands

Netherlands Antilles.

In 1959 the Government indicated in its report that the advisory bodies had given their approval to draft amendments to the Industrial Accidents Regulation, 1936, which took into account the provisions of Articles 7 and 10 of the Convention, relating respectively to additional compensation for cases of incapacity necessitating the constant help of another person and to the right to the supply and renewal of artificial limbs and surgical appliances. As no information in this connection has been provided by recent reports, the Committee would be grateful to know whether these amendments have in fact been adopted. If not, the Committee hopes that they will be adopted in the near future in order to ensure the full application of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Denmark

Greenland.

In connection with the requests which it had made in previous years, the Committee takes note with satisfaction of the adoption of the Royal Order of 2 February 1962 governing employment injury insurance and of the inclusion in this order of undertakings with their headquarters in Greenland, for which there was not previously an employment injury insurance scheme. This measure eliminates the former discrepancy with Article 3 of the Convention.

*Netherlands**Surinam.*

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

* * *

In addition, a request regarding certain other points is being addressed directly to *Denmark* (Greenland).

Convention No. 22: Seamen's Articles of Agreement, 1926

A request regarding certain points is being addressed directly to the *United Kingdom* (Bahamas).

Convention No. 24: Sickness Insurance (Industry), 1927

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 29: Forced Labour, 1930*Netherlands**Surinam.*

The Committee regrets that no report has been supplied. It recalls the Government's statement in the report for 1958-59 that the illegal exaction of forced or compulsory labour is not punishable as a penal offence, as required by Article 25 of the Convention. The Committee has drawn the Government's attention to the need for such measures since 1957, and it trusts that appropriate provisions will be adopted without further delay.

*United Kingdom**Bechuanaland.*

The Committee notes with satisfaction that, following its previous observations, the Employment Law, 1963 (which was expected to be brought into operation early in 1964), contains provisions designed to give effect to the Convention, and in particular amends the African Administration Proclamation so as to abolish the exaction of personal services for chiefs. The Committee hopes that the Government will be able to indicate at the 48th Session of the Conference that the Law has come into force.

Fiji.

The Committee notes with satisfaction that the Fijian Affairs (Amendment) Regulation, 1962, repealed provisions relating to requisition of members of the community to carry out house-building or the planting of crops for food or for profit, and of persons between the ages of 14 and 60 to perform such communal services as the making and maintaining of unproclaimed roads, the building and repairing of houses and the planting and upkeep of food crops.

Northern Rhodesia.

The Committee notes with satisfaction, from the information supplied in answer to its previous requests, that—

- (a) the Collective Punishment Ordinance, which permitted the exaction of forced labour as a method of collective punishment, was repealed in 1962;
- (b) the Native Authority Ordinance and the Barotse Native Authority Ordinance were amended in 1962 so as to restrict the possibility of the compulsory engagement of paid labour for essential public works or services to cases of calamity or threatened calamity and to abolish the power, in the event of shortage of food, to call up labour generally for public works or other approved employment; and
- (c) the Natural Resources Ordinance of 1962 omits previous provisions for the call-up of labour for conservation purposes.

Solomon Islands.

The Committee notes with satisfaction that, following previous requests, the provisions of the Native Administration Ordinance, 1953, relating to the power of local councils to impose communal labour have been repealed by the Local Government Ordinance, 1963.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Guiana, French Polynesia, Guadeloupe, Martinique, Reunion), *United Kingdom* (Antigua, Bechuanaland, Bermuda, Dominica, Fiji, Gilbert and Ellice Islands, Grenada, Jersey, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Vincent, Solomon Islands, Swaziland).

Convention No. 42: Workmen's Compensation (Occupational Diseases)
(Revised), 1934

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

See under Convention No. 42, *France*.

Netherlands

Netherlands Antilles.

The Government indicates, in reply to the observation of 1962, that the new legislation on workmen's compensation, which is to complete, in conformity with Article 2 of the Convention, the list of occupational diseases and industries or processes liable to cause them, will be put into effect in the very near future.

Since this legislative revision was first mentioned by the Government in 1957, the Committee trusts that the necessary measures will be adopted without delay to put the legislation in question into effect.

Surinam.

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

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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. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the *United States* (Trust Territory of Pacific Islands).

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

A request regarding certain points is being addressed directly to the *United States* (American Samoa).

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Jersey, Malta).

Convention No. 62: Safety Provisions (Building), 1937

Netherlands

Surinam.

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with regret 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 not has 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 urges the Government to take the necessary measures without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939*United Kingdom**British Guiana.*

The Committee notes with regret the Government's statement, in reply to its previous observations, that the necessary legislation to give effect to the Convention has not yet been enacted. It notes, however, the assurance given that every effort would be made to do so at an early date. As the Government mentioned already in its report for 1953-54 that it was intended to enact such legislation and as the Committee has had to make observations on the matter since 1957, it trusts that the legislation in question will be adopted without any further delay.¹

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In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Nyasaland).

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939*United Kingdom**Bechuanaland.*

The Committee notes with satisfaction that, following its previous observations, the Employment Law, 1963 (which was expected to be brought into operation early in 1964), provides for the repeal of the provisions imposing penal sanctions for breaches of contracts of employment contained in the Masters and Servants Act and the African Labour Proclamation. It hopes that the Government will be able to indicate at the 48th Session of the Conference that the Law has come into force.

Mauritius.

The Committee notes with satisfaction that the Municipality Ordinance, 1903, which provided for penalties for breach of contract, has been repealed by the Local Government Ordinance, 1962, which contains no such provisions.

Northern Rhodesia.

The Committee notes with satisfaction that, following its earlier observations and requests, sections 74, 75 and 89 of the Employment of Natives Ordinance (which laid down penal sanctions, *inter alia*, for refusal or failure to commence service and for desertion) have been repealed by Ordinance No. 10 of 1963.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Bechuanaland, Mauritius, Northern Rhodesia).

Convention No. 69: Certification of Ships' Cooks, 1946*Netherlands**Netherlands Antilles.*

The Committee notes with interest the reply of the Government to the direct request made in 1962, according to which a text has been prepared to give effect to all the provisions of the Convention. The Committee hopes that this new legislative

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

text will be adopted soon, and asks the Government to supply a copy in its next report.

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In addition, a request regarding certain other points is being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Reunion).

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Reunion).

Convention No. 81: Labour Inspection, 1947

Netherlands

Netherlands Antilles.

Article 12, paragraph 1 (c), of the Convention. The Committee notes the reply to its observation given by the Government at the Conference in 1962 that the necessary measures to give effect to the above-mentioned provision of the Convention would be adopted in the near future. The report of the Government for 1961-63, however, gives no information relating to the adoption of legislative provisions empowering labour inspectors to carry out the various examinations, tests or inquiries provided for by the Convention.

In these circumstances the Committee can only recall that it first drew the attention of the Government in 1956 to the necessity of giving effect to this basic provision of the Convention. The Committee trusts that appropriate measures will be adopted in the very near future.¹

Surinam.

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

As it would appear that no such legislation has since been adopted, the Committee trusts that the Government will make every effort to give effect to Articles 7, 8, 9, 12 and 13 of the Convention in the near future.

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

*United Kingdom**Grenada.*

Article 15 (c) of the Convention. In reply to previous requests, the Government indicates that, in practice, labour inspectors treat as confidential the source of any complaint, and that this question will be considered by the committee responsible for making recommendations for the drawing up of a Labour Code. The Committee hopes that the new Code will be adopted shortly and that it will take into account the provisions of the Convention.

On the other hand, the Committee notes with regret that the Factories Ordinance, 1958, has not yet come into force because it has not yet been found possible to provide training courses for factory inspectors. It hopes that the Government will take the necessary steps to hasten the entry into force of this ordinance, so that a factory inspector may be appointed and so that the Government may be able to prepare an annual general report on the work of the inspection services in accordance with the conditions laid down in Articles 20 and 21 of the Convention.

The Committee would be grateful if the Government's next report would supply information on the progress achieved in this connection.

Southern Rhodesia.

The Committee takes note of the information submitted by the Government in reply to the request made in 1962.

Article 3 of the Convention. The report indicates that the provisions of section 27 (b) and (d) of the Native Labour Regulations Act (under which the duties of inspectors of native labourers include inquiries into "all breaches of discipline and other minor contraventions of regulations by any native labourers" and the arrest of natives "reasonably suspected of contravening any regulation") have not yet been repealed but have become obsolete and that industrial officers have written administrative instructions not to have recourse to these provisions. The Committee trusts that in the circumstances the Government will have no difficulty in repealing the above-mentioned provisions in the near future.

Article 6. The report indicates that there are at present no inspectors appointed under subsection 3 of section 4 of the Factories Act and that all inspectors on duty are covered by the provisions of the Public Services Act in respect of employment stability. The Government might therefore find it possible also to consider repeal of subsection 3 of the above-mentioned section 4.

Article 21. The Committee notes the report of the Secretary for Labour and Social Welfare for 1962. It notes that this report contains no information concerning the number of labour inspectors (paragraph (b)) and hopes that such reports will in future contain this information.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Antigua, British Guiana, British Honduras, Brunei, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, St. Vincent).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947*United Kingdom**Aden.*

The Committee addressed direct requests to the Government in 1962 and in previous years concerning the enactment of legislation to prescribe the school-leaving

age and to prohibit the employment of persons below that age during school hours in compliance with Article 19, paragraphs 2 and 3, of the Convention. The Committee notes with regret from the Government's reply in its most recent report that legislation cannot prescribe a compulsory school-leaving age until sufficient schools and teachers in primary and intermediate grades are available.

As the Government stated already in its report for 1959-61 that it was responsible for providing a seven-year course to nearly all Aden-born children as from 7 to 8 years of age and that a school-leaving age thus exists in fact, the Committee hopes that the Government will indicate in its next report the steps that are being taken for "the progressive development of broad systems of education" and that these steps will make it possible to prescribe in the near future a compulsory minimum school-leaving age in accordance with the obligations assumed under Article 19 of the Convention.

Antigua.

The Committee notes with regret that no legislation has yet been passed to give effect to the provisions of Article 16 of the Convention (advances on wages) concerning which the Committee had made a number of direct requests since 1958.

The Government states that no difficulties have been found in respect of this Article, mainly because of the activity and strength of the trade unions but that efforts are being made to regulate the maximum amounts and manner of repayment of advances on wages in accordance with the Convention.

The Committee hopes therefore that measures will soon be taken to secure compliance with Article 16 of the Convention.

Bahamas.

Article 15 of the Convention. The Committee refers to the requests concerning this Article, made since 1959. It finds that further information or action is necessary in respect of some of its requirements and it hopes that the Government will reply to the various points raised in the request addressed to it directly by the Committee.

Article 19, paragraph 2. Further to the direct requests made since 1958 concerning the prescription of the minimum age for employment in all occupations, the Committee notes the Government's statement in its report that the Employment of Children Prohibition Act is considered to be fully effective and that no further measures have been taken. The Committee recalls, however, that the minimum age of 14 years fixed by this Act and by the Employment of Young Persons Act applies only to employment in industrial establishments or on board ship and points out that the minimum age should be prescribed for employment in other occupations as well, such as in shops and offices and in agriculture. The Committee hopes, therefore, that the Government will give further consideration to the adoption of the measures necessary so as to give full effect to Article 19, paragraph 2, of the Convention, and will supply information in its next report on the progress made in this regard.

Barbados.

Article 19, paragraphs 2 and 3, of the Convention. The Committee notes the Government's statement in reply to the observation made in 1963 that no regulations have yet been made under sections 22 and 23 of the Employment Act, 1890, to compel the attendance of children under 12 at a recognised school and to prohibit the employment of children under that age. The Committee notes, however, that during the present review of the Act consideration will be given to implementing these provisions of the Convention. As the report indicates that the principle of the law is generally respected in practice, the Committee trusts that the Government will find it possible

to prescribe a minimum school-leaving age and to prohibit employment of children below that age during school hours.

The Committee notes the Government's statement that the prescription of the minimum age for employment in occupations which fall outside the scope of the Employment of Women, Young Persons and Children Act, 1938, and the Liquor Licences Act will be further examined.

The Committee expresses once more the hope that the Government will pursue its efforts to give effect to the requirements of these provisions of the Convention and that early progress will be achieved in this regard.

Bechuanaland.

Article 18 of the Convention. See under Convention No. 65.

Article 19, paragraph 2. Further to its direct requests made since 1958 the Committee notes with satisfaction that section 76 of the Employment Law of 1963 establishes the minimum age at 12 years for all forms of employment and that the Law also contains provisions respecting conditions of employment, as required by this paragraph of the Convention.

Bermuda.

The Committee notes the Government's statement, in reply to the observation of 1962, that the Bill which is to fix the minimum age of employment at 12 years and prohibit employment during school hours has been forwarded to the competent authority. The Committee hopes that this Bill will be adopted at an early date, so as to give effect to Article 19, paragraph 2, of the Convention.

British Guiana.

The Committee regrets to note that in spite of the several requests it has made since 1958 regarding Article 16 of the Convention, the Government's report for 1961-63 does not indicate that any measures have been taken to regulate the maximum amounts of advances on wages (paragraph 1 of Article 16), to limit the amount of advances which may be made to a worker in consideration of his taking up employment (paragraph 2) and to make any advance in excess of the amount laid down as being legally irrecoverable (paragraph 3).

The Committee hopes that the Government will find it possible to adopt at an early date the measures necessary to give effect to these requirements of Article 16 of the Convention.

Mauritius.

Article 19, paragraphs 2 and 3, of the Convention. Further to its direct requests made since 1958, the Committee notes from the Government's reply in its report for the period 1961-63 that because of the recent increase in population and the considerable damage done to school buildings by cyclones in 1960 and 1961, it has not yet been found practicable to have recourse to section 37 of the Education Ordinance of 1957, which empowers the Governor to proclaim compulsory school attendance areas.

The Committee notes, on the other hand, that 90 per cent. of children between the ages of 5 and 12 are estimated to attend school and that it is the aim of the Government to provide free primary education for all children who apply for admission. The Committee hopes, therefore, that the Government will pursue its efforts for the further development of educational facilities and that full information will be given in the next report concerning the progress achieved towards making possible the

prescription of a minimum school-leaving age and the prohibition of employment of children under that age during school hours, as required by Article 19, paragraphs 2 and 3, of the Convention.

Northern Rhodesia.

Article 18 of the Convention. See under Convention No. 65.

The Committee notes with interest that the Bill to provide for a new state scheme of workmen's compensation on a non-racial basis is being considered in the Legislative Council and that the non-racial Employment Bill has been considered by a subcommittee of the Labour Consultative Council. The Committee hopes that the enactment of this new legislation will ensure full harmony with Article 18 of the Convention.

Southern Rhodesia.

Article 18 of the Convention. Further to its observation of 1962 the Committee notes with regret that the Government's report does not refer to the General Employment Bill which is to repeal the Native Labour Regulations Act in accordance with the Government's stated policy of eliminating discrimination between the races from all legislation relating to workers. The Committee trusts that this Bill will be adopted in the near future and that a copy will be supplied with the next report.

Article 19, paragraphs 2 and 3. The Committee notes with interest from the Government's report that at the lower primary school level 95 per cent. of African children of school-going age are at present attending school. The Committee hopes that in these circumstances the Government will be able to prescribe a minimum school-leaving age for Africans as well as for non-Africans and to prohibit the employment of children below that age during school hours. It trusts that the Government will take steps to give effect to these requirements of the Convention and that it will supply information in its next report on the progress achieved in this connection.

Swaziland.

Article 18 of the Convention. The Committee notes with regret that section 42 (1) of the African Labour Proclamation of 1954 as amended in 1960, which imposes penalties on Africans for failing to repay an advance in respect of a contract or accepting before such repayment an advance in respect of another contract, has not yet been repealed. It notes the Government's statement in reply to the direct request made in 1962 in this connection that it considers this provision to be of a protective rather than a discriminatory character. The Committee, however, cannot but regard as discriminatory a provision which permits the infliction on African workers of penalties which could not in similar circumstances be inflicted on workers of other races. Recalling that the African Labour Proclamation has already been amended so as to eliminate elements of discrimination against African workers, the Committee trusts that the Government will take steps at an early date to remove this remaining point of discrepancy with Article 18 of the Convention from territorial legislation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Polynesia, French Somaliland); *United Kingdom* (Bahamas, Basutoland, Bechuanaland, British Guiana, British Virgin Islands, Brunei, Dominica, Gambia, Gibraltar, Grenada, Mauritius,

Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia, Swaziland).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the *United Kingdom* (Nyasaland).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

United Kingdom

Bahamas.

In reply to the observation of 1962 the Government states that the amendments to the Trade Union and Industrial Conciliation Act, 1958, aimed at giving effect to the provisions of the Convention, are now being studied.

As observations concerning this Convention have been made since 1957, the Committee trusts that the necessary measures to ensure its full application will be adopted very soon.

British Virgin Islands.

Following its previous direct requests, the Committee notes with satisfaction that a Labour Commissioner was recently appointed.

Gambia.

The Committee notes with interest from the report for 1961-63 that a new labour administration ordinance is now being studied and that it will give effect to Articles 4 and 5 of the Convention.

The Committee hopes that this ordinance will be promulgated soon, that measures will also be taken to implement Articles 2 and 3 of the Convention, and that the next report will contain full information on the progress made in this regard.

Northern Rhodesia.

Following its observation of 1962, the Committee notes with satisfaction that the 1962 amendment to the Minimum Wages, Wages Councils and Conditions of Employment Ordinance provides that officials shall treat as confidential the source of any complaint, in conformity with Article 5 (c) of the Convention.

The Committee hopes that similar amendments will be made in the various other ordinances relating to conditions of employment that are enforceable by the labour inspectorate.

Nyasaland.

The Committee notes with satisfaction that, following its observations, the African Employment (Amendment) Ordinance, No. 26 of 1962, has repealed section 5 (2) (b) of the principal ordinance, thus bringing its provisions into conformity with Article 3 of the Convention, which provides that workers shall be able to communicate freely with inspectors.

St. Christopher-Nevis-Anguilla.

The Committee notes with regret that the report for 1961-63 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 reply to the observation and direct request made in 1960 that an amending Bill, to give effect to Articles 4 and 5 of the Convention, is with the Crown Law officers and that the Factories Ordinance, 1955, is shortly to be proclaimed. It further notes that the inspection duties under the Employment of Women, Young Persons and Children Act and the Shops Regulation Ordinance, at present performed by the police, will be transferred to officers of the Labour Department after the above Bill becomes law.

The Committee hopes that the above-mentioned measures will be adopted in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (New Caledonia), *United Kingdom* (Aden, St. Helena, St. Lucia).

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

United Kingdom

British Guiana.

See under Convention No. 64.¹

Southern Rhodesia.

The Committee notes the Government's statement, in answer to the observations of 1963, that a Bill drafted to implement the Convention was found, after consultation with the I.L.O., to be deficient in certain respects, that a new Bill is being prepared and that, when it is clear that this Bill meets the requirements of the Convention, it will be presented to Parliament at the earliest opportunity.

While appreciating the fact that the Government has recently consulted the I.L.O., the Committee must recall once more that the Government has, ever since its report for 1953-54, mentioned its intention to introduce legislation to implement the Convention. The Committee regrets that, notwithstanding these assurances and the Committee's repeated observations on the matter since 1955, legislation has not yet been adopted to give effect to the Convention. The Committee trusts that the Government will be able to inform the Conference at its 48th Session that legislation applying the Convention has been adopted.¹

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

United Kingdom

Nyasaland.

In relation to the direct request made in 1960, the Committee has noted with satisfaction that section 2 (5) of the Trade Unions Ordinance, as amended by the Trade Unions (Amendment) Ordinance, 1963, enables federations and confederations to be established in full freedom and to draw up their constitutions.

The Committee regrets, however, that some of the amendments introduced by the Trade Unions (Amendment) Ordinance, 1963, are contrary to the provisions of the Convention. For example, section 36 (2), which lays down that no trade union may be affiliated to an organisation outside the Protectorate except with the approval of the Registrar, who shall not be required to give reasons for granting or withholding his approval, is in contradiction to Article 5 of the Convention, which recognises the unconditional right of workers' organisations to affiliate with international organisations of workers. Similarly, subsection (2), which has been added

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

to section 49 and which lays down that no trade union may accept assistance in the form of cash, gifts, loans, donations, property, travel vouchers or tickets from any person, association or organisation outside the Protectorate except with the approval of the Registrar, who shall not be required to give reasons for granting or withholding his approval, is not in conformity with Article 3, paragraph 1, of the Convention, which lays down that workers' organisations shall have the right to organise their administration and activities in full freedom, nor is it in conformity with the above-mentioned Article 5. The Committee trusts that measures will be taken to bring these provisions into harmony with those of the Convention.

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In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Nyasaland).

Convention No. 88: Employment Service, 1948

Netherlands

Netherlands Antilles.

The Committee regrets to note that the Government's report does not contain any information in reply to the observation of 1962, in which the Committee noted that the Government had decided to establish advisory committees, in conformity with Article 4 of the Convention, and asked that the next report should confirm the establishment of such committees.

The Committee expresses the hope that the next report will indicate whether these committees have been established and will also provide detailed information on what effect has been given to each Article of the Convention.

Surinam.

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 in the legislature. 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.

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 *United Kingdom* (British Guiana, Gibraltar, Malta, Mauritius).

Convention No. 89: Night Work (Women) (Revised), 1948

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

See section I, Convention No. 6, *France*.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

*Republic of South Africa**South West Africa.*

The Committee notes with regret that no measures have yet been taken to prohibit night work of women in mines (above ground), in factories employing less than five persons, as well as in the building industry. As the Government states that women are not, in practice, employed after dark and that legislation to prevent such employment has therefore not yet become necessary, the Committee wishes to emphasise that the obligations under the Convention are designed to prevent women from ever being employed under conditions contrary to the Convention. In these circumstances the Committee can only urge the Government to eliminate the discrepancies between the legislation and Article 1 of the Convention (scope of application) without further delay.¹

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948*Netherlands**Netherlands Antilles.*

The Committee notes from the reply to its previous observations given by a Government representative to the Conference Committee in 1962 that when the Labour Regulations, 1952, are again modified the possibility of making exceptions to the night work prohibition will be limited to the cases provided for in the Convention.

As it has had to refer to this matter since 1957, the Committee expresses the hope that appropriate legislative measures will be taken, without further delay, to limit the exceptions authorised by the legislation as regards Article 4, paragraph 2 (exceptions in case of emergencies) and Article 5 of the Convention (suspension of the prohibition of night work when in case of serious emergency the public interest demands it) to young persons between the ages of 16 and 18 years.

Convention No. 94: Labour Clauses (Public Contracts), 1949*Netherlands**Surinam.*

The Committee notes with regret that the report for 1961-63 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes with regret from the Government's report (received too late to be examined in 1962) that it has not 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**Bermuda.*

The Committee notes with satisfaction that, following direct requests made by it, new administrative instructions to heads of government departments were issued on 29 December 1962 to lower the limits of contracts exempted from the Convention from £15,000 to £5,000 (Article 1, paragraph 4, of the Convention) and to provide also for the application of Articles 3 and 5, which had not been covered by the previous instructions.

The Committee has also noted the comments made in this connection by the Bermuda Employers' Council.

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

Fiji.

The Committee notes with satisfaction that the Labour (Registers of Wage Payments) Regulations, 1963, provide for the keeping of appropriate records, and thus give effect to Article 4 (b) (i) of the Convention.

The Committee also notes with interest the representations made by employers' and workers' organisations, and would be glad if the Government would indicate in its next report the decisions taken with regard thereto.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana, Guadeloupe, Martinique, Reunion), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Gilbert and Ellice Islands, Grenada, Mauritius, St. Lucia, St. Vincent, Solomon Islands).

Convention No. 95: Protection of Wages, 1949

United Kingdom

Grenada.

In its report for 1959-61 the Government indicated that recommendations had been made for the enactment of general legislation concerning the protection of wages which would cover the points raised by the Committee in connection with Article 3, paragraph 1, Article 4, paragraph 1, Article 6, Article 8, paragraph 2, Article 10, Article 13 and Article 15, subparagraphs (b), (c) and (d), of the Convention, and that consideration was also being given to amending section 13 of Ordinance No. 4 of 1951 to bring it into conformity with Article 4 of the Convention.

The Committee regrets to note that the report for 1961-63 contains no further information concerning this matter. It trusts that the necessary legislation will be adopted at an early date and that copies of any legislation adopted will be supplied.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Surinam), *United Kingdom* (Aden, Bahamas, Barbados, British Guiana, British Honduras, Brunei, Dominica, Gibraltar, Jersey, Malta, Mauritius, Montserrat, St. Lucia, St. Vincent, Solomon Islands).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Netherlands

Surinam.

Further to its observations and requests made since 1957, the Committee notes with regret that the report for 1961-63 has not been received, and that it consequently has no indication as to the adoption of legislation to prohibit fee-charging employment agencies conducted with a view to profit and to provide for the supervision and regulation of other agencies (Part II of the Convention). As the Government stated already in 1958 that it intended to consider such legislation, the Com-

mittee urges the Government to make every effort to take the necessary action without further delay.¹

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Barbados, British Virgin Islands, Dominica).

Convention No. 101: Holidays with Pay (Agriculture), 1952

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, British Honduras, Isle of Man, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent).

Convention No. 105: Abolition of Forced Labour, 1957

United Kingdom

Bechuanaland.

Article 1 (c) of the Convention. As regards the abolition of penal sanctions for breach of contracts of employment, see under Convention No. 65, *United Kingdom*.

Hong Kong.

Following its examination of the Government's first report, the Committee noted in a direct request in 1961 that, by virtue of section 3 of the Illegal Strikes and Lock-outs Ordinance (Cap. 61), participation in strikes might in certain circumstances be punished by imprisonment, involving, by virtue of Rule 37 of the Prison Rules, an obligation to perform labour.

The Committee notes with interest that, by virtue of the Prison (Amendment) Rules, 1963, prisoners convicted of offences under section 3 of the above-mentioned ordinance are not required to work.

Solomon Islands.

The Committee notes with satisfaction that the Local Government Ordinance, 1963, repealed sections of the Native Administration Ordinance which provided for the making of resolutions by councils relating to communal labour, and that, following the repeal of the Native Tax Ordinance and the Residential Tax Ordinance, the discrimination between natives and non-natives which formerly existed as regards liability to prison labour for non-payment of tax has been abolished.

Southern Rhodesia.

The Committee notes the very detailed information supplied by the Government in answer to the direct request of 1963. It greatly regrets, however, that the Government's report was received only in the course of its meeting, thus making it difficult for the Committee to undertake as detailed an examination of the many questions arising in connection with the application of the Convention as it would have wished. Nevertheless, subject to consideration of any further points at its session in 1965, the Committee feels it necessary to make the following observations.

In its request of 1963 the Committee had referred to section 38 of the Natural Resources Act, 1941 (as amended), and section 49 of the Natural Resources Amend-

¹ The Government is asked to supply full particulars to the Conference at its 48th Session and to report in detail for the period ending 30 June 1964.

ment Act, 1950, which appeared to give authority for the issue of orders to "natives" imposing compulsory cultivation. The Committee notes with interest that, by Act No. 39 of 1963, section 38 of the 1941 Act has been repealed and section 49 of the 1950 Act amended so as to permit the issue to the user or occupier of any land of orders providing for soil conservation measures only, to the exclusion of directives as to crops and methods of cultivation.

The Committee also notes with interest the Government's statement that the provisions of Part V of the Native Land Husbandry Act, 1951, and section 50 (c) of the Native Affairs Act (as amended by Act No. 31 of 1959), under which "natives" may be called up for the conservation of natural resources or the promotion of good husbandry, are no longer used, and that their repeal is contemplated.

The Committee notes, however, that in other respects, no action has been taken or appears to be contemplated on the matters raised by it; on the contrary, some of the legislation to which it had referred has been reinforced during the latest reporting period. This legislation relates in particular to the following matters:

Article 1 (a) of the Convention. 1. Under sections 16 and 17 of the Law and Order (Maintenance) Act, 1960, the authorities may prohibit any publication, series of publications or all publications by particular persons or associations if, in their opinion, such publications are likely to be contrary to the interest of public safety or security, and any person who prints, publishes, disseminates, etc., any such publication is liable to be sentenced to imprisonment for up to two years (involving, by virtue of section 75 of the Prisons Act, 1955, and the regulations issued thereunder, an obligation to perform labour). While noting the Government's statement that these provisions would be invoked only in the interests of safety and security, the Committee must nevertheless observe that they make it possible to prohibit particular persons or associations, subject to penalties involving compulsory labour, from publishing any views, thus including political views or views ideologically opposed to the established political, social or economic system. It would, moreover, appear from the available information on the practical application of these sections that, in certain cases, the expression of views of this kind has been held "likely to be contrary to the interests of public safety or security" (see, for example, Government Notice No. 37 of 1963).

The Committee accordingly hopes that the Government will take appropriate measures to bring these provisions into conformity with the Convention.

2. Under sections 6A, 10, 11, 15 and 44B of the Law and Order (Maintenance) Act, 1960 (as amended by Acts Nos. 35 of 1962 and 12 of 1963), and sections 53B, 53C and 54 of the Native Affairs Act, Cap. 72 (as amended by Acts Nos. 31 of 1959 and 22 of 1963), various authorities (the competent Minister, district commissioners, police officers, etc.) have extensive powers to restrict not only public, but also private meetings and gatherings and to prohibit individual persons from attending or addressing meetings or gatherings. Contravention of these provisions may be punished with imprisonment (involving, as previously noted, an obligation to perform labour).

The Committee notes that section 44B of the Law and Order (Maintenance) Act is due to lapse on 1 September 1964. It also notes the Government's statements that the above-mentioned provisions are designed for the maintenance of law and order and that they would not be used to prevent the expression of bona fide political views or views ideologically opposed to the established political, social or economic system. As, however, any prohibitions imposed by such administrative action on holding, attending or addressing meetings or gatherings are of general scope, they would cover also normal peaceable political activity and, in the case of the last two

prohibitions, the expression of any views. In so far as such prohibitions may be enforced by penalties involving compulsory labour, the provisions in question accordingly appear to be incompatible with Article 1 (a) of the Convention.

The Committee hopes that appropriate measures will be taken in relation to these provisions to ensure observance of the Convention.

3. Under sections 39 (3) and (4), 44A and 44B of the Law and Order (Maintenance) Act (as amended by Act No. 35 of 1962), and section 53A of the Native Affairs Act (as amended by Acts Nos. 16 of 1958, 31 of 1959 and 22 of 1963), the authorities may issue orders to particular persons to restrict their movement and may control the entry of persons into reserves or other tribal areas, and contraventions of these provisions may be punished with imprisonment (involving, as previously noted, an obligation to perform labour).

The Committee notes that sections 44A and 44B of the Law and Order (Maintenance) Act are due to lapse on 1 September 1964. It hopes that the Government will also take measures in relation to the other provisions mentioned to ensure that no form of forced or compulsory labour may be imposed by virtue thereof for any of the purposes mentioned in Article 1 (a) of the Convention.

4. Under section 3 of the Unlawful Organisations Act, 1959 (as amended by Acts Nos. 28 of 1962 and 9 of 1963), the Governor may declare unlawful any organisation if it appears to him that the activities of the organisation or of any of its members, *inter alia*, are likely to endanger public safety, to disturb or interfere with public order, or to prejudice the tranquillity or security of the Colony, or are likely to raise disaffection among the inhabitants of the Colony, or if the organisation is affiliated to or participates in the activities or promotes the objects or propagates the opinions of specified organisations outside the Colony (one of which is an international trade union organisation having consultative status with the I.L.O.). Section 9 of the Act lays down penalties, which may take the form of imprisonment for up to five years (involving, as previously noted, an obligation to perform labour), for offences in connection with continuation of activities of an unlawful organisation, some of which are defined in very wide terms (e.g. section 9 (d), providing for the punishment of any person who "in any way takes part in any activity of an unlawful organisation or carries on any activity in the direct or indirect interest of an unlawful organisation in which it was or could have engaged prior to becoming or on the date upon which it became an unlawful organisation").

While noting the Government's statement that the above penal provisions would be strictly interpreted by the courts, the Committee nevertheless observes that an organisation may be declared unlawful by the Executive within wide discretionary powers whose exercise is expressly exempted from judicial review (section 13) and that, by reason of this fact and the extensively worded penal provisions contained in the Act, the latter would appear to lend itself to application so as to permit imprisonment (involving compulsory labour) for purposes falling within Article 1 (a) of the Convention.

The Committee hopes that appropriate measures will be taken to amend the above-mentioned Act.

5. The Committee had noted in its previous requests that the definition of "subversive statement" in section 39 of the Law and Order (Maintenance) Act was extensive, differing materially from the standard definition in the sedition laws of other United Kingdom territories (on which the provisions of the previous Sedition Act, 1936, of Southern Rhodesia had also been based). The Government has supplied detailed information concerning the practical application of these provisions, from which it would appear that they have in fact been applied to cases of incitement to

violence. In these circumstances the Committee hopes that the Government will find no difficulty in amending the above-mentioned section so as to limit its application specifically to cases of this kind, and thus avoid all possibility of its being applied to punish the expression of political views or views ideologically opposed to the established political, social or economic system.

6. Article 1 (*c*). The Committee notes that section 23 (1) (*a*) of the Native Labour Regulation Act (Cap. 86), section 47 of the Masters and Servants Act (Cap. 231) and section 14 of the Native (Registration and Identification) Act, 1957, in providing for the punishment of various breaches of contracts or discipline by employees with imprisonment (involving an obligation to perform labour), permit forced or compulsory labour as a means of labour discipline. It hopes that measures will be taken to bring these provisions into conformity with the Convention.

7. Article 1 (*e*). As noted by the Committee in its request of 1963, the provisions concerning registration, identification, control of movement, etc., contained in the Native (Registration and Identification) Act, 1957, and section 42 of the Native Affairs Act permit the imposition of penalties involving an obligation to perform labour in respect of one group of the population, defined in terms of race. Accordingly—apart from the possible application of these provisions as a means of labour control falling within Article 1 (*b*) of the Convention—they appear to permit a form of compulsory labour as a means of racial discrimination.

The Committee notes the Government's statement that these provisions are designed not to discriminate against "natives", but to protect them. It hopes that, with this object in view, the liability of the persons concerned to any form of forced or compulsory labour (including labour exacted in virtue of the prisons legislation) will be abolished.

Swaziland.

The Committee notes with satisfaction that the Masters and Servants Law, which contained provisions to the effect that certain labour contracts should continue in force during times of "public commotion", has been repealed by the Employment Proclamation, which contains no similar provisions.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands, Greenland), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

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 25 March 1964**

(Non-Metropolitan Territories)

Reports expected: 1,475. Reports received: 1,347. Reports not received: 128.

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 1963 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	Conventions Nos.	Number	Conventions Nos.	
Australia	52		0		
Nauru	13	10, 12, 16, 18*, 19, 22, 29*, 42*, 45, 63, 85, 88, 105*	0	—	5
New Guinea	13	10, 12, 16, 18*, 19, 22, 29*, 42*, 45, 63, 85, 88, 105*	0	—	1,485
Norfolk Island	13	10, 12, 16, 18, 19, 22, 29*, 42, 45, 63, 85, 88, 105*	0	—	1
Papua	13	10, 12, 16, 18*, 19, 22, 29*, 42*, 45, 63, 85, 88, 105*	0	—	540
Denmark	30		0		
Faroe Islands	15	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105	0	—	35
Greenland	15	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 81, 92, 94, 105	0	—	35
France ²	334		4		
Overseas Departments:					
French Guiana	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	1	97	34

† For footnotes see end of table, p. 194.

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Popula- tion ¹ (thou- sands)
	Number	Conventions Nos.	Number	Conventions Nos.	
France (<i>cont.</i>)					
Overseas Departments (<i>cont.</i>):					
Guadeloupe	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	1	97	283
Martinique	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	1	97	292
Réunion	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	1	97	346
Overseas Territories:					
Comoro Islands	38	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	185
French Polynesia	38	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	76
French Somaliland	38	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	68
New Caledonia	38	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	78

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Overseas Territories (cont.):					
St. Pierre and Miquelon	38	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	0	—	5
Netherlands	28		41		
Netherlands Antilles . .	28	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105	0	—	198
Surinam	0	—	41	2, 5, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 29, 33, 42, 45, 48, 58, 62, 63, 68, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 97, 99, 101, 105	321
New Zealand.	44		0		
Cook Islands and Niue .	22	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 60, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	23
Tokelau Islands	22	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 60, 63, 65, 74, 81, 82, 88, 89, 101, 104	0	—	2
Republic of South Africa. .	6		0		
South West Africa . . .	6	2, 19, 42, 45, 63, 89	0	—	534
United Kingdom	838		83		
Aden	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	220
Antigua	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81*, 82*, 88, 92, 94, 95, 97*, 101, 105 *	0	—	62

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thou- sands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Bahamas	24	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85*, 88, 92, 101, 105*	2	94, 95	111
Barbados	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	232
Basutoland ^a	10	16, 19, 22, 24, 25, 45, 56, 69, 74, 92	16	2, 12, 17, 29, 42, 44, 63, 65, 81, 82, 85, 88, 94, 95, 101, 105	708
Bechuanaland ^a	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	332
Bermuda	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	46
British Guiana	26	2*, 12*, 16, 17*, 19*, 22, 24, 25, 29, 42, 44, 45, 56, 63, 64*, 65, 69, 74, 81*, 82*, 86*, 88*, 92, 94, 95*, 101	1	105	582
British Honduras	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	96
British Virgin Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	8
Brunei	0	—	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	87
Dominica	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95*, 101, 105*	0	—	61

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Falkland Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	2
Fiji	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	421
Gambia	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85*, 88, 92, 94, 95, 101, 105	0	—	267
Gibraltar	24	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 88, 92, 94, 95, 101, 105	1	82	27
Gilbert and Ellice Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	48
Grenada *	24	2, 12, 16, 17, 19, 22, 24, 25, 29, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	1	42	90
Guernsey	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	45
Hong Kong	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	3,410
Jersey	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	64
Malta	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	329

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (cont.)					
Isle of Man	0	—	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	48
Mauritius	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105	0	—	682
Montserrat	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	13
Northern Rhodesia* ⁴	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95*, 101, 105	0	—	2,550
Nyasaland* ^{2 4}	41	2, 5, 7, 8, 11, 12, 15, 16, 19, 22, 24, 25, 26, 35, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 63, 64, 65, 69, 74, 84, 85, 86, 87, 92, 94, 95, 97, 98, 99, 101, 105	7	17, 29, 32, 68, 81, 82, 88	2,950
St. Christopher-Nevis-Anguilla	24	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 88, 92, 94, 95, 101, 105	2	82, 85	59
St. Helena	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	5
St. Lucia	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	97
St. Vincent	24	2, 12, 16, 17, 19, 22, 24, 25, 29*, 42, 44, 45, 56, 63, 65, 69*, 74*, 81*, 82*, 88, 92*, 94*, 95*, 101*	1	105	82

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Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Seychelles	24	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 85, 88, 92, 94, 95, 101	2	82, 105	43
Solomon Islands	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	127
Southern Rhodesia ^{3 4} .	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 86, 88, 92, 94, 95, 101, 105*	0	—	3,880
Swaziland ³	26	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105	0	—	275
United States of America .	15		0		
American Samoa	3	53, 55, 74	0	—	21
Guam	3	53, 55, 74	0	—	68
Puerto Rico	3	53, 55, 74	0	—	2,458
Trust Territory of Pacific Islands	3	53, 55, 74	0	—	79
Virgin Islands	3	53, 55, 74	0	—	36

* Reports received too late to be summarised in Report III (Part I).

¹ Source : United Nations: *Demographic Year Book*, 1962. ³ Reports on Convention No. 89 also include Convention No. 4 (applicable). ³ Territories having no seaboard. ⁴ 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 regrets to note that, in spite of the undertakings given by the Government on several occasions, none of the instruments adopted since the 41st Session of the Conference has yet been submitted to the competent authorities. It nevertheless takes note of the statement once more made by a Government representative to the Conference Committee in 1963 that the Conventions and Recommendations in question will shortly be submitted to the National Assembly. The Committee trusts that the Government will be able to indicate at an early date the measures taken in this respect.

Albania

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 which asserted once more that the Presidium of the People's Assembly is regarded as the sole competent authority within the meaning of article 19 of the Constitution of the International Labour Organisation, to the exclusion of the People's Assembly itself. In these circumstances the Committee can only draw the Government's attention once again to the fact that, if the objects of submission 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, in this case the People's Assembly. It expresses the hope that the Government will reconsider its position and that it will find it possible to submit the instruments adopted by the Conference also to the People's Assembly.

Bolivia

The Committee must once more draw the attention of the Government to the obligation of all States Members under article 19 of the Constitution of the I.L.O. to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. It notes with considerable regret that, in spite of its repeated appeals, the Government appears never to have taken any steps to discharge this obligation. The Committee can only address once more an urgent appeal to the Government in the hope that without further delay it will take the necessary steps to submit to the national Congress all the instruments adopted by the Conference since its 31st Session (except Convention No. 96, which has been ratified), and that it will supply information in this respect.

Bulgaria

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 confirming that the National Assembly is the supreme legislative body. According to this statement, the Presidium must report on

its activities to the National Assembly and no decision can be taken without the Assembly being informed thereof. On the other hand, the National Assembly has power to amend the decisions of the Presidium if it does not approve them. The Committee understands from this information that the decisions of the Presidium in respect of Conventions and Recommendations are the subject of a report to the National Assembly in all cases. In these circumstances the Committee considers that the Government should have no difficulty in supplying copies of this report or extracts therefrom respecting the submission of Conventions and Recommendations adopted by the Conference.

Burma

The Committee noted in 1961 that all the instruments adopted by the Conference from the 31st to the 43rd Sessions had been submitted to Parliament and that measures were contemplated with a view to presenting to Parliament the Government's proposals and observations on the effect to be given to the Conventions and Recommendations in question. It regrets to note that no new information has since been communicated in this respect and that the Government has failed also to indicate the measures taken to submit to the competent authorities the instruments adopted at the 44th to 46th Sessions of the Conference. The Committee trusts that the Government will shortly provide full information on the measures it has taken to discharge its obligations in this respect.

Byelorussia

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963, which asserted once more that the Presidium of the Supreme Soviet is regarded as the sole competent authority within the meaning of article 19 of the Constitution of the I.L.O. In these circumstances the Committee can only refer to the observations and comments which it has made previously and express the hope that the Government will reconsider its position and will find it possible to submit Conventions and Recommendations also to the Supreme Soviet itself, which is the most representative legislative body established by the national Constitution.

Chile

The Committee notes with regret that the instruments adopted at the 43rd, 44th and 46th Sessions of the Conference have not yet been submitted to the competent authorities, in spite of the undertakings previously given in this regard by the Government. It hopes that the Government will without further delay take the necessary steps to submit to Congress the instruments in question and that it will supply the information and documents called for in the *Memorandum* adopted by the Governing Body in this connection.

China

The Committee notes with considerable regret that many of the instruments referred to in the last column of the table of Appendix I to this section are still being studied and have not yet been submitted to the Legislative Assembly, whereas the undertakings given on several occasions by the Government gave promise of action at an early date. The Committee trusts that the Government will without further delay take appropriate measures to submit the instruments in question to the competent authorities and that it will not fail to supply the information and documents requested in the *Memorandum* adopted by the Governing Body in this connection.

Costa Rica

The Committee notes that, in spite of the undertakings given on several occasions, little progress has been made by the Government concerning the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference since its 31st Session. It takes note, however, of the statement made by a Government representative to the Conference Committee in 1963 that improvements in the administration will permit the Government to discharge its obligations in this respect. The Committee hopes, therefore, that the Government will shortly be able to indicate the steps taken in this respect with regard to the numerous instruments adopted by the Conference since its 31st Session, which are referred to in the last column of the table of Appendix I to this section.

Czechoslovakia

Further to its previous observations the Committee takes note with satisfaction of the information supplied concerning the new procedure established by the Government for the submission of Conventions and Recommendations to the competent authorities. It appears from this information that ultimately all Conventions and Recommendations, whether or not approved by the Government, are submitted to the National Assembly with appropriate observations.

Dominican Republic

The Committee notes with regret that the Government has supplied no information in reply to the direct requests made in 1961, 1962 and 1963. It urges the Government to indicate the steps which have been taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 44th Session. The Committee hopes that the Government will not fail to supply also all the information and documents called for in the *Memorandum* adopted by the Governing Body in this connection.

Ecuador

The Committee notes with interest the information supplied by the Government which indicates that the Conventions and Recommendations in respect of which the obligation of submission has not yet been carried out will be placed before the national Congress, independently of the steps envisaged regarding the effect to be given to these instruments. It takes note also of the statement made by a Government representative to the Conference Committee in 1963 that the internal difficulties encountered in this respect have now been overcome and that the instruments in question will shortly be submitted to Congress. The Committee hopes that the Government will be able to supply at an early date full information on the steps taken in this regard.

Ethiopia

The Committee noted in 1963 that the reorganisation of the administrative services concerned would enable the Government to fulfil in the near future its obligation, under article 19 of the Constitution of the I.L.O., to submit Conventions and Recommendations to the competent authorities. In this regard, it takes note with interest of the ratification by the Government of certain important Conventions and of the submission to the Council of Ministers of instruments adopted by the Conference at its 45th and 46th Sessions. It would be grateful if the Government would state whether the latter instruments have been submitted also to the national legis-

lative authorities. The Government is also requested to supply information concerning the other instruments referred to in the last column of the table of Appendix I to this section.

France

The Committee notes that for several years the Government has merely stated that Conventions and Recommendations adopted by the Conference have been submitted to the competent committee of the National Assembly and that information on the conditions of application of these instruments would be supplied at a later date. Information was also supplied by a Government representative to the Conference Committee in 1963 to the effect that, in view of the particular interest taken in giving publicity to the instruments adopted by the Conference, all instruments without exception are communicated to members of Parliament, who are then free to take such action thereon as they consider appropriate and that, moreover, Conventions and Recommendations are published in the Ministry of Labour Review.

The Committee notes with interest the information thus supplied concerning the practice which is followed in this connection and which takes fully into account one of the principal objects of article 19 of the Constitution.

It notes with regret, however, that with regard to another point, in spite of the direct requests addressed to it on several occasions, the Government fails to supply the information and documents called for in the *Memorandum* adopted by the Governing Body in this connection and in particular information concerning the proposals or comments made with regard to the action to be taken on Conventions and Recommendations. The Committee trusts that the Government will take the necessary steps to supply the information and documents in question.

Greece

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963, which indicates that the Government hopes shortly to arrive at a satisfactory solution which will permit it to submit Conventions and Recommendations to the competent authorities in all cases, even when the Government does not present proposals to give effect to these instruments. The Committee expresses the hope that the Government will be able to discharge its obligations in this respect in the near future.

Guatemala

The Committee notes the statement made by a Government representative to the Conference Committee in 1963 that the Government will take all necessary steps to discharge its obligation, under article 19 of the Constitution of the I.L.O., to submit to the competent authorities the instruments adopted by the Conference. It notes in this respect that the Conventions and Recommendations adopted at the 46th Session have been communicated only to the administrative services concerned, and it draws the Government's attention once again to the fact that these instruments should be submitted to the national legislative authorities. The Committee therefore expresses the hope that the Government will at an early date take appropriate measures to submit to Congress the above-mentioned instruments as well as the other instruments referred to in the last column of the table of Appendix I to this section.

Guinea

The Committee notes with regret that the Government has supplied no information in reply to the requests addressed to it in 1962 and 1963. It requests the Govern-

ment once again to indicate the steps taken to submit to the competent authorities the instruments adopted by the Conference since its 43rd Session (with the exception of Conventions Nos. 112, 113 and 114, which have been ratified). In this connection the Committee draws the Government's attention to the fact that the authorities to which Conventions and Recommendations should be submitted are the legislative authorities—in this case, the National Assembly. It hopes that the Government will shortly supply full information on the measures taken in this regard.

Haiti

The Committee takes note of the information supplied by the Government concerning the instruments adopted by the Conference at its 46th Session. It notes with considerable regret that these instruments, as well as most of the Conventions and Recommendations adopted since the 31st Session of the Conference, have not yet been submitted to the competent authorities. The Committee trusts that this situation will continue no longer and it urges the Government once more to take, without further delay, the necessary steps to discharge its obligation in this connection under article 19 of the Constitution of the I.L.O.

Honduras

The Committee notes with regret that the Government has not replied to the direct requests made in 1962 and 1963. It requests the Government once more to state the steps taken to submit to the competent authorities the instruments adopted at the 45th and 46th Sessions of the Conference and to supply in this connection the information and documents called for in the *Memorandum* adopted by the Governing Body.

Hungary

Since the Government has supplied no new information regarding the observation made in 1963, the Committee must repeat this observation, which was as follows:

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.

The Committee trusts that the Government will supply the information referred to above.

Iran

The Committee notes with satisfaction that most of the instruments adopted by the Conference from its 41st to 46th Sessions have been submitted to the competent authorities.

Iraq

The Committee takes note with interest of the information supplied by the Government, indicating that the instruments referred to in the observation made in 1963 would be submitted to the competent authorities in all cases and not merely when

it was proposed to ratify a Convention or to adopt measures to give effect to a Recommendation. The Committee hopes therefore that the Government will soon indicate whether all the instruments for which no information has yet been supplied, referred to in the last column of the table of Appendix I to this section, have been submitted to the competent authorities. It hopes also that the Government will not fail to supply the documents and information called for in the *Memorandum* adopted by the Governing Body in this connection, and in particular information concerning the proposals or comments of the Government regarding the action to be taken on the instruments in question.

Jordan

The Committee notes the information supplied by the Government and the statement made by a Government representative to the Conference Committee in 1963. It appears that the instruments adopted by the Conference are submitted merely to the Council of Ministers, and then only when the ratification of a Convention is proposed. The Committee recalls once again that Conventions and Recommendations should be submitted to the competent authorities whatever may be the intention of the government regarding the action to be taken on these instruments. It recalls also that the authority to which Conventions and Recommendations should be submitted is the authority which has power to legislate, that is to say, the national legislature. The Committee earnestly hopes that the Government will take these considerations into account and that it will shortly supply information on the steps taken to submit to the national legislature the instruments referred to in the last column of the table in Appendix I to this section.

Lebanon

The Committee takes note with interest of the statement made by a Government representative to the Conference Committee in 1963 that the nature of the obligation of submission has been perfectly understood following previous observations and that the Conventions and Recommendations referred to in these observations would be submitted to the competent authorities in all cases. It regrets, however, that no information has since been supplied. The Committee therefore addresses an urgent appeal to the Government to take the necessary steps to submit the instruments in question to the competent authorities and to supply full information in this regard.

Liberia

The Committee takes note of the information supplied by the Government, according to which all the instruments adopted from the 31st to the 46th Sessions of the Conference have been submitted to the competent authorities. The Committee notes with regret, however, that the Government has not supplied the information and the documents called for in the *Memorandum* adopted by the Governing Body, in spite of its assurances to this effect. In these circumstances the Committee is unable to determine whether the Government has really discharged its obligations in this respect under article 19 of the Constitution of the I.L.O. The Committee trusts that, as promised, the Government will supply the information and documents in question as soon as possible.

Libya

The Committee regrets to note that the Government has supplied no information following the observation which it made in 1963 and which was as follows:

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.

The Committee trusts that the Government will not fail to take the necessary steps and to supply the information referred to above.

Malaysia

The Committee notes with satisfaction that all the instruments adopted by the Conference from its 41st to its 46th Sessions have been submitted to Parliament.

Mali

The Committee notes with regret that the Government has not replied to the requests made in 1962 and 1963. It draws the Government's attention once more to the fundamental importance of the obligation of all States Members, under article 19 of the Constitution of the I.L.O., to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. The Committee also recalls that the authorities to which these instruments should be submitted are normally the authorities which have power to legislate—in this case, the National Assembly.

The Committee trusts therefore that the Government will indicate at an early date the measures taken to submit to the National Assembly the instruments adopted by the Conference at its 44th, 45th and 46th Sessions and that it will supply the information and documents called for in the *Memorandum* adopted by the Governing Body in this connection, and in particular information concerning the proposals or comments made by the Government on the action to be taken on the instruments in question.

Mexico

The Committee notes the information supplied by the Government concerning the instruments adopted by the Conference at its 46th Session and the statement made by a Government representative to the Conference Committee in 1963. It notes with regret that only Conventions are submitted to Congress, and that Recommendations are merely brought to the knowledge of the administrative services concerned. The Committee must again call the Government's attention to the fact that, according to article 19 of the Constitution, Recommendations as well as Conventions must normally be submitted to the legislative authorities, although of course the Government is completely free to decide the nature of the proposals or comments to be presented to Parliament on the action to be taken on these instruments.

The Committee hopes therefore that the Government will submit Recommendations to Congress, as it already does in the case of Conventions, and that it will shortly supply full information on the steps taken to this end.

Netherlands

In 1963 the Committee took note of the statement made by a Government representative to the Conference Committee in 1962 that all the instruments referred to in previous observations had been submitted to the States General. It notes with

regret that the Government has not, as requested, supplied the documents whereby these instruments were submitted nor the information called for in the *Memorandum* adopted by the Governing Body in this connection. The Committee trusts that the Government will supply the information and documents in question in the near future.

Nicaragua

The Committee regrets to note that the Government has supplied no information concerning the observation made in 1963, which was as follows:

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.

The Committee earnestly hopes that the Government will not fail to take the necessary measures and to supply the information referred to above.

Panama

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 that the Government would make every effort to discharge its obligations in respect of the submission of Conventions and Recommendations to the competent authorities. It notes with regret, however, that the Government has since supplied no information on the steps taken to this end. The Committee therefore urgently requests the Government to supply information on the measures it proposes to take to submit to the competent authorities the numerous instruments adopted by the Conference since its 31st Session, which are referred to in the last column of the table in Appendix I to this section.

Paraguay

For many years the Committee has repeatedly drawn the Government's attention to its obligation, under article 19 of the Constitution of the I.L.O., to submit Conventions and Recommendations to the competent authorities, an obligation of which the Government seems to take no account. The only information supplied by Paraguay since it again became a Member of the I.L.O. simply refers, without further details, to the transmission of Conventions and Recommendations to the competent body, in spite of the repeated observations of the Committee. In these circumstances the Committee can only urge the Government once again to supply in respect of the instruments adopted since the 40th Session of the Conference all the information and documents called for in the *Memorandum* adopted by the Governing Body in this connection.

Poland

In 1963 the Committee recalled the statement made by a Government representative to the Conference Committee in 1960 that a new procedure had been adopted with a view to submitting Conventions and Recommendations to the President of the Diet, which is the most representative national legislative body, accompanied by the decisions adopted by the Council of State and by the Council of Ministers with

regard to these instruments. This statement indicated also that the new procedure would be applied to the instruments adopted by the Conference since its 42nd Session.

The Committee notes, however, from the information supplied by the Government in this respect, that none of the instruments in question has yet been submitted to the Diet. The Committee therefore hopes that the Government will take the necessary steps in the near future to submit to the Diet the various instruments mentioned in the last column of the table of Appendix I to this section and will forward full information in this regard.

Portugal

In 1961 the Committee noted the statement made by a Government representative to the Conference Committee in 1960 that Conventions and Recommendations would be submitted to the National Assembly with the comments of the various departments concerned. As since that date no information has been received, in spite of the requests made on several occasions, the Committee urges the Government once again to state whether the instruments adopted from the 43rd to the 46th Sessions of the Conference have been submitted to the National Assembly and to supply in this regard all the information and documents called for in the *Memorandum* adopted by the Governing Body.

Rumania

The Committee notes the statement made by a Government representative to the Conference Committee in 1963 which asserted once more that the Council of State is regarded as the sole competent authority within the meaning of article 19 of the Constitution of the I.L.O., to the exclusion of the Grand National Assembly itself. In these circumstances the Committee can only refer to the comments and observations made previously and express the hope that the Government will reconsider its position and will find it possible to submit the Conventions and Recommendations also to the Grand National Assembly, which is the most representative legislative body.

El Salvador

The Committee notes the statement made by a Government representative to the Conference Committee in 1963 that the constitutional difficulties which have hitherto prevented the Government from discharging its obligations in respect of the submission of Conventions and Recommendations to the competent authorities have been overcome. It accordingly hopes that the Government will in the near future take the necessary steps to submit to the National Assembly the numerous instruments referred to in the last column of the table in Appendix I to this section and will in this regard supply full information, as requested in the *Memorandum* adopted by the Governing Body. The Committee recalls in this connection that these instruments should be submitted to the National Assembly in all cases and not merely when it is proposed to ratify a Convention or to adopt measures to give effect to a Recommendation.

Thailand

The Committee notes the statement made by a Government representative to the Conference Committee in 1963 that the instruments for which no information has been supplied, referred to in the last column of the table in Appendix I to this section, were being submitted to the competent authorities. It notes with regret, however, that no progress has since been indicated and that these instruments have

been under study for several years. The Committee trusts that the Government will make every effort to complete the aforesaid measures in the near future and will supply full information on the steps taken to this end.

Ukraine

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 which asserted once again that the Presidium of the Supreme Soviet is regarded as the sole competent authority within the meaning of article 19 of the Constitution of the I.L.O., to the exclusion of the Supreme Soviet itself. In these circumstances the Committee can only refer to its previous comments and observations and hope that the Government will reconsider its position and will find it possible to submit Conventions and Recommendations also to the Supreme Soviet, which is the most representative national legislative body.

U.S.S.R.

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1963 which asserted once again that the Presidium of the Supreme Soviet is regarded as the sole competent authority within the meaning of article 19 of the Constitution of the I.L.O., to the exclusion of the Supreme Soviet itself. It notes from this statement, however, that the Presidium, which acts between sessions of the Supreme Soviet, reports to the latter. The Committee understands therefore that Conventions and Recommendations and decisions taken by the Presidium in respect of them are in practice placed before the Supreme Soviet. It has noted, moreover, that a Government representative stated to the Conference Committee in 1960 that Conventions and Recommendations are in practice the subject of various measures of publicity, particularly within the Supreme Soviet. The Committee hopes therefore that the Government will supply information on the measures thus taken with a view to bringing Conventions and Recommendations before the Supreme Soviet, in addition to information relating to the submission of these instruments to the Presidium.

Uruguay

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1963 that the instruments adopted from the 38th to the 46th Sessions of the Conference, of which a certain number might be ratified, had been submitted to Parliament. It would be grateful if the Government would supply, in conformity with the *Memorandum* adopted by the Governing Body in this connection, copies of the documents whereby these instruments were submitted to Parliament and information on any proposals or comments which may have been made.

* * *

In addition, requests on certain other points are being addressed to the following States: *Albania, Argentina, Austria, Belgium, Brazil, Byelorussia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Finland, Gabon, Ghana, Iceland, Indonesia, Iran, Italy, Kuwait, Malagasy Republic, Mauritania, Morocco, Niger, Nigeria, Pakistan, Peru, Rumania, Senegal, Sierra Leone, Somalia, Republic of South Africa, Spain, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, Upper Volta, Venezuela, Viet-Nam, Yugoslavia.*

Appendix I. Position of the Individual Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

(31st to 46th Sessions of the International Labour Conference, 1948-62)

Note. The number of the Convention or Recommendation is given in parentheses, 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, 45th and 46th
Albania	31st to 46th	—
Argentina	31st to 44th	45th and 46th
Australia	31st to 46th	—
Austria	31st to 46th (C 117, R 116, 117)	46th (C 118)
Belgium	31st to 45th	46th
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, 45th and 46th
Brazil	31st to 43rd, 45th	44th and 46th
Bulgaria	31st to 46th	—
Burma	31st to 43rd	44th, 45th and 46th
Byelorussia	37th to 46th	—
Cameroon	—	44th, 45th and 46th
Canada	31st to 46th	—
Central African Republic	46th	45th
Ceylon	31st to 43rd	44th, 45th and 46th
Chad	45th (C 116)	45th (R 115) and 46th
Chile	31st to 42nd, 45th	43rd, 44th and 46th

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)
China	31st (R 83), 32nd (C 95; 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, 45th and 46th	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 96, 97), 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, 45th (C 116)	37th, 40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115) and 46th
Congo (Brazzaville)	—	45th and 46th
Congo (Leopoldville)	—	45th and 46th
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, 45th and 46th
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, 45th and 46th
Cyprus	—	45th and 46th
Czechoslovakia	31st to 45th	46th
Dahomey	—	45th and 46th
Denmark	31st to 46th	—
Dominican Republic	31st to 43rd	44th, 45th and 46th
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, 45th and 46th
Ethiopia	31st (C 87, 88), 32nd (C 98), 45th and 46th	31st (C 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th
Finland	31st to 45th	46th
France	31st to 46th	—
Gabon	—	45th and 46th
Germany (Federal Republic)	34th to 46th	—

SUBMISSION TO 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)
Ghana	40th to 45th	46th
Greece	31st, 32nd, 34th (C 99, 100), 35th (C 101, 102, 103), 40th (C 105) and 41st (C 108)	33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th and 46th
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, 43rd (C 112, 113, 114) and 46th (C 118)	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, 45th and 46th (C 117; R 116, 117)
Republic of Guinea . . .	43rd (C 112, 113, 114)	43rd (R 112), 44th, 45th and 46th
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, 45th and 46th
Honduras	39th to 44th	45th and 46th
Hungary	31st to 46th	—
Iceland	31st to 45th	46th
India	31st to 46th	—
Indonesia	34th (C 100), 40th, 41st, 43rd, 44th, 45th and 46th	33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 42nd
Iran	31st to 45th, 46th (R 116)	46th (C 117, 118; R 117)
Iraq	31st (C 88), 34th (C 100; R 90), 40th (C 105, 106), 42nd (C 111; R 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 (C 99; R 89, 91, 92), 35th, 36th, 37th, 38th, 39th, 40th (C 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd (R 112), 44th (R 113), 45th (R 115) and 46th
Ireland	31st to 46th	—
Israel	32nd to 46th	—
Italy	31st to 45th	46th
Ivory Coast	45th, 46th	—
Japan	35th to 46th	—

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)
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116) and 46th (C 117, 118)	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115) and 46th (R 116, 117)
Kuwait	45th and 46th	—
Lebanon	31st (C 89, 90)	31st (C 87, 88; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th and 46th
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, 45th and 46th
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, 45th and 46th
	—	
Luxembourg	31st to 46th	—
Malagasy Republic . .	—	45th and 46th
Federation of Malaya .	41st to 46th	—
Republic of Mali . . .	—	44th, 45th and 46th
Islamic Republic of Mauritania	45th (C 116), 46th	45th (R 115)
Mexico	31st, 32nd (C 95), 34th (C 99, 100; R 89, 90), 35th (C 102), 40th to 44th	32nd (C 91, 92, 93, 94, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th (R 91, 92), 35th (C 101; 103; R 93, 94, 95), 36th, 37th, 38th, 39th and 45th
Morocco	39th to 46th	—
Netherlands	31st to 40th (C 105)	40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th, 45th and 46th
New Zealand	31st to 46th	—
Nicaragua	—	40th, 41st, 42nd, 43rd, 44th, 45th and 46th
Niger	45th (C 116) to 46th	45th (R 115) and 46th
Nigeria	45th and 46th	—
Norway	31st to 46th	—

SUBMISSION TO 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)
Pakistan	31st to 44th	45th and 46th
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, 45th and 46th
Paraguay	—	40th, 41st, 42nd, 43rd, 44th, 45th and 46th
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114)	42nd (R 111), 43rd (R 112), 44th, 45th and 46th
Philippines	31st to 46th	—
Poland	31st (C 7), 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, 45th (R 115) and 46th
Portugal	31st to 42nd	43rd, 44th, 45th and 46th
Rumania	39th to 46th	—
El Salvador	38th (C 104) and 40th (C 105, 107)	31st to 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th and 46th
Senegal	46th (R 116, 117)	44th, 45th and 46th (C 117, 118)
Sierra Leone	45th	46th
Somalia	—	45th and 46th
Spain	39th to 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116)	43rd (R 112), 44th (R 113, 114), 45th (R 115) and 46th
Sudan	39th and 40th	41st, 42nd, 43rd, 44th, 45th and 46th
Sweden	31st to 46th	—
Switzerland	31st to 46th	—
Syrian Arab Republic	31st (C 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 103), 36th (R 97), 38th (C 104), 39th (R 102), 40th, 42nd, 44th, 46th (C 118; R 116, 117)	31st (C 87, 88, 90; R 83), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 101, 102; R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100), 39th (R 101), 41st, 43rd, 45th and 46th (C 117)
Tanganyika	46th	—

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)
Thailand	31st to 36th, and 45th	37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th and 46th
Togo	—	44th, 45th and 46th
Tunisia	39th to 46th	—
Turkey	31st to 46th	—
Ukraine	37th to 46th	—
Republic of South Africa	31st to 46th	—
U.S.S.R.	37th to 46th	—
United Arab Republic	31st (C 87, 88; R 83), 32nd (C 98), 35th (C 101), 38th, 39th, 40th, 42nd, 44th, 45th and 46th (R 116, 117)	31st (C 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th (C 102, 103; R 93, 94, 95), 36th, 37th, 41st, 43rd and 46th (C 117, 118)
United Kingdom	31st to 46th	—
United States	31st to 46th	—
Upper Volta	45th	46th
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, 45th and 46th
Venezuela	31st to 45th (C 116)	45th (R 115) and 46th
Viet-Nam	33rd to 44th	45th and 46th
Yugoslavia	31st to 45th	46th

**Appendix II: Tables Showing the Position of Members with Regard to
the Obligation to Submit Conference Decisions to the Competent Authorities**

**TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE
PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND
RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES**

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted 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	46th 1962
All the decisions have been submit- ted	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34	38
Some of these decisions have been submitted .	7	2	— ²	4	3	1	— ²	4	1	13	3	7	8	1	9	6
None of these decisions have been submitted (including cases in which no informa- tion has been sup- plied by the gov- ernment)	37	42	42	35	38	37	40	41	37	26	42	36	38	44	58	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	102

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.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 13 MARCH 1964

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	46th 1962
All the decisions have been submitted	46	45	45	47	46	49	45	49	57	57	54	56	49	47	41	38
Some of these decisions have been submitted	11	14	— ²	13	10	—	— ²	7	1	12	3	9	8	2	12	6
None of these decisions have been submitted (including cases in which no information has been supplied by the government)	3	2	18	4	10	17	24	13	18	8	22	14	23	34	48	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	102

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

ANNUAL HOLIDAYS WITH PAY

AND

WEEKLY REST IN INDUSTRY, COMMERCE AND OFFICES

ANNUAL HOLIDAYS WITH PAY

General Conclusions on the Reports relating to the Holidays with Pay Convention, 1936 (No. 52), the Holidays with Pay Recommendation, 1936 (No. 47), the Holidays with Pay Recommendation, 1954 (No. 98), and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

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INTRODUCTION

1. The movement in favour of the granting of annual holidays with pay is characterised by a very slow initial period starting some 60 or 70 years ago, followed by a period of rapidly spreading recognition of the right of workers to paid holidays. The practice of granting vacations to state officials and public employees, which was current in a number of countries in the nineteenth century, began to be followed at the turn of the century by certain private employers, on an extremely limited scale. These early measures were soon reflected by the adoption of holiday legislation applying to some categories of workers such as apprentices, women workers, salaried employees, or persons employed in shops. Following the First World War came the first texts entitling workers in general to an annual holiday with pay. Yet, by 1934 there were only some 12 countries with holiday legislation applying to wage and salary earners in general¹ and in countries where these matters were regulated by collective agreements, it was not by any means the general practice to grant holidays by such voluntary action.

2. However, from 1936 on—date of the adoption of the first, trail-blazing Convention on the subject—there was a pronounced impetus in the movement favouring entitlement to holidays. Since then, the right to annual vacations has come to be recognised by law or has become part of the normal practice in practically all countries—except in some small territories or countries where there are few wage earners. This progress in regard to annual holidays has not been limited to the geographical extension of the principle. Considerable advance has also taken place during the past 30 years in the minimum duration of annual leave (increases from one to three weeks, or even more, are not unusual) and in the conditions subject to which holidays are granted. As indicated below, this preoccupation with the right to annual holidays with pay is reflected in the many Conventions and Recommendations on the subject adopted by the International Labour Conference from 1936 on. The right to annual leave is also recorded in other international instruments, such as the Universal Declaration of Human Rights adopted on 10 December 1948 which specifies in article 24 that everyone shall have the right to periodical holidays with pay, as well as in regional instruments.²

INTERNATIONAL LABOUR STANDARDS

3. In this evolving situation, with the right to annual holidays being constantly extended, it is not surprising to find that the subject has frequently come before the International Labour Conference and that many instruments providing for annual holidays with pay have been adopted. The need for provisions on annual holidays was brought to the attention of the Conference at its very first session, in 1919.

¹ I.L.O.: *Holidays with Pay*, Report V, International Labour Conference, 19th Session, Geneva, 1935, p. 14.

² Thus, the European Social Charter, which was drafted with the technical contribution of the I.L.O., specifies that States must provide for a minimum of two weeks' annual holiday with pay, for additional holidays for persons in dangerous or unhealthy occupations (article 2, paragraphs 3 and 4) and also for three weeks' annual leave for young persons under 18 years of age (article 7, paragraph 7).

Subsequently the question was included provisionally in the agenda of the Conference for 1927, 1931, 1933 and 1934; it was definitely decided to discuss this matter at the 19th (1935) Session of the Conference and as a result the Holidays with Pay Convention (No. 52) and Recommendation (No. 47) were adopted in 1936, requiring the granting of holidays to workers in industry, commerce and offices. In 1953 the question of holidays with pay for workers in general again came before the Conference as the Governing Body had suggested—in the light of its ten-yearly report on the working of the 1936 Convention—that a new Recommendation on annual leave should be adopted; accordingly in 1954 the Conference adopted a new Recommendation (No. 98) providing for higher standards. As regards agricultural workers, following numerous resolutions calling for international standards in this field, the Conference adopted in 1952 the Holidays with Pay (Agriculture) Convention (No. 101) and Recommendation (No. 93). Other instruments dealing with holidays with pay in certain sectors will also be found in the International Labour Code. These include the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), and the Plantations Convention, 1958 (No. 110).

4. The existing international standards on holidays with pay for workers in the main branches of the economy which, at the time of their initial adoption in 1936 were representative of the most advanced trend on the subject (only three countries then provided for annual leave of over six working days), are now in line with the standards fixed in the countries where holiday requirements are least advanced. The 1936 Convention, which applies to industry and commerce, provides for an annual holiday with pay of six working days after one year of continuous service and the 1952 Convention, which applies to agriculture, requires the granting of a holiday but does not specify the minimum duration thereof. A longer annual vacation of two working weeks is required under the 1954 Recommendation, which applies to all employed persons other than seafarers and agricultural workers, but this is not, of course, a binding instrument.

PROPOSED REVISION OF THE HOLIDAYS WITH PAY CONVENTION, 1936

5. The view that the 1936 Convention is outdated and should be revised has been expressed through the medium of resolutions adopted at the Conference in 1953, 1954 and 1961. In the 1961 resolution, for instance, the Conference invited “the Governing Body of the I.L.O. to consider the desirability of placing the question of the revision of the Annual Holidays with Pay Convention, 1936, as an item on the agenda of an early session of the Conference, with a view, *inter alia*, to bringing the provisions of the Convention, at least into conformity with those of the Holidays with Pay Recommendation, 1954, taking into account the need for longer periods of holidays with pay, for reasons of protecting the health of workers, and as a result of improvements in technology and increases of productivity”.¹

6. Accordingly, the Governing Body, in deciding in November 1961 that article 19 reports should be called for on the 1936 Convention, indicated that this “would enable the Committee of Experts on the Application of Conventions and Recommendations to prepare a comprehensive survey, covering the situation both in ratifying and non-ratifying countries. Such a survey would provide full and specific data on the basis of which the question of revision might be considered.”²

¹ I.L.O.: *Record of Proceedings*, International Labour Conference, 45th Session, Geneva, 1961 (Geneva, 1962), p. 893.

² *Idem*, *Minutes of the 150th Session of the Governing Body*, November 1961, p. 124.

7. The question of the revision of the 1936 Convention was also mentioned by the Director-General in his Report to the 47th Session of the Conference, in 1963, when he pointed out that progress had far outreached the standard prescribed in the Convention. He added that "this Convention, which has received 38 [40] ratifications, provides for an annual holiday of six working days, a figure which was appropriate enough in a Convention adopted as a pioneer measure in 1936 but has ceased to have any relationship to current practice in 1963, as the Conference itself recognised nine years ago by the adoption of the Holidays with Pay Recommendation, 1954, which provides for a holiday period of not less than two weeks for 12 months' service".¹

8. Finally it should be noted that the Governing Body's choice of Conventions for reporting under article 19 of the Constitution, and the Committee of Experts' survey based on these reports, now constitute one of the main procedures whereby a decision can be reached on the advisability of revising a given instrument.

9. Accordingly, in carrying out its present survey on annual leave, the Committee of Experts has borne in mind the expressions of opinion that the present international standards on holidays with pay are too low and that the 1936 Convention on holidays with pay should be revised.

RATIFICATION OF THE CONVENTIONS ON HOLIDAYS WITH PAY

10. Up to the date of this report, the Holidays with Pay Convention, 1936 had been ratified by 40 States² and been declared applicable without modification to one non-metropolitan territory.³ The Holidays with Pay (Agriculture) Convention of 1952 had been ratified by 26 States⁴ and declared applicable without modification to 11 non-metropolitan territories.⁵ Altogether a total of 65 countries (53 States and 12 non-metropolitan territories) are bound by either or both of the Conventions.

SCOPE OF THE SURVEY

11. The present survey is based on the reports received from governments in respect of the following instruments:

Holidays with Pay Convention, 1936 (No. 52).

Holidays with Pay Recommendation, 1936 (No. 47).

Holidays with Pay Recommendation, 1954 (No. 98).

Holidays with Pay (Agriculture) Convention, 1952 (No. 101).

¹ Idem, *Report of the Director-General; Programme and Structure of the I.L.O.*, Report I, International Labour Conference, 47th Session, Geneva, 1963 (Geneva, 1963), p. 163.

² Albania, Argentina, Brazil, Bulgaria, Burma, Byelorussia, Chad, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Gabon, Greece, Hungary, Iraq, Israel, Italy, Ivory Coast, Kuwait, Lebanon, Libya, Malagasy Republic, Mauritania, Mexico, Morocco, New Zealand, Panama, Peru, Senegal, Syrian Arab Republic, Tunisia, Ukraine, U.S.S.R., United Arab Republic, Uruguay, Viet-Nam and Yugoslavia.

³ Denmark (Farøe Islands).

⁴ Austria, Belgium, Brazil, Cuba, France, Gabon, Federal Republic of Germany, Guatemala, Hungary, Israel, Italy, Mauritania, Morocco, Netherlands, New Zealand, Norway, Peru, Poland, Sierra Leone, Sweden, Syrian Arab Republic, Tanganyika, United Arab Republic, United Kingdom, Uruguay and Yugoslavia.

⁵ France : French Guiana, Guadeloupe, Martinique, Réunion; United Kingdom : Antigua, Barbados, British Honduras, Isle of Man, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent.

In the light of these reports, whether received under article 22 or under article 19¹ of the Constitution, the Committee has been able to consider the position in 150 countries, that is 92 States² and 58 non-metropolitan territories.³ It will, however, be appreciated that it is not possible to cover fully in a report of this size all aspects of annual vacation, whether imposed by law or otherwise, in all the countries covered.⁴ Accordingly, the present study can only deal with the more fundamental provisions governing the right to annual holidays with pay, and can cite in each case only certain significant examples of the countries in which such provisions exist.

12. As a rule, the survey is based on information supplied in the governmental reports on holidays with pay and on legislative texts mentioned by the governments in their reports or otherwise available in the I.L.O. A list of the texts consulted in this connection will be found in the Appendix to this survey.

13. In order to obtain a full and realistic picture of the position in regard to holidays in the various countries, account should be taken not only of the provisions and measures governing annual leave, but of all provisions relating to periods of work and of rest, such as the actual daily and weekly hours of work, the spreadover of working hours, the duration of the weekly rest period and the right to paid or unpaid public holidays—in other words, of the total number of hours worked in the year and their distribution. Unfortunately it is not possible to take account, in the framework of the present study, of any of these other measures affecting directly the worker's periods of leisure and rest, and the scope of the survey is accordingly strictly limited to annual holidays with pay.

¹ Full information on the reports requested and received under article 19 of the Constitution will be found in a table appended to the Committee's report (Report III (Part III)).

² Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Haiti, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Kuwait, Liberia, Luxembourg, Malagasy Republic, Malaysia (Malaya, Sabah, Sarawak, Singapore), Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, Rwanda, Senegal, Sierra Leone, Somalia, Republic of South Africa, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Viet-Nam, Yugoslavia, Zanzibar. (The 76 countries given in italic type have sent reports under article 19 of the Constitution.)

³ Australia : Nauru, New Guinea, Norfolk Island, Papua; Denmark : Farøe Islands, Greenland; France : Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon; Netherlands : Netherlands Antilles; New Zealand : Cook Islands and Niue, Tokelau Island; 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, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland; United States of America : American Samoa, Guam, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands. (Reports have been received under article 19 of the Constitution in respect of the 37 territories given in italic type.)

⁴ For a more detailed picture of the situation in individual countries, reference must be made to the summaries of reports submitted to the Conference, i.e. *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), International Labour Conference, 48th Session, 1964; and (for ratifying countries) *Summary of Reports on Ratified Conventions*, Report III (Part I), International Labour Conference, as submitted each year since 1946.

CHAPTER I

SCOPE

14. The scope of the instruments on holidays with pay is wide. The 1936 Convention applies to a full range of specified public and private undertakings and establishments engaged in industrial and commercial activities (Article 1 of Convention No. 52) and the 1954 Recommendation covers "all employed persons" (Paragraph 3 of Recommendation No. 98); neither of these instruments applies to agricultural workers, persons employed in undertakings or establishments in which only members of the employer's family are employed or to seafarers; in addition, persons employed in public services whose conditions of service entitle them to an annual holiday with pay at least equal in duration to that prescribed by the Convention may be exempted from the 1936 Convention. As for the 1952 Convention on agriculture, it applies to such agricultural undertakings, related occupations, and categories of persons as may be determined by each ratifying State (Articles 1 and 4 of Convention No. 101).

GENERAL SCOPE OF LEGISLATION OR COLLECTIVE AGREEMENTS

15. In a large number of countries the right to annual holidays is prescribed in a general legislative text applying to all employed persons—for example, by means of a labour code or other similar text¹ or by means of a special enactment dealing with annual holidays.² The scope of these provisions is, as a rule, such as to ensure that workers as a whole in all the main sectors of the economy, and subject only to limited exceptions, shall be entitled to qualify for holidays. In other countries the scope of holiday provisions is determined on the basis of a more or less detailed indication of the categories of undertaking covered³; as a rule, in these cases, the definitions of the scope of the national provisions are drafted in general terms and are comprehensive.

16. Sometimes a variety of texts on holidays exists, each applying to a special branch of industry or of the economy and supplemented in some cases by non-legislative measures⁴; in such cases it is difficult to determine the precise scope of the holiday provisions. Similar difficulties may arise in regard to federal States.⁵

17. In countries where implementation of the basic holiday rights is ensured wholly or to a significant extent by means of collective agreements, it is not possible to draw any precise conclusions on the exact scope of the holiday provisions. This obviously depends on the development of trade unionism and collective bargaining, on whether or not collective agreements are applicable to workers other than members

¹ For instance, Brazil, Central African Republic, Colombia, Hungary, Iran, Japan, Tanganyika, Thailand, United Arab Republic and U.S.S.R.

² For instance, Argentina, Belgium, Czechoslovakia, Denmark, Israel and New Zealand.

³ For instance, Burma, Greece, Luxembourg, Poland, Viet-Nam, Yugoslavia.

⁴ For instance, Austria, Ceylon, India, Kenya and the Republic of South Africa.

⁵ In Switzerland, for example, certain workers are governed by nation-wide texts, but others may be eligible for holidays under cantonal laws, collective agreements or other measures.

of the parties to the agreement, whether all collective agreements prescribe annual holidays, etc. This difficulty in estimating the scope of the national measures on holidays is overcome where holidays are normally determined by collective agreement but where regulations prescribe minimum annual leave in respect of all workers not eligible for such leave under a collective agreement¹; here, it may be assumed that all workers in the country are entitled to annual holidays.

CATEGORIES OF WORKERS EXCLUDED OR SUBJECT TO SPECIAL PROVISIONS

18. Frequently in countries with statutory minimum holidays or other general systems of annual leave, certain categories of workers are governed by separate provisions or are excluded from the right to the normal annual holiday. Some of these cases are mentioned below.

19. Agricultural workers (covered by the 1952 Convention on agriculture, but outside the scope of the other instruments on holidays with pay) are in most cases governed by the same basic holiday provisions as other workers.² Occasionally, however, separate legislative provisions³ exist for this sector, which may contain less favourable provisions or may, on the other hand, be designed to meet the special needs of agricultural workers and thus ensure wider effective coverage than would otherwise be the case. Sometimes there is a totally different system for these workers, as in Poland, where they are governed by collective agreements rather than by the general legislative text; or in the United Kingdom where, on the other hand, their holiday conditions are regulated by statutory measures instead of by the means of the collective agreements which prevail in industry. The countries where legislative or other measures prescribe annual leave for agricultural workers include the great majority of those covered by the survey. However, among the States where the principle of annual leave is recognised, there are a number⁴ where all or practically all agricultural workers are covered neither by the statutory holiday provisions nor by collective agreements. According to the national conditions, this may or may not mean that agricultural workers do not in practice benefit from holidays; it may also be—according to some governments—that no need has been felt for such provisions because of the small number of regularly employed agricultural workers.

20. Although not covered by the 1936 Convention, domestic workers are included in the scope of the 1954 Recommendation⁵ on the same basis as other workers. It would seem from the information available that there should be no serious practical difficulty in including these workers in the scope of the holidays with pay provisions, but there are a number of countries⁶ in which domestic workers are specifically

¹ For instance, the Netherlands—Regulations of 20 December 1962.

² For instance, Belgium, Bulgaria, Brazil, Cameroon, Colombia, Cuba, Czechoslovakia, Ethiopia, Finland, France, Federal Republic of Germany, Israel, New Zealand, Nicaragua, Niger, Norway, Rumania, Spain, U.S.S.R., United Arab Republic.

³ For instance, Austria, Denmark, Ireland, Mexico, Morocco.

⁴ For instance, Canada, Ceylon (except for plantations), Dominican Republic, India (except for plantations), Iran, Iraq, Kuwait, Malaysia (Malaya—except for plantations), Pakistan (except for plantations), Portugal (except in the Overseas Provinces), Rwanda, Republic of South Africa, Thailand, Turkey, United States.

⁵ In 1954 the Conference Committee on Holidays with Pay adopted a proposal that domestic workers should not be excluded from the scope of the Recommendation. (I.L.O.: *Record of Proceedings*, International Labour Conference, 37th Session, 1954, pp. 564-565).

⁶ For instance, Belgium—1951 Royal Order, section 2; Brazil—1951 Act, section 2; Dominican Republic—1951 Code, sections 244-249; Iraq—1958 Labour Law, section 2; Japan—1947 Law, section 8; Switzerland—certain cantons; United Arab Republic—1959 Labour Code, section 5; Viet-Nam—Labour Code, section 1.

excluded from the statutory minimum holidays. However, domestic workers are normally included in the scope of the holiday legislation by virtue of the general terms in which its scope is defined, or else their rights are prescribed in separate texts.¹

21. No specific reference is made to homeworkers in the Conventions or Recommendations on holidays. However, as the 1954 Recommendation applies to all employed persons, it may be taken that homeworkers are included in its scope.² It is, therefore, of some interest to find that in a number of countries the right of homeworkers to annual leave is specifically prescribed by law. They may, by a special provision, be entitled to the same minimum statutory holiday rights as other categories of workers³, or they may be governed by special holiday requirements⁴—these special requirements relate most often to the means of calculating holiday pay or to the granting of proportionate leave. On the other hand, there are countries where homeworkers are excluded by special provision from the scope of the relevant legislation.⁵

22. As indicated above, provision is made in the international instruments on holidays with pay for the exemption of persons employed in undertakings or establishments in which only members of the employer's family are employed (Article 1 (3) of Convention No. 52; Article 4 (2) of Convention No. 101; Paragraph 3 of Recommendation No. 98). This exemption reflects the position in a large number of countries, though the scope of the national provisions varies considerably. For example, there are frequent cases where the exemption is limited to family undertakings or workshops in which only members of the employer's family are employed⁶; in other cases, the exemption applies not to the undertaking, but more generally to members of the employer's family.⁷

23. In a considerable number of countries, separate provisions regulating, *inter alia*, holidays with pay are prescribed in regard to persons employed in public services (Article 1 (3) of Convention No. 52). Relatively little information on the precise contents of these provisions is supplied by governments, but where the texts are available they indicate that these employees are normally entitled to more favourable conditions than workers in other sectors. Exceptions do however exist.⁸ Often, in

¹ For instance, Denmark—Act of 31 May 1961; France—Decree of 14 May 1956; Peru—Decree 23/1957; Yugoslavia—Labour Code, section 415.

² In the course of the consideration of this instrument, a proposal was made by a government for the specific exclusion of homeworkers from its scope (I.L.O.: *Holidays with Pay*, Report VII (2), International Labour Conference, 37th Session, Geneva, 1954, p. 13), but this proposal was not followed up by the Conference.

³ For instance, Czechoslovakia—Notification of 28 December 1959, section 17; U.S.S.R.—Labour Code, section 1.

⁴ For instance, Finland—1960 Act, section 13; France—Order of 13 October 1941; Federal Republic of Germany—1963 Act, section 12; Morocco—1946 Order, section 23; Uruguay—Decree of 24 February 1959.

⁵ For instance, Iraq—Labour Law, section 2; Ireland—1960 Act, section 3.

⁶ For instance, Belgium—1951 Royal Order, section 2; Finland—1960 Act, section 1; Greece—1945 Act, section 1; Japan—1947 Law, section 8; Mexico—Labour Act, sections 208 and 211.

⁷ For instance, Burma—1951 Act, section 2 (*g*); Iraq—Labour Law, section 2; Norway—1947 Act, section 1 (2).

⁸ For instance, in Ceylon, minor employees and daily paid workers in the public services are not eligible for annual leave (Public Service Rules, sections 3, 4) whereas similar categories of workers in the private sector would be entitled to such leave. In Tanganyika, persons employed in governmental services are excluded from the statutory holiday provisions but in practice—according to the Government—enjoy a holiday period at least as favourable.

countries with a small labour force, the only existing holiday provisions are those applying to government employees and workers.

24. The restrictions on the scope of holiday provisions are sometimes imposed by the exclusion of certain categories of undertakings, sectors or areas. Thus in a number of countries ¹ the statutory minimum holiday applies only to undertakings employing more than a specified number of workers (varying between five and 30), this condition being frequently linked with provisions regarding the use of power-driven machinery. In other cases ², it has been found necessary to limit the geographic scope of the holiday provisions by the exclusion of commercial undertakings in rural areas or smaller towns. Finally, in certain countries ³, no annual leave requirements may exist as regards certain branches of the economy.

25. It is not always clear from the terms of the national legislation whether the holiday provisions apply to workers who are paid wholly or partly in the form of a share in profits. Occasionally, they are specifically included and measures may even be prescribed as to the manner in which their holiday remuneration is to be calculated.⁴ In other cases, however, they are excluded.⁵

CONCLUSIONS

26. Before drawing conclusions on the above brief review, it must be stressed that the practical effect of the scope of national provisions on holidays with pay cannot be properly evaluated on the sole basis of the provisions determining their scope and defining any possible exceptions. These provisions determine the basic right of workers to holidays, but important elements governing the actual enjoyment of this right are found in the more or less strict provisions fixing the conditions subject to which such holidays are granted. These aspects of the scope of holiday provisions are dealt with below in the chapters on the qualifying period of service and on the possible loss of holiday rights.

27. As regards the actual scope of national provisions on holidays with pay, little difficulty has been experienced by ratifying countries in complying with the terms of the 1936 Convention in spite of the wide range of activities covered by this instrument. In fact the information made available by governments of both ratifying and non-ratifying countries shows that most national texts on holidays are applicable to workers in general.

¹ For instance, the exclusion of factories employing less than 30 workers (China—1932 Act, section 1); less than ten or 20 workers according to the nature of the undertaking (Burma—1951 Act, section 2; India—Factories Act, section 2; Mexico—Labour Law, sections 206 and 210; Pakistan—Factories Act, section 2); less than ten workers (Thailand—1958 Announcement; Turkey—Labour Act, section 2); less than six workers (Portugal—1937 Act, section 7); less than five workers (Iraq—1961 Code, section 2; Kuwait—Labour Law, section 2).

² For instance, Burma—1951 Shops Act, section 2; India—various state Acts on shops and commerce.

³ For instance, China: no provisions for shops and offices; Pakistan: no provisions for mining and construction.

⁴ For instance, Brazil—Labour Code, sections 400 ff.

⁵ For instance, Burma—1951 Act, section 2; Iraq—Labour Law, section 2; Norway—1947 Act, section 1.

CHAPTER II

MEANS OF IMPLEMENTATION

28. The 1936 Convention on annual holidays does not specify by what means its fundamental provisions are to be implemented, although it does indicate that certain complementary points, such as the continuity of holidays, or extended holidays for long-service workers, are to be governed by laws or regulations. Accordingly a certain measure of flexibility is allowed for ratifying States, provided the means employed are such as to make effective the provisions of the Convention, as required in general terms under article 19 (5) (*d*) of the I.L.O. Constitution.

29. The other instruments on holidays specify a wider range of possibilities as regards the means of implementation. Thus, the 1952 Convention on agriculture states that ratifying countries are free to decide the manner in which provision shall be made for holidays with pay in agriculture and that such provision may be made where appropriate by means of national laws or regulations, collective agreements or arbitration awards or by special bodies entrusted with the regulation of holidays with pay in agriculture or in any other manner approved by the competent authority (Articles 2 and 3 of Convention No. 101). The 1954 Recommendation indicates that, having regard to the variety of national practices, the provisions of the Recommendation may be given effect by means of public or voluntary action, through legislation, statutory wage-fixing machinery, collective agreements or arbitration awards or in any other manner consistent with national practice; it also states that the adoption of any of the above procedures should not prejudice the particular concern of governments to call into action all appropriate constitutional or legal machinery when voluntary action, action by employers' and workers' organisations or collective agreements do not give speedy and satisfactory results (Paragraph 1 of the Recommendation).

IMPLEMENTATION BY LEGISLATION OR REGULATIONS

30. Implementation by legislation or regulations is one of several systems explicitly provided for under the 1952 Convention on agriculture and the 1954 Recommendation, and has been adopted in practically all countries having accepted the principle of annual holidays with pay. Thus, the right to an annual paid holiday of a specified minimum duration—applying to the main branches of the economy—is prescribed by law in 78 States¹, that is 85 per cent. of the States covered by this

¹ Albania, Argentina, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Cameroon (East), Canada (except in three provinces), Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Greece, Guinea, Haiti, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Ivory Coast, Japan, Kuwait, Liberia, Luxembourg, Malagasy Republic, Malaysia (Singapore), Mali, Mexico, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Peru, Poland, Portugal, Rumania, Rwanda, Senegal, Somalia, Republic of South Africa, Spain, Sweden, Switzerland (federal and 12 cantons), Syrian Arab Republic, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, Upper Volta, Uruguay, Viet-Nam, Yugoslavia.

survey, and in many of the remaining States (eight States¹ or a further 10 per cent.) holidays are prescribed by statutory measures in certain important sectors or areas. The texts in question vary a good deal—in certain cases the law contains detailed prescriptions on the many aspects of annual vacation; in others it indicates only the minimum duration of the holiday with a brief reference to the qualifying period of service or some other essential point. Frequently, of course, as will be indicated in the course of this study, other machinery exists for supplementing the relevant statutory requirements either as regards workers as a whole or as regards certain workers not otherwise covered by the relevant legislation, and the holiday legislation itself may provide that certain matters respecting annual leave are to be settled by such machinery.

31. Among ratifying States, the requirements regarding the means of implementing the right to annual leave have not given rise to any serious difficulties. As regards the 1936 Convention, the Committee of Experts has only had to address observations on this point to one of the 40 ratifying States. As for the 1952 Convention on agriculture, the provisions of which may be implemented by a variety of means other than legislation—a degree of latitude which was considered necessary in view of the special conditions in agriculture—the Committee has nevertheless found it necessary to address requests to a small number of countries on the means by which effect is given to certain of the Convention's provisions.

IMPLEMENTATION BY SPECIAL BODIES

32. In a small number of countries there is no basic holiday legislation, and the question of annual leave for certain categories of workers is sometimes regulated by special bodies or machinery (Articles 2 and 3 of Convention No. 101, and Paragraph 1 of Recommendation No. 98). The purpose of the action taken by these special bodies or through the special machinery may be to supplement the existing voluntary measures where it is considered that certain trades or occupations are not sufficiently organised and need additional protection²; or the purpose of the special machinery may be to supplement legislation when its scope is not general.³

33. More frequently, however, special machinery or bodies dealing, *inter alia*, with the question of holidays, are to be found side-by-side with general statutory holiday provisions. In such cases the special bodies may be required to deal with certain matters which do not affect the principle of annual leave and may be more

¹ Australia (two states), Ceylon, Ghana, Italy, Kenya, Malaysia (states of Malaya), Nigeria, United Kingdom.

² For instance, in the United Kingdom, the legislation permits the statutory fixing of holidays through wage councils (there are some 60 such councils covering three-and-a-half million workers) and agricultural wage board orders ensure that whole-time and regular part-time agricultural workers are entitled to annual leave. In Malaysia (states of Malaya), wage regulation orders prescribe the right to holidays of dockers, workers employed in shops, hotels, etc.

³ For instance, in Switzerland, in cantons or occupations not covered by appropriate legislation, workers may enjoy holiday rights in virtue of model contracts of employment, established by joint bodies, whose clauses must as a rule be respected in individual contracts of employment: the establishment of such model contracts is, for instance, compulsory for agricultural workers in all cantons. In Ceylon only workers in shops and offices are entitled to annual holidays under a general text; as regards workers in other sectors, wage board orders or decisions may provide for such holidays—subject to a specified maximum—which then become binding. In Australia the determination of holidays with pay for workers outside the jurisdiction of Commonwealth Conciliation and Arbitration machinery (and not in the federal territories) is generally a matter for state industrial tribunals; relevant provisions are embodied in state awards or determinations, which must normally be observed by all employers engaged in the industry in question.

appropriately regulated through relatively flexible machinery¹; on the other hand the special machinery or measures may be prescribed to facilitate the granting of holidays for categories of workers who, because of the nature of their work (dockers, transport workers, construction workers, etc.), would not normally benefit from the right to holidays.²

IMPLEMENTATION BY COLLECTIVE AGREEMENTS

34. The regulation of annual holidays through collective agreements, explicitly provided for in Articles 2 and 3 of Convention No. 101, and Paragraph 1 of Recommendation No. 98, may take various forms and play a more or less fundamental role, according to the national systems.

35. It may be the sole means, other than custom, of prescribing annual vacations in the private sector; this is the case in the United States, for instance, where the only legislation on the subject is limited to federal employees and where a recent survey—mentioned in the Government's report—of key agreements showed that 92 per cent. of these provided for the granting of some form of vacation, the remaining 8 per cent. relating generally to the construction industry where workers tend to be on short-term contracts.³ Sometimes, while statutory provisions on the question of holidays with pay exist (either laying down the principle of annual vacations or regulating the granting of holidays for certain categories of workers), collective agreements constitute the chief method for the majority of the working population of ensuring the right to holidays. In the United Kingdom, for instance, although several million workers are entitled to holidays under wages councils or agricultural wage board orders, voluntary collective agreements remain the chief means of prescribing holiday rights and do in fact require the granting of holidays in practically all industries. In Italy the national Constitution lays down the principle of annual leave, and certain texts of limited scope have been enacted on the subject, but collective agreements are the chief instrument regulating the granting of holidays, in its various aspects, and they are being progressively given force of law under a recent legislative text. In the Netherlands the immense majority of workers are eligible for annual leave under collective agreements only, the remaining workers being governed by regulations having force of law. In certain other countries⁴ also limited statutory provisions are supplemented by collective agreements providing for the granting of holiday to certain workers not otherwise covered. Occasionally, the position is reversed and, although holidays are prescribed for the majority of workers by means of statutory provisions, certain sectors are outside their scope and are covered by collective agreements only.⁵

36. However, the role of collective agreements in regard to holidays with pay is most generalised as an instrument supplementing basic legislative provisions, whether

¹ For instance, in Belgium, where holidays are minutely regulated by law, it is nevertheless provided that joint committees may decide on matters such as the dates of holidays or extensions in holidays because of length of service; in Spain labour regulations applying to given occupations or industries are required by law to contain provisions on holidays, the right to which is also laid down in a basic legislative text.

² For instance, in France—Labour Code, Book II, section 54 (1); India—Motor Transport Workers' Act, Dock Workers' Act.

³ Other countries where annual holidays for workers in general are regulated by collective agreements, include Cameroon (Western), Cyprus, Ghana, Netherlands, Philippines (a Bill has been tabled).

⁴ For instance, Kenya, Malaysia (states of Malaya).

⁵ This is the case in Poland, for instance, as regards agricultural workers on state farms, and in Switzerland as regards certain cantons or occupations.

as a means of granting more favourable conditions than those prescribed by law, of fixing supervisory measures, determining dates on which holidays are to be taken, of specifying holiday pay, etc. This role of collective agreements may be the result of the general collective bargaining procedure or may be specifically required by law. Interesting examples of the latter case are to be found in the Central African Republic, for instance, where the Labour Code specifies that all collective agreements must contain holiday clauses and in Senegal where a collective agreement cannot be made binding unless it contains provisions on this subject.¹ Such requirements ensure, *inter alia*, that the legal provisions on holidays with pay retain their character of minimum provisions and that the question of annual vacation remains a live issue between the parties to collective agreements.

37. Another interesting aspect of freely negotiated, more favourable, holiday provisions is the effect of these higher standards on the minimum statutory requirements regarding annual leave. The position here also varies considerably and is well illustrated by the following two examples: in Finland², if a collective agreement prescribes longer holidays than the relevant Act, the Act is nonetheless applicable to the holiday in excess of the statutory minimum period, unless otherwise stated in the collective agreement; in Morocco³, on the other hand, when longer holidays are determined by collective agreements the law applies only to that part of the holiday which corresponds to the statutory minima.

38. It will, of course, be borne in mind that the effect of collective agreements varies considerably from country to country. Holiday provisions set out in an agreement may be binding on the whole industry if the agreement is given force of law, they may be binding only on the parties to the agreement or may leave the parties free to contract out. Similarly, the negotiators of collective agreements may attach varying importance to the question of holidays with pay; thus, within the one country, there may exist side by side a collective agreement providing for complex, well-run holiday funds or other holiday machinery and a collective agreement providing merely for the granting of a holiday with pay of so many days. Accordingly, it is frequently difficult to ascertain, on the basis of collective agreements alone, how far certain minimum holiday provisions are in fact applied.

39. Reference is made above to cases where collective agreements either ensure higher standards than those laid down in the holiday legislation or deal with practical points not covered by the law. There are, however, countries where provisions of the law may be varied by collective agreements: this may relate to important points, as in the Federal Republic of Germany where contracting out by collective agreement is permitted as regards leave pay, the qualifying period of service, the continuity of the holiday, dates of the holiday, compensation in lieu of holiday, etc., and in Switzerland (Soleure and Zug) where collective agreements may prescribe annual holidays which are shorter than the statutory minima; or to points of lesser importance, as in Finland and Norway where the detailed legislative provisions regarding the computing of holiday pay may be varied by collective agreement.

40. It would seem from the information available that, on the whole, the standards fixed by collective agreement in regard to holidays with pay vary considerably according to whether or not a statutory minimum holiday exists. Thus, where no

¹ For example, Central African Republic—Labour Code, section 79; Senegal—Labour Code, section 86.

² Act of 30 April 1960, section 17.

³ Dahir of 9 January 1946, section 9.

such legal minimum is prescribed and where holidays are regulated by collective agreement, there are striking examples among the more advanced countries in which the duration of the annual holiday is lower than the general average. On the other hand, there seems to be no doubt that when a minimum holiday is prescribed by law, collective bargaining may be equally active in this field, but here the efforts will tend towards fixing annual leave which is longer or otherwise more advantageous than the prescribed minimum. Accordingly, it might be stated that where no statutory minimum holiday is fixed, collective bargaining efforts concentrate on obtaining a basic standard, while in other cases they tend to raise conditions above the statutory minima.

41. Finally, it may be appropriate to consider the case of one State (Italy) having ratified the 1936 Convention on holidays with pay. In this country, although the principle of annual leave is laid down in the national Constitution, collective agreements are the chief instrument for regulating annual holidays. The Committee of Experts, after carefully examining the manner in which the granting of leave was ensured through these collective agreements or otherwise, pointed out that the existing fluid position in this country made it extremely difficult to estimate the manner in which the Convention was in fact applied. The Committee also indicated that the provisions of the Convention were such that it was difficult to ensure their full application by the sole means of collective agreements. Accordingly the attention of the Government concerned was drawn to "the necessity of adopting legislation ensuring the application of the minimum requirements of the Convention, in so far as they may not already clearly be implemented by existing provisions of the legislation or collective agreements, it being understood that higher standards may be fixed by collective agreements".¹

CONCLUSIONS

42. As indicated above, the international instruments in question prescribe various means of implementing holiday provisions. Thus, the 1936 Convention is such that it is very difficult to ensure its full application by means of collective agreements only, whereas the instruments adopted in 1952 and 1954 (Convention No. 101 and Recommendation No. 98) explicitly permit of implementation by means of public or voluntary action, as may be appropriate under national conditions. On the national level the vast increase in the number of countries having statutory holiday requirements demonstrates a clear trend towards increasing recognition of legislation or regulations as the most appropriate means of determining minimum annual leave. This may be found even in agriculture—the sector most frequently excluded from general holiday legislation—where, for example, the right to annual leave is laid down by statutory provisions in 25 of the 28 States having ratified the Convention and by a national collective agreement having force of law in one of the remaining three States.

43. Nevertheless, the fact that minimum holiday standards are laid down by law in so many countries should not lead to an underestimation of the importance of, and need for, action through collective agreements as a means of improving holiday standards and ensuring their application, and, above all, as a means of ensuring the necessary flexibility in this constantly moving and progressing field. Thus, although there are extremely few countries in which collective agreements are the sole or even

¹ Reports of the Committee of Experts on the Application of Conventions and Recommendations, 1957 to 1964, Observations relating to Italy, Convention No. 52.

the chief means of determining the granting of annual holidays, it is clear, and this will be further stressed in the following chapters of the present survey, that such agreements play an essential role as regards annual vacations, even when certain minimum holiday provisions are determined by law. For instance, by keeping the question of holidays with pay under constant review, collective agreements permit the gradual introduction of longer or otherwise more favourable holidays; they also constitute an extremely useful means of regulating, at the level of the industry or of the undertaking, certain aspects of holidays which do not always lend themselves to generalised measures or can best be settled on a joint basis, such as methods of computing holiday pay, or the effect of interruptions of work on the qualifying period of service; finally, collective agreements facilitate the practical application of holiday provisions as regards matters such as fixing the dates of holidays or participation in the supervision of the granting of holidays.

44. A final point to be borne in mind is that if the means of implementing a Convention are extended to include voluntary action such as collective agreements, it will be difficult to lay down in the instrument any precise provisions regarding application of holiday rights, and even as regards the duration of the annual holiday. The resulting restriction on the possible impact of the Convention and on its value as a standard-setting instrument are demonstrated in the 1952 Convention on agriculture where implementation through voluntary action is provided for and where, accordingly, there are no precise requirements regarding the scope of the instrument, the minimum duration of holidays, the minimum period of continuous service, etc.

45. It is clearly necessary, when considering by what means holiday provisions should be implemented, to determine a method which, on the one hand, would be sufficiently flexible to meet changing conditions; and which, on the other hand, would permit of the full application of certain minimum standards to all the workers concerned. One method which would seem both reasonable and in conformity with the information supplied on national practices would be to require that effect should be given to certain basic provisions respecting annual leave by means of legislation, but providing that some of its subsidiary points might be implemented by means of voluntary collective agreements or in any other manner approved by the competent authority.

CHAPTER III

QUALIFYING PERIOD OF SERVICE

46. The actual granting to individual workers of their annual holiday depends to a great extent on the provisions regulating the qualifying period of work. It is customary, of course, to think in terms of "annual" holidays, granted after a year's service, but the prescribed duration and the definition given to this period of service, and the arrangements for proportionate holidays in cases of shorter periods of service, can greatly extend or curtail the benefits of annual holidays.

47. The position taken by the International Labour Conference in this respect varies considerably, as indicated by the terms of the instruments which it has adopted. Thus, the 1936 Convention specifies that workers shall be entitled to an annual holiday with pay "after one year of continuous service" (Article 2 of Convention No. 52), and the 1952 Convention on agriculture provides that the required minimum period of continuous service shall be determined by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authority (Article 3 of Convention No. 101); this Convention also indicates that, where appropriate, proportionate holidays or payment in lieu thereof shall be granted in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay but exceeds such minimum period as may be determined in accordance with the established procedure (Article 5 (c)). Neither of these texts defines the expression "continuous service" nor requires the national provisions to do so.

48. However, the 1936 Recommendation specifies that continuity of service should not be affected by interruptions occasioned by sickness or accident, family events, military service, the exercise of civic rights, changes in the management of the undertaking in which the employed person is employed, or intermittent involuntary unemployment if the duration of the unemployment does not exceed a prescribed limit and if the person concerned resumes employment (Paragraph 1 (1) of Recommendation No. 47); the Recommendation also specifies that, in employment in which work is not carried on regularly throughout the year, the condition of continuity of employment should be regarded as satisfied by the working of a prescribed number of days during a prescribed period (Paragraph 1 (2)) and that the holiday should be earned after one year's work regardless of whether this period has been spent in the employment of the same or of several employers (Paragraph 1 (3)). These provisions are amplified in the 1954 Recommendation. This text does not fix a minimum period of service but indicates that the duration of the holiday should be proportionate to the length of service performed with one or more employers during the year concerned (Paragraph 4 (1) of Recommendation No. 98). It also indicates that the appropriate machinery may determine the number of days which a worker should have worked to become eligible for the holiday or for a proportion thereof and the method of calculating the period of service; it indicates that where employment ceases before the period of service has been completed, holiday with pay proportionate to the period of service performed or compensation in lieu thereof or the equivalent

holiday credit may be prescribed (Paragraph 4 (2), (3)). As regards the definition of the period of service, the 1954 Recommendation states that interruptions of work during which the worker receives wages should not affect entitlement to, or the duration of, the annual holiday with pay, and that interruptions of work which do not give rise to a termination of the employment relationship or contract should not affect entitlement to a holiday with pay which has been accumulated prior to the interruption (Paragraph 7). The Recommendation further provides that the appropriate machinery should determine the manner in which the above principles should be applied to interruptions of work occasioned by sickness, accident and periods of rest occasioned by prenatal and postnatal care; absences on account of family events; military obligations; exercise of civic rights and duties; the performance of duties arising from trade union responsibilities; changes in the management of the undertaking and intermittent involuntary unemployment.

49. Before considering further the question of the qualifying period of service, it must be noted that there are two distinct ways of envisaging the matter. The first is to provide that a worker, in order to become eligible for annual holidays, must have completed a minimum qualifying period of employment (usually one year) with one or with several employers; in such cases the worker must not only wait a specified time before being able to claim leave but must also have been actually employed during this period. The second manner is to prescribe that a worker shall not be entitled to annual leave until after a specified period (also usually one year); here there is no obligation for the worker to show continuous service during this period, and he will be entitled to proportionate leave at the end of the waiting period even if he has only been employed during a fraction of this period.

50. The present chapter deals, first of all, with the required duration of the qualifying period of service giving entitlement to holidays with pay, and, secondly, with the various types of interruptions which are deemed not to affect entitlement to, or the duration of, the annual holiday with pay.

DURATION OF QUALIFYING PERIOD OF SERVICE

51. The above-mentioned detailed provisions in the relevant Conventions and Recommendations, dealing with the actual duration of the period of service giving entitlement to holidays (see paragraphs 47-48) vary considerably; it may however be indicated that the earliest instrument refers in this connection to one year of continuous service, whereas the latest instrument fixes no minimum period of service and suggests various flexible measures which are aimed chiefly at extending holiday rights to workers employed for shorter periods. If one now turns to national conditions it will be seen that here also different kinds of conditions are imposed regarding the length of the period of service to be fulfilled before a worker becomes entitled to holidays, and that in some cases no such qualification is required.

52. First of all, the fixing of a minimum period of service as a condition to the granting of holidays is no longer considered necessary in a number of countries ¹

¹ In France—Labour Code, Book II, section 54 (*g*)—for instance, holidays are granted and are calculated on the basis of service totalling one month, provided at least one month has been served in the year. In Denmark—1953 Act, section 3—holidays are proportionate to the duration of employment during the prescribed 12-month period, even if less than a month has been worked in the course of the said year. In Finland—1960 Act, section 3—the number of calendar months worked during a 12-month period serves as the basis in calculating the duration of holidays, no account being taken of calendar months where less than 16 days have been worked. In the United

where the length of service performed during the year concerned constitutes merely the means of calculating the duration of the holiday—in short, holidays are granted on a pro rata basis. In addition, of course, the national provisions may specify that account is only to be taken of service in excess of a given shorter period, and also that the worker will not be eligible for his holiday until the end of the year concerned.

53. Similar results are obtained in another group of countries¹ where although the principle of a qualifying period of service is laid down, workers who have not completed the whole of this service are entitled to proportionate holidays or compensation in lieu thereof. In these countries it may be provided that workers only become eligible for annual leave if they have worked a full year, or if they have been employed on a prescribed number of working days in the year; but in all cases exceptions are made to ensure that workers having been employed for shorter periods are also entitled to holiday compensation on a pro rata basis. Sometimes, although proportionate holidays or compensation are granted where the normal qualifying period of service has not been worked, this is subject to the worker having been employed for a specified shorter period.²

54. In a third group of countries a minimum period of service is prescribed, but in these cases the information available does not indicate whether workers in general are entitled to proportionate holidays where the minimum period has not been served. The duration of this period of service is frequently 11 or 12 months³, but may be only a specified fraction of the year or of the working days in the year.⁴ Occasionally, where a shorter qualifying period is prescribed (for instance, six months' service as in Poland for non-manual workers) this gives entitlement to only a proportionate part of the annual holiday. It should also be noted that in some of the countries covered by this paragraph limited provision is made for the granting of proportionate holidays to certain categories of workers.

55. Finally in a few rare cases⁵ the qualifying period of service extends over more than one year. In Gabon and Niger, for example, a qualifying period of up to 30 months may be required in the case of expatriate workers who are entitled to longer holidays. In China (public services and communications) and in Liberia, workers

Kingdom wages council orders provide that the duration of the holiday is to be related to the duration of employment, and entitlement to annual holidays is based on the length of employment in the 12 months before the beginning of the holiday season.

¹ For instance, Austria (6-9 month qualifying period)—Acts of 1921 and 1959; Belgium (276 days)—1958 Royal Order, sections 36, 59; Federal Republic of Germany (six months)—1963 Act, section 4; Ireland (1,600 hours)—1961 Act, section 10; Israel (200-240 days)—1951 Act, sections 3, 4; Nicaragua (six months)—Labour Code, section 64; Niger (one year)—Labour Code, section 120; U.S.S.R. (11 months)—1930 Regulations, section 28.

² For instance, in Czechoslovakia, 75 days instead of the usual 11 months—1959 Act, section 1; in Brazil, 150 days instead of one year—Labour Code, section 132; in the Dominican Republic, six months instead of one year—Labour Code, section 170.

³ For instance, Albania—Labour Code, section 79; Burma—1951 Act, section 4; Colombia—Labour Code, section 188; Cuba—Decree No. 1435, section 1; Greece—1945 Act, section 2; Malaysia (Singapore)—Ordinances Nos. 40/1955, 13/1957, 14/1957; Mexico—Labour Act, section 82; Poland (manual workers)—1922 Act, section 2; Rumania—Labour Code, section 63; Turkey—1960 Act, section 3; United Arab Republic—Labour Code, section 58.

⁴ For instance, half the working days in the year: Argentina—Decree No. 1740, section 2; 80 per cent. of the working days: Japan—1947 Act, section 39; 260 days including overtime: Peru—1961 Act, section 1; 240 days: India—Factories Act, section 79; eight months: Bulgaria—Labour Code, section 53; or six months: Poland (non-manual workers).

⁵ For instance, China—1956 Regulations, section 14, 1961 Regulations, section 35, 1962 Regulations, section 15; Gabon—Labour Code, section 122; Liberia—1961 Law, section 901; Niger.

become entitled to annual holidays in the fourth year of continuous service with the same employer.

56. As regards employment by one or several employers, both the 1936 Recommendation (Paragraph 1 (3) and the 1954 Recommendation (Paragraph 4 (1)) provide that in establishing the period of service giving entitlement to holidays with pay, account is to be taken of the full period, whether it is spent with one or with several employers. In a great many countries the question of changes in employment during the period of service has ceased to have practical importance because of the provision made for pro rata holidays in cases where shorter periods have been worked (see above under paragraphs 52-53), or of course, because it is specified that the period of service relates to employment with one or several employers. There are, however, a number of countries where restrictions of this sort are imposed. Thus, it is sometimes specified that the period of service must be with one employer or undertaking¹; in other cases², although no direct reference is made to the obligation to serve the whole period with one employer, the law contains a list of cases in which entitlement to holidays shall not be affected by changes in employment (changes due to reduction of staff, closure of the undertaking, transfer by order, termination by employer for reasons not imputable to the worker, etc.).

57. The special case of undertakings or industries which grant holidays simultaneously to all employees is dealt with in certain national laws.³ When an undertaking closes for the annual holidays, workers who have not completed the normal qualifying period of service are entitled, in Morocco, to the full holiday, and holiday pay; in Denmark, to the full holiday, but only to proportionate pay; in Czechoslovakia, they are given substitute employment for the unearned part of the holiday.

58. In many countries it has been found appropriate to lay down special provisions regarding the qualifying period of service in the case of seasonal and casual workers who, by the very nature of their work, are unable to show continuity of employment for the normal period. In countries where no general provision is made for the granting of proportionate holidays, it is only through such special measures that short-term workers may become eligible for annual leave.⁴ However, even in countries with generalised systems of pro rata holidays, special measures are often taken to facilitate the granting of annual leave to seasonal and casual workers.⁵ In some countries the special case of these workers is met by the general holiday provisions; this is the case, for instance, where there is a general requirement that a given

¹ For instance, Costa Rica—Labour Code, section 153; Cuba; Dominican Republic—Labour Code, section 169; Kuwait—1959 Labour Law.

² For instance, Albania—Labour Code, section 88; Poland—1956 Decree, section 16; Rumania—Labour Code, section 16, D.

³ For instance, Czechoslovakia—1959 Notification, section 10; Denmark—1953 Act, section 5 (9); Morocco—1946 Decree, section 13.

⁴ In Burma (1951 Act, section 8), for example, the legislation provides for the granting of proportionate holidays in industries where work is not carried out continuously for 12 months; in Czechoslovakia (1959 Notification, section 16) workers employed in seasonal or casual work need not comply with the minimum waiting period; in Greece (1945 Act, section 2 (8)) provision is made for separate holiday rules in the case of seasonal undertakings; and in Peru (1961 Decree, section 5) a different minimum period of work is prescribed in the case of seasonal work or irregular periods of service.

⁵ For instance, in Austria (Act of 1957) special measures providing, *inter alia*, for a holiday fund are prescribed in regard to building workers; in France (Labour Code, Book II, section 54 (1)) special decrees have been issued to govern holiday rights in ports and in the construction, transport and other industries liable to fluctuations in manpower; in Morocco (1946 Decree, section 31) special holiday rights are prescribed under decasualisation schemes; and in Norway (1947 Act, section 9) special rules regulate holidays in cases where employment normally lasts less than six days.

percentage of all wages should be paid into a holiday fund¹; or where there is an obligation for the direct payment of appropriate holiday compensation to all workers employed for less than a specified period.² There is a last group of countries where seasonal workers are entitled neither to proportionate annual leave nor holiday compensation; this group includes countries with strict requirements regarding the qualifying period of service, and also certain countries where they are specifically excluded from the right to annual leave.³

59. A separate problem and one which is likely to affect an increasingly large number of workers—particularly in countries suffering from manpower shortage—is that of part-time workers. Specific mention of such cases is sometimes made in the provisions regarding the required period of service giving entitlement to holidays.⁴ Thus it may be provided that the right to holidays subsists even if the worker is not required by his contract to work every day of the week or for the whole of an ordinary working day; or that the right to holidays applies to all workers having been employed over 200 hours in the calendar year; or that four hours' work is counted as a full day when calculating the qualifying period of service; or, finally, that entitlement to holidays exists if a worker has been employed, for example, for 20 hours a week or one-quarter, one-third or one-half of the normal working time. Moreover, as indicated above in regard to seasonal and casual workers, the case of part-time workers is sometimes covered by the general holiday provisions. It may be appropriate to add here that the holiday rights of part-time workers must normally be based on the amount of time worked; for example, a worker employed four hours daily in a country where the minimum holiday with pay is 12 working days, would be entitled to two weeks' holiday with 12 times the remuneration due for each half day.

INTERRUPTIONS OF WORK DURING THE PERIOD OF SERVICE

60. A large number of the countries considered have taken measures to specify the cases in which entitlement to holidays shall not be affected by interruptions of work (Paragraph 1 of Recommendation No. 47, and Paragraph 7 of Recommendation No. 98). This awareness of the need to maintain holiday rights, despite absence from work in justified cases, may take the form of a general clause covering interruptions of work for a number of unspecified reasons, or of an enumeration of the cases in which absence from work does not constitute a break in the period of service, or in a combination of these two methods. The need for provisions of this sort is felt not only where the legislation fixes a minimum qualifying period of service but also where no such minimum is prescribed, and where holidays are made proportionate to the number of days of work furnished: here, authorised interruptions are assimilated to periods of effective work for the purpose of calculating the duration of holidays and the amount of the holiday pay.

61. A far-reaching type of provision is that in which the requirements regarding the period of service are considered to have been complied with when a given percentage of the days have been worked. In such cases it would seem that within the

¹ For instance, Belgium (manual workers)—1951 Royal Order, section 9 ff.

² For instance, New Zealand—1944 Act, section 4 (2); Niger; Senegal—Labour Code, section 146.

³ For instance, in Iraq, all workers employed for less than six months are excluded—Labour Law, section 2; in Poland, seasonal industries working for less than ten months in the year are excluded—1922 Act, section 1; in U.S.S.R., workers employed in specified seasonal industries or occupations are excluded—Order of 4 June 1926.

⁴ For instance, Costa Rica—Labour Code, section 154; Peru—1961 Decree, section 4; Switzerland—certain cantonal laws.

prescribed limit, entitlement to the normal paid leave would not be affected by any interruptions of work, whatever the reasons for such interruptions.¹ In other countries the legislation on holidays contains different types of clauses ensuring that, subject to certain conditions, interruptions of work for unspecified reasons (Paragraph 7 (1) and (2) of Recommendation No. 98) shall be included in the qualifying period of service.²

62. Among the individual causes of interruption of work it is absence occasioned by sickness or accident which is most widely recognised as not affecting the continuity of service giving right to holidays with pay (Paragraph 1 of Recommendation No. 47, and Paragraph 7 of Recommendation No. 98). Such interruptions are specifically included in the qualifying period of service or the period of effective work on the basis of which the duration of the holiday is calculated in a large number of States. This may be ensured by express provision³ or it may be because sickness and accidents do not affect the employment relationship (except after a prescribed period when dismissal is permitted) nor continuity of service for holiday purposes.⁴ The maximum duration⁵ of such recognised interruption varies between 12 months and 15 days; it may be fixed in conjunction with the duration of interruptions due to other causes (Israel); or may be defined in more general terms, as in Greece, where it covers "comparatively short periods"; or Morocco and New Zealand where it is effective as long as the contract continues to exist. Occasionally, other restrictions may be imposed in regard to the inclusion in the qualifying period of interruptions due to sickness, as in Denmark, where they are recognised only as from the third day and where they may be included only after one year's employment. The inclusion of interruptions due to sickness may be conditional on the period during which the worker draws social insurance benefits (U.S.S.R.), or the legislation may leave open the question of the manner in which such interruptions are to be considered, as in Iraq, where interruptions due to sickness may be included even if the corresponding

¹ For instance, in Argentina holiday rights are established provided work has been performed on half the working days in the calendar year; in Israel the minimum number of working days required varies between 200 and 240, and in India between 190 and 240; in Peru—1961 Act, section 1—workers are entitled to the legal holiday after completing 260 days' work; and in Viet-Nam—Order of 27 February 1955, section 1—after 288 days (for workers not paid by the week or by the month).

² These interruptions include, for instance, in Albania—Labour Code, section 87—any period during which the worker has not been effectively employed but in which his position is kept open and he receives all or part of his remuneration; in Brazil—Labour Code, section 133—absence from employment provided the worker is readmitted within 60 days; in Czechoslovakia—1959 Act, section 8—non-performance of work on up to 75 working days on account of an important personal obstacle connected with the employee's work; in the Dominican Republic—Labour Code, section 176—absence from work because of illness or "other good reason"; in Finland any period during which the employer was bound to pay remuneration notwithstanding the worker's absence; in Israel short interruptions which do not lead to a suspension of the employment relationship; in Morocco—1946 Decree, section 7—any interruption in the performance of work provided there was in law no cancellation of the contract; in the U.S.S.R.—Government's report—periods during which the employee did not work but during which the management was obliged by law or by collective agreement to keep his job open; in the United Kingdom—Statutory Orders—suspension from work from six to eight weeks in certain occupations or industries.

³ For instance, Bulgaria—Labour Code, section 63; France; Peru—1961 Decree, section 7; Poland—1922 Act, section 2; United Kingdom—Statutory Orders; U.S.S.R.—1930 Regulations, section 4.

⁴ For instance, Austria—Government's report.

⁵ For instance, 12 months in Belgium—1958 Royal Order, sections 18, 43; six months in Brazil—Labour Code, section 133—France and Senegal; three months in Burma, Morocco (agriculture) 1958 Decree, section 20—and Norway—1947 Act, section 6; 75 days in Finland; eight weeks in the United Kingdom—Statutory Orders; 30 days in Uruguay—1958 Act, section 8; 15 days in Colombia (public employees)—Decree 1054/1938, section 2.

wages were not paid. It may be that even if interruptions due to sickness are deducted from the qualifying period, any service prior to the interruption is included when calculating the period of service (Nicaragua).

63. Frequently absence due to occupational disease or industrial accident¹ is specifically mentioned in the holiday regulations, together with sickness, as being included in the qualifying period of service giving right to a holiday with pay, or as being considered to be effective periods of service. Where separate provision is made this is usually in order to fix a higher duration for such interruptions resulting from employment injury; a full year may be prescribed instead of six months, or 12 months plus the period of temporary incapacity may be prescribed instead of just 12 months.

64. The qualifying period of service, in a number of countries², includes interruptions of work arising out of maternity (Paragraphs 7 and 8 of Recommendation No. 98); the maximum duration of these interruptions would generally appear to be the legally established duration of maternity leave.

65. The inclusion in the qualifying period of service of annual holidays granted in regard to the previous year's work is frequently ensured automatically or by general provisions relating to the suspension of contracts of employment. However, the relevant legislation sometimes states specifically that interruptions of work because of absence on leave shall be counted as a period of service.³ In certain countries⁴, it is specified that the qualifying period of service shall include not only annual holidays with pay but also public holidays.

66. A smaller number of countries⁵ have taken measures to ensure that absence from work for valid family reasons (Paragraph 1 of Recommendation No. 47, and Paragraph 7 of Recommendation No. 98) should not affect the qualifying period of service. This is frequently stated to be for a marriage, birth or death in the family or to look after a sick member of the family. The maximum permitted duration of the interruption is usually specified.

67. The question of the effect of military obligations on the minimum period of employment giving entitlement to paid leave is dealt with in the holiday legislation of a number of countries⁶ (Paragraph 1 of Recommendation No. 47, and Paragraph 7 of Recommendation No. 98). The bearing of these national provisions varies considerably; they may mean merely that employment before and after military service may be added when calculating the qualifying period, or that proportionate leave shall be granted to a worker before he starts his military service, or they may mean that even protracted interruptions occasioned by military obligations give the worker entitlement to holidays with pay when he resumes employment. Certain conditions may be imposed: that employment is resumed within a specified time limit; that the interruption occasioned by military obligations does not exceed a certain maximum;

¹ For instance, Argentina; Belgium; Denmark; France; Niger—Labour Code, section 119.

² For instance, Belgium; Bulgaria; Finland; France; India; Morocco—1946 Decree, section 8; Niger; Norway; New Zealand—Government's report; Tunisia—1947 Decree, section 2; U.S.S.R.—1930 Regulations, section 4; Viet-Nam—Labour Code, section 202.

³ For instance, Brazil; Costa Rica—Labour Code, section 153; France; Denmark—1953 Act, section 2; Morocco—1946 Decree, sections 3, 8; New Zealand—1944 Act, section 8; Peru; Tunisia.

⁴ For instance, Bulgaria—1958 Resolution, section 2; Czechoslovakia—1959 Notification, section 1; Israel.

⁵ For instance, Belgium—Government's report; Brazil—Labour Code, section 134; Bulgaria—1958 Resolution, section 2; Israel; Niger; Viet-Nam.

⁶ For instance, Belgium; Brazil—Labour Code, section 135; Bulgaria; Czechoslovakia; France; Greece; Israel; Morocco; Norway; Yugoslavia—Labour Code, section 30.

or that only certain types of military service shall be counted as periods of work for the purpose of calculating holidays.

68. The principle that interruptions of work occasioned by the exercise of civic rights and duties (Paragraph 7 (3) of Recommendation No. 98, and Paragraph 1 of Recommendation No. 47) should not affect entitlement to holidays is sometimes prescribed in the holiday legislation.¹ The duties in question are defined variously as those of guardian, service on a jury, voting, the exercise of a public mandate, duties within social bodies, communal or other confidential duties imposed by law, or full-time work on a people's committee.

69. Absence from work because of the performance of duties arising out of trade union responsibilities is sometimes recognised as an interruption which should not affect entitlement to holiday with pay² (Paragraph 7 of Recommendation No. 98). The duties in question may be defined as those of a trade union representative or in trade union meetings, full-time work as an official on a social body, etc.

70. The need to recognise loss of working time because of lockouts or strikes is fairly widely recognised. Accordingly in a number of countries³ the legislation provides that interruption of work due to strikes and lockouts, or strikes only are to be included in the qualifying period of service; sometimes this is limited to legal strikes. The duration of such interruptions of work may be limited to a comparatively short period or may apply to the whole period of the strike.

71. The provisions requiring that entitlement to holidays shall not be affected by interruptions due to intermittent involuntary unemployment (Paragraph 1 (1) of Recommendation No. 47, and Paragraph 7 (3) of Recommendation No. 98) take various forms ensuring diverse degrees of protection for persons whose work with a given employer is temporarily interrupted. In certain cases⁴, reference is made in general terms to the inclusion in the period of service of involuntary unemployment or interruptions of work without any indication of the reasons for such interruptions; or reference may be made to interruptions for cases not attributable to the worker, or which are due to *force majeure*. The interruptions included in the qualifying period are sometimes limited to those attributable to the employer or resulting from wrongful dismissal. More specifically, the period of service may include periods of suspension of contract because of lack of work or the temporary closure of the undertaking. At times, the holiday legislation fixes the maximum duration of such intermittent involuntary unemployment: for instance, 30 days or 250 hours or 60 days. Restrictions may, however, take other forms of provisions requiring that during the recognised interruption the worker must remain at the disposal of the employer, an employment exchange, or the establishment; or that an interruption should only be recognised if the contract subsists.

72. Special provision is sometimes made⁵ to ensure that, for the purpose of calculating holidays, the employment relationship shall not be interrupted if there is

¹ For instance, Belgium; Bulgaria; Finland; Czechoslovakia—1959 Notification, section 1; Poland—Government's report.

² For instance, Belgium; Czechoslovakia; New Zealand—Government's report; Peru; Poland—Government's report; Turkey—1960 Act, section 4.

³ For instance, Belgium; Burma—1951 Act, section 4; Greece; Israel; Senegal—Labour Code, section 143; Uruguay.

⁴ For instance, Albania; Austria—1959 Act, section 3; Bulgaria; Burma; Czechoslovakia—1959 Notification, section 2; Greece; Ireland—1961 Act, section 10(5); New Zealand—Government's report; Thailand—Wage Board Decisions; Uruguay.

⁵ For instance, Burma—1951 Act, section 10; Central African Republic—Labour Code, section 51; Finland—1960 Act, section 7; Norway—1947 Act, section 12.

a change in ownership or management in the undertaking (Paragraph 1 of Recommendation No. 47, and Paragraph 7 (3) of Recommendation No. 98). In some cases the effect of a change in ownership is covered by the fact that the period of service is measured by the time spent in a given undertaking or employment¹ rather than with a specific employer, or the question of changes in ownership or management may be covered by the fact that holiday rights are calculated on a pro rata basis.

73. Certain countries specify that absence occasioned by study or participation in courses may in specified circumstances be counted as periods of service.² This may refer to any study period undertaken on the instructions of the undertaking, to attendance at workers' education courses, to the last months spent in school or apprenticeship, to attendance at vocational schools, to absence occasioned by attendance at schools or courses, during which the worker's job is kept open on full or reduced pay, or to study periods following technical training.

74. Interruptions of work resulting from unpaid leave are occasionally included in the qualifying period of service.³

75. The manner in which unjustified absence from work is to be considered when calculating entitlement to holidays with pay is not always clearly apparent from the legislation on holidays. Sometimes, however, it is stated textually⁴ that unjustified absence from work beyond a certain limit constitutes an interruption in the continuity of service for the purpose of holiday rights. The purpose of these national provisions is apparently, on the one hand, to prevent the loss of holiday rights after one or two days' unjustified absence from work and, on the other hand, to constitute a warning to workers that beyond a certain limit, interruptions of work without a valid reason will restrict their holiday rights.⁵

CONCLUSIONS

76. The nature of the provisions governing the qualifying period of service in regard to holidays is all-important and should not be underestimated. It will have been noted from the first chapter that the scope of holiday legislation is generally vast, covering all or practically all employed persons, and it is through the requirements relating to the qualifying period of service that the number of workers actually benefiting from holidays may be reduced to a fraction of the total working population. It is, therefore, necessary to stress the importance not only of the duration of the qualifying period of service giving entitlement to holidays, but also the need to determine clearly on the national level the manner in which this period is to be calculated and the authorised interruptions of work occurring during the period of service.

77. As regards the duration of the required period of service, the above brief survey shows considerable diversity in the various national provisions. However, in spite of this diversity there is a very strong move towards the adoption of measures which do not fix a minimum qualifying period but refer to such a period as a means

¹ For instance, Israel; Morocco—1946 Decree, section 3.

² For instance, Albania; Belgium; Bulgaria; U.S.S.R.—Decree of 2 July 1959.

³ For instance, Bulgaria; Costa Rica; Israel; Yugoslavia—Labour Code, section 245.

⁴ For instance, Nicaragua—Labour Code, section 66; Peru—1961 Act, section 2; United Kingdom—certain collective agreements.

⁵ The question of the deduction of days of unjustified absence from holidays, as opposed to their effect on the period of service, is dealt with below in paragraph 201.

of calculating the duration of holidays; or else, if a minimum period of service is prescribed in regard to holiday rights, towards the adoption of measures (legislative or voluntary) providing for the granting of proportionate holidays or holiday compensation where the period of service has not been fulfilled. Moreover, where a minimum qualifying period is prescribed there would seem to be a trend in all but a few countries towards the shortening of this period; this trend could perhaps be considered as a first step towards the establishing of a pro rata holiday system.

78. Accordingly, it would seem that there is an increasingly large number of countries in which the measures are as favourable as, or more favourable than, those of the 1954 Recommendation, in that workers are entitled to holidays proportionate to their length of service even if they have not completed a certain minimum period of service. It will, of course, be recalled that this Recommendation does not fix a minimum qualifying period but that, instead, it specifies that the length of service performed during the year concerned should be used as the basis in calculating the duration of holidays; it also indicates that, in so far as a minimum period of service is prescribed (for instance, the minimum number of days which a worker should have worked in order to become eligible for the annual holiday with pay or a proportion thereof), measures may be taken to ensure that a proportionate holiday or holiday compensation is granted to any worker not having completed this minimum period.

79. As regards the various kinds of interruptions of work which are to be included in the period of service giving entitlement to holidays with pay, the importance attached to this question is well illustrated by the fact that, as indicated above, the holiday legislation in a great many countries prescribes certain general or specific cases of authorised interruptions. Inevitably, in view of the diversity of reasons which may occasion interruptions of work, there is little harmony in the enumeration of these causes of interruptions, except in cases such as sickness and employment injury, where there appears to be wide agreement that absence from work shall not affect entitlement to holidays with pay. Similarly, there is little uniformity as regards the extent of the protection afforded: for example, on the maximum length of the interruptions which are to be considered as effective periods of work. It would not therefore be possible to establish a list of the various types of interruptions which would be applicable in a wide range of countries and it is clear from governments' reports that any attempt to deal with this question on an international level would have to allow for a wide measure of flexibility both as regards the enumeration of the different sorts of interruption and as regards the maximum recognised duration of such interruptions.

CHAPTER IV

DURATION OF HOLIDAYS

80. The provisions directly relevant to the duration of holidays may be grouped as follows: (a) provisions fixing the basic minimum number of days of annual holiday to which the worker is entitled; and (b) provisions made for extending the duration of the holiday either because of the nature of the work (dangerous or unhealthy occupations, etc.), or for reasons lying with the worker (his youth, the length of his service with the undertaking, etc.). These two types of provisions are dealt with below.

MINIMUM DURATION OF HOLIDAYS

81. In 1936 the Conference decided that the minimum duration of annual holidays with pay should be six working days (Article 2 (1) of Convention No. 52); in 1954, it advocated a minimum holiday of two working weeks for 12 months of service (Paragraph 4 of Recommendation No. 98). As regards agriculture, in 1952 the Conference decided that the minimum duration of the annual holiday with pay should be determined by national laws or otherwise (Article 4 of Convention No. 101).

82. The actual minimum duration of holidays with pay (not including public and customary holidays) in the States examined¹ varies from four days to one month, as indicated in the following table.

¹ Albania—Labour Code, section 79; Argentina—Decree 1740/45, section 1; Australia—federal and state awards, state legislation; Austria—1959 Act; Belgium—1958 Royal Order, sections 36 and 59; Brazil—Labour Code, section 132, Act 1711/52; Bulgaria—Labour Code, section 53; Burma—Act 58/1951, section 4; Byelorussia—Labour Code, section 115; Cameroon—Labour Code, section 121; Canada—various federal and provincial enactments; Central African Republic—Labour Code, section 128; Ceylon—1954 Act, section 6, and other texts; Chad—Labour Code, section 121; Chile—Labour Code, section 98; China—Factories Act, section 17; Colombia—Labour Code, section 188; Congo (Brazzaville)—Labour Code, section 121; Congo (Leopoldville)—Legislative Decree of 1961, section 66; Costa Rica—Labour Code, sections 104, 153; Cuba—Decree 1435, section 1; Czechoslovakia—1959 Act, section 2; Dahomey—Labour Code, section 121; Denmark—1953 Act, section 2; Dominican Republic—Labour Code, section 168; Ethiopia—Civil Code; Finland—1960 Act, section 4; France—Labour Code, Book II, section 54 (g); Gabon—Labour Code, section 121; Federal Republic of Germany—1963 Act, section 3; Ghana—Civil Servants' Circular; Greece—Act 539, section 2; Guinea—Labour Code, section 154; Haiti—Labour Code, section 123; Hungary—Labour Code, section 50; Iceland—Act 16/1943; India—Factories Act and other enactments; Iran—Labour Law, section 15; Iraq—Labour Code, section 13; Ireland—1961 Act, sections 10, 13 and 1950 Act, section 2; Israel—1951 Act, section 3; Italy—Constitution, article 36, and other texts; Ivory Coast—Order 10844, section 5; Japan—1947 Law, section 39; Kenya—Shop Ordinances, etc.; Kuwait—1959 Law, section 39; Liberia—1961 Act, section 901; Luxembourg—1950 Act, section 3, 1962 Act, section 10; Malagasy Republic—Labour Code, section 83; Malaysia (states of Malaya, Singapore)—various enactments; Mali—Labour Code, section 157; Mauritania—Labour Code; Mexico—Labour Act, section 82; Morocco—1946 Act, section 3, and 1958 Act, section 20; New Zealand—1944 Act, section 3; Nicaragua—Labour Code, section 64; Niger—Labour Code, section 119; Norway—1947 Act, section 2; Pakistan—Factories Act, section 49 B, and other enactments; Peru—Act 9049, section 1, and Act 13683, section 1; Philippines—Revised Administrative Code, section 284; Poland—1922 Act, section 2; Portugal—1937 Act section 7, and 1962 Code, section 98; Rumania—Labour Code, section 63; Rwanda—1954 Royal Order; Senegal—Labour Code, section 143; Sierra Leone—Public Notice 35/1961; Somalia (former

(footnote continued overleaf)

Minimum Duration of Basic Annual Holiday

<i>4 days :</i>	Portugal.
<i>5 days :</i>	Malaysia (states of Malaya (shops, etc.)).
<i>6 working days, 7 days or 1 week :</i>	Canada (federal and 4 provinces), China (certain factories), Cyprus (certain collective agreements), Greece (wage earners), Japan, Malaysia (Singapore), Mexico, Nigeria (certain trades), Rwanda, Switzerland (certain cantons, most collective agreements), Tanganyika, Thailand, Uganda, United States (collective agreements).
<i>7 working days :</i>	Spain.
<i>8 working days :</i>	Luxembourg (manual).
<i>10 days :</i>	Argentina, Burma, Ethiopia, Pakistan (factories), Somalia (former Trust Territory—manual workers).
<i>9 working days :</i>	Sierra Leone (certain agricultural undertakings).
<i>12 working days, 14 days or 2 weeks :</i>	Albania, Austria, Belgium, Byelorussia, Canada (5 provinces), Ceylon (commerce and certain trades), Chile, Congo (Leopoldville), Costa Rica, Cyprus (certain collective agreements), Czechoslovakia, Dominican Republic, Ghana (civil service), Greece (salary earners), Haiti, Hungary, India (under most enactments), Iran, Iraq, Ireland, Israel, Italy (collective agreements), Kenya, Kuwait, Liberia, New Zealand, Nigeria (certain trades), Pakistan (commerce, etc.), Poland (manual workers), Portugal (overseas provinces), Rumania, Somalia (former Trust Territory—non-manual workers), Republic of South Africa, Spain (labour regulations), Syrian Arab Republic, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, United Kingdom (statutory orders, collective agreements), Viet-Nam.
<i>14 working days :</i>	Bulgaria, Yugoslavia.
<i>15 working days, or 2 weeks plus 3 days :</i>	Colombia, Federal Republic of Germany, Luxembourg (non-manual), Netherlands (collective agreements), Philippines (public sector and certain collective agreements).
<i>18 working days or 3 weeks :</i>	Australia, Cameroon, Central African Republic, Ceylon (certain trades), Chad, Congo (Brazzaville), Dahomey, Denmark, Finland, France, Gabon, Guinea, Iceland, Ivory Coast, Malagasy Republic, Mali, Mauritania, Morocco, Niger, Norway, Senegal, Switzerland (certain cantons), Togo, Upper Volta.
<i>20 working days :</i>	Brazil, Uruguay.
<i>24 working days, 4 weeks or 1 month :</i>	Cuba, Nicaragua, Peru, Poland (non-manual workers), Sweden (1965).

Trust Territory)—Labour Code, section 83; Republic of South Africa—1941 Act, section 21, and other enactments; Spain—1944 Decree, section 35, and various regulations; Sweden—1963 Act; Switzerland—various federal and cantonal texts; Syrian Arab Republic—Labour Code, section 58; Tanganyika—Employment Ordinance, section 25 A; Thailand—1958 Announcement, section 8; Togo—Labour Code, section 121; Tunisia—1944 Decree, 1946 Decree, section 2; Turkey—1960 Act, section 5; Uganda—1946 Ordinance, section 19; Ukraine—Labour Code, section 114; United Arab Republic—Labour Code, section 58; United Kingdom—various texts and agreements; Upper Volta—Labour Code, section 128; Uruguay—Act 1958, section 1; U.S.S.R.—Labour Code, section 114; Viet-Nam—Labour Code, section 200; Yugoslavia—1963 Constitution, article 39.

83. The above table refers to the minimum holidays prescribed for workers in general and, as a rule, includes agricultural workers. There are, however, some cases where shorter holidays are prescribed in agriculture, as, for example, in Australia and Morocco where agricultural workers are entitled to holidays of two weeks instead of three. There are also a few cases where (as indicated above in paragraph 19) no prescriptions exist to fix holidays in agriculture, whether by means of legislation or collective agreements.

84. Several conclusions may be drawn from the above table. The first is that the normal minimum duration of holidays, which some years ago was considerably lower, is now fixed in practically all States at two to four weeks (80 per cent. of the 92 States considered). To take concrete figures, in 1935 at the time of the adoption of Convention No. 52, three of the 12 States examined having holiday legislation applying to manual workers prescribed a minimum holiday of four days, six provided for one week's holiday and three for two weeks' holidays. At present, out of 92 States examined, only 23 have a minimum holiday of less than two weeks (and for ten of these a higher minimum is fixed for part of the working population); 41 countries prescribe a holiday of from 12 to 15 working days (and for two of these a higher minimum exists for part of the working population) and 27 have determined a minimum holiday of three to four weeks. This information, it must be stressed, relates to the minimum length of the holiday and in practice the duration of this holiday is often longer for a substantial number of workers. Such extensions, usually prescribed by collective agreement or other joint machinery, occur even where the minimum duration of the holiday is already fairly high in France, for instance, where the legal minimum is 18 working days, a far-reaching collective agreement in the automobile industry recently set the minimum at four weeks and this example has already been followed in a large number of other industries and occupations in the country; many other such cases are mentioned by governments.

85. This change in the general picture of minimum holiday provisions is the result not only of the increase in the number of countries having introduced measures in this field but also of the fact that many countries where minimum holiday standards had already been established have considerably extended these measures. For example, the I.L.O. report prepared in 1935 at the time of the adoption of Convention No. 52 showed an annual holiday for manual workers in Sweden of four working days whereas a recent enactment in this country provides for the introduction by 1965 of a four-week holiday for all employed persons. Examples of other recent legislative measures, adopted since 1955, providing for more favourable holidays may be found in Belgium, Brazil, Bulgaria, Finland, France, Gabon, Federal Republic of Germany, Iraq, Morocco, Nicaragua, Niger, Peru, Senegal, Switzerland (Geneva), United Arab Republic, Uruguay, Yugoslavia, etc. Further, a number of countries have indicated that new measures are being envisaged or have been submitted to parliament with a view to introducing a minimum statutory annual holiday (Gilbert and Ellice Islands, Grenada, Netherlands, Philippines, Switzerland), or to lengthening the duration of annual leave (Byelorussia, Portugal), or to improving the relevant standards or revising holiday legislation as a whole (China, Costa Rica, Cyprus, Czechoslovakia, Ethiopia, Fiji, Iraq, Luxembourg, Malaysia (Sabah), Turkey).

86. In short, in spite of the rapid progress made over the past decades, there is nothing to indicate that the trend towards longer holidays has reached its maximal point.

87. When the question of the revision of the existing standards on holidays is brought before the Conference, it will certainly be borne in mind that the two week

minimum was already recognised ten years ago as a practical international aim when it was incorporated in the 1954 Recommendation on holidays with pay and that, since then, there has been yet further progress in a great many countries as regards annual vacations.

EXTENSION OF HOLIDAYS

88. It might be thought that with the trend towards introducing minimum holidays of three weeks or more, the special provisions requiring the granting of longer holidays to certain categories of workers would tend to disappear. In fact, this is by no means always the case. It will be seen that even in countries where workers as a whole enjoy a long holiday, it is still thought that the minimum needs of workers in regard to vacations vary by reason of a number of factors and that these needs must be met by provisions requiring an extended holiday. Accordingly, in many countries there are provisions prescribing increased holidays with length of service, longer holidays for young workers, extensions because of the unhealthy or exacting nature of the work, because of family events, for older workers, etc.

Increase with Length of Service

89. The most usual case in which longer holidays are granted is that of workers who have spent a number of years in the same job. The 1936 Convention specifies that the duration of the annual holiday with pay shall increase with the length of service (Article 2 (5) of Convention No. 52), and the corresponding Recommendation of 1936 indicates that this increase "should begin to operate as soon as possible and should be effected by regular stages so that a prescribed minimum is attained after a prescribed number of years, for example, 12 working days after seven years' service" (Paragraph 3 of Recommendation No. 47). The 1954 Recommendation indicates that the appropriate machinery should determine whether the duration of holidays is to increase in such cases (Paragraph 6 of Recommendation No. 98) and, in the case of agriculture, the 1952 Convention contains a similar provision (Article 5 (b) of Convention No. 101).

90. There are a number of countries in which the holiday legislation lays down a precise scale of increase in regard to length of service.¹ Frequently, governments have stated that it is through collective agreements that an increased holiday for long-service workers is prescribed, whether the duration of the basic holiday is determined by law, as in the Central African Republic, Federal Republic of Germany², Israel, New Zealand and Senegal, or by a voluntary procedure, as in Italy, Malaysia (states of Malaya), the United Kingdom and the United States. It may also be noted that the extension of holidays with the length of service is sometimes ensured by decision of a joint body, as in Belgium.

¹ For instance, Argentina—Decree 1740/45, section 1; Austria—Acts of 1921 and 1959; Bulgaria—Labour Code, section 53; Cameroon—Order 7302/56; Czechoslovakia—1959 Act, section 2; Finland—1960 Act, section 4; France—Labour Code, Book II, section 54 (g); Greece—1945 Act, section 2; Hungary—Labour Code, section 51; Japan—1947 Law, section 39; Luxembourg—1950 Act, section 3; Mexico—Labour Law, section 82; Morocco—1946 Decree, section 5; Niger—Labour Code, section 119; Poland—1922 Decree, section 2; Portugal—1937 Act, sections 7 and 8; Tunisia—1946 Decree, section 5; Turkey—1960 Act, section 5; United Arab Republic—Labour Code, section 58; U.S.S.R.—Order of 15 December 1930 and Order of 7 March 1933; Uruguay—1958 Act, section 2; Viet-Nam—Labour Code, section 200; Yugoslavia—Labour Code, section 26.

² In this country's report, the Government has expressed the view that the extended holiday should not be based on the sole criterion of length of service and should not, therefore, be regulated by law.

ANNUAL HOLIDAYS WITH PAY

91. The following table gives some examples of the provisions requiring increased holidays with length of service.

EXTENSION OF HOLIDAYS WITH LENGTH OF SERVICE

	Basic holiday in working days ¹	First extension after (years)	Last extension after (years)	Total after last extension (in working days ¹)
Argentina	10 *	5	5	15 *
Austria (manual)	12	5	15	24
(non-manual)	12	5	25	30
Belgium ²	12	—	—	18
Bulgaria	14	10	15	18
Cameroon	18	20	30	24
Congo (Brazzaville)	18	20	30	24
Czechoslovakia	2 weeks	5	15	4 weeks
Finland	18	10	10	24
France	18	20	30	24
Greece	6-12	— ³	—	12-26
Hungary	12	2	24	24
Israel ²	14 *	—	—	18
Japan	6 *	— ⁴	—	20 *
Luxembourg (manual)	8	4	6	18
Malaysia (states of Malaya) ² .	14 *	—	—	28 *
Mexico	6	2	7	12
Morocco	18	— ⁵	—	—
New Zealand ²	2 weeks	3-15	—	3 weeks
Niger	18	20	30	24
Poland (manual)	12	3	10	1 month
Portugal	4	3	5	12
Tunisia	12	5	30	18
Turkey	12	5	15	24
United Arab Republic	14 *	10	10	21 *
U.S.S.R. ⁶	12	2	—	15
United States ²	1 week	5	25	4 weeks
Uruguay	20	— ⁷	—	—
Viet-Nam	12	5	30	18
Yugoslavia	14	5	25	30

¹ Figures relating to ordinary days are marked with an asterisk. ² Extension ensured by collective agreement, joint machinery, etc. ³ One working day for each six months. ⁴ One day for each year. ⁵ One-and-a-half working days for every five years. ⁶ Extension in certain industries. ⁷ One day for every four years.

92. This table shows a great diversity in the national provisions governing the progressive increase of holidays, which would appear to reflect completely different views as to the purpose of such increases. Thus, a clear distinction should be drawn between those countries where the increase, because it starts early and because it doubles or more than doubles the duration of the holiday, is a basic part of the holiday scheme and is likely to affect many workers; and those where the increase comes only after a long period of service and may be considered as a recompense for loyalty to the employer or undertaking. Extreme examples of this distinction are to be found, on the one hand, in the United States where a frequent vacation pattern consists of a basic holiday of one week, increased to two weeks in five years and to four weeks in 25 years, or Portugal where holidays are trebled in five years, or Greece where they may be doubled in three years, or Japan, Luxembourg and Mexico where they are doubled or more than doubled in seven years, or Poland where they are doubled in ten years; and, on the other hand, in France and countries

such as Gabon or Niger—whose legislation was inspired by the French system—where the basic holiday of 18 working days remains unchanged for the first 20 years' service and is increased by one-third by the time the worker has been employed 30 years in the same undertaking.

93. The table also shows that the obligatory increase in holidays with the length of service is not more marked in the countries with a lower basic holiday and that many of the States providing for an extension of holidays already have a minimum statutory holiday of three weeks or more.

94. An interesting aspect of the question, shown up by the table, is that the first extension in the holiday may come at any time between the first one-and-a-half and the first 20 years' service and that the last extension granted may be after five years in the one job or after 30 years. The rate at which holidays are increased shows the same diversity; sometimes holidays are extended at close intervals of six months or a year or they may be extended at five-yearly intervals.

95. It is not always clear from the information available in what manner the longer period of service giving entitlement to an extension in the holiday is to be calculated. The legislation may specify that the holiday is to be increased after so many years' service or uninterrupted employment in the same undertaking¹, or may contain more precise prescriptions.²

96. Little difficulty has been experienced amongst ratifying countries in implementing the relevant provisions of the 1936 Convention and of the 1952 Convention regarding agriculture; this is due partly to the flexible nature of these provisions—the 1936 Convention lays down the principle of increasing holidays with the length of service but does not specify any exact requirements, and the Convention on agriculture merely indicates that such an increase is to be prescribed where appropriate. Another factor which has facilitated the implementation of these provisions of the Convention is the view taken by the Committee of Experts in its examination of individual cases, and by the Director-General in an opinion given on the bearing of the 1936 Convention³, that there is no obligation to increase the duration of the holidays with the length of service in those cases where the normal minimum holiday established by law exceeds the minimum prescribed in the Convention, for example when the holiday fixed by law consists of at least 12 working days, as against the six working days prescribed in the Convention. It should, however, be noted that requests or observations on the extension of holidays for long-service workers are pending in regard to a small number of countries and that one other State has taken measures to provide for such an extension following an observation by the Committee.

97. In conclusion, it may be stated that the prescription of longer holidays for long-service workers, with the increase beginning to operate as soon as possible,

¹ For instance, Poland—1922 Act, section 2; Uruguay—1958 Act, section 2.

² In some cases, for instance, the law provides that the longer period of service is to be counted whether it is continuous or not, provided it is with the same employer or undertaking, as in France (Labour Code, Book II, section 54 (*g*)), Morocco (1946 Decree, section 5) and Viet-Nam (Labour Code, section 200). It may be specified that this period is to include military service, etc., and is not to be affected by changes of employment made in the public interest, as in Czechoslovakia (1959 Act, section 2), or the period of service may be stated to include certain periods of unemployment and absence due to sickness, as in Tunisia (1946 Decree, section 2). Finally, the longer holiday may be granted after so many years' continuous employment without any specification as to whether this is to be with the same employer or not, as in Finland (1960 Act, section 4).

³ I.L.O.: *The International Labour Code 1951*, Vol. I (Geneva, 1952), p. 290 (interpretation requested by the Government of Denmark).

constitutes an important and necessary aspect of holiday provisions wherever the minimum vacation is short, as is the case in a small number of the countries considered. On the other hand, when the basic holiday is reasonably long (for instance three weeks) it seems that the additional holiday granted after a certain number of years of service loses its fundamental character and may be deemed rather as a mark of appreciation for services rendered and encouragement for loyalty to the undertaking.

98. In these circumstances and in view of the many variants in the systems whereby holidays are extended, and the means whereby these extensions are implemented (from legislative measures to purely voluntary action), it seems that there would be considerable difficulty in implementing any fixed and precise standard on this subject; attention may be drawn in this connection to the flexible terms used in the 1954 Recommendation, which provides that the appropriate machinery should determine, where appropriate, the manner in which holidays are to increase with the length of service.

Longer Holidays for Young Workers

99. For obvious reasons, arising out of the need to ensure special protection for young workers, all four instruments covered by the present survey provide that young workers should receive longer holidays. The 1936 Convention provides that young persons, including apprentices, under 16 years of age must have a minimum holiday of 12 working days (Article 2 (2) of Convention No. 52) and the Recommendation of 1936 indicates that a longer holiday should be granted up to 18 years of age (Paragraph 5 of Recommendation No. 47). The 1954 Recommendation specifies that young workers under 18 years of age should have a period of annual holiday longer than two working weeks (Paragraph 10 of Recommendation No. 98). As regards agriculture, the 1952 Convention lays down that, where appropriate, more favourable treatment should be granted to young workers, including apprentices, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers (Article 5 (a) of Convention No. 101).

100. The table below shows briefly the legislative measures taken in various countries¹ with a view to ensuring longer holidays for young workers.

101. Of course, young workers in many countries not mentioned in this table are entitled to holidays as long as or longer than those referred to, simply because the general minimum holiday for all workers is set high in their country. It may also be that they require less additional protection because of the high minimum age for admission to employment.

102. As a rule it seems from the information available, both as regards countries with specific holiday provisions for young workers and as regards other countries,

¹ For instance, Albania—Labour Code, section 79; Argentina—Decree 32412/45; Austria—Act of 1 July 1948; Belgium—1958 Royal Order, sections 36, 59; Burma—1951 Act, section 4; Central African Republic—Labour Code, section 128; Czechoslovakia—1959 Act, section 2; France—Labour Code, Book II, section 54 (g); Federal Republic of Germany—1960 Act, section 19; Greece—1945 Act, section 2; Hungary—Labour Code, section 51; India—Factories Act, section 79; Israel—1953 Act, section 27; Ivory Coast—Order of 17 December 1956; Mexico—Labour Law, section 110 (k); Morocco—1946 Decree, section 3; Niger—Labour Code, section 119; Poland—1958 Act, section 17; Rumania—Labour Code, section 63; Spain—Order of 20 April 1942; Tunisia—Decree of 20 January 1949; Turkey—1960 Act, section 5; U.S.S.R.—Decree of 15 August 1955; Yugoslavia—Labour Code, section 237.

EXTENSION OF HOLIDAYS FOR YOUNG WORKERS

	Basic holiday (in working days ¹)	Holidays of young workers (in working days ¹)	For young workers aged under
Albania	12	24	16
Argentina	10 *	15 *	18
Austria	12	24	18
Belgium	12	18	18
Burma	10 *	14 *	15
Central African Republic	18	24	18
Czechoslovakia	2 weeks	3 weeks	18
France	18	24	18
Federal Republic of Germany	15	24	18
Greece	6-12	12	18
Hungary	12	{ 24 18	{ 16 18
India	12	16	15
Israel	14 *	18 *	18
Ivory Coast	18	24	18
Mexico	6	18	16
Morocco	18	30 *	18
Niger	18	24	18
Poland	12 or one month	44 *	16
Rumania	12	18	18
Spain	7 *	20 *	{ 17 (girls) 20 (boys)
Tunisia	12	{ 24 18	{ 18 21
Turkey	12 *	18 *	18
U.S.S.R.	12	1 month	18
Yugoslavia	14	{ 21 19 17	{ 16 17 18

¹ Figures relating to ordinary days are marked with an asterisk.

that there are very few cases in which young workers under 16 years of age do not enjoy at least two weeks' holiday (that is, the standard established by the 1936 Convention). This two-week holiday is ensured either because the minimum vacation for workers in general consists of two weeks or more; or because of special provisions for young workers, as indicated above. In some countries, of course, such measures are unnecessary because young persons under 16 years of age are not admitted to employment or at least to industrial employment.

103. The higher standard fixed in the 1954 Recommendation (over two weeks' holiday for young workers under 18 years), though less widely applied, is nevertheless recognised in a number of countries. Exceptions include the countries where the minimum holiday does not exceed two weeks and where no special provision is made in this respect for young workers, and also all countries where the special holiday provisions are limited, for instance, to young workers under 16 years of age.

104. Unlike extensions of holiday with the length of service, which are frequently required under collective agreements, it would appear that the question of longer holidays for young workers seems to be rarely dealt with through voluntary machinery. This may result in unusually short holidays for young workers entering employment—

as in the United States where they would normally receive only one week's holiday, but this is offset, in this particular case, by the fact that the minimum age for admission to employment or the compulsory school-leaving age in most of the constituent states is 16, 17 or 18 years.

105. In agriculture the position of young workers in regard to holidays would sometimes seem to be less favourable than in other sectors. Sometimes this is because the special holiday provisions for young workers are limited to industry and commerce, as in Argentina, or because they apply only to certain categories of agricultural establishments, as in Tunisia.

106. The absence of measures entitling young workers to longer holidays may be based on the view that an extension in the duration of their holidays is not warranted. For example in Canada none of the federal or provincial texts requires longer holidays for young workers. A similar view is sometimes reflected in the holiday provisions themselves.¹

107. An interesting measure which may facilitate the introduction in some countries of longer holidays for younger workers is that existing in Belgium. Here, a specific percentage of all sums paid into the holiday fund is set aside to meet the additional cost of the longer holiday to be granted to younger workers and thus ensures that the cost of the supplementary holiday is spread over all employers.

108. The countries bound by the 1936 Convention have experienced little or no difficulty in complying with the obligation to grant the longer holiday (12 days instead of the minimum six days) to young persons under 16 years of age; requests by the Committee of Experts are however pending in two cases. As regards the 1952 Convention on agriculture, where the relevant provision is drafted in such a way as to allow governments considerable freedom in deciding whether to prescribe increased holidays for young agricultural workers, the Committee of Experts has on several occasions asked ratifying States to examine the possibility of lengthening young workers' annual leave or to clarify the position. It should be noted in this connection that although the relevant provision of the Convention (Article 5 (a)) is not mandatory, it does advocate longer holidays "in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers" and that there is good reason to consider that the absolutely basic minimum of six working days, existing in some of these countries, cannot meet the special needs of young workers.

109. In conclusion, it must be noted that, in spite of the general trend to raise the minimum duration of holidays for workers and also the rise in the minimum age for admission to employment, there are still a number of countries where young workers under 18 years of age are entitled only to two weeks' holiday a year or less. It is true that in some of these cases the specific needs of young workers, in order to ease the transition from school to employment during the period of physical and mental development, are met by measures ensuring, for instance, shorter working hours, or prohibiting employment in certain occupations. These measures would not, however, seem to replace the need for a longer holiday which may be particularly felt because of more intense modern methods of production and the increasing need

¹ In the United Kingdom, for instance, there are cases where statutory orders regulating holidays prescribe a shorter holiday for young workers: in the health services, for instance, a typist under 18 years of age is entitled to 12 working days' holiday and a typist over 18 years is entitled to 15 working days' holiday (A.C. Circular No. 82, 20 May 1960, section 4).

for special training of young workers in the first years of employment. Another aspect of the holiday rights of young workers to be borne in mind, as already indicated, is that this matter is rarely dealt with through voluntary action, unlike increased holidays for length of service.

Increased Holidays by Reason of Other Factors

110. The 1954 Recommendation indicates that, apart from the case of young workers or long-service workers, the appropriate machinery in each country may determine whether the duration of the annual holiday should increase "by reason of other factors" (Paragraph 6 of Recommendation No. 98).

111. Among the factors considered to be a justification of increased holidays, one of the most frequent is employment in dangerous or exacting work, where it is felt that the conditions are such that the worker's physical and mental well-being necessitates a longer period of recuperation. The national practices¹ vary considerably as regards the amount of extra leave granted, the types of occupations where such extra leave is considered necessary and even as regards the means of implementation. It must also be borne in mind that in certain countries the special needs of workers in such occupations are met in other ways, for example by means of shorter working hours.

112. Another type of special extension of holidays with pay is that granted for family reasons², which by meeting the real and undoubted needs arising in certain cases enables the worker to use his holiday for the purpose for which it is intended, that is rest and recuperation. For instance, working mothers may be entitled to one or two additional days' holiday for each dependent child or some extra days of leave may be prescribed in the case of a birth, death or marriage in the family. Occasionally longer holidays are granted to workers when they reach a given age³; such extensions may be granted when the worker reaches 35 years of age, or 50, or when he has both reached a specified age and completed a given number of years' service. A variety of other reasons are considered to justify an extension in the duration of holidays. For instance, longer holidays are frequently granted because of difficult or arduous

¹ For instance, in Bulgaria—Labour Code, section 55—up to 22 additional working days may be granted to workers in unhealthy or dangerous work, and up to 48 days to air crews. In Czechoslovakia—1959 Act, sections 5, 6—an extra month's holiday is prescribed after one year's underground work and other provisions are made for persons employed in unhealthy or arduous occupations. In Greece—1945 Act, section 2—holidays may not be less than 12 working days in certain occupations such as printing works, bleaching and dyeing, glassworks, loading and unloading of goods, and fire services. In Hungary—Labour Code, section 51—up to 12 days' supplementary leave is given to persons employed in hot processes in metal foundries, to blast-furnace builders and to underground mine workers. In India—Mines Act, section 51—underground miners become entitled to holidays after a shorter period of work (190 days instead of 240). In Israel—1953 Regulations—a 21-day holiday is prescribed for certain occupations in foundries, glassworks, etc., and a 42-day holiday is granted to medical staff in hospitals and to X-ray workers. In Poland—Government's report—and Rumania—Labour Code, section 63—up to 12 extra working days' holiday must be granted in specified unhealthy or arduous occupations. In the U.S.S.R., special leave of six to 36 days is prescribed in the case of unhealthy work (Order of 24 December 1960) and special leave of 24 working days is allowed after 11 months' employment in the timber industry (Order of 7 March 1933). In the United Kingdom—Government's report—collective agreements sometimes require the granting of extra holidays for certain categories of workers, for instance an 18-day holiday for workers in pig iron and heavy steel manufacture.

² For instance, Albania—Labour Code, section 83; Bulgaria—Labour Code, section 65; Central African Republic—Labour Code, section 128; France—Labour Code, Book II, section 54 (g); Morocco—1958 Decree, section 30; Senegal—Labour Code, section 143.

³ For instance, Czechoslovakia—1959 Act, section 2; Federal Republic of Germany—1963 Act, section 3; Switzerland—federal Acts of 6 March 1920 and 30 June 1927 and cantonal texts.

climatic conditions.¹ Provision is made in some cases for increased holidays for workers employed on long hours or on shift work.² Certain categories of non-manual workers are often given entitlement to longer holidays with pay³; this may be due to the nature of their work, in cases such as teachers or university staff, or it may be the result of specific measures, as in the case of scientific workers, journalists or editors, or persons engaged in creative or artistic work. Additional paid leave, varying between ten days and four months, is sometimes granted to workers following courses and taking examinations.⁴ In some cases holidays are lengthened with rises in salary or grade⁵, or because of higher responsibilities.⁶ Occasionally, extra paid leave is granted as an incentive to production⁷, for example to workers with an outstanding record of socialistic competition.

113. In conclusion it appears that there is a marked tendency to provide for longer holidays for workers employed in dangerous or exacting work, and that many other factors are deemed to justify an extension of holidays. These other factors include family reasons, the needs of older workers, climatic conditions, shift work or long working hours, attendance at educational courses and passing of examinations, holding responsible posts, etc. However, the very variety of the factors recognised in different groups of countries as constituting a justification for an extension in holidays, and also in the amount of additional leave prescribed, makes it extremely difficult to establish any useful common standard, or to do more than recognise the desirability of providing that holidays may be extended by reason of certain factors to be determined more precisely on the national level.

¹ For instance, in the U.S.S.R.—Decree of 10 February 1960—special leave of 12 to 48 working days is granted to persons employed in the far north; in countries with a tropical climate workers may be entitled to holidays of 60 working days in the year, as in the Central African Republic—collective agreements—and Congo (Brazzaville)—Labour Code, section 121.

² For instance, Australia—Government's report; Bulgaria—Labour Code, section 55; Hungary—Government's report; Rumania—Labour Code, section 63; U.S.S.R.—Regulations of 30 April 1930; Uruguay—1958 Act, section 1, and collective agreements.

³ For instance, Albania—Labour Code, section 80; Austria—Act of 11 February 1920; Bulgaria—1958 Resolution, sections 40, 60; Hungary—Labour Code, section 51; Morocco—1946 Decree, section 40; Poland—Government's report.

⁴ For instance, Albania—Labour Code, section 83; Bulgaria—Labour Code, section 55; U.S.S.R.—Government's report.

⁵ For instance, Switzerland—federal Act of 30 June 1927; United Kingdom—Whitley Council Circulars for Health Service.

⁶ For instance, Albania—Labour Code, section 80; Hungary—Labour Code, section 51.

⁷ For instance, Bulgaria—Labour Code, section 55.

CHAPTER V

METHOD OF CALCULATING HOLIDAYS

114. The length of the holiday enjoyed by workers depends not only on the prescribed minimum duration thereof, but also on the terms in which the holiday duration is defined, and the days which, for one reason or another, may be deducted from holidays.

TERMS IN WHICH HOLIDAY DURATION IS DEFINED

115. The 1936 Convention defines the duration of holidays in terms of working days; the 1954 Recommendation defines it in terms of working weeks. This difference is to some extent a formal one, but it has practical aspects and it is therefore appropriate to examine the practice followed in some countries in this respect.

116. In the majority of countries the duration of the annual holiday with pay is calculated in terms of working days¹ or, which normally amounts to the same thing, in terms of days supplemented by a requirement excluding from the holiday any weekly days of rest.² In certain countries where the holiday is measured in terms of days, it seems that weekly days of rest are not deducted from the holiday.³ Finally, in a small group of cases, holidays are measured in terms of weeks or of a month.⁴

117. The use of the working day as a unit of measure permits of greater precision and has various practical advantages particularly under schemes where the holiday is proportional to the period worked—for instance where one or one-and-a-half days' holiday is granted in respect of each month of work. However, there are other advantages in the calculation of holidays on the basis of weeks rather than of working days; it ensures, for instance, that workers employed for the same number of weekly hours, but on a five, six or seven-day week, are all entitled to the same holiday. Thus, in a country where the law prescribes a holiday of 12 working days, a person employed on a five-day week may be granted a holiday of two weeks plus two working days, whereas a shift worker employed seven days a week may receive only 12 days' holiday, that is four days less than the first worker. It will also be noted that the calculation of holidays in terms of weeks would clarify the position in regard to holidays of regular part-time workers who are employed on certain days of the week only or on half-days only. A problem on these lines has been raised by one country (Canada) where a five-day week is worked and where the statutory minimum holiday is frequently prescribed as "one week": it queries whether the said week's

¹ For instance, Albania, Brazil, Bulgaria, Cameroon, Central African Republic, Colombia, Congo (Brazzaville), France, Gabon, Federal Republic of Germany, Greece, Hungary, Ivory Coast, Mexico, Morocco, Niger, Norway, Senegal, Spain, Tunisia, U.S.S.R., Viet-Nam, Yugoslavia.

² For instance, Belgium, Denmark, Finland, Poland (manual workers), Uruguay.

³ For instance, Argentina, Burma, Israel, Peru, United Arab Republic.

⁴ For instance, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, New Zealand, Poland (non-manual workers), Sweden, United States.

holiday (five working days) corresponds to the six working-day minimum required by the 1936 Convention.

118. It would seem that further consideration should be given to the most suitable and equitable means of defining the duration of annual holidays.

DAYS NOT COUNTED AS ANNUAL LEAVE

119. Since annual leave is prescribed in order to enable the worker to rest and enjoy some leisure after a long period of work, it is normal that deductions should not be made from the leave because of involuntary absence from work due to sickness or because of public holidays.

120. It will be found that to some extent the days which are declared in international instruments or in national laws to be excluded or non-deductible from the holiday coincide with the periods of interruption of work which are to be included in the qualifying period of service giving entitlement to holidays. However, the effect of the former provisions, dealt with below, is considerably greater: the deduction from holidays of one month's sickness would result in the forfeiture of the whole annual holiday, whereas the deduction of this month from the period of service merely means that holidays are reduced by one-twelfth. As a rule, this distinction is clearly made in the national laws on holidays and frequently two separate lists of authorised interruptions are established, one relating to interruptions of work which are to be counted as periods of service, and one relating to interruptions which may not be counted as holidays with pay. It is the latter which is dealt with in the present chapter.

Public or Customary Holidays

121. As early as 1936 the Conference decided that public or customary holidays were not to be included in the annual holiday with pay (Article 2 (3) (a) of Convention No. 52). In the 1952 Convention on agriculture it is specified that, where appropriate, provision shall be made for the exclusion from the annual holiday with pay of public and customary holidays (Article 5 (d) of Convention No. 101). Finally, in the 1954 Recommendation it is stated that the appropriate machinery in each country should determine the days such as public or customary holidays which are not to be counted as days of holiday with pay (Paragraph 5 of Recommendation No. 98).

122. The question has sometimes arisen as to whether the above provisions would be applicable in cases where the minimum duration of the annual holiday exceeds the minimum prescribed by the Convention. This point was raised, for example, by the Austrian Government in regard to Convention No. 52 and the Director-General stated in reply¹ that Article 2 (3) (a) of the Convention could be considered as applied, provided the customary and public holidays were not included in the minimum holiday prescribed by the Convention. A similar view has been adopted over the years by the Committee of Experts. It will, however, be recalled that the minimum holiday prescribed by international instruments is usually longer in the case of young workers and of workers having a longer period of service; it seems normal that the deduction of public holidays should not be allowed to affect the longer minimum holiday prescribed for such workers who would thus lose part of the additional benefit which they are deemed to need or deserve.

¹ Governing Body document G.B.152/17/13.

123. Where annual leave is measured in terms of "working" days¹, public and customary holidays are automatically excluded from the annual holiday; that is, they may be neither deducted if they occur during the vacation, nor counted as days of annual holiday with pay if they occur at another time of the year. In certain cases² this has been specifically stated by the governments concerned in their reports.

124. In the smaller group of countries where holidays are measured in terms of days or weeks, it is sometimes specified that public holidays are to be excluded when calculating the annual holiday.³ When there is nothing to prohibit the deduction from annual leave of public holidays this would sometimes seem to be because of the longer annual holiday granted: in Poland, for instance, public holidays are excluded from the two-week holiday prescribed for manual workers, but not from the one-month holiday fixed for non-manual workers.

125. The exclusion of public or customary holidays may be subject to exceptions: sometimes, for example, although such days may not normally be counted as part of the annual leave, an agreement may be made to the contrary.⁴

126. It is not always clear from the information available exactly what definition is given to the public and customary holidays to be excluded from annual leave. In an opinion given by the Director-General⁵ on this point in 1960, to the Government of Austria, it was stated that customary holidays included days which were traditionally holidays and considered as compulsory by the persons concerned even if no decision to this effect had been taken by the public authorities. The precise meaning to be attached to the term public holiday is also important and it seems that account should be taken of whether or not a worker is paid on such days of absence: for example, if a worker is paid on only three out of 15 official public holidays, he may consider it in his interest that an unpaid public holiday should be included in his annual holiday with pay. It is therefore interesting to note that in certain countries the obligation to exclude public holidays from the annual holiday relates only to paid public holidays.⁶

127. The advantage of specific provisions requiring that public holidays should not be counted as annual holidays with pay is illustrated by certain cases: in Costa Rica, for instance, the annual holidays with pay of agricultural workers are specifically stated to consist of certain prescribed paid public holidays scattered over the year; and in Hong Kong the six legal statutory holidays are stated by the Government to ensure the application of the principle of annual holidays with pay. However, the very real possibility of confusion such as that arising in the above cases can also be met by a requirement that the whole or a certain minimum part of the holiday must be taken consecutively.

128. In conclusion there would seem to be general agreement that the internationally established minimum holiday should not be subject to the deduction of public and customary holidays, and that accordingly such deductions must be specifically prohibited in the national provisions, except in the following cases: (a) countries

¹ See footnote 1, paragraph 116.

² For instance, Brazil and Hungary.

³ For instance, Belgium—1958 Royal Order, section 65; Czechoslovakia—1959 Act, section 4; Denmark—Government's report; Israel—1951 Act, section 5; Poland—1922 Act, section 2.

⁴ For instance, Norway—1947 Act, section 3; Uruguay—1958 Act, section 1.

⁵ G.B.152/17/13.

⁶ For instance, Belgium—1958 Royal Order, section 65; Czechoslovakia—1959 Act, section 4; France—Ministerial Circular TR 4/56.

where the provisions governing the duration and continuity of the annual holiday are such that the deduction of public holidays will not affect the worker's right to the internationally prescribed minimum holiday, and (b) countries where annual leave is at least equal to the internationally prescribed minimum holiday and is defined in terms of "working" days.

129. Consideration might be given in connection with any proposal to revise the Holidays with Pay Convention to the following problem: although the 1936 Convention as it stands prohibits the inclusion in the annual holiday of any public or customary holidays, there is nothing in this text—or in any other instrument on holidays with pay—to suggest any obligation as regards the granting of paid public holidays. Yet, such paid public holidays (varying in number between one and 17 in the various countries examined) are a recognised feature of working conditions in all countries and are intimately related to annual leave. It might, therefore, be deemed appropriate to examine the possibility of taking into account the number of paid public holidays when establishing and evaluating the minimum duration of annual holidays with pay.

Exclusion of Days of Weekly Rest

130. The 1954 Recommendation provides that the appropriate machinery should determine the days, such as days of weekly rest, which are not to be counted as days of holiday with pay (Paragraph 5 of Recommendation No. 98). Similar provisions may be found in the 1952 Convention on agriculture (Article 5 (d) of Convention No. 101).

131. This question is dealt with above in paragraphs 115 to 118 in regard to the terms in which the duration of annual holidays is defined. It may be added, however, that the exclusion from annual holidays of days of weekly rest does not normally serve a useful purpose when the holidays are calculated in terms either of working days or of weeks.

Exclusion of Days of Sickness

132. The present section deals solely with the prohibition on counting days of sickness as part of annual holiday with pay, the question of the effect of sickness on the qualifying period of service being covered above in paragraphs 62-63. The 1936 Convention provides that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay (Article 2 (3) (b) of Convention No. 52). The 1952 Convention on agriculture specifies that provision may be made for the exclusion from the annual holiday of temporary interruptions of attendance at work due to sickness or accident (Article 5 (d) of Convention No. 101). Finally, the 1954 Recommendation states that the appropriate machinery in each country should determine the days of absence from work on account of accident at work or sickness or of prenatal and postnatal care which are not to be counted as days of holiday with pay (Paragraph 5 of Recommendation No. 98). Both the terminology and the degree of obligation vary in these instruments, but their object is in each case to ensure that where the worker has acquired the right to a holiday, after fulfilling the necessary conditions, this right shall not be lost to him in whole or in part because of illness.

133. A large number of countries have provisions of different kinds specifying that days of sickness shall not be counted as days of holiday. These may refer, in general terms, to absence from work on account of illness¹ or to sickness occurring

¹ For instance, Greece—1945 Act, section 2; U.S.S.R.—Labour Code, section 119; Yugoslavia—Labour Act, sections 29, 35.

during the holiday¹, they may require the postponement of leave if the worker is sick when his holiday is due to start² or they may specify that periods during which the performance of the contract is suspended because of illness, but without cancellation of the contract, may not be deducted from the annual holiday.³ Sometimes sickness is excluded from the holiday unless it occurs in the course of the holiday⁴ or it is specified that days of sickness may not be deducted from the annual holiday unless the paid sick leave is exhausted.⁵ Occasionally the legislation provides that compensation in lieu of holidays may be granted when a worker is unable to benefit from the latter because of sickness.⁶ In one country⁷ where employers are required to give advance notice of holiday dates, this is deemed sufficient to ensure that interruptions of work due to sickness are not counted as days of annual holiday.

134. In certain cases, a distinction is made between sickness in general and incapacity caused by an industrial accident or occupational disease⁸, usually with a view to prescribing more favourable conditions in the latter case.

135. Special mention is sometimes made of maternity leave or sickness due to pregnancy or confinement with a view to ensuring that no deduction from the annual holiday with pay is made in such cases.⁹ On the other hand, the law may state that a woman who takes maternity leave is not entitled to annual holidays.¹⁰

136. These few brief references to national provisions are enough to show that although a great many countries have endeavoured to protect the holiday rights of workers in case of sickness, the nature of the relevant legislative provisions varies considerably from one State to another. This diversity makes it difficult to establish and apply a common standard. Thus the Committee of Experts has found that a number of countries have experienced difficulties in complying with the requirement that sickness must not be deducted from holidays with pay, particularly in the mandatory form used in Convention No. 52. At present, observations or requests by the Committee are pending as regards the implementation by seven countries of the provision excluding days of sickness from annual holidays; moreover, in the past, the Committee has addressed observations on this subject to three other countries, which have taken appropriate measures.

137. A frequent and recurring reason for these observations by the Committee of Experts would seem to be the lack of clarity in the terminology used in the Convention ("interruptions of attendance at work due to sickness" shall not be included in the annual holiday with pay) which led certain governments to conclude erroneously that the purpose of this clause was only to include in the qualifying period of service any interruption of service due to sickness.

¹ For instance, Albania—Labour Code, section 92; Bulgaria—1958 Resolution, section 13; Czechoslovakia—1959 Act, section 10; Federal Republic of Germany—1963 Act, section 9.

² For instance, Albania; Czechoslovakia—1959 Act, section 9; Finland—1960 Act, section 6; Israel—1951 Act, section 5; Norway—1947 Act, section 5; Poland—1922 Act, section 5.

³ For instance, France—1936 Decree, section 4; Morocco—1946 Decree, section 8.

⁴ For instance, Belgium—1958 Royal Order, section 65.

⁵ For instance, Iraq—Labour Code, sections 13, 14.

⁶ For instance, Denmark—1953 Act, section 5.

⁷ Ireland—Government's report.

⁸ For instance, Finland, France, Israel, Morocco, Viet-Nam—Order of 5 November 1958.

⁹ For instance, Belgium, Czechoslovakia, Finland, France, Israel, U.S.S.R., Viet-Nam, Yugoslavia.

¹⁰ For instance, Kuwait—1959 Labour Law, section 26.

138. Another point in regard to which some obscurity exists, and in regard to which the practice varies considerably from country to country, relates to the period at which sickness occurs. For example, it will have been noted that in certain countries the prohibition on counting periods of absence due to sickness as days of holiday applies to sickness occurring in the course of the holiday. In others it relates to sickness at the time when the holiday is due to start and in yet others it would seem to relate to sickness occurring at any time in the year. In the Conventions and Recommendations themselves the exact bearing of the prohibition is not specified but the preparatory reports show that the original purpose was to ensure the widest protection of workers.¹

139. Obstacles of various other kinds would seem to render it difficult in certain countries to prohibit the deduction of days of sickness from the holiday with pay: for instance, where no social security machinery exists so that supplementary measures would have to be taken to prevent abuses and ensure that only absence due to properly certified illness is excluded from the holiday with pay; where holidays are granted simultaneously to the whole staff in an undertaking or industry, and where it might be difficult to arrange for a holiday to be given at another date to certain individual workers who have been unable to take their leave because of illness; or where employers are required by law to pay full remuneration during all or a long part of any sick leave, and where it is sometimes felt that to add to this the prohibition on deducting such sick leave from the annual holiday, would constitute an undue burden for the employer.

140. One important practical aspect of the interdiction to count as holidays any period of sickness is the maximum duration fixed for such periods. Very little information is available on this point and the international instruments themselves do not specify that such a maximum duration should be determined. It will be appreciated, however, that such a provision may well prove useful in ensuring the effective working of a requirement of this kind. It is also important to fix a maximum duration in order that sick workers having exhausted their right to non-deductible sick leave may use up any annual leave before their contract is cancelled. In this connection it is necessary to point out that it may always be in the interest of the workers to prohibit the deduction of days of sickness from the annual holiday: this is the case when a worker is not entitled to any part of his remuneration during sick leave and does not draw social security benefits, so that he may well prefer to draw his holiday pay during such sick leave rather than be deprived of all resources.

141. In conclusion, although there are certain obvious advantages to the workers in a requirement that days of sickness shall not be counted as days of holiday, experience has shown that the satisfactory observance of such a requirement cannot be ensured unless the terminology used makes a clear distinction between the exclusion of days of sickness from annual holidays with pay and the effect of such days on the qualifying period of service; unless it is specified whether the prohibition refers to sickness occurring during the year, to sickness existing when leave is due to start, to sickness which occurs when the leave is due to start, or to all such cases; unless there is a provision fixing the duration of the sickness which must necessarily be excluded from the holiday; and unless it is provided that in exceptional cases, and at the request of the worker, days of sickness may be counted as part of the annual holiday with pay. The difficulty of establishing and implementing such detailed provisions, and the difficulties already experienced with the simpler obligation laid down in the

¹ See I.L.O.: *Record of Proceedings*, International Labour Conference, 20th Session, Geneva, 1936, p. 633.

1936 Convention, would seem to point towards the need for a very flexible text regarding the cases and manner in which holidays are to be protected against the deduction of days of incapacity resulting from sickness, accident or maternity.

Exclusion of Other Interruptions of Work

142. Apart from public and customary holidays, weekly rest days and days of sickness, the international instruments also provide that the annual holiday with pay should not include certain other cases of interruptions of work, to be determined in each country (Paragraph 5 of Recommendation No. 98 and Article 5 (*d*) of Convention No. 101).

143. The large variety of interruptions which are stated in different national laws to be excluded from annual holidays with pay, include the following: suspensions of contract by reason of lack of work or authorised absences¹, absence because of family events², certain periods of military service³, absence because of a strike or lockout⁴, the discharge of public duties⁵, or to participation in certain educational courses⁶, or all or a certain minimum part of the period of notice.⁷

144. Whilst the validity of these miscellaneous measures prohibiting the deduction from the annual leave of certain days cannot be questioned, their variety would make it difficult to establish a common list of such cases (other than public holidays and days of sickness) applicable in a fair number of countries.

¹ For instance, France—1936 Decree, section 4; Morocco—1946 Decree, section 8.

² For instance, Central African Republic—Labour Code, section 128; Israel—1951 Act, section 5; Senegal—Labour Code, section 144.

³ For instance, Belgium—1958 Royal Order, section 65; France; Greece—1945 Act, section 2; Israel; Morocco; Norway—1947 Act, section 5; Yugoslavia—Labour Code, section 29.

⁴ For instance, Belgium, Greece, Israel.

⁵ For instance, Belgium, Yugoslavia.

⁶ For instance, Belgium.

⁷ For instance, Israel, Morocco, Norway, Viet-Nam.

CHAPTER VI

CONTINUITY OF HOLIDAYS

145. The question of continuity in annual holidays with pay has been covered in most of the instruments respecting holidays. In the 1936 Convention it is stated that national laws or regulations may authorise in special circumstances the division into parts of any part of the annual holiday with pay which exceeds the minimum duration provided by the Convention (Article 2 (4) of Convention No. 52). In the corresponding Recommendation it is pointed out that although it may be desirable that provision should be made in special cases for holidays to be divided, care should be exercised to ensure that such special arrangements do not run counter to the purpose of the holiday which is to enable the employed person to make good the loss of physical and mental forces during the course of the year; in other cases, division of the holiday should be restricted, save in quite exceptional circumstances, to division into not more than two parts, one of which should not be less than the prescribed minimum (Paragraph 2 of Recommendation No. 47). Finally in the 1952 Convention on agriculture—which does not determine the minimum duration of holidays—it is provided that the holiday may be divided within such limits as may be laid down by national laws or regulations, collective agreement, or arbitration award, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authority (Article 6 of Convention No. 101).

146. A considerable number of countries have taken measures to ensure that annual holidays shall serve the purpose for which they are intended, that is physical and mental rest, by limiting the possibility of breaking them up. In certain cases¹, the law expressly provides that the holiday shall consist of so many “consecutive” days. More often, the holiday may be divided into parts, subject to certain restrictions; for example, it is sometimes specified that the holiday may be taken in two parts², or in several parts³ provided one of these parts consists of at least one to two weeks as the case may be. In a number of countries no specific restriction is placed on the division into parts of holidays, this matter being left for agreement between the parties⁴; in some cases, although restrictions have been imposed on the breaking-up of holidays, exceptions⁵ are permitted through collective agreements, in particular trades, when necessary, or when requested by the worker or the employer.

¹ For instance, Burma—1951 Act, section 4; Colombia—Labour Code, section 188; Greece—1945 Act, section 2; Ireland—1961 Act, section 10; Peru—1961 Act, section 1; Spain—1944 Decree, section 35.

² For instance, Brazil—Labour Code, section 136; Bulgaria—Labour Code, section 57; New Zealand—1944 Act, section 3; Uruguay—1958 Act, section 1; Yugoslavia—Labour Code, section 34.

³ For instance, Czechoslovakia—1959 Act, section 9; Finland—1960 Act, section 6; France—Labour Code, Book II, section 54 (*i*); Morocco—1946 Decree, section 15; United Arab Republic—Labour Code, section 59; United Kingdom—many collective agreements; Viet-Nam—Labour Code, section 205.

⁴ For instance, Albania—Labour Code, section 91; U.S.S.R.—Regulations of 30 April 1930.

⁵ For instance, Denmark—1953 Act, section 4 (5); Federal Republic of Germany—Government's report; Italy—Act 562/1926; Norway—1947 Act, section 4.

147. In many cases where limited breaks in the continuity of holidays are permitted, further restrictions are imposed by making these breaks subject to the workers' consent or to agreement between the parties¹, or by excluding from such authorised exceptions both young workers and elderly workers.²

148. Agricultural workers are in some countries governed by slightly less favourable provisions as regards the continuity of annual holidays with pay. Sometimes the holidays of agricultural workers may be broken up into smaller parts than in other sectors (though in no case less than six working days)³ or they are granted to agricultural workers in the form of scattered days, whereas for other workers the fortnight's leave may not be divided into more than three parts.⁴ One country (India), in which holidays may be divided into three parts, has stated its view that any general restriction on the division of holidays might cause hardship to the workers in certain cases.

149. It will be recalled that, of the two Conventions, only Convention No. 52 restricts breaks in the continuity of holidays by limiting the division into parts of the holiday to any part which exceeds the minimum duration prescribed by the Convention. In other words, the only restriction is that one part of the holiday should consist of not less than six consecutive working days. In view of the lack of rigidity of this measure and its undoubted usefulness, it is surprising to find that requests or observations on its application are pending in regard to nine countries.

150. The need for international standards regulating the continuity of annual leave and the situation which may arise in the absence of such standards will be appreciated from the following example: in the Convention on agriculture there is no obligation that a minimum part of the holiday should be taken at one time, the matter being left without restriction to be determined by national laws, collective agreements or otherwise; accordingly, a position might well exist where annual holidays are granted in single days or even in half-days. Obviously, even if this is done through collective agreements or with the worker's consent, it would be contrary to the whole idea and purpose of granting annual holidays. Yet, in the absence of a specific requirement in the Convention, this position would not be contrary to the letter of the instrument, and demonstrates the need for clear-cut provisions on the subject.

151. It will also be appreciated that with the trend towards establishing a minimum holiday of three or even four weeks—which has been noted in a certain number of countries—it may be increasingly difficult for employers in certain branches to grant the whole holiday consecutively, and it may also be in the interests of the worker to be able to break up his holiday into parts, provided a certain minimum part of the holiday is taken consecutively. It should also be borne in mind that when the annual leave consisted of one week only, the possibility of dividing it into parts eliminated any degree of continuity, whereas with the longer holidays now being introduced, the position is very different and more freedom may be allowed as regards the breaking-up of holidays, provided always that a specified minimum number of days is taken consecutively.

¹ For instance, France; Israel—1951 Act, section 8; Tunisia—1946 Decree, section 4; Yugoslavia—Labour Code, section 34.

² For instance, Brazil—Labour Code, section 136.

³ For instance, Denmark; Finland—1960 Act, section 6; Norway.

⁴ For instance, Costa Rica—Labour Code, section 153.

152. Accordingly, while it may be considered realistic and appropriate to permit a longer annual holiday to be divided into parts, it is also increasingly necessary to reassert the principle laid down in the 1936 Convention and to place restrictions on this breaking-up of holidays by fixing the minimum duration of one of these parts, and also perhaps by specifying that the parties concerned must be in agreement.

CHAPTER VII

HOLIDAY PAY

153. The four instruments on holidays with pay considered in this survey all have provisions, with certain variants, dealing with calculation of holiday pay. The 1936 Convention specifies that every person taking a holiday shall receive either his usual remuneration, calculated in a manner which is to be prescribed by national laws or regulations, including the cash equivalent of any remuneration in kind, or the remuneration determined by collective agreements (Article 3 of Convention No. 52). The corresponding 1936 Recommendation provides that where the remuneration of a person is paid in whole or in part on an output or piecework basis the fairest method of calculation would be to compute the average earnings over a fairly long period so as to nullify as far as possible the effect of fluctuations in earnings (Paragraph 4 of Recommendation No. 47). In the 1954 Recommendation, the vacation pay provisions are as follows: every person should receive as a minimum either the remuneration determined for such a holiday period by collective agreement, arbitration awards or national laws and regulations; or his normal remuneration, as prescribed by national laws or regulations or by any other means established by national practice, including the cash equivalent of any remuneration in kind (Paragraph 11 of Recommendation No. 98). Finally, in the 1952 Convention on agriculture it is stated that holiday pay should be not less than the usual remuneration or such remuneration as may be prescribed by national laws or regulations, collective agreements or arbitration awards, or by special bodies entrusted with the regulation of holidays with pay in agriculture, or in any other manner approved by the competent authorities; it also indicates that provision may be made for the payment of the cash equivalent of any remuneration in kind (Article 7 of Convention No. 101).

154. There is great variety, not only among the different countries, but even within the individual States, in the method of calculating holiday remuneration. The two main methods used are the system of computing holiday pay on the basis of average earnings over a stated period of time and that of defining holiday pay in relation to the ordinary remuneration of the worker at the time when he goes on holiday.

HOLIDAY PAY AS AVERAGE REMUNERATION

155. The first of these methods, that of computing holiday pay on the basis of average earnings over a stated period, is widely used in two groups of countries. The first of these consists of countries where the holiday pay of all workers is calculated in the same way, regardless of whether they are employed on time or on variable rates; in these cases the law may provide that the holiday remuneration is to be computed in regard to the worker's total remuneration over a twelve-month period¹ or less.²

¹ For instance, Central African Republic—Labour Code, section 131; Denmark—1953 Act, section 5; France—Labour Code, Book II, section 54 (*l*); Hungary—1953 Decree, sections 140, 141; U.S.S.R.—Order of 25 July 1935, section 1.

² For instance, 50 weeks in Costa Rica (or one week in agriculture)—Labour Code, section 157; 13 weeks in the Federal Republic of Germany—1963 Act, section 11; three months in Yugoslavia—Labour Code, section 241.

156. The second group is made up of countries where workers on job, piece or output rates are subject to treatment different, as regards holiday pay, from that of workers on time rates. For the former category of workers whose remuneration is liable to fluctuate, it is frequently specified that their holiday pay is to be computed on the basis of earnings over a certain period.¹

157. This system of calculating holiday pay as an average of earnings over a comparatively long period ensures that such pay should be strictly related to the work furnished by the employee and that the effect of fluctuations in earnings should be nullified; it also constitutes a more easily acceptable means of providing for the granting of proportionate holidays to workers who have not been fully employed during the qualifying period of service. Sometimes measures are taken to offset reductions in holiday pay which would occur if no account were taken of unpaid interruptions of work for which the worker was not responsible. Thus, in a number of countries² the provisions on holidays with pay ensure that, for the purpose of calculating holiday pay, certain specified interruptions of work are assimilated to periods of work. Somewhat similar results are obtained by the requirement that, in order to determine holiday pay, the global remuneration should be divided, not by the number of working days, but by the number of days on which the worker was employed.³ Measures of this sort, designed to protect the worker against reductions in his holiday pay due to interruptions beyond his control, are to be found also when vacations are paid through holiday funds. Here, holiday pay is normally strictly proportionate to contributions made in the name of the worker over the period of service and it is, therefore, interesting to find that in the Belgian holiday funds, for instance, a slightly higher contribution is required of all employers so as to enable the funds to make up the difference in holiday pay of workers who, for example, have been absent during the year because of sickness. Similar provisions are found in holiday funds set up by collective agreements in certain industries in the United Kingdom and also in other countries.

HOLIDAY PAY DEFINED IN RELATION TO EARNINGS AT A GIVEN DATE

158. Frequently the holiday provisions determine holiday pay on the basis of the remuneration which the worker receives at the time when holidays are granted, but, as a rule, this system is used only in regard to workers paid on time rates.

¹ For instance, one year's earnings in Colombia—Labour Code, section 192; Czechoslovakia—1959 Notification, section 11; Finland—1960 Act, section 8; Uruguay—1958 Act, sections 10, 11. Eight months' earnings in Bulgaria—1958 Resolution, section 16. Three months' earnings in Greece—1945 Act, section 3; and Poland—1922 Act, section 4. Four weeks' earnings in Peru—Decree 17/61, section 8; and Morocco—1946 Decree, section 21.

² In France—Labour Code, Book II, section 54 (*j*)—for example, where holiday pay is calculated as one-sixteenth of all earnings, the law specifies that for this purpose certain periods of absence are assimilated to periods of effective service (for example, sick leave, maternity leave, military service, annual leave) and also that the holiday pay cannot in any case be lower than the pay which the worker would have received if he had continued to work during his holidays. In Bulgaria—1958 Resolution, sections 16-22—account is taken in the global earnings of sums corresponding to sick leave, maternity leave, military training, unpaid leave and periods during which the worker was idle through no fault of his own. In Czechoslovakia—1959 Notification, section 11—it is specifically stated that no account is to be taken in calculating vacation pay of absences due to annual leave or to a serious obstacle in connection with the work. In the Federal Republic of Germany—1963 Act, section 11—no deduction may be made because of loss of earnings due to short-time working, shortage of work or authorised absence.

³ For instance, Finland—1960 Act, section 8; Uruguay—1958 Act, section 10.

159. Thus, in a number of countries¹ the holiday pay of workers other than those employed on piece-work or similar rates is the equivalent of the earnings which they would have received if they had remained at work during the holiday period. This type of provision, but with some variants, is to be found in other countries² also. Sometimes this method is used for workers in general³, and is not limited to those paid on time rates. Finally, in a number of countries holiday pay is defined in general terms and the information available does not show how it is actually calculated.⁴

HOLIDAY PAY DETERMINED BY COLLECTIVE AGREEMENT

160. In countries where holidays for all or for the majority of workers are regulated through collective agreements, the question of the calculation of holiday pay is, of course, also left to collective agreement. This is the case, for instance, in Italy where the right to holidays with pay is laid down in the national Constitution and in certain texts of limited scope but where collective agreements determine how vacation pay is to be computed. Similarly, in the United Kingdom holiday pay is normally determined by collective agreement; a full range of methods is to be found in these agreements, including texts which merely indicate that holidays shall be with pay, others which specify that the holiday pay is to be computed as an average of earnings over an agreed period and provide for a flat rate which is not identical to the individual worker's actual wage, and others, finally, which set up complex holiday funds making pro rata payments but allowing, for instance, for the absence of workers because of sickness. In the United States also, collective agreements frequently require the setting-up of funded vacation plans, particularly in industries characterised by seasonal or irregular employment; these funds normally provide for holiday pay based on the number of days or hours worked in the year. Other collective agreements in this country provide for uniform vacation allowances.

161. However, apart from cases such as those mentioned above, provision is sometimes made in the legislation itself to enable collective agreements to fix methods for the computation of vacation pay which differ from the statutory method, as, for instance, in Finland and Norway.

SPECIAL HOLIDAY PAY PROVISIONS FOR CERTAIN CATEGORIES OF WORKERS

162. Frequently, special provision is made for the calculation of holiday remuneration in the case of workers whose earnings are subject to greater variants or which

¹ For instance, Brazil—Labour Code, section 140; Greece—1945 Act, section 3; Israel—1951 Act, section 10; Morocco—1946 Decree, section 20; Poland—1922 Act, section 4.

² For instance, in Norway—1947 Act, section 6—the holiday remuneration of workers on time rates consists of the full rate paid for normal hours. In Bulgaria—1958 Resolution, section 16—the holiday pay of such workers is based on the remuneration at the commencement of the holiday. In Ireland—1961 Act, section 10—their holiday pay is based on the amount received in respect of the week preceding the annual leave during which the worker worked normal hours.

³ For instance, in New Zealand—1944 Act, section 2—holiday pay is based on the remuneration for the worker's normal weekly number of hours at the ordinary time rate of pay or, if no ordinary time rate exists, then at the prescribed rate paid for the same type of work. In the United Kingdom, holiday pay is defined as the statutory minimum time rates in many statutory orders (but there is a trend to relate holiday pay to worker's average earnings over a given period), and as the minimum wage or not less than the minimum wage fixed by the Agricultural Wage Board Orders; certain collective agreements fix holiday pay at a flat rate for all workers.

⁴ For instance, in Albania—Labour Code, section 82—a worker on leave gets his "average remuneration"; in Iraq—Labour Law, section 13—and the United Arab Republic—Labour Code, section 58—he gets "full pay"; and in Nicaragua—Labour Code, section 64—"pay".

cannot easily be evaluated. This is the case, for example, as regards workers who are remunerated on a percentage or commission basis or largely in the form of tips¹, as regards homeworkers² and as regards workers remunerated wholly or partly in the form of profit sharing³—considered by some governments as an obstacle in generalising the scope of holiday provisions.

TYPE OF EARNINGS ON WHICH HOLIDAY PAY IS CALCULATED

163. Whether holiday pay is computed as an average of earnings over a stated period or is determined as the remuneration due at a given time, the amount of this pay will vary—sometimes considerably—according to the type of remuneration taken into account. This is felt particularly when the basic salary represents only a limited part of the total earnings and is supplemented by various regular or variable payments, such as cost-of-living or family allowances, overtime pay, bonuses and so on. A brief examination of the practice followed in the various countries shows little uniformity. For example, as regards irregular accessory remuneration all overtime payments are specifically excluded in some countries⁴, or are indirectly excluded because holiday pay is based on earnings for “normal” hours of work.⁵ On the other hand, holiday pay is increased in some countries to take account of overtime either by specific provision⁶, or indirectly because holiday pay is based on all remuneration received.⁷

164. As regards regular accessory remuneration, the earnings on which holiday pay is based sometimes include all additional payments of a permanent nature⁸, or all bonuses and allowances connected with the work itself—but excluding allowances paid because of the geographically unfavourable area, dangerous work, etc.⁹ Such regular additional payments also seem to be included where holiday pay is based on all remuneration received by the worker.¹⁰

165. Payments in kind, which are usually permanent in character, are often mentioned separately in the provisions regulating the calculation of vacation pay. Thus, it may be specifically stated that the holiday pay includes any remuneration in

¹ For instance, in Morocco—1946 Decree, sections 22-24—in such cases the holiday pay is to be computed on the average remuneration of the previous 12 months but may not be less than the average of the highest quarterly remuneration in the year. In Finland—1960 Act, section 12—France—Labour Code Book II, section 54 (*j*)—and Greece—1945 Act, section 3—the legislation provides for special rules governing the holiday pay of workers paid on a percentage or similar system. In Uruguay—1958 Act, section 11—where a worker's remuneration is in the form of gratuities the holiday pay is to be determined in accordance with the wages stipulated by collective agreement or fixed by the award of a wages council, or on the basis of standard rates.

² In Argentina—1946 Decree, section 3—for instance, the holiday pay of homeworkers is calculated on the basis of one-twelfth of the average fortnightly earnings during the period of employment; in Finland—1960 Act, section 13—and France—1941 Order, section 1—homeworkers receive with each pay-packet an additional payment to be considered as holiday remuneration.

³ In Brazil—Labour Code, section 140—for instance, the holiday pay of profit sharers is to be calculated according to the relevant entries in the work book.

⁴ For instance, Bulgaria—1958 Resolution, sections 16-22; Colombia—Labour Code, section 192; Finland—1960 Act, section 8; Ireland—1961 Act, section 10 (4); Turkey—1960 Act, section 9.

⁵ For instance, Argentina—1945 Decree, section 6; New Zealand—1944 Act, section 2; United Kingdom—statutory and wage board orders, certain collective agreements.

⁶ For instance, Costa Rica—Labour Code, section 157; Czechoslovakia—1959 Notification, section 11; Morocco—1946 Decree, section 20; United States—certain collective agreements.

⁷ For instance, France—Labour Code, Book II, section 54 (*j*).

⁸ For instance, Bulgaria; Greece—1945 Act, section 3; Peru—1961 Decree, section 8.

⁹ For instance, Morocco—1946 Decree, section 24.

¹⁰ For instance, France.

kind¹, or that payments in kind made to agricultural workers are taken into account in calculating the vacation pay.² In other cases the law not only requires the payment of the cash equivalent of remuneration in kind but indicates how this remuneration is to be evaluated.³ Occasionally, the obligation regarding such payments is limited to board and lodging⁴, or housing may be specifically excluded from the obligation.⁵ It may also be indicated in the legislation that the cash equivalent of payments in kind is due only if the worker does not avail himself of such benefits in kind during the holiday.⁶ On the other hand, the law may specifically exclude from holiday pay all benefits in kind.⁷ It should be noted here that although the I.L.O. instruments on holidays are on the whole flexible as regards holiday remuneration, they are strict in requiring the payment of the cash equivalent of remuneration in kind. It is not surprising to find, therefore, in view of the strict nature of this requirement and of the many variants existing in the national provisions, that this point has frequently proved an obstacle to the full implementation of Convention No. 52 and that a large number of observations or requests are pending on this matter.

TIME OF PAYMENT

166. The holiday legislation in many countries contains provisions on the time at which a worker should receive his holiday remuneration. In the vast majority of these cases it is specified that it must be paid before the holiday⁸, at the commencement of the holiday⁹, or on the pay-day preceding the holiday.¹⁰ Occasionally, the holiday remuneration is not paid in advance unless this is requested by the worker¹¹; or it is paid on the normal pay-day whether this occurs before or during the holiday.¹²

CONCLUSIONS

167. It is clear from the above information that in the majority of countries an effort has been made to determine the manner in which holiday pay should be calculated and that both in these and in most of the remaining cases—where the right of workers on holidays to their “full pay” or “usual remuneration” is prescribed—the general objective would seem to be to ensure that the remuneration is fair and corresponds as far as possible to normal earnings. However, it is not always possible to deduce from the information on the methods of calculating holiday pay whether or not this pay is in fact equivalent to the usual remuneration of the worker. It can be assumed that this is the case when the provisions on the computation of holiday pay are accompanied by a proviso stating, for example, that the holiday remuneration must not be less than the pay the worker would have received if he had continued

¹ For instance, Argentina; Israel—1951 Act, section 10.

² For instance, U.S.S.R.—Government's report.

³ For instance, Czechoslovakia—1959 Act, section 12; France; Morocco.

⁴ For instance, Denmark—1953 Act, section 5.

⁵ For instance, Central African Republic—Labour Code, section 131; Greece; Norway (unless a special agreement is made on the matter)—1947 Act, section 6.

⁶ For instance, Morocco; Peru—1961 Decree, section 9.

⁷ For instance, Turkey—1960 Act, section 9.

⁸ For instance, Brazil—Labour Code, section 141; Bulgaria; Burma—1951 Act, section 4; Finland—1960 Act, section 9; Senegal—Labour Code, section 148.

⁹ For instance, Argentina; Spain—1944 Decree, section 35.

¹⁰ For instance, Norway—1947 Act, section 6; United Kingdom—Statutory Orders.

¹¹ For instance, Czechoslovakia—1959 Act, section 11; Israel—1951 Act, section 11.

¹² For instance, Morocco—1946 Decree, section 34.

to work. On the other hand, the holiday pay is likely to be less than the usual pay wherever it is provided that any form of regular accessory allowance is not to be taken into account in calculating holiday pay, wherever overtime is specifically excluded and wherever deductions are made in respect of absences occurring during the period of service. Moreover, it would seem that with the growing trend in many countries to supplement the basic salary by various types of regular bonuses, allowances or other payments and for overtime to constitute a quasi-permanent feature of earnings, failure to include such items in the holiday pay may reduce it to a level considerably lower than that of the usual remuneration. Similarly, the holiday pay is normally bound to be less than the usual pay in those cases where, for instance, it is stated to be the statutory minimum rate.

168. The reverse position may, of course, be found in a number of cases. This is the case in countries where various measures are taken to supplement the holiday pay of workers with a view to helping them meet additional expenses and get greater benefit from their holidays. The most striking of these are Belgium, where various legislative measures have been taken to ensure that whether holiday remuneration is paid through a holiday fund (wage earners) or directly by the employer (salary earners) it shall be double the usual pay; and the Netherlands, where most workers are entitled to an additional two weeks' salary during their holidays, in virtue of collective agreements. Other indirect methods by which holiday remuneration is amplified consist in the right of workers during their holidays to a travelling allowance, or to cheap fares, or to admission to holiday homes at reduced rates or free of charge.

169. It is appropriate to recall here the standards laid down in the various international instruments on holidays with pay. The 1936 Convention provides that when the holiday pay is prescribed by law it must be equivalent to the worker's usual pay but greater flexibility is permitted when it is determined by collective agreement. The 1952 Convention on agriculture, and also the 1954 Recommendation, are more flexible and provide that holiday pay shall consist either of the usual remuneration or of the remuneration prescribed for this purpose by law, collective agreement, award or other means—in other words, holiday remuneration less than the normal remuneration may be prescribed under these instruments not only by collective agreements but also by law and other statutory provisions.

170. There can, of course, be no question of establishing a single method of calculating holiday pay in all countries. Nor is it feasible to evaluate exactly whether the different systems used do in fact ensure that holiday pay is not less than the worker's usual remuneration. It seems, however, from the information supplied by governments that most countries follow the principle that every person taking an annual holiday with pay should receive not less than his usual remuneration in respect of the full period of the holiday, regardless of whether this "usual remuneration" is determined by national laws or regulations, by collective agreements, or by any other means established by national practice. It would also appear from the national provisions that, when calculating holiday pay, account is being increasingly taken of regular subsidiary remuneration (such as cost-of-living allowances, family allowances, payments in kind, etc.) and also, to a lesser extent, of variable subsidiary remuneration (such as overtime, bonuses, etc.). Moreover, in order to meet fully the implications of the present trend of including in the qualifying period of service certain authorised absences or interruptions of work, a growing number of countries provide that, wherever such absences or interruptions of work are assimilated to periods of effective service, no deduction from the holiday pay should be permitted on their account.

CHAPTER VIII

DATE AND POSSIBLE POSTPONEMENT OF HOLIDAYS

171. The question of the date on which holidays are to be taken has two separate but related aspects. The first covers various matters regarding the determination of the date of the holidays (consultation between the parties, prescribed holiday season, advance notification), and the other concerns more particularly the possibility of postponing holidays to another year. These two aspects of the question are dealt with below.

DATE OF HOLIDAY

172. The 1954 Recommendation provides that there should be consultation between employers and workers regarding the time when the annual holiday with pay is to be taken and that in determining this time the personal wishes of the worker should be taken into account as far as possible; it also specifies that the worker should be notified of the date on which the annual holiday with pay is to begin, sufficiently in advance, so that he can make use of his holiday in an appropriate manner (Paragraph 9 of Recommendation No. 98).

173. The above prescriptions relating to the date of the annual holiday with pay are often implemented through the individual arrangements made between employer and worker. Nevertheless, in a considerable number of countries it has been thought necessary to issue general or even detailed prescriptions on the subject.

174. Frequently, the holiday legislation requires consultation between employers and workers before the holiday dates are fixed, or contains other provisions on the subject.¹ The holiday period in its wider sense is in some countries determined by law and coincides as a rule with the half-year including the summer months²; these provisions are usually accompanied by a clause permitting the granting of holiday at some other time, either at the request of the worker or because of the needs of the undertaking. In a number of countries³, however, it is specifically stated that

¹ For instance, in Iraq—Labour Code, section 13; Morocco—1946 Decree, section 17; Norway—1947 Act, section 4; Nicaragua—Labour Code, section 64; Spain—1944 Decree section 35; and U.S.S.R.—Labour Code, section 118; there is a general requirement that holiday dates are to be fixed by agreement between the parties or after due consultation. In Bulgaria—Labour Code, section 56; Czechoslovakia—1959 Act, section 9; and the Federal Republic of Germany—1963 Act, section 7, the legislation specifies that, in determining the time of the holiday, account shall be taken of the personal wishes of the workers concerned, but also in certain cases of the needs of the undertaking. In Poland—1922 Act, section 5—workers are entitled to decide by mutual agreement as to the order in which they take their leave and they submit their proposals to the management for approval. In Brazil—Labour Code, section 139; Costa Rica—Labour Code, section 155; and Peru (salaried employees) Act 9049, section 4; the law indicates that the date of the holiday shall be fixed by the employer, and in the United Kingdom this is the usual practice although collective agreements sometimes specify the holiday dates. Detailed legislative provisions in France—Labour Code, Book II, section 54 (*h*)—specify that when the order of departure is not determined by collective agreement it should be fixed by the employer after consultation with the worker's representative, due account being taken of the family situation of the beneficiaries and their length of service.

² For instance, Argentina—1945 Decree, sections 4, 5; Belgium—1958 Royal Order, section 62; Denmark—1953 Act, section 4; France; Poland; United Kingdom—certain collective agreements.

³ For instance, Albania—Labour Code, section 89; U.S.S.R.—Labour Code, section 117.

holidays may be granted throughout the year, or even that 8 to 9 per cent. of the workers are to receive their holidays each month in the year; nevertheless, the law may require that in the case of young workers the holiday must be granted in summer. Occasionally, because of the special conditions of work in agriculture, workers in this sector enjoy more limited rights as regards the summer holiday period.¹

175. Another point frequently determined by legislation is the minimum notification to be given to workers of the date of their holidays. This minimum period of advance notice varies between seven or eight days² and two months.³

176. In conclusion, the above brief survey shows an increasing awareness that the object of holidays—which is to afford the worker a minimum of rest and leisure—can be considerably promoted if the annual leave is granted as far as possible at a date which suits the individual workers. Such measures are in conformity with the provisions of the 1954 Recommendation respecting consultation between employers and workers on holiday dates and advance notification of these dates; they even go beyond the requirements of this instrument when they specify that annual leave should normally be granted during a favourable time of the year.

POSTPONEMENT OR ACCUMULATION OF HOLIDAYS

177. The instruments covered by the present survey do not contain any provision on the time limit within which holidays should be granted or on the postponement or accumulation of holidays. The absence of any such provision and the fact that the instruments refer to the obligation to grant “annual” holidays and prohibit the renunciation of the right to annual leave are taken to mean that the deferment of holidays—which may nullify the whole purpose of the instruments—is not in fact permitted. This view is, however, qualified by certain considerations which, in the absence of any specifications on the subject in the Conventions and Recommendations, should perhaps be mentioned briefly: (a) leave is not normally granted as soon as the qualifying period of service has been accomplished, some measure of delay being sometimes necessary and convenient for both employer and worker; a period of one year following the acquisition of holiday rights is considered as normal in many countries, so that only any delay exceeding a year would be considered as a postponement of the holiday; (b) national provisions authorising the postponement of any part of the holiday which exceeds the internationally prescribed minimum duration cannot be considered as contrary to the letter of the instruments, and may in fact be in the interests of both employers and workers; (c) exceptions may be considered as acceptable in cases where a worker has been unable to take his holidays for a valid reason beyond his control (sickness, military service, etc.) and where such postponement is the only alternative to the replacement of holidays by compensation or the total loss of holiday rights—both of which would be more harmful to the worker. It will, of course, be appreciated that, regardless of these considerations, it is essential to maintain the principle that, in the course of the year, the worker must be granted at least part of his leave in order to enjoy a minimum amount of rest and leisure.

178. The position in the various countries having provisions on the question of the postponement of holidays is briefly as follows. Firstly, as regards the definition

¹ For instance, France—Decree of 26 September 1936, section 5; Norway—1947 Act, section 4; United Kingdom—Government's report.

² For instance, Brazil—Labour Code, section 137; New Zealand—1944 Act, section 3.

³ For instance, France—Decree of 1 August 1936, section 3.

of what constitutes the postponement or accumulation of holidays, it must be noted that a small number of countries¹ have fixed the time limit within which holidays must be granted after the acquisition of the right thereto. This is often fixed at one year but may be as short as 15 weeks—however, such a small time limit would not always be to the worker's advantage, since it might prevent him from taking his vacation during the most appropriate season. Very rarely, according to the information available, does the legislation specifically prohibit the postponement or accumulation of holidays.² More frequently, the legislation specifies a minimum number of days' holiday (usually six working days) which must be granted each year and permits the postponement of the remainder of the holiday.³ An even larger number of countries have provisions permitting the postponement of all earned leave.⁴ Sometimes even if no legislative provision on the subject exists, it is the practice to accumulate several years' holidays because of the long journeys frequently involved.⁵

179. The reasons for which leave may be postponed or accumulated cover a very wide range. Thus, postponement is sometimes permitted by agreement between the parties or with the worker's consent⁶, because of production requirements⁷, at the request of the worker⁸, when the holiday has not been granted through no fault of the worker⁹, because of sickness or military service⁷, in the case of technicians or directors¹⁰; for expatriates living far from their home country¹¹, or because of a state of emergency.¹² As a rule, the postponement of holidays is permitted only for a limited number of years, usually two to three. Further restrictions may be imposed, for example by prohibiting postponement because of the employee's health or conditions of work. On the other hand there are cases where accumulation is permitted without any limit.¹³

180. Observations or requests have been addressed by the Committee of Experts on the question of the postponement of leave to a number of countries, some of which have taken steps to ensure conformity with the Conventions.

¹ For instance, in Canada (certain provinces); Israel—1951 Act, section 6; Thailand—1954 Act, section 6; Turkey—1960 Act, section 3; and Uruguay—1958 Act, section 7, the holiday must be granted within 12 months of the date on which the worker completed his period of service. It must be granted in the course of the calendar year in the Federal Republic of Germany—1963 Act, section 7; within six months in New Zealand—1944 Act, section 3; within four months in Canada (certain provinces); and within 15 weeks in Costa Rica—Labour Code, section 155.

² For instance, Brazil—Labour Code, section 131.

³ For instance, Bulgaria—1958 Resolution, section 11; Iraq—Labour Law, section 13; Israel—1951 Act, section 7; United Arab Republic—Labour Code, section 59; Viet-Nam—Decree of 6 June 1958.

⁴ For instance, Albania—Labour Code, sections 91, 93; Burma—1951 Act, section 4; Central African Republic—Labour Code, section 129; Colombia—Labour Code, section 190; Costa Rica—Labour Code, section 159; Finland—1960 Act, section 5; India—Factories Act, section 79; Morocco—1946 Decree, section 16; Peru—1961 Decree, section 13; Poland—Collective Agreement on Agriculture, section 70; Senegal—Labour Code, section 145; Tunisia—1946 Decree, section 4; U.S.S.R.—Labour Code, section 120.

⁵ For instance, Cameroon (Western)—Government's report; Tanganyika—Government's report.

⁶ For instance, Albania, Burma, Finland, Senegal, Tunisia.

⁷ For instance, Bulgaria.

⁸ For instance, Bulgaria, Israel, United Arab Republic.

⁹ For instance, Albania, U.S.S.R.

¹⁰ For instance, Colombia, Costa Rica.

¹¹ For instance, Costa Rica, Ivory Coast.

¹² For instance, Israel.

¹³ For instance, India.

181. In conclusion, it is clear that there are many cases in which the basic purpose of the annual holiday with pay provisions may be violated because of the authorised postponement for a number of years of the whole vacation. There can be no doubt that this is contrary to the Conventions as they stand, as well as to the spirit of annual holidays. Nevertheless, in view of the present trend towards longer holidays and of the need for flexibility, the postponement of holidays must not be ruled out without qualification. There would accordingly seem to be much to be said for national systems which determine the maximum time limit within which holidays should normally be granted after the worker has become entitled thereto, and indicate that where postponement of annual leave is permitted this should not normally be allowed to affect a specified minimum part of the holiday which must be granted annually.

CHAPTER IX

RELINQUISHMENT, CANCELLATION OR LOSS OF HOLIDAY RIGHTS

182. The various international instruments on holidays with pay contain provisions which are designed, either explicitly or implicitly, to ensure that workers shall not relinquish the right to annual holidays and that such holidays may not be cancelled. They also contain provisions regarding the position of workers whose employment is terminated before they have benefited from any accrued leave and who might thereby lose their right to holidays.

183. Accordingly the present chapter deals successively with the following questions which arise from the examination of national law and practice;

(a) the relinquishment by the worker of his right to a holiday with pay, either subject to the payment of compensation or without any condition:

(b) the cancellation by the authorities or the employer of the right to holidays, whether or not this is subject to the payment of compensation, and the forfeiture of the right to all or part of an annual holiday;

(c) the possible loss of the right to holidays or to holiday compensation when a worker's employment is terminated before he has taken them.

RELINQUISHMENT OF HOLIDAY RIGHTS

184. Both the 1936 Convention and the 1952 Convention on agriculture provide that any agreement to relinquish the right to annual holidays with pay, or to forgo such a holiday, shall be void (Article 4 of Convention No. 52 and Article 8 of Convention No. 101).

185. The information available regarding the possible relinquishment of holiday rights shows that many different systems exist for ensuring that the voluntary or quasi-voluntary waiving of holiday benefits shall be rendered null and void. Although the effect of these various provisions can only be estimated if each individual case is weighed in the light of the general legal provisions and jurisprudence, the relevant provisions may be grouped roughly as follows.

186. In a considerable number of countries, it is specifically stated in the legislation¹ that any agreement to relinquish the right to annual leave shall be null and void. In some cases this general provision is supplemented by other clauses designed to clarify it and facilitate its application. For example, the legislation may specifically add that the waiving of holiday rights will be null even if holiday compensation is paid, as in Bulgaria, Greece and Morocco; or that the inspection services may require the employer to pay into the leave fund a sum equivalent to the lapsed leave

¹ For instance, Belgium—Royal Order of 9 March 1951; Bulgaria—1958 Resolution, section 10; Denmark—1953 Act, section 7; Finland—1960 Act, section 17; Greece—1945 Act, section 5; Italy—Constitution, article 36; New Zealand—1944 Act, section 9; Tunisia—1946 Decree, section 10; Turkey—1960 Act, section 7; United Arab Republic—Labour Code, section 58; Viet-Nam—Labour Code, section 208.

remuneration of any worker not having taken his leave, as in Denmark; or it may add that it will be unlawful for an employer to employ a worker during his holiday, as in Finland and Morocco; or that it is an obligation for the management to see that leave is taken, as in Bulgaria.

187. Occasionally, however, the general provision nullifying the waiving of holiday rights is made subject to exceptions.¹ Sometimes only part of the holiday is protected and the rest may be replaced by compensation.² There are also cases³ in which the terms of the law are less categorical, where, for instance, it is unlawful to depart from the holiday provisions "to the detriment of any employee", or where the relinquishment of the holiday is prohibited, but only "if it reduces the liability of the employer"; such provisions might be found ambiguous, since it could be argued, for instance, that the replacement of holidays by treble pay is not detrimental to the employee and does not reduce the employer's liability, and that, therefore, the renunciation of the holiday is permissible.

188. In other countries the holidays with pay legislation is of a public order, so that any agreement to renounce the right to such a holiday is deemed to be null and void. This principle may be implied, as in France, or may be stated in so many words, as in Colombia. Sometimes the withholding of holidays constitutes a criminal offence, as in Israel, where contracting-out is prohibited under the general rules of the Criminal Law.

189. In yet other cases the law voids any contract or agreement which is less favourable than the prescriptions in respect, *inter alia*, of holidays with pay.⁴ This provision is sometimes supplemented by a clause indicating that the prescriptions in question are binding on every employer and every worker.

190. In another group of countries, where the principle of holidays with pay is implemented mainly through collective agreements, it is difficult to obtain any degree of uniformity as regards the voiding of arrangements for the relinquishment of holiday rights. However, the prohibition to waive the right to holidays may be ensured where collective agreements are made legally binding, where deviations from collective agreements are prohibited in virtue of general provisions governing collective bargaining, where certain collective agreements specify that individual contracts of employment shall not contain clauses less favourable to the worker, or where the employers' and workers' organisations are strongly opposed to breaches of collective agreements and exercise pressure with a view to their implementation. Nevertheless, the difficulty of ensuring that any agreement to forgo the right to holidays shall be void would seem to constitute one of the major obstacles in ensuring the effective and practical application of holiday rights where these are prescribed under a system of voluntary collective agreements and not by law.

191. Finally, in some countries⁵ no provision is made for the nullifying of agreements to forgo holiday rights.

¹ Thus, the Government of the Federal Republic of Germany indicates in its report on Convention No. 101 that, in virtue of the federal Act on annual leave (section 13 (1)), it is not possible to relinquish the right to holidays, and, in its report on Convention No. 52, that the relinquishment of the right to holidays is possible, in virtue of section 4 (4) of the Collective Agreements Act, if it occurs within the framework of agreements authorised by the parties to collective agreements.

² For instance, Nicaragua—Labour Code, section 64.

³ For instance, Burma—1951 Act, section 9; Norway—1947 Act, section 16.

⁴ For instance, Albania—Labour Code, section 14; Czechoslovakia—1959 Act, section 16; Hungary—Labour Code, section 19; U.S.S.R.—Labour Code, sections 4, 19, 28.

⁵ For instance, Austria; Ireland (agricultural workers)—1950 Act, section 3 (7); Tanganyika.

192. The Committee of Experts has found that the large majority of countries bound by the Conventions have measures ensuring that the right to holidays may not be waived. It has, however, found it necessary to address observations or requests on the subject to a small number of countries, some of which have already taken steps to comply with this provision of the instruments. The Committee has also had to refer to this provision in a fair number of cases where the waiving of holiday rights is stated to be null, but where exceptions are permitted in certain specific or general circumstances, so that the worker's entire holiday may be replaced by cash compensation.

193. It will have been noted that neither of the Conventions on holidays with pay indicates whether the prohibition to forgo holidays refers to the internationally established minimum holiday or to the possibly longer holiday determined in the various countries. It may be held that the prohibition refers to the minimum duration established by the Convention and that, for instance, it would not be contrary to the 1936 Convention to permit an agreement providing for the renunciation or the replacement by compensation of that part of the holiday which exceeds the minimum duration laid down in the Convention; on the other hand it might be argued that for social and health reasons it should not be open to the worker to abandon any part of his holiday, even if this exceeds the internationally prescribed minimum holiday. The position in regard to the 1952 Convention on agriculture differs in that the Convention does not fix the minimum duration of the holiday. It would seem, therefore, that the voiding of any agreement for the relinquishment of the holiday, as laid down in this instrument, must necessarily refer to the whole of the nationally prescribed holiday, whatever its length. Yet, it seems unlikely that the authors of the 1952 Convention intentionally sought to have a stricter requirement in this otherwise more flexible instrument than in the 1936 Convention.

194. These difficulties in defining the exact meaning to be attached to the Conventions in regard to the waiving of holiday rights demonstrate that, should the occasion arise, it would perhaps be appropriate to clarify the bearing of their requirements.

CANCELLATION OR FORFEITURE OF HOLIDAY RIGHTS

Cancellation of Holiday Rights

195. Consideration was given in the previous paragraphs to the measures taken to ensure that any agreement to relinquish the right to a holiday should be null and void. There are, however, cases in which the right to holidays may be cancelled—subject in most cases to the payment of extra remuneration—otherwise than by agreement between the parties. These are not necessarily covered by the prohibition in both Conventions of any “agreement” to relinquish the right to holidays, nor is there any specific provision in either of the two Conventions (or the two Recommendations) prohibiting such cancellation. However, the very fact that no exceptions are authorised in the Conventions and also the fact that the voluntary relinquishment of the right to holidays is to be considered as null indicate that the cancellation of holidays by decision of the competent authorities or of the employer, without the worker's agreement, must also be contrary to the Conventions, even if compensation is granted in lieu thereof.

196. There are a number of countries¹ in which it is provided that in a state of emergency, in the national interest, or for other similar reasons, the authorities

¹ For instance, France—Labour Code, Book II, section 54 (*m*); Israel—1951 Act, section 32; Poland—1922 Act, section 6; Tunisia—1946 Decree, section 8.

may order the payment of compensation in lieu of holidays. In other countries ¹ the legislative provisions are such that employers are free to decide that for production, operational, or other reasons, holidays may be withheld and replaced by compensation in cash.

197. In considering the cases where provision is made for the cancellation of holidays, the Committee of Experts has taken the view that, since neither the 1936 nor the 1952 Convention permits any exception, these measures are necessarily contrary to the principle of the Conventions if they are such as to affect the minimum duration of holidays prescribed in these instruments. It has, accordingly, addressed observations or requests on the subject to a number of countries; in some of these cases the necessary measures have already been taken.

198. The instruments on holidays with pay are rather unusual amongst Conventions on conditions of work in that they authorise no exceptions, even in case of national emergency. This is certainly due to the conviction that annual leave is not only necessary to the well-being of the worker but is also in the long-term interests of the employer and of the undertaking. Nevertheless, it has been sometimes argued that in countries where holidays exceed the internationally prescribed minimum duration, it should be permissible to replace part of the holiday by compensation in cash. The possible risk of misunderstanding as to the meaning of the Conventions in this respect—and hence of difficulties in their application—is apparently due to the fact that, although this is implicit in the terms of these instruments, they do not specifically prohibit the cancellation by the authorities or by the employer of the annual leave prescribed therein, even when it is replaced by compensation.

Forfeiture of Holiday Rights

199. There are countries in which the right to a holiday may be forfeited, in whole or in part, (a) when a worker accepts employment during his vacation, (b) when he has been absent from work without authorisation in the course of the qualifying period of service, or (c) when he has given unsatisfactory service.

200. As regards the first of these cases, the 1936 Convention provides that a person who engages in paid employment during the course of his annual leave may be deprived of his right to payment in respect of the holiday (Article 5 of Convention No. 52). In a fair number of countries ² there are provisions of different sorts designed to ensure that a worker rests during his holiday and is not tempted to make use of his leave to earn additional money. These measures may provide for the forfeiture

¹ For instance, Albania—Labour Code, section 90; Brazil—Labour Code, section 143; Czechoslovakia—1959 Act, section 13; Peru—1961 Decree, section 12; U.S.S.R.—Labour Code, section 91.

² For instance, in Denmark—1953 Act, section 7; France—Decree of 1 August 1936, section 6; Greece—1945 Act, section 6; Israel—1951 Act, section 12; Poland—1922 Act, section 3; and the United Arab Republic—Labour Code, section 60, the employer may recover or deduct holiday remuneration if the worker takes employment elsewhere during his holiday; in Spain—1944 Decree, section 35, holiday remuneration may be recovered if the worker works for himself or for others during his vacation; in Finland—1960 Act, section 15, the employer may deduct from the holiday pay any sum earned by the worker during his holiday; in Switzerland (certain cantons), all work during holidays is prohibited; in the United Kingdom (certain collective agreements), it may be forbidden to take paid employment during the holiday; in the Dominican Republic—Labour Code, section 173, both paid and unpaid work is prohibited; in Ireland—1961 Act, section 12, any paid work is prohibited during holidays and workers contravening this provision are guilty of an offence. In Morocco—1946 Decree, section 38, a worker taking employment when on leave is liable to penalties and damages (which may not be less than ten times the holiday allowance); and in Belgium—1951 Royal Order, section 59, a worker engaged in paid or unpaid work during his holidays is liable to a fine or imprisonment.

of holiday rights in such cases, for the recovery of holiday pay by the employer, or, more generally, prohibit work during the annual holiday. The protective measures are less strict in other countries ¹, where a worker is free to work during his holidays, or where he may do so with the employers' approval. It is obvious that none of the above measures is contrary to this permissive clause of the 1936 Convention.

201. As regards the second case, there exist in some countries provisions—not specifically covered in the international instruments—in which workers forfeit their right to holidays or part of their holidays in case of unauthorised absence from work.² This may relate to days of absence for which a worker has been paid, but sometimes it is specifically stated that no pay shall be given in respect of such days. Sometimes, also, the sanction would seem to apply as from the first day of unjustified absence and leave entitlement may even be reduced by two days for one day's absence; in other cases deductions are made only in the case of absence exceeding a prescribed number of days. Although, as already stated, there is nothing in the Conventions on deductions from holidays of days of absence from work, the Committee of Experts has taken the view that such deductions are contrary to the 1936 Convention in regard to unpaid days of absence. As regards paid days of absence, it can be argued that the employer has paid for a day's work and is, therefore, entitled to claim some return if the worker has been absent without a valid reason. Yet, it seems that the two questions, that of unjustified absence and of holidays with pay, should be dealt with separately—except, of course, as regards the effect of such absence on the qualifying period of service, a matter which is dealt with above in paragraph 75. Accordingly it would perhaps be appropriate to give some consideration to the most suitable manner of dealing with this problem.

202. Finally, in rare cases ³ provision is made for the forfeiture of annual leave when the worker's record of services has been unsatisfactory. Such measures are, of course, contrary to the international standards on annual leave.

LOSS OF HOLIDAY RIGHTS ON TERMINATION OF EMPLOYMENT

203. The 1936 Convention provides that a person dismissed for a reason imputable to the employer shall receive holiday remuneration in respect of every day of holiday due to him (Article 6 of Convention No. 52). The agriculture Convention of 1952 is drafted in similar terms, except that it requires the payment of holiday compensation to any person dismissed for a reason other than his own misconduct (Article 9 of Convention No. 101). In addition, provision is made both in the 1952 Convention on agriculture (Article 5 of Convention No. 101) and in the 1954 Recommendation (Paragraph 4 (3) of Recommendation No. 98) for the granting, wherever possible, of proportionate leave or holiday compensation when employment ceases before the worker has completed the necessary period of service; these last provisions, mentioned above in Chapter III as regards the qualifying period of service, are also, of course, directly relevant to holiday compensation on termination of employment.

204. The most generous provisions are those under which a worker receives, on termination of employment, holiday compensation proportionate to his services, regardless of whether or not he has completed a minimum period of service, and

¹ For instance, Hungary, Italy, U.S.S.R.—Governments' reports.

² For instance, Brazil—Labour Code, section 132; Costa Rica—Labour Code, section 160; Czechoslovakia—1959 Act, section 8; Hungary—Labour Code, section 54; Mexico—Labour Code, section 82; and the United Kingdom—certain collective agreements.

³ For instance, China—1962 Regulations, section 17.

regardless of the cause of termination. Such provisions, requiring the payment of holiday compensation on a pro rata basis—whether through a holiday fund or otherwise—exist in a number of countries.¹ Often, however, both in countries with pro rata systems and in others, provision is made for exceptions: sometimes holiday compensation on termination of employment is not required when a worker is dismissed because of a serious fault², or if he is dismissed for a valid reason³, or if the worker leaves prematurely⁴, or without giving proper notice⁵, or on his own initiative.⁶ In yet other cases it seems that the obligation to grant holiday compensation for holidays not taken relates to workers whose employment is terminated after they have completed the full period of service giving entitlement to annual leave.⁷

205. In conclusion, the various holiday systems and provisions afford many different degrees of protection in case of termination of employment, running from the strict pro rata payment of holiday compensation, regardless of the duration of employment, to the granting of such compensation only after a full year has been served and even then only in certain cases of dismissal. Yet this last level of protection is sufficient to comply with the Conventions.

¹ For instance, Belgium—1958 Royal Order, sections 23, 47; Central African Republic—Labour Code, section 129; Finland—1960 Act, section 11; Israel—1951 Act, section 13; New Zealand—1944 Act, sections 3, 4; U.S.S.R.—1930 Regulations, sections 28, 29.

² For instance, France—Labour Code, Book II, section 54 (*k*); Greece—1945 Act, section 5; Norway—1947 Act, section 6; Tunisia—1946 Decree, section 6; Viet-Nam—1955 Order, section 9.

³ For instance, Bulgaria—1958 Resolution, section 28; Federal Republic of Germany—1963 Act, section 7; Costa Rica—Labour Code, sections 153, 156.

⁴ For instance, Federal Republic of Germany.

⁵ For instance, Brazil—Labour Code, section 142; United Kingdom—certain collective agreements; United States—certain collective agreements.

⁶ For instance, Bulgaria—Labour Code, section 177 (*b*); Switzerland—certain cantonal texts.

⁷ For instance, Argentina—Decree 1740, section 7; Burma—1951 Act, section 4; India—Factories Act, section 79; Italy—certain collective agreements; Spain—1946 Decree, section 35; United Arab Republic—Labour Code, section 61.

CHAPTER X

ENFORCEMENT OF HOLIDAY PROVISIONS

206. Three main conditions are required if the granting of holidays with pay is to be enforced. These are the keeping of sufficiently detailed holiday records on which supervision must necessarily be based, provision for penalties in cases of infringement, and an adequate system of inspection. To some extent these are classical requirements of any Convention on conditions of work but they take on special importance in regard to holidays with pay. Here one of the major difficulties in ensuring proper application is to prevent a worker from abandoning his right to benefit from holidays, either in exchange for compensation in cash, or with a view to accumulating longer holidays, or in order to meet the employer's wishes, or for any other reason. Although the voiding of any agreement to relinquish or forgo holidays goes some way towards preventing such voluntary or quasi-voluntary renunciation of holiday rights, the chief means of ensuring that workers benefit from annual leave are holiday records, sanctions and inspection. These three different but inter-related aspects of the enforcement of holiday provisions are dealt with briefly below.

HOLIDAY RECORDS

207. The 1936 Convention provides that in order to facilitate the effective enforcement of its provisions every employer shall be required to keep, in a form approved by the competent authority, a record showing (a) the date of entry into his service of each person employed by him and the duration of annual holiday with pay to which each such person is entitled; (b) the dates at which the annual holiday with pay is taken by each person; and (c) the remuneration received by each person in respect of the holiday (Article 7 of Convention No. 52). The 1954 Recommendation indicates that it should be left to collective agreements, arbitration awards or national laws and regulations to prescribe the system of holiday records which should be maintained and the particulars which should be included in such records, as may be necessary for the proper administration of the provisions or regulations concerning annual holidays (Paragraph 12 of Recommendation No. 98). In the Convention on agriculture of 1952, the question is dealt with indirectly, each ratifying State being required to maintain or satisfy itself that there is maintained an adequate system of supervision (Article 10 of Convention No. 101).

208. The majority of the countries considered have appreciated the importance of appropriate records showing how the holiday provisions are applied in practice and have established statutory or other requirements on the keeping of records and on their contents. In many cases¹, employers must keep separate holiday records containing detailed information on the granting of annual leave. To take an example, in France the holiday register must show the normal holiday period of the undertaking, the date of entry into service of each employee, the duration of the annual

¹ For instance, Belgium—1958 Royal Order, section 5; France—Decree of 1 August 1936, section 9; Greece—1945 Act, section 4; Israel—1957 Regulations; Tunisia—1946 Decree, section 9; United Kingdom—wage regulation orders.

leave to which each person is entitled, the date on which each person goes on leave and the holiday remuneration paid. Sometimes it is considered that the information necessary to show how holiday rights are implemented may be found in records other than holiday records. Thus, in Hungary and the U.S.S.R., for instance, some of the elements regarding annual leave are recorded in the worker's personal file, kept by the undertaking, and others are noted in his pay book.

209. Finally, in a number of countries there is no obligation for employers to keep holiday records. In the Federal Republic of Germany, for instance, it is felt that such records serve no useful purpose and that the implementation of the holiday provisions can be ensured through conciliation provisions, works councils, etc. In Sweden and Tanganyika it is deemed unnecessary for employers to keep records.

210. Following comments made by the Committee of Experts on the subject a number of countries have taken measures to prescribe the keeping of holiday records; observations and requests on the matter are still pending in respect of certain other countries.

211. In conclusion, there would seem to be relatively few cases in which some form of holiday record is not kept; but the most widespread system appears to be a specific holiday register, containing various items of information for each worker. In determining the method in which holiday records are to be kept it must, of course, be kept in mind that the purpose of these records is to inform individual workers of their rights in regard to holidays (this being particularly important where the duration of holidays varies with the length of service and for other reasons); to facilitate the organisation of holidays; to prevent the tacit or agreed renunciation of holiday rights; and, most important, to permit the rapid verification by inspection services or otherwise of the position in any given undertaking as regards the granting of holidays.

SANCTIONS

212. The 1936 Convention provides for the establishment of a system of sanctions to ensure the application of its provisions (Article 8 of Convention No. 52), and the 1952 Convention on agriculture refers in general terms to measures ensuring the application of its provisions (Article 10 of Convention No. 101).

213. In the majority of countries considered, the right to annual vacation is a matter of statutory regulations enforceable by penal sanctions.¹ In a few cases, such as the Federal Republic of Germany and Sweden, although the right to holidays is prescribed by law, this remains a matter of private law, no penalties are imposed and it is left to the parties concerned to ensure enforcement, where necessary, by submitting their case to the civil courts. The position is frequently analogous in countries where holiday rights are settled through collective agreements.²

¹ For instance, Argentina—Decree 1740, section 13; Belgium—1959 Royal Order, section 59; Bulgaria—Labour Code, section 171; Finland—1960 Act, section 20; Israel—1951 Act, section 28; Morocco—1946 Decree, section 56; New Zealand—1944 Act, section 13; Niger—Labour Code, section 220; U.S.S.R.—Criminal Code, section 133; United Kingdom—wage regulation orders.

² For instance, in certain Swiss cantons workers have been given the right to take civil action against employers who fail to grant holidays. In Malaysia (states of Malaya), breaches of collective agreements are actionable if the terms of the agreements are written into individual contracts, and in Singapore penalties are prescribed not only in regard to statutory annual leave but also in regard to non-observance of collective agreements and court awards. In Italy, although the right to annual leave is laid down in the Constitution, there is no system of sanctions and it is the workers or their organisation who must take steps to ensure the enforcement of holiday rights—except as regards

(footnote continued overleaf)

214. As a rule, where sanctions are prescribed, they are applicable to employers. Sometimes, however, sanctions for violations of the holiday requirements are made explicitly applicable to workers also, or more generally any contravention or evasion of the labour laws by the workers is rendered punishable; this is also frequently the case in countries where holiday funds exist, where fines may be imposed on workers having misused their holiday books or stamps.

215. The view has sometimes been expressed that the legal obligation for an employer to pay a worker double or treble wages if he fails to grant him his holiday constitutes a sanction. It seems, however, that such a measure, by giving the worker a financial interest in the disregarding of his right to a holiday, may lead to the extensive violation of national provisions, and would not in any event be an appropriate substitute for a system of sanctions. Accordingly, the Committee of Experts has taken the view that in such cases also provision must be made for appropriate sanctions.

216. In conclusion it must be noted that there has been little difficulty amongst ratifying countries in complying with the relevant requirement of the 1936 Convention, and the information supplied by non-ratifying countries shows that here also, with some few exceptions, all have adopted a system of sanctions as a necessary means of ensuring the uniform and satisfactory implementation of holiday provisions.

INSPECTION

217. The question of labour inspection in general is, of course, dealt with in detail in the Labour Inspection Convention, 1947 (No. 81) (ratified by 55 States and declared applicable to 18 non-metropolitan territories), and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) (declared applicable without modification to 26 territories). However, as regards holidays with pay in particular, the need for measures of this sort is recognised in the 1952 Convention on agriculture which specifies that a ratifying State should maintain or satisfy itself that there is maintained an adequate system of inspection and supervision (Article 10 of Convention No. 101). It will be noted that this instrument, which, as already indicated above, is drafted on flexible lines, leaves some latitude as to the nature and functioning of the system of inspection, provided it serves the purpose of ensuring that holidays are effectively granted.

218. Although relatively few countries have supplied information on the question of labour inspection in respect of holidays, it would seem that various systems of inspection or supervision exist in the majority of countries with a view to ensuring, *inter alia*, the granting of annual holidays. In most cases the general labour inspection service is required to supervise the implementation of the holiday provisions. In some countries, such as Poland, this is done through the trade union inspection service and by the public authorities. Sometimes it is specified that the inspection service or labour department is responsible for the implementation both of statutory provisions and of awards and collective agreements, as in New Zealand and Senegal. Officials of holiday funds are sometimes required to assist the labour inspection service, as in Israel and Norway. Other methods of supervision may be prescribed, as in Uruguay for instance, where collective agreements must provide for joint com-

collective agreements having been given force of law, in which case penalties are prescribed. In the United Kingdom, implementation is ensured by the employers' organisations and the trade unions and these organisations have the statutory right to invoke the adjudication of the industrial court when the terms of a collective agreement are not being observed.

mittees to supervise the granting of leave in undertakings where over 15 workers are employed. In Belgium supervision of holiday provisions is done through specially appointed officials and officials of the national holiday funds. In Czechoslovakia the application of holiday provisions is ensured by the trade union committee and they may also be enforced by any employed person through the arbitration procedure or before the courts. In the Federal Republic of Germany enforcement is ensured through the submission of claims by conciliation boards, by the obligation for works councils to supervise the granting of holidays and by the pressure of the parties involved.

219. As regards agriculture, application is sometimes ensured by special rural labour inspectorate services, as in Colombia, or by inspectors of social legislation in agriculture, as in Morocco and Tunisia. In other cases, the general labour inspection services supervise the implementation of holiday provisions in agriculture. One country having ratified the 1952 Convention on agriculture (Federal Republic of Germany) has stated its opinion that the application of the Convention is satisfactorily ensured by the activities of works councils and members of employers' and workers' organisations and by the fact that agricultural workers may claim an annual holiday with pay before the Labour Court. The Committee has, however, taken the view that more concrete measures are required under the Convention if the rights of all workers in this respect are to be safeguarded.

220. In conclusion it would seem from the information available that most countries have a system of inspection ensuring the application of holiday provisions for workers in general, on the lines set out, in respect of agricultural workers, in the 1952 Convention.

GENERAL CONCLUSIONS

DIFFICULTIES IN THE WAY OF RATIFICATION, AND RATIFICATION PROSPECTS

221. Two sources exist to show the difficulties experienced by governments in giving effect to the provisions of the Conventions on holidays with pay. The first is to be found in the observations and requests which the Committee of Experts has had to address to countries bound by the Conventions—these are mentioned briefly above in the survey, under the various headings. The other source is the reports supplied under article 19 of the Constitution, in which governments not having ratified the Conventions were asked in particular to indicate any difficulties due to the Conventions, to the legislation or to the national practice which prevented or delayed ratification. The various points mentioned by governments in this connection under the two Conventions on holidays with pay as constituting obstacles to ratification may be summarised as follows.

222. As regards the 1936 Convention the difficulties are stated by some countries to be due to the fact that the general scope of the national provisions is more restricted than that of the Convention (India, Kenya, Pakistan, Turkey) or that certain categories of workers such as profit-sharers or part-time workers are excluded from the national provisions (Norway, Sweden). Certain governments indicate that ratification is not possible because it is felt that the subject-matter of the Convention is appropriate for voluntary collective bargaining and that government intervention must be reduced to a minimum (Cyprus, United Kingdom), or because in certain constituent states annual leave is not regulated by statutory provisions (Switzerland). In other cases it is merely stated that the Convention is too detailed (Netherlands) or that there would be practical difficulties in giving effect to its provisions (Costa Rica).

223. Other governments refer to individual provisions of the Convention and to the absence of corresponding provisions at the national level as constituting obstacles to ratification; in some of these cases, it will be noted, the national provisions are in fact sufficient to give effect to the Convention as regards the specific points raised and the governments' fears of divergences are unfounded. It is sometimes stated that difficulties exist because the national provisions do not require an increase in the duration of holidays with length of service (Article 2 (5) of the Convention (Belgium, Federal Republic of Germany, Ireland, Tanganyika), but such an extension is not necessary under the Convention in countries where the national minimum exceeds the six working days prescribed by the Convention. Other countries indicate that difficulties arise because of the requirement that public and customary holidays shall not be deducted from the annual leave (Article 2 (3) of the Convention (Austria, Chile, Poland), but this is not required by the Convention in countries where the minimum duration of the holiday is such that, even with the deduction of any public holiday occurring during the leave period, the annual holiday enjoyed by the worker is not less than the six working days prescribed by the Convention. Sometimes reference is made to difficulties because young workers are not entitled to longer holidays than adult workers (Article 2 (2) of the Convention (Chile), but such an

extension is not necessary under the Convention if the young workers receive at least the 12 working days specified in the Convention.

224. Another difficulty mentioned is the requirement (Article 2 (3) of the Convention) that interruptions of work due to sickness may not be deducted from annual leave (Chile); one country (Belgium) refers to this difficulty although such deductions are prohibited under national provisions in all cases except that of sickness occurring during the annual holiday.

225. The requirement in the Convention (Article 4) that any agreement to waive the right to holidays shall be null and void is sometimes stated to be an obstacle to ratification (Austria, Federal Republic of Germany, Tanganyika); or else the provision (Article 2 (4)) that, when holidays may be divided into parts, one part must consist of at least six working days (Belgium, Chile, Federal Republic of Germany); or else the absence of any provision in the Convention permitting the postponement of leave (West Cameroon).

226. Some countries (Austria, Chile) mention as a difficulty the obligation to give a worker dismissed for a reason imputable to the employer remuneration for holidays due to him (Article 6); it will, of course, be appreciated that compliance with this provision of the Convention does not necessarily call for the granting of holidays and that it can be met by the payment of holiday compensation in lieu of actual holidays with pay. One country (Ghana) indicates that the obligation to include in the holiday remuneration the cash equivalent of payments in kind would give rise to difficulties. Yet another obstacle mentioned (Tanganyika) is the Convention's provision (Article 5) that a person engaging in paid employment during his holiday may be deprived of his right to holiday remuneration; this provision of the Convention is, of course, a permissive clause and does not call for implementing measures by ratifying States.

227. The problems raised by governments in regard to the 1952 Convention on holidays with pay in agriculture are somewhat similar to those mentioned above as regards the 1936 Convention. Some governments indicate that the scope of the national provisions relating to agriculture is insufficient either because there are not yet enough collective agreements ensuring the granting of holidays to agricultural workers (Malaysia—states of Malaya), or because the model agreements providing for such holidays are not binding (Switzerland). The lack of legislation on holidays with pay for agricultural workers, due to the fact that there are in practice no regularly employed wage earners in agriculture, is also stated to be a reason for not ratifying the Convention (Rwanda). One country (Ireland) indicates that the national legislation is in direct conflict with the Convention's requirement that annual leave may not be relinquished (Article 8). Other difficulties mentioned by governments include the absence of national provisions fixing longer holidays for young workers and for long-service workers (Chile, Tunisia, Viet-Nam), prescribing the right to proportionate holidays for short-term workers (Chile, Tunisia) or excluding sickness, public holidays, etc., from the annual holiday (Chile); it should be noted, however, that these questions are all dealt with in Article 5 of the Convention which is not mandatory and does not impose an obligation on ratifying countries.

228. This survey of difficulties mentioned by governments demonstrates that there are relatively few cases in which the ratification of the Convention is prevented by serious obstacles. More often ratification seems to be prevented by the fear of divergences in respect of secondary points, and even these are sometimes seen to be unfounded. Accordingly, bearing in mind the minor nature of many of the difficulties mentioned by governments, the fact that many reports indicate that the

national standards on annual leave are in all respects equal to or higher than those laid down in the Conventions, and also that a considerable number of governments state that holiday legislation is being introduced, supplemented or revised, there is every reason to expect further ratifications of the two Conventions on holidays with pay during the coming years.

REVISION OF THE HOLIDAYS WITH PAY CONVENTION, 1936 (No. 52)

229. The pronounced trend towards improving holiday conditions is to be found in a wide range of countries, and recent developments show that it is still continuing. This trend manifests itself by the granting of longer holidays either in virtue of new statutory minima, or of voluntary action setting standards which are higher than the legal minima. It is also demonstrated by many measures which, without actually extending the minimum duration of holidays, improve the position of workers who otherwise would either not be eligible for annual leave or would lose their right to all or part of their holiday. For instance, the granting of holidays on a pro rata basis without the strict requirement of a full year's service with one employer extends holiday rights to a large category of workers, who because of the nature of their occupation would not otherwise qualify for annual leave, or whose employment is terminated before they receive their holiday. Similarly, new measures, often very detailed, are being introduced to ensure that holidays should not be reduced because of justified interruptions of work, to specify methods for calculating holiday remuneration, etc.

230. All the above developments have resulted in increasingly complex measures for the regulation of holidays. Thus, whereas in the earliest laws on the subject it was frequently thought sufficient to state briefly the principle of and the right to so many days' holiday with pay each year, present texts dealing with annual leave are usually extensive. This growing complexity in the texts dealing with holidays normally means that workers' rights in this respect are more widely protected and that obligations are more clearly defined. But it also means that many variants are introduced and that it is increasingly difficult to set in some detail any common international standard. This is particularly noticeable in regard to certain points of detail which, although secondary in nature, are nevertheless of considerable importance in ensuring that all workers should be eligible for, and should effectively be granted, annual holidays with pay.

231. There would therefore seem to be reason to consider that whilst the main purpose of revising the 1936 Convention would be, as indicated by the Conference in its resolutions, to extend the minimum duration of holidays, account should also be taken in the revised text of the more complex nature of present-day national provisions. Yet, since many variants frequently render impracticable the determination of fixed common standards, the revised Convention would have to allow for a large degree of flexibility.

232. In short, the present survey of the position in various countries as regards holidays would appear to show that any future international text on the subject should have two distinct aspects if it is to combine efficacy as a standard-setting text with flexibility permitting implementation on a reasonable scale. On the one hand, the new instrument should lay down binding requirements on the matters directly affecting the principle and minimum duration of holidays with pay. On the other hand, in respect of all other points, it should be flexible and realistic as regards both the means of implementation and the contents of the national provisions; this flexibility may be achieved, for example, by requiring ratifying States to take measures

on a given point, whilst leaving them free to decide on the nature of these measures and on their precise contents.

233. Before concluding, it should perhaps be stressed once again that throughout the above comments the Committee has endeavoured as far as possible to meet the Governing Body's wish that the survey on the holidays with pay Conventions and Recommendations "should provide full and specific data on the basis of which the question of the revision of [the Holidays with Pay Convention, 1936] might be considered". It would, of course, be inappropriate, in the framework of the present report, to make concrete proposals for the revision of the 1936 Convention on holidays with pay. It is however hoped that the analysis carried out under the various headings in this survey may be useful in drawing attention to those points of the Convention whose application is rendered difficult because of lack of flexibility or clarity, and to those which have become out-dated, and that it will also supply an indication of certain new standards (drawn from later instruments or national systems) of which account might be taken in this connection.

FINAL REMARKS

234. The rapid and continuing extension during the past 30 years in the measures prescribing the right to annual holidays may be explained by two basic but fundamentally different aspects of economic, technical and social development.

235. The first of these relates to rising productivity and was noted by the Conference in its 1961 resolution on holidays with pay.

236. The second of these aspects is the changed attitude of both employers and workers towards the institution of annual leave. Thirty years ago the right to holidays was in practice the prerogative of a small élite of salary earners and of well-organised industrial workers, in a small number of countries, and the idea of introducing annual holidays with pay for all workers was foreign to the concept of normal industrial and commercial conditions. Moreover, although trade union and other movements had for many years sought the general recognition of the right to annual leave, the workers themselves were often unfamiliar with the notion of a yearly holiday. All this has now changed. For the worker himself annual holidays with pay are now a customary and necessary part of present conditions of work. For the employer planning labour costs, it is now normal to include an additional entry for holiday remuneration at the approximate rate of an extra 2 per cent. for each week's holiday. And for the public authorities, the question of annual leave and its extension is now a normal part of any general policy for the improvement of conditions of work. This trend has been further emphasised in recent years with the widespread recognition of the fact that the increased pace and rhythm of work resulting from modern technology and the consequent greater risk of nervous and physical disorders and diseases due to mental and physical fatigue necessitate longer annual holidays.

237. In these circumstances, it is particularly opportune that, in conformity with the resolution on holidays with pay adopted by the Conference in 1961, measures are now being considered by the I.L.O. with a view to raising present international standards on annual holidays with pay.

LEGISLATION CONSULTED

(Annual Holidays with Pay)

ALBANIA

Constitution of 4 July 1950, article 25.

Act No. 2250 of 3 April 1956 to promulgate a Labour Code, section 79, etc. (*Gazeta Zyrtare e Republikës Popullore të Shqipërisë*, 20 April 1956, No. 4, p. 72 ; L.S.¹ 1956—Alb. 2).

ARGENTINA

Decree No. 28169/44 of 17 October 1944 to approve the Agricultural Workers' Code (*Boletín Oficial (B.O.)*, 13 November 1944, Year LII, No. 15043, pp. 1-14 ; L.S. 1944—Arg. 3).

Legislative Decree No. 1740/45 of 24 January 1945 to provide that persons employed on account of an employer shall be entitled to an annual holiday of 10 to 15 days (*B.O.*, 2 February 1945, Year LIII, No. 15110, pp. 14-15 ; L.S. 1945—Arg. 1).

Decree No. 28055/45 of 7 November 1945 to fix the scale of annual holidays for employees of the Transport Corporation (*B.O.*, 4 December 1945, Year LIII, No. 15352, p. 12).

Decree No. 32412/45 of 17 December 1945 respecting the employment of minors, as amended by Decree No. 30428/48.

Decree No. 23854/46 of 28 December 1946 to issue rules respecting the annual holidays of homeworkers (*B.O.*, 10 January 1947, No. 15669, p. 4 ; L.S. 1946—Arg. 3).

Legislative Decree No. 326 of 14 January 1956 concerning the rights and duties of domestic staff (*B.O.*, 20 January 1956, No. 18072, p. 1 ; L.S. 1956—Arg. 1).

Decree No. 6666 of 1957 to lay down the public service rules.

Commercial Code (section 155).

AUSTRALIA

Commonwealth :

Public Service Act, 1922-1960.

States :

New South Wales.

Annual Holidays Act, No. 28 of 1958.

Victoria.

Labour and Industry Act, 1958.

Northern Territory.

Wards' Employment Ordinance, 1953-1959.

Non-Metropolitan Territories :

Nauru.

Chinese and Native Labour Ordinance, 1922-1953 : Ordinance No. 18 of 18 November 1922 (L.S. 1922—L.N. 4), as amended by Ordinance No. 5 of 1923 (L.S. 1923—L.N. 3) and the Ordinance of 22 January 1924 (L.S. 1924—L.N. 3).

Public Service Ordinance, 1961-1962.

Norfolk Island.

Public Service Ordinance, 1941, and the Regulations made thereunder.

Papua and New Guinea.

Public Service Ordinance, 1949-1962.

Native Apprenticeship Ordinance, 1951-1961.

Administration Servants Ordinance, 1958-1960.

¹ L.S. = *Legislative Series*, published by the I.L.O.

AUSTRIA

Civil Code, article 1154 (*b*).

Journalists Act of 11 February 1920 (*Staatsgesetzblatt*, No. 88, 1920), as amended in 1921, 1955 and 1958.

Act relating to the contract of service of private employees (*L.S.* 1921—Aus. 1 ; *Bundesgesetzblatt* (*BGBI.*), No. 292), as amended by Federal Act of 21 May 1958 (*BGBI.*, 6 June 1958, No. 31, Text 108).

Act of 13 July 1922 relating to theatrical contracts of service (*BGBI.*, No. 441 ; *L.S.* 1922—Aus. 3), as amended by Federal Act of 21 May 1958.

Estate Employees Act of 26 September 1923 (*BGBI.*, 5 October 1923 ; *L.S.* 1923—Aus. 2).

Federal Act of 21 May 1958 to amend and further to supplement the provisions concerning holidays (*BGBI.*, 6 June 1958).

Federal Government Notice of 13 January 1959 to promulgate a codified text of the Act respecting the annual holidays of workers (*BGBI.*, 6 February 1959).

Federal Act of 15 November 1961 further to amend the Building Workers' Leave Act of 1957 (*BGBI.*, 24 November 1961, No. 79, Text 270 ; *L.S.* 1961—Aus. 1).

Federal Agricultural Labour Act of 2 June 1948 (*BGBI.*, 12 August 1948, No. 31, p. 515 ; *L.S.* 1948—Aus. 2).

Federal Act of 1 July 1948 respecting the employment of children and young persons (*BGBI.*, 19 August 1948 ; *L.S.* 1948—Aus. 3).

Home Work Act of 10 March 1954 (*BGBI.*, 10 April 1954, No. 13, Text 66 ; *L.S.* 1954—Aus. 1).

BELGIUM

Royal Order of 9 March 1951 to issue a consolidation of the Acts and legislative orders respecting the annual vacations of employees (*Moniteur belge* (*M.B.*), 29 March 1951, No. 88, *errata* 9 April ; *L.S.* 1951—Bel. 1B), as amended by the Royal Order of 14 February 1961 (*M.B.*, 15 March 1961).

Ministerial Order of 30 March 1954 to fix the theoretical wage payable in respect of days not worked which are treated as days of actual work (*M.B.*, 5 May 1954), as amended by the Ministerial Order of 16 January 1958 (*M.B.*, 15 February 1958) and by the Ministerial Order of 25 January 1961 (*M.B.*, 17 February 1962).

Royal Order of 5 April 1958 to prescribe the general manner of administering the laws respecting the annual vacations of wage earners (*M.B.*, 21-22 April 1958 ; *errata*, 6 June 1958), as amended by the Royal Order of 6 April 1959 (*M.B.*, 10 April 1959).

Act of 18 December 1962 respecting the granting of additional holiday pay to wage earners in 1962 and 1963 (*M.B.*, 17 January 1963).

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, section 132, etc. (*D.O.*, 9 August 1943, Vol. LXXXII, No. 184, p. 11937 ; *L.S.* 1943—Braz. 1), Part II, Chapter IV ; as amended by Act No. 605 of 5 January 1949 (*D.O.*, section I, 14 January 1949, No. 11, p. 633 ; *L.S.* 1951—Braz. 1) and Act No. 1530 of 26 December 1951 (*D.O.*, 28 December 1951, No. 298, p. 18851 ; *L.S.* 1951—Braz. 1).

Act No. 4214 to lay down the conditions of employment of rural workers (*D.O.*, 18 March 1963, No. 52, p. 2857).

BULGARIA

Labour Code of 1951, section 53, etc. (*Izvestiya*, 13 November 1951 ; *L.S.* 1951—Bul. 2), as amended in 1957 (*Izvestiya*, 15 November 1957 ; *L.S.* 1957—Bul. 2) and 1963 (*L.S.* 1963—Bul. 1, A, B, C).

Resolution of 8 March 1958 of the Council of Ministers to approve Ordinance No. 36 respecting the leave of wage and salary earners (*L.S.* 1958—Bul. 4 ; *Izvestiya*, 11 March 1958), as amended by Resolution No. 122 of 30 April 1960 (*Izvestiya*, 13 May 1960, No. 39, p. 1 ; *L.S.* 1960—Bul. 2).

Decision No. 1522 of 30 September 1958 of the Council of Ministers to supplement section 53 of the Ordinance of 8 March 1958 respecting the leave of wage and salary earners (*Izvestiya*, 3 October 1958, No. 79, p. 1).

Resolution No. 35 of 28 February 1961 of the Council of Ministers to make provision for the periods of leave and allowances to be granted to persons following study courses without being absent from work (*Izvestiya*, 3 March 1961, No. 18, p. 3; *L.S.* 1961—Bul. 1).

BURMA

Payment of Wages Act, 1936 (I.L.O., *Asian Labour Laws*, New Delhi, 1951).

Minimum Wages Act, No. 66 of 1949 (*L.S.* 1949—Bur. 1).

Dockworkers (Regulation of Employment) Scheme, 1951.

Leave and Holidays Act, No. 58 of 1951. Dated 1 January 1952 (*Burma Labour Gazette*, January 1952, No. 1, p. 3; *L.S.* 1952—Bur. 1).

BYELORUSSIA

Constitution of 1937, article 94.

Labour Code, section 114, etc.

Order of the Council of People's Commissars of the U.S.S.R. No. 1563 of 25 July 1935, regarding the method of calculating average remuneration in regard to holidays (*Sobranie Zakonov*, 1935, No. 40, p. 338).

Order of the Secretariat of the Central Council of the Confederation of Trade Unions of 9 September 1935 regarding the calculation of average earnings (*Bulletin of the Central Council*, 1935, No. 19).

Decree of the U.S.S.R. Supreme Soviet of 8 July 1944 respecting the effect of confinement on annual leave, annual leave in educational establishments, etc.

Decree of the Praesidium of the U.S.S.R. Supreme Soviet of 15 August 1955 respecting annual holidays and conditions of work for young workers.

Decree of the Praesidium of the U.S.S.R. Supreme Soviet of 15 July 1958.

Decree No. 720 of the U.S.S.R. Council of Ministers of 2 July 1959 respecting extra leave in connection with studies.

Decree No. 1233 of the U.S.S.R. Council of Ministers of 5 November 1959 respecting extra leave in connection with examination.

Order of the State Committee for Labour and Wages of 24 December 1960 respecting additional leave in unhealthy occupations.

CAMEROON

Eastern Cameroon :

Act No. 52-1322 of 15 December 1952 to establish a Labour Code, in the Overseas Territories of France, section 121, etc. (*Journal officiel*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5).

Order No. 4914 of 5 October 1953 relating to registers.

Act No. 56-332 of 27 March 1956 to amend the provisions on annual leave with pay, promulgated in Cameroon by Order No. 7440 of 10 November 1956.

Order No. 7302 of 5 November 1956 to make detailed provision for the application of Act No. 56-332 of 27 March 1956.

CANADA

Dominion :

Federal Annual Vacations Act, 1958, and Regulations (Privy Council), 1958-1320.

Provincial :

Alberta.

Labour Act, Part III, and Orders No. 5 (1961), No. 6 (1958 as amended) and No. 32 (1959) concerning construction industries, and No. 15 (1948) concerning the coal-mining industry.

British Columbia.

Annual Holidays Act of 11 April 1946, Chapter 4 of 1946.

Manitoba.

Vacations with Pay Act, 26 April 1947 (2 Geo. VI, Chapter 62 : *Statutes of Manitoba* (S.M.), 1947, p. 279), as amended by the Vacations with Pay (Amendment) Acts of 9 April 1948 (S.M., 1948, p. 254), 22 April 1950 (S.M., 1950), 18 April 1953 (S.M., 1953, p. 297), 29 March 1956 (S.M., 1956, p. 527), 4 August 1959 (S.M., 1959, p. 485) and 1 May 1962 (S.M., 1962, p. 317).

Regulation No. 35 of 28 July 1947 (*Manitoba Gazette*, 2 August 1947, No. 31, p. 951) and Regulation No. 19 of 1961.

New Brunswick.

Vacation Pay Act.

Nova Scotia.

Vacation Pay Act, 3 May 1958 (7 Eliz. II, Chapter 14) (*Statutes of Nova Scotia*, 1958, p. 137).

Ontario.

Hours of Work and Vacation Pay Act (Chapter 181 of the *Revised Statutes of Ontario*, 1960), as amended by the Hours of Work and Vacations with Pay Amendment Act, 1961-62, of 18 April (10-11 Eliz. II, Chapter 58), and Regulations No. 241 (*Rules and Regulations of Ontario*, 1960).

Quebec.

Minimum Wage Act.

Ordinance No. 3 of 1962 respecting annual vacations with pay.

Saskatchewan.

Annual Holidays Act, 1960 (L.S. 1960—Can. 1.) and Regulations, O.C. 795/60.

Yukon.

Annual Vacations Ordinance.

CENTRAL AFRICAN REPUBLIC

Act No. 61/221 of 2 June 1961 to establish a Labour Code, section 128, etc. (*Journal officiel*, 15 July, 1-15 August 1961).

Orders issued under the former Overseas Labour Code of France.

CEYLON

Wages Boards Ordinance, No. 21 of 1941 (*Legislative Enactments of Ceylon* (L.E.C.), Chapter 129), as amended, and decisions and orders issued thereunder.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (L.E.C., Chapter 136 ; L.S. 1954—Cey. 1), as amended by Act No. 60 of 1959 (L.S. 1957—Cey. 2).

Regulations issued by the Secretary of the Treasury respecting annual leave for public officers.

Consolidated Decisions and Orders of Wages Boards (*Ceylon Labour Gazette*, Vol. X, No. 12, December 1959 ; and *Ceylon Government Gazette*, Nos. 9224 of January 1944, 9564 of April 1946 and 10035 of October 1949).

CHAD

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Overseas Territories of France, section 121, etc. (*Journal officiel de la République française* (J.O.), 15-16 December 1952 ; L.S. 1952—Fr. 5), as amended by Act No. 8-61 of 9 March 1961 (J.O., 15 March 1961).

Order No. 3018 of 29 September 1953 respecting employers' registers.

Order No. 1595 of 1 June 1956 to promulgate the Act of 27 March 1956.

Order No. 960/IGT/AEF of 11 March 1957, issued under Act No. 56-332 of 27 March 1956 (*Journal officiel de l'Afrique équatoriale française*, 15 March 1957, No. 6).

CHILE

Legislative Decree No. 178 of 13 May 1931 to ratify the Labour Code, section 98, etc. (*Diario Oficial* (D.O.), 28 May 1931 and 6 July 1931, Year LIV, Nos. 15982 and 16014, pp. 2875

and 3448 ; *L.S.* 1931—Chile 1), as amended by Act No. 6812 of 31 January 1941 (*D.O.*, 8 March 1941, Year LXIV, No. 18907, p. 733 ; *L.S.* 1941—Chile 2) and Act No. 8067 of 23 January 1945 (*D.O.*, 10 February 1945, Year LXVIII, No. 20079, pp. 285-286 ; *L.S.* 1945—Chile 1).

Regulation No. 545 of 24 May 1932 respecting conditions of work in industrial undertakings, as amended by Decree No. 426 of 30 October 1932.

Regulation No. 969 of 18 December 1932.

Act No. 7295 of 22 October 1942 respecting private employees.

Model International Rules for Agricultural Undertakings.

CHINA

Factory Act of 30 December 1932 (section 17, etc.) and Factory Regulations of 30 December 1932 (*L.S.* 1932—Chin. 2 A, B).

Regulations governing the leave of absence of public officials, as amended on 11 May 1956.

Administrative Management Regulations, as amended on 17 March 1961.

Regulations governing the leave of absence of employees in transport undertakings, issued by the Ministry of Communications on 10 March 1962.

COLOMBIA

Decree No. 2663 of 5 August 1950 to promulgate the Labour Code (*Diario Oficial (D.O.)*, 9 September 1950, No. 27407, p. 929 ; *L.S.* 1950—Col. 3), as amended by Decree No. 617 of 1954.

Act No. 72 of 28 May 1931 to provide holidays with pay for persons employed in official establishments, departments or undertakings (*D.O.*, 5 June 1931 ; *L.S.* 1931—Col. 1), as amended by Decree No. 1054 of 1938 (*D.O.*, 20 July 1938, No. 23830, p. 124).

Decree No. 484 of 1944.

Decree No. 2939 of 22 December 1944 to establish certain provisions for public wage-earning and salaried employees (*D.O.*, 11 January 1945, No. 25738, p. 86).

Decree No. 1418 of 1945 respecting P.T.T. employees in the Ministry of Communications.

Act No. 84 of 1948 respecting persons employed in the campaign against tuberculosis.

Decree No. 3664 of 1950 respecting employees in the judiciary.

Resolution No. 6 of 1955 respecting workers in the National Telecommunications Undertaking.

Act No. 188 of 1959 respecting apprenticeship in private employment.

Decree No. 2512 of 1960 respecting teachers in public educational establishments.

CONGO (BRAZZAVILLE)

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Overseas Territories of France, section 121, etc. (*Journal officiel de la République française (J.O.)*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5).

Order No. 3018 of 5 October 1952 relating to employers' registers.

Order No. 56-332 of 27 March 1956 respecting annual holidays (*J.O.*, 31 March 1956, No. 78).

Order No. 960/IGT/AEF of 11 March 1957, issued under Act No. 56-332 of 27 March 1956 (*Journal officiel de l'Afrique équatoriale française*, 15 March 1957, No. 6).

CONGO (LEOPOLDVILLE)

Decree of 27 July 1955 concerning works rules.

Decree of 23 July 1957 concerning apprentices' contracts.

Decree of 27 June 1960 to approve the Code of Internal and Maritime Navigation.

Legislative Decree of 1 February 1961 concerning contracts of employment, sections 65-68.

Ordinance No. 5 of 1 February 1961 concerning the application of the Legislative Decree of 1 February 1961 concerning contracts of employment.

COSTA RICA

Political Constitution of 7 November 1947, article 59 (*La Gaceta*, 7 November 1949, Extraordinary No. 251, p. 2469 ; *L.S.* 1949—C.R. 3).

Act No. 2 of 27 August 1943 to promulgate the Labour Code, section 153, etc. (*La Gaceta*, 29 August 1943, Year LXV, No. 192, p. 1169; *L.S.* 1943—C.R. 1), as amended by Act No. 33 of 23 June 1944 (*La Gaceta*, 27 June 1944; *L.S.* 1944—C.R. 1), Act No. 859 of 2 May 1947 (*La Gaceta*, 7 May 1947; *L.S.* 1947—C.R. 1), Decree No. 717 of 24 August 1949 (*La Gaceta*, 20 September 1949; *L.S.* 1949—C.R. 2), Act No. 1390 of 22 November 1951 (*La Gaceta*, 5 December 1951; *L.S.* 1951—C.R. 2) and Act No. 1948 of 4 October 1955 (*La Gaceta*, 8 October 1955; *L.S.* 1955—C.R. 1).

Civil Service Regulations, Regulation 37(B).

Rules issued in application of the Civil Service Regulations, Rule 28.

CUBA

Fundamental Law of the Republic of 7 February 1959, article 67.

Act No. 40 of 22 March 1935 respecting holidays with pay (*Gaceta Oficial (G.O.)*, 26 March 1935, No. 69, p. 5314; *L.S.* 1935—Cub. 4).

Decree No. 1435 of 28 May 1953 respecting holidays with pay (*G.O.*, 21 July 1953, p. 12634).

Decree No. 1685 of 27 May 1958 to repeal section 9 of Decree No. 1435 of 1953 (*G.O.*, 28 May 1958, No. 101, p. 9447).

Resolution No. 290 of 1 December 1958 of the Ministry of Labour to include maternity leave in the qualifying period of service for the purpose of annual leave.

Act No. 1023 of 27 April 1962 to extend the legislation in force concerning annual leave with pay to state officials, salaried employees and wage earners employed by public bodies.

Resolution No. 5798 of 27 August 1962.

CYPRUS

Children and Young Persons (Employment) Law, Chapter 178 of the Laws of Cyprus (*L.S.* 1953—Cyp. 2).

Hotels (Conditions of Service) Regulations, 1953 and 1956.

CZECHOSLOVAKIA

Act No. 81 of 18 December 1959 respecting vacation leave with pay (*Sbírka Zákonů (S.Z.)*, 31 December 1959, No. 38, Text 81; *L.S.* 1959—Cz. 3A).

Notification No. 82, dated 28 December 1959, of the Central Council of Trade Unions to apply certain provisions of Act No. 81 of 18 December 1959 respecting vacation leave with pay (*S.Z.*, 31 December 1959, No. 38, Text 82; *L.S.* 1959—Cz. 3B).

Ordinance No. 28 of 18 March 1960 respecting the supplementary leave granted to employees (*S.Z.*, 4 April 1960, No. 12, Text 28).

DAHOMY

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Overseas Territories of France, section 121, etc. (*Journal officiel de la République française (J.O.)*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5).

Act of 27 March 1956 to amend the system of annual leave with pay (*J.O.*, 31 March 1956).

General Order No. 10-844 IGTLs/AOF of 17 December 1956 to apply the Labour Code of 1952 and the Act of 27 March 1956 (*Journal officiel de l'Afrique occidentale française*, 29 December 1956).

DENMARK

Apprenticeship Act No. 120 of 7 May 1937 (*Lovtidende A (Lov.A)*, 15 May 1937, No. XVIII, p. 687).

Act No. 65 of 31 March 1953 respecting paid leave (*Lov.A*, 1 April 1953, No. VIII, p. 121; *L.S.* 1953—Den. 2).

Notification No. 180 of 3 June 1953 concerning the granting of annual leave to personnel in hotels and restaurants who are remunerated by gratuities (*Lov.A*, 30 June 1953, No. XX, p. 619), as amended by Notification No. 56 of 10 March 1955 (*Lov.A*, 23 March 1955, No. VIII, p. 169), and Notification No. 222 of 20 June 1962 (*Lov.A*, 1962, No. XIX, p. 736).

Regulations of 3 March 1954, respecting holidays for municipal officials.

Apprenticeship Act No. 261, dated 2 October 1956, (*Lov.A.* 9 October 1956, No. XXVIII, p. 571 ; *L.S.* 1956—Den. 2).

Order of 13 January 1959 of the Minister of Finance.

Act No. 156 of 31 May 1961 respecting agricultural and domestic workers (*Lov.A.* 1961, No. XI, p. 284 ; *L.S.* 1961—Den. 2).

Non-Metropolitan Territories :

Farøe Islands.

Holidays with Pay Act No. 31 of 19 March 1951, as amended by Act No. 37 of 3 May 1957.

DOMINICAN REPUBLIC

Act No. 2920 to promulgate the Labour Code of 11 June 1951, section 168, etc. (*Gaceta Oficial (G.O.)*, Vol. CXXII, No. 7309*bis*, 23 July 1951 ; *L.S.* 1951—Dom. 1), as amended by Act No. 4282 of 17 September 1955 (*G.O.*, 30 September 1955, No. 7892, p. 6 ; *L.S.* 1955—Dom. 2).

Act No. 174 of 16 November 1939 respecting annual holidays of public employees, as amended by Act No. 2243 of 20 January 1950.

Regulation No. 7676 of 6 October 1951.

ETHIOPIA

Civil Code of 5 May 1960, articles 2561 and 2562 (*Negarit Gazeta*, 5 May 1960, No. 2, Extraordinary ; *L.S.* 1962—Eth. 1B).

FINLAND

Act. No. 199 of 30 April 1960 respecting annual holidays for workers (*Finlands Författnings-samling*, 1960, p. 483 ; *L.S.* 1960—Fin. 2), as amended by Act No. 305 of 20 June 1960.

FRANCE

Labour Code, Book II, section 54 (f) to (n).

Act of 20 June 1936 respecting holidays with pay (*Journal officiel (J.O.)*, 26 June 1936, No. 149 ; *L.S.* 1936—Fr. 6A).

Decree of 1 August 1936 to issue regulations under the Holidays with Pay Act of 20 June 1936 (*L.S.* 1936—Fr. 6B), as amended by Decree of 13 January 1950.

Decree of 26 September 1936 respecting holidays with pay in agriculture.

Decree of 14 October 1936 respecting holiday funds for dockers, etc. (*J.O.*, 15 October 1936).

Decree of 13 October 1936 regarding holidays with pay for homeworkers.

Decree of 11 April 1949 respecting holiday funds for intermittent transport workers.

Decree of 30 April 1949 respecting holiday funds for workers in building and public works.

Act No. 49-760 of 9 June 1949 providing that young workers in agriculture should have the same leave as young workers in other occupations (*J.O.*, 10 June 1949, No. 137).

Act No. 56-332 of 27 March 1956 to amend the legislation on holidays with pay (*J.O.*, 31 March 1956, No. 78).

Decree of 14 May 1956 respecting holidays with pay for caretakers and domestic servants.

Act of 23 July 1957 respecting unpaid leave in order to promote workers' education.

Non-Metropolitan Territories :

Overseas Departments.

French Metropolitan Labour Code : Book II, sections 54 (f) to 54 (n).

Act of 20 June 1936 respecting annual leave with pay (*Journal officiel (J.O.)*, 26 June 1936, No. 149, p. 6698 ; *L.S.* 1936—Fr. 6A).

Decree of 12 November 1936 to extend to the Old Colonies the Metropolitan Act dated 20 June 1936.

Decree No. 48-592 of 30 March 1948 to extend the metropolitan legislation respecting labour and manpower to the departments of Guadeloupe, French Guiana, Martinique and Réunion and to codify the same (*J.O.*, 1 April 1948, p. 3154).

Decree of 1 August 1936 to lay down certain methods for the application of the Act of 20 June 1936 respecting annual leave with pay (*J.O.*, 3-4 August 1936, No. 181, p. 8255 ; *L.S.* 1936—Fr. 6B).

Government Order (Guadeloupe) of 25 June 1938 respecting the conditions for the grant of holidays.

Government Order (Guadeloupe) of 25 June 1938 respecting the operation of the Funds charged with the payment of leave indemnities.

Overseas Territories :

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Overseas Territories of France, section 121, etc. (*J.O.*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5).

Act No. 56-332 of 27 March 1956 to amend the legislation on holidays with pay (*J.O.*, 31 March 1956, No. 78).

Comoro Islands.

Order of 24 January 1958 to promulgate Act No. 56-332.

Order No. 58-129-IT/C of 6 June 1958 to apply Act No. 56-332.

French Polynesia.

Order of 24 May 1957 to promulgate Act No. 56-332.

Order No. 1193/IT of 10 September 1957 to apply Act No. 56-332.

French Somaliland.

Order No. 1217 of 22 August 1956 to apply Act No. 56-332.

New Caledonia.

Order No. 1684 of 4 September 1956 to apply Act No. 56-332, as amended by Order No. 60-061/CG of 12 February 1960.

Order No. 1258 of 17 October 1953 made under section 171 of the Overseas Labour Code respecting employers' registers.

St. Pierre and Miquelon.

Order No. 312 of 27 May 1957 to promulgate Act No. 56-332.

Order No. 884 of 26 December 1957 to apply Act No. 56-332.

Order No. 578 of 12 December 1953 made under section 171 of the Overseas Labour Code respecting employers' registers.

GABON

Act No. 88-61 of 4 January 1962 to establish the Labour Code (*Journal officiel*, 1 March 1962 ; *L.S.* 1962—Gab. 1).

Order No. 3018 of 29 September 1953 respecting the register to be kept by employers.

General Order No. 960 of 11 March 1957 to establish in pursuance of the Act of 27 March 1956 a system of paid leave for workers.

Circular No. 502/GTL of 6 June 1957 relating to the application of General Order No. 960 of 11 March 1957.

FEDERAL REPUBLIC OF GERMANY

Collective Agreements Act of 9 April 1949 (*Wi. GBl.*, 1949, p. 55), as amended.

Act of 11 October 1952 on Works Councils (*Bundesgesetzblatt (BGBl.)*, 14 October 1952, No. 43 ; *L.S.* 1952—Ger.F.R. 6).

Act of 9 August 1960 respecting the employment of young persons (*BGBl.*), Part I, 13 August 1960, No. 45, p. 665 ; *L.S.* 1960—Ger.F.R. 2).

Act of 8 January 1963 respecting paid leave (*BGBl.*, Part I, 12 January 1963, No. 1, p. 2).

GHANA

Labour (Catering Trade Workers) (Minimum Remuneration) (No. 2) Order, 1961, Executive Instrument No. 90.

Labour (Retail Trade Workers) (Minimum Remuneration) Order, 1962, Executive Instrument No. 49.

Establishment Secretary's Office Circulars respecting the annual leave of civil servants.

GREECE

Civil Code, article 666.

Act No. 539 of 5 September 1945 respecting the granting of annual holidays with pay to employees (*Ephemeris tes Kyberneseos (E.t.K.)*, Part I, 6 September 1945, No. 229, pp. 1096-1098 ; *L.S.* 1945—Gr. 2).

Legislative Decree No. 4020 of 11 November 1959 to amend and supplement certain provisions of the labour legislation (*E.t.K.*, Part I, 12 November 1959, No. 248, p. 2147 ; *L.S.* 1959—Gr. 1).

Decree No. 815 of 24 October 1962 to provide for the establishment of a register of leave for wage earners engaged in loading and unloading (*E.t.K.*, Part I, 3 December 1962, No. 205, p. 1749).

GUINEA

Act No. 1 A.N. of 30 June 1960 to establish the Labour Code, section 154, etc. (*L.S.* 1960—Gui. 1).

HAITI

Act of 6 October 1961 to promulgate the Labour Code, section 123, etc. (*Le Moniteur*, 19 October 1961, Extraordinary, Nos. 1-A, 1-B, 1-C, 1-D ; *L.S.* 1961—Hai. 1).

HUNGARY

Legislative Decree No. 7 of 1951 to establish a Labour Code, section 49, etc. (*Magyar Közlöny (M.K.)*, 31 January 1951, Nos. 17-18, p. 55 ; *L.S.* 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*L.S.* 1953—Hun. 1).

Decree No. 53 of 1953 (*M.K.*, 28 November 1953) and Decree No. 14 of 1956 to regulate the application of the Labour Code.

Ordinance No. 6 of the Ministry of Labour of 7 June 1959 to regulate the employment relationship and the conditions of employment of domestic employees (*M.K.*, 7 June 1959, No. 63, p. 535 ; *L.S.* 1959—Hun. 1).

ICELAND

Act No. 16 of 26 February 1943 respecting holidays (*Stjórnartidindi (S.)*, 1943, A.3, pp. 72-75 ; *L.S.* 1943—Ice. 1), as amended by Act No. 29 of 28 February 1945 (*S.*, A.3, 1945, p. 35), and Act No. 8 of 1957 (*S.*, A.1, 1957, p. 8).

Regulation No. 101 of 19 May 1943 on the application of the Holidays with Pay Act (*S.*, B.4, 1943, pp. 183-185), as amended by Regulation No. 48 of 1957 (*S.*, A.3-B3, 1957, p. 131).

Act No. 38 of 1954 and Act No. 14 of 1957 respecting holidays for government employees.
Regulation No. 87 of 1954.

Regulation No. 66 of 1957 respecting holidays for government employees.

INDIA

Factories Act, 1948 (*Gazette of India (G.I.)*, 23 September 1948, Extraordinary, Part IV, p. 292 ; *L.S.* 1948—Ind. 4), as amended by Factories (Amendment) Act, 1954 (*G.I.*, Part II, section 1, 8 May 1954, Extraordinary, p. 159 ; *L.S.* 1954—Ind. 1).

Dock Workers (Regulation of Employment) Act, 1948 (*G.I.*, 4 March 1948, Extraordinary, Part IV, p. 31 ; *L.S.* 1948—Ind. 1).

Mines Act, 1952 (*G.I.*, 17 March 1952, No. 18, Extraordinary, Part II, section 1, p. 155 ; *L.S.* 1952—Ind. 3), as amended by Mines (Amendment) Act, 1959 (*G.I.*, 28 December 1959, Part II, section 1, No. 48, Extraordinary, p. 499 ; *L.S.* 1959—Ind. 2).

Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (*India Code*, Vol. V).

Apprentices Act, 1961 (*G.I.*, 13 December 1961, Part II, section 1, No. 56, Extraordinary, p. 625 ; *L.S.* 1961—Ind. 1).

Motor Transport Workers Act, 1961 (*India Code*, Vol. V).
State Shops and Commercial Establishments Acts.

IRAN

Labour Act of 17 March 1959 (26 Esfand 1337), section 15 (*L.S.* 1959—Iran 1), as amended on 28 September 1963.

IRAQ

Labour Law No. 1 of 18 January 1958, section 13 (*Al-Waqayi'u al'Iraqiya (A.W.I.)*, 16 March 1958, No. 4115), as amended by Law No. 82 of 15 December 1958 (*A.W.I.*, 24 December 1958, No. 99), Law No. 71 of 27 April 1959 (*A.W.I.*, 4 May 1959, No. 164), Law No. 184 of 22 December 1959 (*A.W.I.*, 28 December 1959, No. 279) and Law No. 23 of 1 April 1961 (*A.W.I.*, 12 April 1961, No. 511 ; *L.S.* 1961—Iraq 1).

IRELAND

Act No. 21 of 26 July 1950 to make provision for the allowance of holidays to agricultural workers and to provide for certain other matters connected therewith (*L.S.* 1950—Ire. 1A), as amended by the Agricultural Workers (Weekly Half-Holidays) Acts No. 26 of 17 December 1952 (*L.S.* 1952—Ire. 2) and of 1961.

Agricultural Workers (Holiday Remuneration) Order of 7 September 1950 (*L.S.* 1950—Ire. 1B).

Act No. 33 of 9 August 1961 to make better provision for the allowance of holidays to employed persons and to provide for other matters connected with the matter aforesaid (*L.S.* 1961—Ire. 1).

ISRAEL

Act No. 63 of 4 July 1951 concerning annual holidays with pay (*Sefer Hakhukim (S.F.)*, 11 July 1951, No. 81 ; *L.S.* 1951—Isr. 3), as amended on 8 July 1957 (*Laws of the State of Israel*, Vol. II, 1956/7, p. 142).

Regulations of 14 September 1951 respecting holiday funds, issued under sections 22 and 36 of the Act of 4 July 1951.

Regulations of 19 March 1953 respecting the duration of holidays in unhealthy occupations.

Youth Labour Law of 15 July 1953 (*S.F.*, 11 Av. 5713, No. 138, p. 115 ; *L.S.* 1953—Isr. 2).

Regulations of 19 May 1957 respecting holiday records

ITALY

Constitution of 27 December 1947, article 36.

Civil Code, article 2109.

Royal Decree No. 1825 of 13 November 1924 respecting the contract of employment of salaried employees (*Gazzetta Ufficiale (G.U.)*, 22 November 1924, No. 273, p. 4107 ; *L.S.* 1924—It. 3), transformed into Act No. 562 of 18 March 1926.

Act No. 1305 of 2 August 1942 to implement the Holidays with Pay Convention, 1936.

Act No. 25 of 19 January 1955 to lay down rules respecting apprenticeship (*G.U.*, 14 February 1955, No. 36, p. 522 ; *L.S.* 1955—It. 1).

Act No. 264 of 13 March 1958 respecting the protection of home work (*G.U.*, 9 April 1958, No. 85, p. 1488 ; *L.S.* 1958—It. 1).

Act No. 339 of 2 April 1958 to provide for the employment relationships of domestic workers (*G.U.*, 17 April 1958, No. 93, p. 1677 ; *L.S.* 1958—It. 2).

Act No. 741 of 14 July 1959 to ensure that workers enjoy certain minimum standards in matters of remuneration and conditions of work (*G.U.*, 18 September 1959, No. 225 ; *L.S.* 1959—It. 3).

IVORY COAST

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Overseas Territories of France, section 121, etc. (*Journal officiel de la République française*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5).

Order of 20 July 1953 regarding the application of the 40-hour week.

General Order No. 6554/IGTLS/AOF of 3 September 1953 respecting employers' registers.
Order No. 6742/ITLS/CI of 8 October 1953 respecting records of wage payments.
Act No. 56-332 of 27 March 1956 to amend the provisions respecting holidays with pay.
General Order No. 10-844/IGTLS/AOF of 17 December 1956 made under the Labour Code of 15 December 1952 and the Act of 27 March 1956.
Act No. 59-135 of 3 September 1959 respecting the Civil Service (*Journal officiel de la République de la Côte d'Ivoire (J.O.R.C.I.)*, 12 September 1959, p. 838).
Decree No. 60-05 of 5 January 1960 relating to temporary officials in public administrative services and state undertakings (*J.O.R.C.I.*, 16 January 1960).

JAPAN

Labor Standards Law No. 49 of 5 April 1947 (*Official Gazette*, 7 April 1947, No. 303, p. 1 ; *L.S.* 1947—Jap. 3).
Cabinet Order No. 6 of 1922 concerning working hours and leave in government offices.
Enforcement Ordinance of the Labor Standards Law, Ministry of Welfare Ordinance No. 23 of 1947.
National Personnel Authority Rules, Rules 15-16 (leave of absence).

KENYA

Employment Ordinance (Chapter 226 of the Laws of Kenya).
Employment of Women, Young Persons and Children Ordinance (Chapter 227).
Regulation of Wages and Conditions of Employment Ordinance (Chapter 229), as amended by Ordinance No. 40 of 1962.
Orders issued under the Regulation of Wages and Conditions of Employment Ordinance.
Shop Hours Ordinance (Chapter 231).
Mombasa Shop Hours Ordinance (Chapter 232).

KUWAIT

Labour (Private Sector) Law, 1959, section 39 (*el-Jarida el-Rasiyya*, supplement to No. 216, 15 March 1959).
Labour (Public Sector) Law, No. 18 of 1960, section 17 (*el-Jarida el-Rasiyya*, supplement to No. 280, 20 June 1960).

LIBERIA

Act of 18 May 1961 to provide annual leave for workers, Chapter 10 of Title 19-A (Labour Practice Law) of the Liberian Code of Laws of 1956 (*Acts Passed by the Legislature of the Republic of Liberia*, 1960-61, p. 37).

LUXEMBOURG

Grand Ducal Order of 8 October 1945 concerning the annual leave with pay of persons working in handicraft undertakings.
Act of 27 July 1950 to regulate the annual leave with pay of employees (*Mémorial du Grand-Duché de Luxembourg*, 28 July 1950, No. 41, p. 1032 ; *L.S.* 1950—Lux. 1).
Instructions of the Minister of Labour and Social Welfare of 29 December 1950 concerning the application of the Act of 27 July 1950.
Basic Provisions relating to the contract of service of agricultural workers, approved on 15 April 1955.
Consolidated text of the legislation governing the contract of service of salaried employees in private employment (*Mémorial du Grand-Duché de Luxembourg*, 21 June 1962, No. 32, p. 449).

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 to establish the Labour Code, section 83 (*L.S.* 1960—Mad. 1).

MALAYSIA

States of Malaya.

Ordinance No. 47 of 9 August 1950 to provide for a weekly holiday for persons employed in shops, restaurants and theatres (*L.S.* 1950—Mal. 1).

Wages Councils Ordinance, No. 41 of 1947, and orders issued under this ordinance.

Sabah.

Wages Councils Ordinance, No. 14 of 1960.

Administrative Orders and Regulations.

Sarawak.

Standing Order No. 1 of 1961 concerning conditions and terms of service for employees on daily rates of pay.

Singapore.

Labour Ordinance, No. 40 of 1955.

Shop Assistants Employment Ordinance, No. 13 of 1957.

Clerks Employment Ordinance, No. 14 of 1957.

Industrial Relations Ordinance, No. 20 of 1960, as amended in July 1962.

MALI

Act No. 62-67/ANRM of 9 August 1962 to establish the Labour Code, section 152, etc. (*Journal officiel*, 15 October 1962, No. 128).

MAURITANIA

Act No. 63-023 of 23 January 1963 to establish the Labour Code (Book II, Part I, Chapter VI).

General Order No. 10-844 of 17 December 1953.

MEXICO

Federal Labour Act of 18 August 1931, section 82, etc. (*Diario Oficial (D.O.)*, 28 August 1931, Vol. LXVII, No. 51, p. 3; *L.S.* 1931—Mex. 1), as amended by the Decree of 31 December 1955 (*D.O.*, 7 January 1956, No. 6, p. 8; *L.S.* 1955—Mex. 1) and by the Decree of 31 December 1956 (*D.O.*, section 1, 31 December 1956, No. 50, p. 11; *L.S.* 1956—Mex. 2).

MOROCCO

Dahir of 9 January 1946 respecting annual holidays with pay (*Bulletin officiel (B.O.)*, 29 March 1946, No. 1744, p. 222; *L.S.* 1946—Mor. 1A), as amended by the Dahir of 16 October 1946 (*B.O.*, 29 November 1946, No. 1779, p. 1074; *L.S.* 1946—Mor. 1D), by the Dahir of 12 February 1952 (*B.O.*, 28 March 1952, No. 2057, p. 458; *L.S.* 1952—Mor. (Fr.) 1), by Dahir No. 1-59.382 of 26 December 1959 by Dahir No. 1-60-209 of 6 March 1961 (*B.O.*, 24 March 1961, No. 2526, p. 432; *L.S.* 1961—Mor. 1) and by Dahir No. 1-61-082 of 24 October 1961 (*B.O.*, 3 November 1961, No. 2558, p. 1601; *L.S.* 1961—Mor. 1).

Order of 9 January 1946 of the Director of Public Works to prescribe rules for the administration of the Decree of 9 January 1946 respecting annual holidays with pay (*B.O.*, 29 March 1946, No. 1744, p. 228; *L.S.* 1946—Mor. 1B), as amended by the Order of the Director of Public Works of 17 August 1946 (*B.O.*, 23 August 1946, No. 1765, p. 752) and by the Order of 10 April 1951 of the Director of Labour and Social Matters (*B.O.*, 27 April 1951, No. 2009, p. 668).

Order of 9 March 1946 respecting holidays with pay for homeworkers (*B.O.*, 12 April 1946, No. 1746, p. 287; *L.S.* 1946—Mor. 1C).

Dahir of 24 February 1958 to lay down the conditions of service of the public service.

Dahir No. 1-57-182 of 9 April 1958 to determine the conditions of employment and of remuneration of agricultural workers (*B.O.*, 16 May 1958, No. 2377, p. 781; *L.S.* 1958—Mor. 1).

NETHERLANDS

Regulations of 20 December 1962 of the State Mediation Board respecting minimum annual leave of workers not covered by collective agreement or other measures.

Legislative Decree of 1963 respecting labour relations (*Staatsblad*, 1963, No. 271).

Non-Metropolitan Territory :

Netherlands Antilles.

Holiday regulations of 19 February 1949 (*Publicatieblad*, 1949, No. 17), as amended by National Decree of 13 December 1952 (*Publicatieblad*, 1952, No. 166).

NEW ZEALAND

Act No. 5 of 5 April 1944 to make provision for annual holidays with pay for workers (*New Zealand Statutes Reprint*, 1908-57 ; L.S. 1944—N.Z. 3), as amended by the Annual Holidays Amendment Acts, No. 56 of 6 December 1944, No. 20 of 24 November 1945 (L.S. 1945—N.Z. 4) and No. 68 of 1 December 1950 (L.S. 1950—N.Z. 2).

Statutes Amendment Act, 1947.

National Military Service Act, 1961 (*New Zealand Statutes*, 1961, Vol. 3).

NICARAGUA

Constitution of 1 November 1950, article 95 (13) (*La Gaceta*, 6 November 1950, No. 235, p. 2209 ; L.S. 1950—Nic. 1).

Decree No. 336 of 12 January 1945 to promulgate the Labour Code, section 64, etc. (L.S. 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta*, 13 October 1962, p. 2309 ; L.S. 1962—Nic 1).

Decree No. 85 respecting the protection of mineworkers (entered into force on 25 September 1963).

NIGER

Act No. 62-12 of 13 July 1962 to lay down a Labour Code, section 119, etc. (*Journal officiel*, Extraordinary, 25 August 1962).

NIGERIA

Wages Board Act, and Orders-in-Council issued thereunder.

NORWAY

Act of 14 November 1947 respecting annual holidays with pay (*Norsk Lovtidend* (N.L.), 21 November 1947, No. 44, p. 938 ; L.S. 1947—Nor. 1), as amended by Act No. 2 of 4 July 1952 (N.L., 18 July 1952, No. 27, p. 662 ; L.S. 1952—Nor. 2), by Act No. 2 of 14 June 1956 (N.L., 30 June 1956, No. 24, p. 453), by the Act of 19 December 1958 (N.L., 27 January 1959, No. 2, p. 99 ; L.S. 1958—Nor. 4) and by the Act of 14 May 1962 (N.L., 6 June 1962, No. 19, p. 374).

Regulations of 17 April 1948 respecting contributions to the Annual Holidays Fund (N.L., 30 April 1948, No. 16, p. 325).

PAKISTAN

Factories Act, 1934, section 49B, as amended (*Labour Code of Pakistan (Central)*, 1960).

East Bengal Shops and Establishments Act, 1951 (*Labour Code of Pakistan (L.C.P.)*, Second Edition, 1958).

Punjab Trade Employees Act, 1940 (L.C.P.).

North West Frontier Province Trade Employees Act, 1947 (L.C.P.)

Sind Shops and Establishments Act, 1940 (L.C.P.)

Working Journalists (Conditions of Service) Ordinance, 1960 (*Labour Code of Pakistan (Central)*, 1960).

Road Transport Workers Ordinance, 1961 (L.S. 1961—Pak. 1)

Tea Plantation Ordinance, 1962 (*Gazette of Pakistan*, 4 June 1962, p. 864).

PERU

Supreme Decree of 9 May 1939 respecting the calculation of length of employment for purposes of annual leave (*El Peruano*, 11 May 1939, No. 106, p. 441), as amended by Supreme Decree No. 7 of 8 May 1959.

Act No. 9040 of 12 February 1940 respecting holidays with pay for salaried employees in the public service and in banks, commerce and industry (*El Peruano*, 11 March 1940, No. 57, p. 225).

Act No. 9049 of 13 February 1940 respecting vacation leave for salaried employees.

Presidential Decree No. 26 of 30 April 1947 to provide for 30 days' leave for public and municipal employees and to specify the employees to whom section 1 of Act No. 9049 of 1940 applies.

Executive Decree No. 7D.T. to provide that days of absence from work owing to accident or illness shall be computed as working days for the purposes of annual leave (*El Peruano*, 3 September 1956, No. 4636, p. 1).

Presidential Decree No. 11D.T. to stipulate that an employee working 15 days during the course of any month of vacation shall have a right to remuneration equal to three half-months of salary (*Leyes y Resoluciones*, 1956, III, p. 297).

Presidential Decree No. 23D.T. of 30 April 1957 to make provision for dismissal compensation, paid leave and weekly rest for domestic servants (*El Peruano*, 30 December 1957, No. 5024, p. 1; *L.S.* 1957—Per. 1).

Presidential Decree No. 4D.T. of 26 November 1957 authorising the accumulation of paid holidays during two consecutive years (*El Peruano*, 11 December 1957, No. 5009, p. 1).

Legislative resolution No. 13284 of 9 December 1959 respecting agricultural work.

Act No. 13683 of 25 August 1961 to provide for wage earners to be entitled to 30 days' annual leave (*El Peruano*, 26 August 1961, No. 6103, p. 1; *L.S.* 1961—Per. 2).

Supreme Decree No. 17 of 24 October 1961 to issue regulations under Act No. 13683 of 25 August 1961.

PHILIPPINES

Revised Administrative Code, as amended by Republic Act No. 218 and further amended by Republic Act No. 2625, article 284.

Republic Act No. 386 to establish the Civil Code, article 1695.

POLAND

Constitution, article 59.

Act of 17 February 1922 respecting the Civil Service, as amended (*Dziennik Ustaw (D.U.)*, 1949, No. 11, Text 72).

Act of 16 May 1922 respecting leave of employed workers in industry and commerce, as published by the Minister of Labour in the codified text dated 27 July 1949 (*D.U.*, 20 August 1949, No. 47, p. 986; *L.S.* 1949—Pol. 3), as amended by the Act of 20 March 1950 (*D.U.*, 8 April 1950, No. 13, p. 168; *L.S.* 1950—Pol. 3).

Ordinance of the Minister of Labour and Social Welfare of 11 June 1923 concerning the application of the Act of 16 May 1922 (*D.U.*, 1923, No. 62, Text 464).

Ordinance of the Council of Ministers of 1 January 1934 respecting conditions of employment in the P.T.T. (*D.U.*, 1934, No. 4, Text 25).

Ordinance of the Minister of Labour and Social Assistance of 28 February 1953 respecting annual holidays with pay in industry and commerce (*D.U.*, 1953, No. 13, Text 54).

Decree of 18 January 1956 to restrict the right to terminate contracts of employment without notice, and to ensure continuity of employment (*D.U.*, 1956, No. 2, Text 11; *L.S.* 1956—Pol. 1).

Collective agreement concluded on 4 July 1957 between the Ministry of Agriculture and the Executive Committee of the Agricultural Workers' Unions.

Act of 2 July 1958 respecting trade training, instruction in a specific job, the conditions of employment of young persons in establishments, and the preliminary period of employment (*D.U.*, 21 July 1958, No. 45, Text 226; *L.S.* 1958—Pol. 2).

Order of 2 July 1959 of the Council of Ministers respecting the enforcement of certain provisions of the Act of 16 May 1922 (*D.U.*, 1 August 1959, No. 42, Text 264).

Decision No. 147 of 29 April 1961 of the Council of Ministers granting annual vacation with pay to certain workers employed in government offices and institutions (*Monitor Polski*, 6 May 1961, No. 35, Text 161).

PORTUGAL

Act No. 1952 of 10 March 1937.

Angola.

Labour Code (*Boletim Oficial de Angola*, 5 June 1957, No. 23, I, p. 562; *L.S.* 1957—Ang. 2).

Mozambique.

Order No. 9518 of 23 September 1952.

Legislative Measure No. 1595 of 28 April 1956 to define the legal principles governing employment relationships (*Boletim Oficial de Moçambique*, 28 April 1956, Part 2, and Supplement, 7 May 1956).

Legislative Measure No. 2020 of 5 November 1960.

San Tomé and Príncipe.

Legislative Decree No. 507 of 10 March 1958 to regulate the law respecting labour (*Boletim Oficial de São Tomé e Príncipe*, 10 March 1958).

Overseas Provinces.

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. Dated 27 April 1962 (*Diário do Governo (D.G.)*, 27 April 1962, No. 95, p. 579; *D.G.*, 7 and 25 June 1962, Nos. 130 and 143, pp. 793 and 869; *L.S.* 1962—Por. 1).

RUMANIA

Act No. 114 of 5 April 1948 to lay down the Constitution, article 78 (*Monitorul Oficial*, Part 1A, 13 April 1948, No. 87bis, p. 3379; *L.S.* 1948—Rum. 1).

Labour Code dated 30 May 1950, section 63, etc. (*L.S.* 1950—Rum. 1); as amended by Decree No. 369 of 13 July 1956 (*Buletinul Oficial (B.O.)*, 24 July 1956, No. 20, p. 137; *L.S.* 1956—Rum. 1), by Decree No. 90 of 18 February 1958 (*B.O.*, 22 February 1958, No. 9, p. 85; *L.S.* 1958—Rum. 1) and by Decree No. 266 of 19 July 1960 (*B.O.*, 21 July 1960, No. 12, p. 90; *L.S.* 1960—Rum. 1).

Decision No. 186 of the Council of Ministers concerning the granting of leave (*B.O.*, 16 March 1951, No. 33).

Decision No. 1933 of the Council of Ministers dated 28 September 1955 respecting penalties in respect of annual leave.

Decree No. 35 of 25 January 1957.

Decree No. 261 of 15 June 1957 respecting holidays for teachers.

Decisions of the Council of Ministers, Nos. 1478 of 1952, 76 of 1957 and 1108 of 1962.

RWANDA

Royal Order to consolidate the provisions of the Decree of 30 June 1954 and the Decree of 16 March 1922 respecting the contract of employment of native workers (*Bulletin officiel du Congo Belge*, Part 1, 15 August 1954, No. 16, p. 1430; *L.S.* 1954—B.C. 2).

SENEGAL

Act No. 61-34 of 15 June 1961 to establish the Labour Code, section 143, etc. (*Journal officiel (J.O.)*, No. 3462 of 3 July 1961).

Act No. 54-332 of 27 March 1956 respecting holidays with pay rendered applicable in French West Africa by Order No. 10844 of 17 December 1956 (*J.O.*, 29 December 1956, No. 2863).

Decree No. 62-017/P.C./MFPT of 22 January 1962 fixing penalties to be imposed for violations of the Labour Code (*J.O.*, 10 February 1962).

SIERRA LEONE

Public Notice No. 35 of 1961.

SOMALIA

Former Trust Territory of Somaliland.

Legislative Decree No. 25 of 15 November 1958 to promulgate a Labour Code, section 83 (*Bolettino Ufficiale della Somalia*, 24 November 1958; *L.S.* 1958—It. Som. 1).

REPUBLIC OF SOUTH AFRICA

Factories, Machinery and Building Work Act, No. 22 of 10 April 1941, section 21, etc. (*Government Gazette (G.G.)*, Vol. CXXV, No. 2932, 22 August 1941, p. 492; *L.S.* 1941—S.A. 3); as amended by the Factories, Machinery and Building Work (Amendment) Act of 30 March 1960 (*G.G.*, 8 April 1960, No. 6409, Extraordinary, p. 3; *L.S.* 1960—S.A. 1).

Shops and Offices Act, No. 41 of 1939.

Native Building Works Act, No. 27 of 1951.

Native Labour (Settlement of Disputes) Act, No. 48 of 9 October 1953 (*G.G.*, 9 October 1953; *L.S.* 1953—S.A. 1).

Wage Act, No. 5 of 1957. Dated 19 February 1957 (*L.S.* 1957—S.A. 1).

Public Service Act, No. 54 of 1957.

Regulations issued by the Conditions of Employment Board (Railways and Harbours).

SPAIN

Order of 20 April 1942 concerning young workers.

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (*Boletín Oficial del Estado (B.O.)*, 23 October 1942, No. 296, p. 8462; *L.S.* 1942—Sp. 2) and regulations issued thereunder.

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (*B.O.*, 24 February 1944, Year IX, No. 55, pp. 1627-1634; *L.S.* 1944—Sp. 1).

Decree of 30 November 1956 to award cash compensation for the holidays of persons employed in coalmines (*B.O.*, 20 January 1957, No. 20, p. 848).

Act of 24 April 1958 respecting trade union collective agreements (*B.O.*, 25 April 1958, No. 99, p. 739; *L.S.* 1958—Sp. 1).

SWEDEN

Act of 29 June 1945 respecting annual holidays (*L.S.* 1945—Swe. 2) as amended (*L.S.* 1946—Swe. 1A; *L.S.* 1951—Swe. 1A).

Act of 25 May 1951 respecting annual holidays (dangerous occupations) (*L.S.* 1951—Swe. 1B).

Act of 17 May 1963 respecting paid leave, No. 114 of 1963.

SWITZERLAND

Federal Act of 6 March 1920 regulating the hours of work of persons employed on railways and in other services connected with transport and communications (*Bundesgesetz*, 6 March 1920; *L.S.* 1920—Switz. 1).

Act of 30 June 1927 respecting the conditions of service of federal employees (*L.S.* 1927—Switz. 2), and the Ordinances of 10 November 1959 issued thereunder.

Act of 26 June 1930 respecting vocational training (*Recueil officiel*, Vol. 44, p. 837; *L.S.* 1930—Switz. 5).

Act of 3 October 1951 for the improvement of agriculture and the maintenance of the peasant population (*Recueil des Lois fédérales*, 31 December 1951), sections 96-100.

Act (Basle-Urban) of 18 June 1931 respecting annual leave (*L.S.* 1931—Switz. 2).

Act (Valais) respecting employment, 1933.

Act (Ticino) of 15 September 1936 respecting employment in undertakings not governed by federal legislation (*L.S.* 1936—Switz. 2).

Act (Vaud) respecting employment in undertakings not governed by the Federal Factories Act, in agriculture and in domestic service, 1944 (*Législation sociale de la Suisse (L.S.S.)*, 1944, p. 74).

Act (Neuchâtel) of 16 February 1946 respecting compulsory annual leave with pay (*L.S.S.*, 1949, p. 72).

Act (Solothurn) of 8 December 1946 respecting annual leave (*L.S.S.*, 1946, p. 69).

Act (Geneva) of 18 January 1947 respecting annual leave, as amended by the Act of 6 July 1958 (*Feuille d'avis officielle de la République et Canton de Genève*, 19 July 1958).

Act (Glarus) of 4 May 1947 respecting annual leave (*L.S.S.*, 1947, p. 92).

- Act (Zug) of 28 October 1948 respecting annual leave (*L.S.S.*, 1948, p. 55).
 Act (Basle-Rural) of 28 November 1949 respecting annual leave (*L.S.S.*, 1949, p. 68).
 Act (Schwyz) of 19 January 1950 respecting annual leave (*L.S.S.*, 1950, p. 47).
 Act (Zürich) of 5 October 1952 respecting annual leave for employees (*L.S.S.*, 1952, p. 37).
 Act (Lucerne) of 8 March 1955 respecting annual leave for young workers and apprentices (*L.S.S.*, 1955, p. 80).
 Order (Vaud) of 4 June 1955 to establish a model labour contract in agriculture.

SYRIAN ARAB REPUBLIC

- Law No. 91 of 5 April 1959 to promulgate a Labour Code (*Al-jarida al-rasmiyya*, 7 April 1959, No. 71bis B, p. 1; *L.S.* 1959—U.A.R. 1).
 Law No. 134 of 4 September 1958 to promulgate an agricultural Labour Code (*Al-jarida al-rasmiyya*, 4 September 1958).

TANGANYIKA

- Employment Ordinance, No. 47 of 1955, of 10 November 1955 (Cap. 366 of the Laws of Tanganyika; *L.S.* 1955—Tan. 1), as amended by the Employment (Amendment) Ordinance, No. 10 of 1960, of 11 May 1960 (*L.S.* 1960—Tan. 1) and by the Employment Ordinance (Amendment) Act, 1962.
 Employment Ordinance (Exemption) Order, 1961.

THAILAND

- Declaration of the Ministry of the Interior of 20 December 1958 respecting working hours, holidays of employees, conditions of female and child labour, payment of wages and welfare services.

TOGO

- Act No. 52-1322 of 15 December 1952 to establish a Labour Code, sections 121, etc. (*Journal officiel de la République française*, 15-16 December 1952; *L.S.* 1952—Fr. 5).

TUNISIA

- Decree of 9 March 1944 to provide for holidays with pay in agriculture (*Journal officiel (J.O.)*, 14 March 1944), as amended by the Decree of 25 February 1954 (*J.O.*, 26 February 1954, No. 17, p. 290).
 Decree of 25 July 1946 to revise legislation on holidays with pay in commerce, industry and the liberal professions (*J.O.*, 30 July 1946), as amended and supplemented by the Decree of 19 July 1948 (*J.O.*, 20 July 1948, No. 61, p. 1194) and by Act No. 63-33 of 4 November 1963 (*J.O.*, 5 November 1963).
 Decree of 20 January 1949 to provide for additional holidays with pay for young workers in industry, commerce and the liberal professions (*J.O.*, 25 January 1949, No. 7, p. 105), as amended by the Decree of 4 June 1951 (*J.O.*, 8 June 1951, No. 46, p. 742; *errata*, 12 June 1951, No. 47, p. 752).
 Decree of 15 November 1956 respecting employees and workmen permanently employed by the State, by local public organisations and by public establishments (*J.O.*, 16 November 1956).
 Decree of 14 March 1957 prescribing more favourable holiday provisions for workers in certain agricultural undertakings (*J.O.*, 15 March 1957).
 Act No. 59-12 of 5 February 1959 to lay down the conditions of service of public officials (*J.O.*, 3-6 February 1959, No. 8, p. 84).

TURKEY

- Labour Act No. 3008 of 8 June 1936 (*Resmî Gazete (R.G.)*, 15 Haziran 1936, No. 330, p. 6621; *L.S.* 1936—Tur. 2), as amended by Act No. 5518 of 25 January 1950 (*R.G.*, 31 January 1950, No. 7420, p. 17685; *L.S.* 1952—Tur. 1B).
 Act No. 7467 of 13 April 1960 respecting annual leave with pay (*R.G.*, 15 April 1960, No. 10481, p. 1153; *L.S.* 1960—Tur. 1).
 Act No. 5953 respecting the rights of journalists, as amended by Act No. 212 of 4 January 1961.

UGANDA

Employment Ordinance No. 13 of 1946, as amended (L.S. 1955—Ug. 1).

UKRAINE

Constitution, article 99.

Labour Code, section 114, etc.

Ordinances of 27 October 1926 and 4 April 1927 of the Ukrainian Central Executive Committee respecting seasonal workers, as amended.

Regulation No. 169 respecting ordinary and extra annual leave, approved by Decree of the People's Commissar for Labour of the U.S.S.R. of 30 April 1930 (*Izvestia N.K.T./U.S.S.R.*, 1930, No. 13, p. 300).

Order of the Council of Ministers of the U.S.S.R. No. 1563, of 25 July 1935, regarding the method of calculating average remuneration in regard to holidays (*Sobranie Zakonov*, 1935, No. 40, p. 338).

Order of the Secretariat of the Central Council of the Confederation of Trade Unions, of 9 September 1935, regarding the calculation of average earnings (*Bulletin of the Central Council*, 1935, No. 19).

Decree of the Council of People's Commissars of the U.S.S.R., of 19 June 1941, respecting additional leave, as amended.

Order of the Central Executive Committee of the Council of Ministers, of 7 March 1933, respecting holidays in the timber industry and in forestry.

Regulations adopted on 5 February 1958 by the Praesidium of the Central Council of Trade Unions of the U.S.S.R. respecting social security benefits, section 7 (effect of sick leave on annual leave).

Decree of 15 July 1958 of the Supreme Soviet of the U.S.S.R. respecting the fixing of dates of holidays.

Decrees of the Council of Ministers of the U.S.S.R., Nos. 720 and 1233 of 2 July and 5 November 1959, respecting additional leave in connection with studies.

U.S.S.R.

Constitution of 5 December 1936.

Labour Code with amendments to 1 May 1936, section 114, etc. (L.S. 1936—Russ. 1) and amended on 31 January 1958 (L.S. 1958—U.S.S.R. 1).

Regulation No. 169 of 30 April 1930 respecting ordinary and extra annual leave, approved by Decree of the People's Commissar for Labour of the U.S.S.R. (*Izvestia N.K.T./U.S.S.R.*, 1930, No. 13, p. 300).

Order of 15 December 1930 of the Central Executive Committee of the Council of Ministers of the U.S.S.R. respecting the grant of three days' extra leave for manual workers after long service (*Sobranie Zakonov U.S.S.R.*, 1930, No. 23).

Order of 7 March 1933 of the Central Executive Committee of the Council of Ministers of the U.S.S.R. respecting holidays in the timber industry and in forestry.

Order of 25 July 1935 of the Council of Ministers of the U.S.S.R., No. 1563, regarding the method of calculating average remuneration in regard to holidays (*Sobranie Zakonov U.S.S.R.*, 1935, No. 40, p. 338).

Order of 9 September 1935 of the Secretariat of the Central Council of the Confederation of Trade Unions regarding the calculation of average earnings (*Bulletin of the Central Council*, 1935, No. 19).

Order of 2 February 1936 of the Secretariat of the Federal Central Council of Trade Unions respecting the assessment of average earnings for the payment of leave remuneration and compensation for leave not taken.

Order of the Council of Ministers of 17 June 1947 respecting workers' pay books.

Decree of 21 April 1949 of the Council of Ministers respecting holidays of persons employed in educational institutions, etc.

Decision of 21 September 1953 of the Council of Ministers respecting remuneration in kind for agricultural workers (tractors) during holidays.

Decree of 15 August 1955 of the Praesidium of the U.S.S.R. Supreme Soviet concerning holidays and conditions of work for young people.

- Decree No. 720 of 2 July 1959 of the Council of Ministers respecting extra leave in connection with studies.
- Decree of 10 February 1960 of the Praesidium of the Supreme Soviet of the U.S.S.R. respecting conditions of work of persons employed in the far north.
- Order of 24 December 1960 of the State Committee for Labour and Wages respecting unhealthy occupations where longer holidays are due.
- Orders Nos. 773 of 27 July 1962 and 1302 of 28 December 1962 of the Council of Ministers of the U.S.S.R. respecting the grant of supplementary leave to persons taking their final examinations.

UNITED ARAB REPUBLIC

- Law No. 91 to promulgate a Labour Code, section 58, etc. Dated 5 April 1959 (*Al-jarida al-rasmiyya*, 7 April 1959, No. 71bis B, p. 1; L.S. 1959—U.A.R. 1).

UNITED KINGDOM

- Holidays with Pay Act, 1938 (1-2 Geo. VI, Cap. 70; L.S. 1958—G.B. 7).
- Agricultural Wages Act, 1948 (11-12 Geo. VI, Cap. 47; L.S. 1948—U.K. 5).
- Wages Councils Act, 1959 (7-8 Eliz. II, Cap. 69; L.S. 1959—U.K. 2).
- Terms and Conditions of Employment Act, 1959.
- Order-in-Council respecting the Civil Service, 1956.
- Agricultural Wages (Scotland) Board Act, 1949 (12 and 13 Geo. VI, Cap. 30).
- Wages Councils (Northern Ireland) Act, 1945.
- Agricultural Workers' Holidays (Northern Ireland) Act, 1956 (5 Eliz. II, Cap. 3).
- Terms and Conditions of Employment (Northern Ireland) Act, 1963.

Non-Metropolitan Territories :

Aden.

- Employment in Shops Ordinance, No. 6 of 1958.

Bahamas.

- Public Officers' Leave Act (Cap. 361 of the *Statute Law of the Bahama Islands*, 1957), as amended by the Public Officers' Leave Amendment Act, No. 12 of 1960, assented to on 9 June 1960.

Barbados.

- Holidays with Pay Act, 1951, No. 38 of 1951 (*Laws of Barbados*, 1951, Vol. VII, Part II, p. 373), as amended by the Holidays with Pay (Amendment) Act, 1961, No. 6 of 1961.

- Wages Councils Act, No. 41 of 1955.

Bechuanaland.

- Employment Law, No. 10 of 1963 (passed by the Legislative Council).

Bermuda.

- Civil Service (Conditions of Service) (Miscellaneous Provisions) Act, No. 70 of 1961.

British Guiana.

- Holidays with Pay Ordinance, No. 3 of 1952 (Cap. 108 of the *Laws of British Guiana*; *Official Gazette*, 8 March 1952), as amended by Ordinance No. 41 of 1955 dated 24 October 1955.

British Honduras.

- Wages Councils Ordinance, No. 21 of 1958.
- Shops Ordinance, No. 10 of 1959.
- Labour Ordinance, No. 15 of 1959.
- Government Workers' Rules.

Fiji.

- Labour Ordinance, No. 23 of 1947 (Cap. 92 of the *Laws of Fiji*).
- Labour (Annual Holidays) Regulations, 1948, as amended by Legal Notice No. 127 of 1949.

Gambia.

- Gambia General Orders (Cap. 16 and Cap. 17 of the *Revised Laws of Gambia (R.L.G.)*, 1959 edition).
- Police Rules (Cap. 70 of the *R.L.G.*).
- Prisons Rules (Cap. 72 of the *R.L.G.*).
- Education Regulations (Cap. 82 of the *R.L.G.*).
- Labour Ordinance, 1944 (Cap. 85 of the *R.L.G.*), and Joint Industrial Councils agreements made under section 24A thereof.

Gibraltar.

- Shop Hours Ordinance, No. 12 of 1952 (Cap. 118 of the *Laws of Gibraltar*, 1959).
- Regulation of Services and Conditions of Employment Ordinance, 1953 (Cap. 159 of the *Laws of Gibraltar*, Supplement 1961).
- Conditions of Employment (Annual and Public Holidays) Order, 1958 (*Laws of Gibraltar*).

Guernsey.

- Industrial Disputes and Conditions of Employment Law, 1947, as amended by the Industrial Disputes and Conditions of Employment Laws of 1952, 1957 and 1958.

Hong Kong.

- Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance, 1961.

Jersey.

- Civil Servants Administration (General) (Jersey) Rules, 1949, as amended.

Malta.

- Conditions of Employment (Regulation) Act, No. XI of 1952 (*L.S.* 1952—Malta 1).
- Wage Regulation Orders.

Isle of Man.

- Agricultural Wages Act dated 24 March 1952 (1 Eliz. II; *Isle of Man Examiner*, 1952).
- Agricultural Wages Board Order dated 11 February 1961.

Mauritius.

- Regulation of Wages and Conditions of Employment Ordinance, No. 71 of 1961 (*Government Gazette*, No. 68, 30 December 1961, Legal Supplement).
- Wages Regulation (Workers in the Tea Industry) Order, 1960 : Government Notice No. 65 of 1960.
- Wages Regulation (Agricultural Workers Employed in the Sugar Industry) Order, 1963 : Government Notice No. 59 of 1963.
- Wages Regulation (Non-Agricultural Workers Employed in the Sugar Industry) Order, 1963 : Government Notice No. 60 of 1963.

Northern Rhodesia.

- Apprenticeship Ordinance (Cap. 187 of the *Laws of Northern Rhodesia*), as amended by the Apprentice (Amendment) Ordinance of 1960.
- Employment of Natives Regulations (Cap. 171).
- Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190), as amended by Ordinance No. 4 of 1960 (*Northern Rhodesia Government Gazette*, 4 March 1960, Supplement), and Notices issued thereunder.
- Posting of Notices Rules (Cap. 190).
- Shop Assistants Ordinance (Cap. 192).
- General Orders and Administrative Instructions respecting government employees.

St. Christopher-Nevis-Anguilla.

- Holidays with Pay Ordinance, No. 19 of 1956.

St. Lucia.

- Wages Regulation (Baking Industry) Order (*Statutory Rules and Orders (S.R.O.)*, No. 33 of 1956).
- Wages Regulation (Clerks) Order (*S.R.O.*, No. 42 of 1956).
- Holidays with Pay Ordinance, No. 15 of 1957, as amended by Ordinance No. 21 of 1959.

St. Vincent.

Wages Councils Ordinance, No. 1 of 1953. Dated 29 January 1953.

Domestic Servants Wages Regulation Order, No. 54 of 1953 (S.R.O., 1953, p. 145).

Industrial Workers Wages Regulation Order, No. 34 of 1960 (*Government Gazette*, 1 November 1960).

Agricultural Workers Wages Regulation Order, No. 39 of 1960 (*Government Gazette*, 17 December 1960).

Seychelles.

Public Holidays Ordinance, No. 17 of 1945.

Employment of Servants Ordinance, No. 25 of 1945.

Outlying Islands (Employment of Servants) Ordinance, No. 26 of 1945.

Solomon Islands.

Establishment Circular No. 16 of 1962 respecting the annual holidays of classified workers.

General Order No. 357 providing for annual holidays for civil servants.

Southern Rhodesia.

Shop Hours Act, No. 20 of 1945.

Native Employment Leave Regulations, 1951, as amended by Regulations dated 12 March 1954 (*Southern Rhodesia Government Gazette*, 12 March 1954) and 23 July 1954 (*ibid.*, 23 July 1954).

Industrial Conciliation Act, No. 29 of 1959 (L.S. 1959—S.R. 1) and employment regulations made thereunder.

Apprenticeship Act, No. 53 of 1959.

Apprenticeship Regulation, 1959, Government Notice No. 595 of 1959.

Public Service Act, 1959, as amended by the Public Service Amendment Act, 1960.

Swaziland.

Employment Proclamation, No. 51 of 1962 (*Official Gazette of the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland*, 7 September 1962, No. 3323, p. 814).

UPPER VOLTA

Act No. 26-62-AN of 7 July 1962 to establish the Labour Code, section 128, etc. (*Journal officiel*, 18 August 1962, No. 33bis, special).

URUGUAY

Act of 15 October 1958 to extend the system of annual leave with pay instituted by Act No. 10684 for salaried and wage-earning employees in the public sector (*Diario Oficial (D.O.)*, 31 October 1958, No. 15538, p. 231A).

Act No. 12590 of 23 December 1958 to amend and extend the system of annual leave with pay for salaried and wage-earning employees in the private sector (*D.O.*, 5 January 1959, No. 15581, p. 14A ; L.S. 1958—Ur. 1).

Decree of 24 February 1959 issued under Act No. 12590 to make regulations respecting annual leave with pay for homeworkers, and to entrust the administration thereof to the Equalisation Fund, No. 36 (*D.O.*, 4 March 1959, No. 15620, p. 528A ; L.S. 1959—Ur. 1).

Child Welfare Act.

Act of 23 October 1958 to establish a maternity allowance scheme (*D.O.*, 30 October 1958).

VIET-NAM

Ordinance No. 15 of 8 July 1952 to promulgate the Viet-Nam Labour Code (L.S. 1956-V.N. 1C) ; as amended by Ordinance No. 27 (to amend article 194) (*Journal officiel (J.O.)*, 12 May 1956, No. 21, p. 1182 ; L.S. 1956—V.N. 1) and by Ordinance No. 57C of 24 October 1956 (*J.O.*, 17 November 1956, No. 53, p. 2964 ; L.S. 1956—V.N. 1B).

Ordinance No. 26 of 26 June 1953 respecting the conditions for the recruitment of workers and employment of recruited workers in agricultural undertakings (*J.O.*, 24 July 1953).

ANNUAL HOLIDAYS WITH PAY

Decree No. 23-LDTN-LD-ND of 24 February 1955 respecting the fixing of annual holidays in private undertakings.

Decree No. 294-LD of 6 June 1958 concerning the postponement of annual holidays.

Decree No. 116-BLD-LD-ND of 5 November 1958 concerning deductions from annual holidays.

Resolution dated 30 November 1961 respecting the suspension of the paid leave of officials.

YUGOSLAVIA

Constitution of 9 April 1963, article 39 (*Službeni List (S.L.)*, 10 April 1963, No. 14).

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

Direction for the determination of extended annual holidays with pay, dated 23 May 1958 (*S.L.*, 28 May 1958, No. 21, Text 388).

WEEKLY REST IN INDUSTRY, COMMERCE AND OFFICES

General Conclusions on the Reports relating to the Weekly Rest (Industry) Convention, 1921 (No. 14), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), and the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)

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INTRODUCTION

1. The need for "the regulation of the hours of work, including the establishment of a maximum working day and week" referred to in the preamble to the Constitution of the International Labour Organisation demonstrates, if that were necessary, the interest that the Organisation has taken in every aspect of this question since its earliest days. It was a natural step to select as the first item of the agenda of the First International Labour Conference held in Washington the problem of "the application of the 8-hour day or 48-hour week". This session led to the adoption of the Convention limiting hours of work in industrial establishments to eight a day and 48 a week. This Convention in itself constituted an endorsement of the principle of the weekly rest. In order to regulate the question more precisely and specifically, the question of "the weekly rest-day in industrial and commercial employment"¹ was placed on the agenda of the Third Session of the International Labour Conference.

2. Two draft Conventions were therefore submitted to the Third Session of the International Labour Conference in 1921. The Conference adopted the draft Convention on Weekly Rest in Industrial Establishments, which became known as the Weekly Rest (Industry) Convention, 1921 (No. 14). In the case of the draft on commercial establishments, the Conference Commission on Weekly Rest decided that it should take the form of a Recommendation and the Conference accordingly adopted the Weekly Rest (Commerce) Recommendation, 1921 (No. 18).

3. The report of the Commission on Weekly Rest noted, however, that "many, if not most, members of the Commission would have preferred a Convention, but realised the present inadequacy of national legislation on this matter, and when the Recommendation was adopted, expressed the expectation, and even the conviction, that the Recommendation now accepted would, after a period, be reconsidered by a future Conference and embodied in a Convention".²

4. Later, the Advisory Committee on Salaried Employees, at its Second Session (Geneva, March 1933), adopted a resolution emphasising the urgent need to give salaried employees a weekly rest on Sundays.³ The steady progress made by countries in their legislation on weekly rest in commercial establishments led the Governing Body of the International Labour Office at its 86th Session (February 1939) to include the question in the agenda of the Conference which was due to be held in 1940 but which could not, in fact, take place because of the war. The same question was once more included in the agenda of the 39th Session for a first discussion by the Conference, and in the following year (40th Session, 1957) a Convention (No. 106) and a Recommendation (No. 103) were adopted on the weekly rest in commerce and

¹ The questionnaire circulated by the Office to governments asked them (Question 2) for their views on the desirability of adopting two Conventions, one of them on the weekly rest in industrial establishments and the other dealing with commercial establishments. The replies show that no government had any substantial objection to internationalising the principle of the weekly rest and it was felt to be preferable to draw up a separate instrument for each of these two sectors of activity. (I.L.O.: *Report on the Weekly Rest Day in Commercial and Industrial Establishments*, Report VII, International Labour Conference, Third Session, Geneva, 1921, p. 7).

² I.L.O.: *International Labour Conference, Third Session*, Geneva, 1921, p. 756.

³ See I.L.O.: *International Labour Code 1951*, Vol. I (Geneva, 1954) p. 283.

offices. As this Recommendation goes beyond Recommendation No. 18 referred to earlier, the latter instrument is not taken into account in the present study.

5. Note has been taken earlier of the close relationship between the general problem of the regulation of hours of work and the regulation of the weekly rest. A number of instruments have been adopted by the International Labour Conference on hours of work or the reduction of hours of work in certain branches of activity. All these instruments, by tending to limit hours of work, have some repercussions on the weekly rest to which workers are entitled. Among the resolutions on weekly rest, mention should also be made of one adopted by the International Labour Conference at its Third Session (1921) urging the extension of the weekly rest to 36 hours.¹

6. This brief historical review demonstrates the importance the International Labour Organisation has attached to the question of the weekly rest and its related aspects. Physiological, economic and sociological considerations upon which the need for this rest is based fully justify the efforts that have been made in this field.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

7. The Weekly Rest (Industry) Convention, 1921 (No. 14), which came into force on 19 June 1923, has been ratified by 67 States² and declared applicable, without modification, to 31 non-metropolitan territories.³ The Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), which came into force on 4 March 1959, has been ratified by 21 States⁴ and declared applicable, without modification, to two non-metropolitan territories.⁵

¹ I.L.O.: *International Labour Conference, Third Session*, op. cit., pp. 757-758.

² Afghanistan, Algeria, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Cameroon (Eastern Cameroon), Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Czechoslovakia, Dahomey, Denmark, Finland, France, Gabon, Greece, Guinea, Haiti, Hungary, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Kenya, Lebanon, Luxembourg, Malagasy Republic, Mali, Mauritania, Mexico, Morocco, New Zealand, Nicaragua, Niger, Norway, Pakistan, Peru, Poland, Portugal, Rumania, Rwanda, Senegal, Spain, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, United Arab Republic, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia.

³ Denmark: Faroe Islands, Greenland. France: Overseas Departments—Guadeloupe, Guiana, Martinique, Réunion; Overseas Territories—Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon. New Zealand: Cook Islands and Niue. United Kingdom: Antigua, Bahamas, Basutoland, Bechuanaland, British Virgin Islands, Dominica, Falkland Islands, Gambia, Grenada, Malta, Mauritius, Montserrat, Southern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Swaziland.

The United Kingdom declarations of application concerning Convention No. 14 were made on the basis of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83). This Convention provides that any Member ratifying it must accompany its ratification with a declaration stating the extent to which it undertakes to apply the provisions of the Conventions in the annex (including Convention No. 14) to its non-metropolitan territories. Convention No. 83 has not yet entered into force because it has not received the required number of ratifications. Since the declarations of application referred to above are therefore inoperative, reports concerning the non-metropolitan territories in question have been made under article 19 of the Constitution instead of article 22.

⁴ Afghanistan, Bulgaria, Costa Rica, Cuba, Denmark, Dominican Republic, Ghana, Guatemala, Haiti, Honduras, Iraq, Israel, Italy, Kuwait, Mexico, Pakistan, Portugal, Syrian Arab Republic, Tunisia, United Arab Republic, Yugoslavia.

⁵ Denmark: Faroe Islands, Greenland.

REPORTS RECEIVED¹

8. Reports on the Weekly Rest (Industry) Convention, 1921 (No. 14), have been supplied under article 19 of the Constitution of the International Labour Organisation by 26 States Members² and 42 non-metropolitan territories.³ Reports on the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), have been supplied under article 19 of the Constitution by 58 States Members⁴ and 40 non-metropolitan territories.⁵ The examination of the effect given to the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103), is based upon the reports supplied under article 19 of the Constitution by 71 States Members⁶ and 39 non-metropolitan territories.⁷

¹ Summaries of these reports are contained in Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* submitted to the 48th Session of the Conference, and in Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)* submitted to the Conference each year.

² Australia, Austria, Byelorussia, Cameroon (Western Cameroon), Ceylon, Costa Rica, Cyprus, Dominican Republic, Ethiopia, Federal Republic of Germany, Ghana, Iceland, Iran, Japan, Kuwait, Malaysia (states of Malaya), Netherlands, Nigeria, Philippines, Republic of South Africa, Tanganyika, Thailand, Ukraine, U.S.S.R., United Kingdom, United States. (The reports for Australia, Cameroon, Iran, Nigeria and the Republic of South Africa were received too late to be summarised in Report III (Part II) prepared for the 48th Session of the Conference.)

³ Australia: Nauru, New Guinea, Norfolk Island, Papua. United Kingdom: Aden, Bahamas, Barbados, Bechuanaland, Bermuda, British Honduras, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar. United States: American Samoa, Guam, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands. (The reports for North Borneo, Sarawak and Singapore were due before these territories became part of Malaysia. The same is true for Kenya and Zanzibar before they became independent. The reports for Aden, Kenya, Nyasaland, Swaziland and the non-metropolitan territories of Australia were received too late to be summarised in Report III (Part II).)

⁴ Argentina, Australia, Austria, Belgium, Burma, Byelorussia, Cameroon (Eastern Cameroon), Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Czechoslovakia, Dahomey, Ethiopia, Finland, France, Federal Republic of Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Ivory Coast, Japan, Luxembourg, Malaysia (states of Malaya), Republic of Mali, Islamic Republic of Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Philippines, Poland, Rumania, Rwanda, Senegal, Republic of South Africa, Spain, Sweden, Switzerland, Tanganyika, Thailand, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Viet-Nam. (The reports for Australia, Cameroon, Hungary, Italy, Mauritania, Nigeria and the Republic of South Africa were received too late to be summarised in Report III (Part II).)

⁵ Australia: Nauru, New Guinea, Norfolk Island, Papua. United Kingdom: Aden, Bahamas, Barbados, Bechuanaland, Bermuda, British Honduras, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar. United States: American Samoa, Guam, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands. (As regards Kenya, North Borneo, Nyasaland, Sarawak, Singapore and Zanzibar, see footnote 3 above. The reports for Aden, Kenya, Swaziland and the non-metropolitan territories of Australia arrived too late to be summarised in Report III (Part II).)

⁶ Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussia, Cameroon (Western and Eastern Cameroon), Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, France, Federal Republic of Germany, Ghana, Greece, Haiti, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kuwait, Luxembourg, Malaysia (states of Malaya), Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Rumania, Rwanda, Senegal, Republic of South Africa, Spain, Sweden, Switzerland, Tanganyika, Thailand, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, United States, Uruguay, Viet-Nam. (The reports for

(footnotes 6 and 7 continued overleaf)

9. As is customary, account has also been taken of the reports supplied this year, or in preceding years, under article 22 of the Constitution, on one or the other of the two Conventions.

10. Altogether, the survey covers the effect given in whole or in part to the Conventions and Recommendations on weekly rest in 147 countries, comprising 90 States and 57 non-metropolitan territories.

CONTENTS OF THE REPORTS

11. As stated earlier, this survey is also based on information given in reports furnished under article 22 of the Constitution.

12. Except on certain points, which will be mentioned during this survey, the reports under article 19 of the Constitution are, by and large, detailed enough¹ to make it possible to assess the effect being given to these instruments. In some cases copies of the relevant legislation are attached to the reports and often detailed references to legislative provisions are supplied.

ARRANGEMENT OF THE REPORT

13. In reviewing the law and practice of different countries with regard to the instruments dealt with in this report, it is preferable to take the three instruments together (leaving aside the question of their scope) rather than separately. Although Conventions Nos. 14 and 106 apply to different branches of activity, their provisions are in substance much the same. They are supplemented by Recommendation No. 103. Moreover, as is apparent from the report, the great majority of countries have the same legislation both for industrial establishments and for commercial establishments and offices.

14. The first chapter, therefore, examines the state of national law and practice in various countries as regards the application of these instruments. It must be emphasised in this connection that the information given in the footnotes in no way claims to be exhaustive. It is merely designed to illustrate, by the most representative examples possible, the measures taken to give effect to the standards embodied in these instruments (in so far as the available information allows). The second chapter describes the difficulties encountered and the progress made in implementing the instruments.

(footnotes 6 and 7 continued from previous page)

Australia, Western Cameroon, Cuba, Hungary, Mauritania, Nigeria and the Republic of South Africa were received too late to be summarised in Report III (Part II.)

⁷ Australia: Nauru, New Guinea, Norfolk Island, Papua. United Kingdom: Aden, Bahamas, Barbados, Bechuanaland, Bermuda, British Honduras, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar. United States: American Samoa, Guam, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands. (As regards Kenya, North Borneo, Sarawak, Singapore and Zanzibar, see footnote 3, p. 317. The reports for Aden, Kenya, Nyasaland, Swaziland and the non-metropolitan territories of Australia arrived too late to be summarised in Report III (Part II).)

¹ Thus the Canadian Government has made particularly detailed reports on Convention No. 106 and Recommendation No. 103. This fact deserves special mention in view of the difficulties of a constitutional nature encountered by that country in applying Convention No. 14, which it has ratified; these difficulties are described in the section on federal States.

CHAPTER I

NATIONAL LAW AND PRACTICE

SECTION I. METHODS OF APPLYING CONVENTIONS AND RECOMMENDATIONS ON THE WEEKLY REST

15. Whereas Article 11 of the Weekly Rest (Industry) Convention, 1921 (No. 14), states that each Member agrees to bring the main provisions of the Convention into operation and to take such action as may be necessary to make them effective¹, Article 1 of the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), refers specifically to certain methods of application. It states that, in so far as the provisions of the Convention are not otherwise made effective by means of statutory wage-fixing machinery, collective agreements, arbitration awards or in such other manner consistent with national practice as may be appropriate under national conditions, they must be given effect by national laws and regulations. A variety of methods have been used to apply international Conventions and Recommendations on weekly rest and they are dealt with here in turn in decreasing order of importance according to the information given in the reports. This classification of member countries is, of course, arbitrary, because often different methods are used simultaneously. In such cases, account is taken only of the most widely used method in each country.

Legislation

16. The main form of regulation of the weekly rest encountered in the great majority of States Members is legislation in the broadest sense, i.e. laws and regulations of all kinds. This legislation can, broadly speaking, be divided into two types, which very often exist side by side and complement each other. In many countries the provisions dealing with the weekly rest are to be found in general social legislation, such as constitutions², codes, labour ordinances or regulations³ and shops Acts.⁴ This general legislation, by its nature, cannot require an invariably strict observance of the weekly rest because of different working conditions in individual branches of employment or the exceptions that have to be made in certain classes of establishments. In order to offset the shortcomings of this type of legislation, most of the

¹ The International Labour Office has expressed the view in this connection that it is for a government which has contracted an international obligation by adhering to a Convention to decide which measures are, in its view, best suited to ensure effective application of the Convention, together with the safeguards required to prevent non-observance of the standards of the Convention. See *International Labour Code*, op. cit., p. 277.

² Bolivia, Brazil, Guatemala, Mexico, Nicaragua, Venezuela.

³ Afghanistan, Algeria, Bolivia, Bulgaria, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dahomey, Dominican Republic, Ethiopia, Finland, France, Federal Republic of Germany, Guatemala, Haiti, Hungary, India, Iran, Ireland, Israel, Italy, Kuwait, Malaysia (states of Malaya), Mexico, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Rumania, Sweden, Tanganyika, Thailand, United Arab Republic, Venezuela, Yugoslavia.

⁴ For instance Cyprus, Malaysia (states of Malaya), Republic of South Africa and most of the United Kingdom non-metropolitan territories.

countries in this group also have detailed enactments issued under the general legislation to regulate the operation of the weekly rest.

17. Outside this general legislation, and sometimes side by side with it, many countries have special legislative provisions dealing exclusively with workers' rest.¹

Collective Agreements

18. Even in countries which have general or special legislation on the weekly rest, there are often collective agreements laying down more favourable standards. In some countries, however², collective agreements appear to be the main, if not the only method of applying the principle of the weekly rest.

Arbitration Awards and Decisions of Wages Boards

19. Arbitration awards or decisions of wages boards are another method of regulating the weekly rest encountered in some countries.³

Custom, Tradition and Practice

20. Before being officially embodied in legislation at a fairly recent date, the principle of the weekly rest was deeply rooted in the traditions of various peoples. A number of religions have thus, since their origins, set aside a day of rest.

21. A number of countries also state in their reports that the weekly rest is observed by virtue of custom or tradition.⁴

22. Examination of the application of an international labour Convention solely from the standpoint of practice or custom would go beyond the scope of this report. It will be recalled that Article 11 of Convention No. 14 states that Members which ratify the Convention agree to take such action as may be necessary to make its provisions effective. The Committee, however, considers it desirable that as far as possible legislative or regulatory measures should be taken to give full effect to these provisions, especially since not all of them are self-executing. In this connection reference should be made to its comments in its 1963 report.⁵

¹ Argentina, Austria, Belgium, Burundi, Brazil, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia, Dahomey, Gabon, Guinea, Greece, Italy, Ivory Coast, Luxembourg, Malagasy Republic, Mali, Mauritania, Morocco, Niger, Pakistan, Peru, Philippines, Poland, Rwanda, Senegal, Spain, Sweden, Togo, Tunisia, Turkey, Upper Volta, Uruguay.

² United Kingdom, United States and most of the United Kingdom non-metropolitan territories.

³ Especially in Australia, New Zealand, Nigeria, the Republic of South Africa and many of the United Kingdom non-metropolitan territories.

⁴ For example Bermuda; China (the Government states that there is no legislation to give effect to Convention No. 106, which is applied, however, in practice); Cameroon (Western); Cook Islands and Niue; Falkland Islands; Gambia; Ghana (apart from civil servants, who are entitled to a weekly rest under General Order No. 188 (ii), and certain salaried employees covered by collective agreements, it would appear that the workers covered by the Convention are entitled to a weekly rest only by custom. In its first report on the application of Convention No. 106 under article 22, the Government stated that the Cabinet had approved legislation to give effect to the Convention. In a direct request made in 1963, the Committee expressed the hope that this legislation would materialise in the near future); Iceland (the Government states that the weekly rest is applied by virtue of long-established custom); Gilbert and Ellice Islands; Seychelles.

⁵ I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 47th Session, Geneva, 1963 (Geneva, 1963), paras. 23-27, p. 9.

SECTION II. SCOPE OF THE CONVENTIONS ON THE WEEKLY REST

Scope of the Weekly Rest (Industry) Convention, 1921 (No. 14)

23. Apart from the general exception regarding establishments in which only the members of one single family are employed (an exception which is examined later), the Convention applies to persons employed in all public or private industrial undertakings and their branches. The term "industrial undertaking", as defined by Article 1 (1) of the Convention, covers four main types of industrial activity: (a) mines, quarries and other extractive industries; (b) processing industries; (c) construction and demolition; (d) road, railway or inland waterway transport, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

24. The enumeration in Article 1 of the Convention corresponds closely with that in Article 1 of the Hours of Work (Industry) Convention, 1919. Nevertheless, by deleting the word "particularly" in the first sentence of Article 1 of the latter, the Commission on Weekly Rest defined industrial undertakings more strictly than the Convention on hours of work. The enumeration in Article 1 of Convention No. 14 can thus be regarded in itself as a definition of industry, for the purposes of the Convention, as a separate branch of activity from commerce and agriculture.¹

25. Article 1 (3) of the Convention states that in addition to this enumeration, each Member may, where necessary, define the line of division which separates industry from commerce and agriculture. But, as is implicit in the wording of this paragraph and in the preparatory work on the Convention, the power to define this line of division refers only to types of undertakings which are not mentioned in the enumeration.¹ Accordingly, the Convention must normally apply to any undertaking covered by Article 1 (1) unless States take advantage of the exceptions allowed by Article 4. It also applies to any classes of undertakings not designated by Article 1 (1) which States Members, using the power granted to them by paragraph 3 of the same Article, classify as industrial undertakings.

26. Lastly, the enumeration in Article 1 (1) is made subject (Article 1 (2) of the Convention) to the special national exceptions contained in the 1919 Convention on hours of work, so far as such exceptions are applicable to the Convention.

Scope of National Law and Practice.

27. In order to define their scope, national regulations employ two main methods. One is to define explicitly the undertakings to which they apply and the other is to define them implicitly in terms of the personnel covered.

Legislation Referring Explicitly to Certain Undertakings.

28. The scope of national weekly rest legislation which refers specifically to certain types of undertakings is rarely as precise as the enumeration given in Article 1 (1) of the Convention. There are, however, cases in which the classes of undertakings covered by national legislation are, generally speaking, much the same as those which are enumerated in Article 1 (1) of the Convention.²

¹ I.L.O.: *International Labour Conference, Third Session*, op. cit., pp. 747-748.

² For instance Haiti: Chapter II of the Labour Code, dealing with public holidays and the weekly rest, applies to "persons employed in any industrial or commercial establishment . . ."

(footnote continued overleaf)

29. The most common practice is to employ very general formulae which sometimes allow for exceptions of various kinds. These formulae tend to refer, for example, to "industrial and commercial establishments", "industrial and commercial establishments of all kinds, whether public or private", or "all establishments employing wage earners". Most of the States Members employ definitions akin to these.¹

30. In other cases national regulations give a fairly detailed enumeration of the classes of establishments covered.²

Legislation with Scope Defined in Relation to the Persons Covered.

31. In one large group of countries, the regulations on the weekly rest define their scope in terms of an employment relationship. These regulations apply to "any

(section 10 of the Labour Code); section 97 (1) of the same Code defines industrial establishments in terms similar to those of Article 1 (1) of the Convention. States of Malaya: section 1 (2) of the Ordinance of 27 June 1955. Thailand: sections 2 and 10 of Announcement by the Ministry of the Interior dated 20 December 1958.

¹ France: section 30, Book II of the Labour Code—"industrial or commercial establishment or any of its branches of whatever kind, whether public or private, lay or denominational, even if engaged in vocational training or welfare".

The substance of this provision is also to be found in the legislation of the former French non-metropolitan territories which have become Members of the Organisation: Cameroon: section 1 of the Order of 3 December 1954. Central African Republic: section 1 of the Order of 22 November 1953. Congo (Brazzaville): section 1 of the Order of 24 October 1953. Chad: section 1 of the Order of 3 December 1953. Dahomey: section 1 of the Order of 6 August 1953. Guinea: section 1 of the Order of 15 July 1953. Ivory Coast: section 1 of the Order of 20 July 1953. Mali: section 1 of the Order of 20 July 1953. Mauritania: section 1 of the Order of 2 July 1953. Niger: section 1 of the Order of 23 July 1953. Senegal: section 1 of the Order of 26 June 1953. Togo: section 1 of the Order of 19 March 1954. Upper Volta: section 1 of the Order of 15 July 1953.

See also: Argentina: section 1, Act of 6 September 1905—factories, workshops, commercial and other establishments and places of work. Belgium: section 1 of the Act of 17 July 1905—industrial and commercial establishments. Czechoslovakia: section 1 of the Act of 19 December 1918—undertakings, factories and establishments operated by state, public and private bodies and mining undertakings. Greece: section 1 of the Decree of 8 March 1930—all industrial, handicraft or commercial employment. Luxembourg: section 1 of the Act of 21 August 1913—industrial and commercial establishments, even if engaged in welfare or private education. Morocco: section 1 of the Dahir of 21 July 1947—persons in the service of an employer in commerce, industry or a profession. Norway: section 1 of the Act of 7 December 1956—all establishments employing wage earners. Philippines: section 1 of the Act of 20 June 1953—commercial, industrial or agricultural undertakings or establishments and all shops and warehouses. Rumania: section 2 of the Labour Code—state undertakings and economic organisations, co-operative bodies, organisations of a public character, natural and legal persons in the private sector employing wage earners. Sweden: section 1 of the Act of 3 January 1949—all establishments, whether industrial or not, in which wage earners work for an employer. Turkey: section 1 of the Act of 2 January 1925—factories, plants, workshops, shops, stores, offices and commercial and industrial establishments in general, together with their branches. Uruguay: section 1 of the Act of 22 November 1920—all industrial or commercial or allied establishments, of whatever kind, whether public or private. Venezuela: section 8 of the Labour Code—establishments, undertakings or concerns, irrespective of their nature, whether public or private. Viet-Nam: section 173 of the Labour Code—members of the professions or persons employed in an industrial, commercial, mining or handicraft establishment, or a branch thereof, of whatever kind, whether public or private.

² Chile: section 322 of the Labour Code—commercial or industrial establishments such as factories, plants, workshops, offices, mines, saltpetre works and any other undertakings of any kind, whether public or private. Denmark: section 1 (1) of Act No. 226 of 11 June 1954—industry, building, handicrafts, construction, laboratories, transport, including loading and unloading, and work carried out in warehouses and shops. Ireland: section 3 of the Act of 14 February 1936—all forms of industrial work, including (a) manufacturing, altering, repairing, demolishing or transforming any article . . . ; (c) constructing, reconstructing; (d) quarrying . . . ; (1) extraction of stone Japan: section 8 of Act No. 49 of 5 April 1947—the enumeration of the classes of establishments and persons covered contains 17 items. Peru: section 1 of the Act of 26 December 1918—factories, shops, mines, quarries and building. Poland: section 1 of the Act of 18 December 1919—all wage earners employed under a contract of service in industry, commerce, mining, communications and

worker " or " any wage earner ", normally defined as any person working in return for remuneration under a contract of service for another person.¹

Exclusions from General Weekly Rest Scheme.

32. Article 4 of the Weekly Rest (Industry) Convention, 1921 (No. 14), states that each Member may authorise total or partial exceptions to the provisions on the weekly rest, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist. This consultation is not, however, necessary in the case of exceptions which have already been made under existing legislation.

33. In some countries national legislation on the weekly rest, even when of a general character, provides for exceptions in the case of certain classes of establishments and persons.

Classes of Establishments Excluded.

34. The commonest exceptions relate to railway or inland waterway transport undertakings, or else are defined on the basis of the size, nature or geographical position of the establishments concerned.

35. Railway undertakings are excluded by the legislation of a number of countries. In some cases the exclusion appears to be absolute and the law contains no provision dealing with weekly rest in undertakings of this type, e.g. in Austria², the Federal Republic of Germany³ and Ireland.⁴ The legislation of other countries excludes rail transport undertakings, but provides for the introduction of special regulations to cover them. Whenever this has been the case in any of the countries bound by the

transport or any other undertakings . . . Portugal: section 1 of the Decree of 24 August 1934—all offices, shops, warehouses, workshops, factories, undertakings or other premises in which commercial or industrial operations are carried on, are deemed to be commercial or industrial establishments. Switzerland: section 1 of the Regulations of 11 June 1934—the list of the types of establishments and classes of persons covered comprises ten items.

¹ Afghanistan: para. 1 of the preamble to the Decree of 16 January 1946. Bolivia: section 1 of the Labour Code. Brazil: section 1 of the Act of 5 January 1949. Bulgaria: section 1 of the Labour Code. Burundi: section 1 of the Labour Code. Byelorussia: section 1 of the Labour Code. Colombia: sections 1 and 2 of the Labour Code. Congo (Leopoldville): see under Burundi. Costa Rica: section 1 of the Labour Code. Dominican Republic: section 2 (1) of the Labour Code. Fernando Poo and Rio Muni: section 2 of the Ordinance of 9 November 1953. Finland: section 1 of Act No. 604 of 2 August 1946. Guatemala: sections 1 and 3 of the Labour Code. Hungary: section 5 of the Labour Code. Iran: section 1 (1) of the Labour Act of 17 March 1959. Iraq: section 1 (1) (a) of the Labour Code. Israel: section 30 of Act of 15 May 1951. Italy: section 1 of Act of 22 February 1936. Malagasy Republic: section 1 of Decree of 28 March 1962. Mexico: section 1 of Decree of 18 February 1936. Mozambique: section 37 of Order No. 1595 of 28 April 1956. Nicaragua: sections 1 and 3 (1) of the Labour Code. Provinces of Spanish Sahara and Ifni: Order of 2 March 1954. Rwanda: see under Burundi. Ukraine: section 1 of the Labour Code. U.S.S.R.: section 1 of the Labour Code. United Arab Republic: section 2 of the Labour Code. Yugoslavia: section 127 of the Labour Code.

² Austria: the Government stated in its report that the legislative provisions regulating the weekly rest in industrial establishments do not apply to those which are covered by Article 1 (1) (d) of the Convention (transport undertakings).

³ Federal Republic of Germany: under section 150 (1) of the 1869 Industrial Code, transport undertakings are among those which are excluded from the weekly rest regulations.

⁴ Ireland: section 3 of the Conditions of Employment Act, dated 14 February 1936, excludes from its scope the " transport of persons or goods ". Following a direct request by the Committee in 1956, the Government stated that workers engaged in the transport of persons or goods were entitled to a weekly day of rest under their collective agreements or contracts of service (I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part I), International Labour Conference, 40th Session, Geneva, 1957, p. 41).

Convention, the Committee has made observations or requests for details of the relevant regulations.¹

36. Inland waterway transport undertakings constitute a second general group of exclusions affecting transport under the legislation of some countries.²

37. Some countries exclude certain establishments from their weekly rest regulations on grounds of size, nature or geographical position. In China the Consolidated Factories Act of 30 December 1932 applies only to factories using mechanical power and normally employing more than 30 wage earners.³ In Iraq section 2 (1) (e) of the Labour Code excludes unmechanised industrial establishments which normally employ fewer than five persons. In Turkey section 1 of the Weekly Rest Act of 2 January 1925 applies only to establishments in towns with a population of not less than 10,000.⁴ In Thailand the Announcement of 20 December 1958, issued by the Ministry of the Interior, according to section 2, applies only to industrial or commercial establishments employing more than ten workers.

Classes of Persons Excluded.

38. The staffs of public administrations in many countries are excluded from the scope of legislation on the weekly rest. As this category of employees is covered primarily by the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), their position will be examined in dealing with the scope of that Convention.

39. Sometimes there are exclusions in the case of homeworkers.⁵ In other cases exclusion depends on the way in which workers' wages are calculated or on the level of their wages.⁶

¹ For instance Colombia: under section 4 of the Labour Code, employment relationships between the state administration and workers employed on the railways are subject to special regulation. Greece: in 1956 the Government informed the Conference Committee on the Application of Conventions and Recommendations that the Decree of 8 March 1930 forbidding all industrial, handicraft or commercial work on Sundays covered all the forms of employment listed in Article 1 (1) of the Convention with the exception of work on railways (see I.L.O.: *Record of Proceedings*, International Labour Conference, 39th Session, Geneva, 1956, p. 663); the Committee of Experts noted, in its 1963 report, that a Royal Decree (No. 387/62) had been issued granting a weekly rest to a greater number of railwaymen and expressed the hope that the Government would take action to ensure that all workers employed on the railways were entitled to a weekly rest (I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 47th Session, Geneva, 1963, p. 54). Nicaragua: section 63 of the Labour Code states that the weekly rest of wage earners and salaried employees on the railways shall be subject to special regulation. Uruguay: section 12 of the Act of 29 November 1920 on the weekly rest excludes railway undertakings. Viet-Nam: section 173 of the Labour Code excludes water transport as well as railways and tramways.

² Burundi, Congo (Leopoldville), Rwanda: section 1 (2) (a) of the Decree dated 14 March 1957 on hours of work, Sunday rest and public holidays, which is applicable to all three countries. Netherlands: the Government stated in its report that the legislation on the weekly rest does not apply to inland waterway transport undertakings; it added, however, that efforts were being made to extend the scope of this legislation to undertakings of this type. Viet-Nam (see preceding footnote): the Government stated in its report for the period 1956-57 that a decree on inland waterways was being studied (see *Summary of Reports on Ratified Conventions*, Report III (Part I), op. cit., p. 43).

³ In its report for the period 1956-57, and later at a meeting of the Conference Committee on the Application of Conventions and Recommendations in 1961, the Government stated that a draft Labour Code was being prepared which would extend the scope of national legislation on the weekly rest to include workers not covered by the Factories Act (see, *inter alia*, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), op. cit., p. 54).

⁴ As a result of observations by the Committee, the Government informed the Conference Committee in 1963 that a Bill had been drawn up to extend the Convention to all classes of establishments covered by Article 1 of the instrument, irrespective of the number of workers employed or their location.

⁵ Burundi, Congo (Leopoldville), Rwanda: section 1 of Decree dated 14 March 1957. Sweden: section 3 (a) of Act dated 3 January 1949.

⁶ For example, in Italy the Act of 22 February 1934 on the Sunday and weekly rest does not

40. The power of States Members to exclude from the scope of their legislation persons working in undertakings in which only the members of one single family are employed is specified in both Convention No. 14 and Convention No. 106. The use that has been made of this power will be examined later.

Special Exceptions of a National Character.

41. It will be recalled that the definition of the scope of the Convention in Article 1, paragraph 1, is accompanied by a qualification regarding special national exceptions contained in the 1919 Washington Convention on hours of work so far as such exceptions are applicable to the Convention. In the case of India, Article 10 of the 1919 Convention states that the only workers covered are those in the industries at present covered by the Factory Acts administered by the Government of India, in mines and in such branches of railway work as shall be specified for this purpose by the competent authority.¹ The national exceptions affecting India also apply to Burma and Pakistan.² Similar exceptions also exist in Japan, where the industrial establishments listed in Article 1 (b) of the Convention are not subject to regulation if they employ fewer than ten people. The Conditions of Employment Act of 5 April 1947 (No. 49) does not require employers to draw up works rules specifying, *inter alia*, the weekly day of rest unless their establishments employ more than ten workers.

Line of Division Separating Industry from Commerce and Agriculture.

42. As was stated earlier, Article 1 (3) of the Convention states that, where necessary, each Member may define the line of division which separates industry from commerce and agriculture. Few countries, however, make use of this power in their legislation. Where legislation covers both industry and commerce, reports from governments often state that because of this it has not been thought worth while to adopt measures that would define the boundaries of the two types of activity. Even in countries with separate legislation for industry and commerce, this has not been done in all cases. On the other hand, where legislation gives fairly precise definitions of industry and commerce, it can be considered that a line of division has been drawn. This would appear to be the case in Ireland.³

*Scope of the Weekly Rest (Commerce and Offices)
Convention, 1957 (No. 106)*

43. Apart from certain authorised exemptions (which are dealt with later), Convention No. 106 applies in general to employees of three classes of establishments. These establishments are covered either *ipso jure*, or under certain conditions, or,

apply to persons working under a profit-sharing arrangement. In Tanganyika section 25-B (1) of the Employment Ordinance excludes persons earning more than £420 a year.

¹ India: the definitions of factories and mines are given in the 1948 Factories Act and the 1952 Mines Act; the Railways Act of 1890, as amended, states (section 71-B) that the Act applies to such railway servants or such classes of servants as the appropriate authority may prescribe in regulations issued under the said section; section 3 of the Railway Servants (Hours of Employment) Rules, 1951, lists the classes of employees excluded from the regulations.

² Burma and Pakistan, which used to form part of India, became Members of the I.L.O. in 1948 and 1947 respectively. Both countries have declared themselves to be bound by this Convention, which had earlier been ratified by the Government of India.

³ Ireland: section 3 (1) of the Conditions of Employment Act of 14 February 1936 states that the term "industrial work" excludes agricultural and commercial work; the term "agricultural work" means "the work of any farm or garden or of forestry and includes any form of industrial work done as part of the work of a farm or garden for the purpose of carrying on the business thereof and for no other purpose" (section 3 (2) (1)); the term "commercial work" means "work of a clerical nature, the work of overseeing, directing and managing industrial work, or work done for or in connection with the sale, wholesale or retail, of any article".

lastly, in consequence of a formal declaration made by a State Member at the time of ratification.

44. Under Article 2 (*a*) and (*b*), the Convention, in principle, applies automatically to trading establishments and to establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including offices of persons employed in the liberal professions, whether public or private.

45. The Convention also applies to the trading branches of any other establishments; the branches of any other establishments in which the persons employed are mainly engaged in office work; and mixed, commercial and industrial establishments in so far as they are not covered by Article 3 or subject to national regulations or other arrangements concerning weekly rest in industry, mines, transport or agriculture (Article 2 (*c*) of the Convention). This second category of establishments was included because of the desire to extend the scope of the Convention to establishments which are only partly commercial or clerical in character, together with establishments of a combined commercial and industrial character, in so far as they are not already subject to legislation applying to other branches of employment.

46. Lastly, the scope of the Convention extends to persons employed in such of the following establishments as the Member ratifying the Convention may specify in a declaration accompanying its ratification: (*a*) establishments, institutions and administrative services providing personal services; (*b*) post and telecommunications services; (*c*) newspaper undertakings; and (*d*) theatres and places of public entertainment (Article 3 (1) of the Convention).

47. This analysis of the main provisions defining the scope of Convention No. 106 shows that it is defined less strictly than that of Convention No. 14. Accordingly, Article 4 of Convention No. 106 states that, where necessary, appropriate arrangements shall be made to define the line which separates the establishments to which this Convention applies from other establishments. In any case in which it is doubtful whether a specific establishment is one to which the Convention applies, the question should be settled either by the competent authority, after consultation with the representative organisations of employers and workers concerned, where such exist, or in any other manner which is consistent with national law and practice.

Scope of National Law and Practice.

48. The analysis of the scope of Convention No. 14 showed that the weekly rest legislation of most States Members applies to industry as well as to commerce. This type of legislation (as was seen) uses general formulae to define industry and commerce or, alternatively, it applies only if an employment relationship exists. It is not referred to here unless it contains details which help to define the effect given in practice to Convention No. 106. It is preferable to concentrate on regulations specifically concerned with employees of trading establishments and offices.

49. Where countries have legislation of general scope, it can be assumed that a large proportion, if not all, of the workers employed in commerce and offices, are covered by the weekly rest arrangements in countries where legislation applies to "industrial and commercial establishments of whatever character, both public and private, and their branches" or employs similar wording.¹ It is the same in countries

¹ See para. 29 and footnote 1, p. 322.

where the legislation applies only if there is an employment relationship.¹ As was seen earlier, in some countries the general legislation specifies the establishments covered in some detail. The enumeration may be more or less extensive in scope than the Convention.

50. In all these cases the extent to which legislation conforms or does not conform to the Convention can be decided only after an examination of each case, especially since legislation, even if very wide in scope, may, as has been pointed out, allow certain exemptions.

51. The scope of legislation specifically concerned with commercial employment varies considerably from one country to another and it is uncommon for it to be exactly the same as that of the Convention. Nevertheless, in some countries the legislation is sufficiently general to meet, in principle, the requirements of the Convention. This would appear to be the case in Denmark where the law² applies to "employment of any kind in commercial establishments and offices, whether public or private, in which workers (or assistants) are employed in the service of an employer". In Finland³ the Act respecting conditions of employment in commercial establishments and offices applies to "commercial establishments, offices and other concerns of a similar nature".

52. In other countries, however, in many of which the law is based on the English legal system, the legislation covers only clearly defined commercial or administrative establishments such as shops, offices, theatres and restaurants.⁴ It should, however, be noted that the scope of such legislation is often enlarged by the definitions it contains.

53. The coverage of special legislation, which in any case is more limited than that of the Convention, is still further restricted in some countries by the fact that it applies only to certain prescribed areas.⁵

¹ See para. 31 and footnote 1, p. 323.

² Act No. 227 of 11 June 1954 respecting workers' protection in employment in commercial establishments and offices (section 1 (1)).

³ Act No. 605 of 2 August 1946.

⁴ Burma: under section 2 of the 1951 Shops and Establishments Act, the term "shop" means any premises used wholly or in part for the wholesale or retail sale of commodities or articles and any other premises as the President may, by notification, declare to be a shop. The term "commercial establishment" means an establishment in which there is conducted the business of an advertising, commission, forwarding or commercial agency, and any other class of establishment that the President may, by notification, declare to be a commercial establishment for the purposes of the Act. Cyprus: section 2 of the Shops Act of 26 November 1942 defines a "shop" as any premises (including markets) in which any retailing or other trading takes place. Guernsey: the 1911 Sunday Trading Act covers commercial establishments generally. Hong Kong: the 1947 Holidays Ordinance applies only to banks, schools and public administrations. India: the Government stated in its report that the legislation passed by the states of the Union on shops and commercial establishments applies primarily to shops, commercial establishments, restaurants, hotels and places of entertainment in specific urban areas. Malaysia (states of Malaya): Ordinance No. 47 of 1950 applies only to employees, in shops, restaurants and theatres. New Zealand: Act No. 32 of 20 October 1955 covers shops, warehouses and offices, which are defined in the Act itself. Sarawak (Malaysia): the relevant legislation applies to shops, restaurants and theatres.

⁵ India: the Government of India stated in its report that state governments are empowered to extend legislation on shops and commercial establishments to other areas and establishments; measures are being taken to extend this legislation progressively to a large number of workers. Pakistan: some legislation on commerce (e.g. the 1940 Punjab Trade Employees Act, section 1 (3)) comes into force in certain areas only after notification by provincial governments.

Extension of the Scope of Legislation in Accordance with the Declaration Provided for in Article 3 (2) of the Convention.

54. It will be recalled that Article 3 of Convention No. 106 states (paragraph 1) that on ratifying the Convention Members may submit a declaration specifying the establishments other than those which are automatically covered by Article 2 to which the Convention will apply. Paragraph 2 of Article 3 states that a Member ratifying the Convention may subsequently communicate to the Director-General of the I.L.O. a declaration accepting the obligations of the Convention in respect of establishments referred to in the preceding paragraph which are not already specified in a previous declaration.

55. Four States Members have made this declaration, either at the time of ratification or subsequently, in respect of all or some of the establishments covered by Article 3, paragraph 1, of the Convention.¹

56. Among the countries which have² or even those which have not³ ratified the Convention, a large number state in their reports that certain or all of the establishments concerned are covered by their legislation; this is particularly true of countries where the legislation applies only when an employment relationship exists.

Definition of the Scope in Doubtful Cases.

57. Hardly any of the governments which have supplied information on this point have felt it necessary to avail themselves of the power to define the line which separates the establishments to which the Convention applies from other establishments (as allowed by Article 4 of the Convention). A reason very often given is that the relevant legislation is general in scope.

58. Three countries appear to constitute an exception to this rule.⁴

Classes of Establishments and Persons Excluded from National Legislation.

Public Administrative Services.

59. The fact that some national regulations specify that they apply to public and private establishments or to persons who have an employment relationship with an employer does not definitely imply that they cover the staffs of public administrative services, i.e. officials. These employees are often explicitly or implicitly excluded from the scope of general legislation on the weekly rest.

¹ Denmark: establishments listed in Article 3 (1) (a) of the Convention. Haiti: all the establishments listed in Article 3 (1). Israel: establishments listed in paragraph 1 (b) and (c). Pakistan: establishments listed in paragraph 1 (c).

² Guatemala, the United Arab Republic and Yugoslavia, while stating that all the classes of establishments falling within the scope of the Convention are covered by national legislation, have not yet made any formal declaration. Mexico, in its report on the Convention for the period 1960-62, stated that a declaration accepting the obligations of the Convention in respect of the classes of establishments listed in Article 3 (1) of the Convention had been prepared and would be forwarded to the Office, but since then there has been no further information on this point.

³ The New Zealand Government stated, however, that if ratification were considered it would, at least in the early stages, make use of the option of excluding the various classes of establishments listed in Article 3, paragraph 1, of the Convention.

⁴ Denmark: section 1 (5) of Act No. 227 of 11 June 1954 states that in doubtful cases the Ministry of Social Affairs shall decide, in consultation with the Labour Council, to what extent certain classes of establishments or jobs should be covered. Finland: section 3 of Act No. 605 of 2 August 1946 states that the Labour Council shall determine any question as to whether a given type of work or category of employee comes within the scope of the Act. Switzerland: section 4 (1) of the federal Act of 26 September 1931 and section 8 of the Order of 11 June 1934 state that in disputed cases the appropriate cantonal authority shall decide on the scope of the law.

60. The problem of the application of international labour Conventions to public officials is by no means new. In reply to the Office questionnaire on the scope of the present Convention the Government of Finland stated that the proposed instrument should not apply to public administrative services. Similarly, the Government of Czechoslovakia assumed that the instrument would not cover such services and it added that if it did, these services should be explicitly excluded.¹

61. The comments and conclusions put forward by the Office on the basis of the governments' replies to this questionnaire recalled that when the Conference adopted the first international instruments on commerce and offices it endorsed the principle of its application to public as well as private establishments.² Moreover, the Office stated in an opinion on the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), that the Convention applied to persons employed in the public and private establishments concerned "even if, according to the public law of certain States, they have the status of officials".³

62. It is worth making these points in order to prevent any misunderstanding as to whether or not the Convention applies to officials coming within its scope, for the reports of governments do not, in all cases, give details of the legislation applicable to public servants, even when the latter are excluded from the general weekly rest arrangements.

63. In many countries the legislation on weekly rest explicitly excludes officials either as such, or under the heading of employees of public establishments or public administrative services.⁴ In some of these countries the legislation provides that officials shall be subject to special provisions⁵, or the governments themselves, in the absence of any such provision, have stated this to be the case.

64. The case of the former French non-metropolitan territories which have become Members of the Organisation calls for further mention, since the Act of

¹ I.L.O.: *Weekly Rest in Commerce and Offices*, Report VII (2), International Labour Conference, 39th Session, Geneva, 1956, p. 16.

² *Ibid.*, p. 86.

³ *International Labour Code*, 1951, op. cit., footnote 229, p. 214.

⁴ Bolivia: section 1 of the Labour Code. Brazil: section 4 of the Act of 5 January 1949. Burma: section 5 of the 1951 Shops and Establishments Act. Eastern Cameroon: section 1 of the Labour Code. Central African Republic: section 1 of the Labour Code. Chad: section 1 of the Labour Code. Colombia: section 4 of the Labour Code. Comoro Islands: Act of 15 December 1952 introducing a Labour Code in the associated territories administered by the Ministry for Overseas France, section 1 (2). Congo (Brazzaville): section 1 of the Labour Code. Dahomey: section 1 of the Labour Code. Denmark: section 12 (1) of Act No. 226 of 11 June 1954. Dominican Republic: section 3 of the Labour Code. Finland: section 3 (3), paragraph 2, of Act No. 604 of 2 August 1946. Gabon: section 1 of the Labour Code. Greece: section 7 of Decree of 8 March 1930. Guatemala: section 14 of the Labour Code and article 119 (1) of the Constitution; in reply to a direct request the Government stated that a presidential decree has been issued to give effect to the Convention as regards public employees; the text of this decree has not however been forwarded. Guinea: section 1 of the Labour Code. Haiti: section 320 of the Labour Code. Italy: section 1 of the Act of 22 February 1934. Ivory Coast: section 1 of the Labour Code. Malagasy Republic: section 1 of the Labour Code. Mali: section 1 of the Labour Code. Mexico: section 2 of the Federal Labour Act. Mauritania: section 1 of the Labour Code. New Caledonia: see under Comoro Islands. Nicaragua: section 9 of the Labour Code. Niger: section 1 of the Labour Code. French Polynesia: see under Comoro Islands. St. Pierre and Miquelon: see under Comoro Islands. Senegal: section 1 of the Labour Code. French Somaliland: see under Comoro Islands. Switzerland: section 1 (2) of the federal Act of 26 September 1931. Togo: section 1 of the Labour Code. United Arab Republic: section 4 of the Labour Code; in reply to a direct request the Government stated that public employees are subject to special regulations, a copy of which has not however been forwarded. Venezuela: section 6 of the Labour Code.

⁵ Brazil, Colombia, Denmark, Dominican Republic, Finland, Guatemala, Haiti, Malagasy Republic, Mexico, United Arab Republic, Venezuela.

15 December 1952 introducing the Labour Code in these territories provides (section 1 (3)): "Persons appointed to permanent posts on the establishment of a public administrative service shall not be subject to this Act."¹

65. The orders issued in these countries to regulate the operation of the weekly rest (which according to the available information are still in force), were based on section 120 of this Code, which lays down the general principle of compulsory weekly rest.² It follows that officials are still outside the scope of these orders. This conclusion is still true even in the case of countries which have introduced new labour codes because the latter retain the general exclusion of officials.³

66. Although this report sets out to examine the effect given to the Convention from a purely legal standpoint (basing itself on the information supplied to the Committee), it would be reasonable to assume that the overwhelming majority of officials, by virtue of their positions, in practice have conditions of employment which ensure that they are given a weekly rest. The attention of governments which are bound by the Convention should however be called to the need to provide details of the legislation applicable to the staffs of public administrative services whenever they are excluded from the normal weekly rest arrangements.

Miscellaneous Exclusions from the Scope of National Legislation.

67. With regard to this point reference can be made to the information given on the scope of Convention No. 14.

Exclusions Prescribed by the Conventions.

Family Establishments.

68. Both Conventions contain exemptions in the case of family establishments, but the wording is different. Article 3 of Convention No. 14 allows each Member to except persons employed in industrial undertakings in which only the members of one single family are employed. Convention No. 106 allows establishments to be excluded only if members of the employer's family who are not, or cannot be considered to be, wage earners are employed (Article 5 (a) of the Convention).

69. It is useful to point out the effect of these provisions. In the case of both instruments, the presence of workers who are not members of the employer's family in an establishment falling within their scope makes such an establishment subject to their provisions. In the case of Convention No. 106 the presence in a particular

¹ This constitutes the definition of officials as ruled by the French Council of State.

² Section 120 of the Overseas Labour Code of 1952 is worded as follows:

"Weekly rest is compulsory. It shall consist of at least 24 consecutive hours each week. It shall fall, as a rule, on Sunday.

"The chief officer of the territory shall, by an order made after receiving the recommendations of the advisory labour board, prescribe the rules for applying the preceding paragraph, specifying the trades and professions for which, and the conditions in which, the weekly rest may exceptionally and for clearly established reasons be allowed in shifts or collectively on days other than Sunday, or may be suspended to compensate for ritual or local feasts, or may be allowed at intervals exceeding one week."

³ Central African Republic: section 2 of the 1961 Labour Code. Gabon: section 1 (2) of the Labour Code of 4 January 1962. Guinea: section 1 (2) of the Labour Code of 30 June 1960. Mali: section 1 of the Labour Code of 9 August 1962. Mauritania: section 1 of the Labour Code of 23 January 1963. Niger: section 1 (3) of the Labour Code of 15 July 1961. Senegal: section 1 of the Labour Code of 15 June 1961. Upper Volta: section 1 (2) of the Labour Code of 7 August 1962.

establishment of persons who are, or who can be considered to be, wage earners, makes the establishment subject to the provisions of the Convention, even if those persons are members of the employer's family. In other words once the conditions entailing exemption are not fulfilled, all the workers in a family establishment are covered by the Convention and there is no distinction between the members of the employer's family and the others. This conclusion is apparent from the preparatory work which took place on Convention No. 106.¹

70. Neither of these instruments gives a definition of the employer's family. It appears to have been considered preferable to leave it to the legislation and case law of each country to decide whenever the question arises exactly who are members of the same family.

71. The great majority of States Members do not appear to have availed themselves of this clause allowing exceptions to be made in the case of family undertakings.² Some countries which have no specific provisions on this point state that the absence of a true contract of employment between the members of an employer's family and the employer makes it difficult to apply the legislation to this class of worker. Others have stated that as these workers are not regarded as wage earners by the courts, they are implicitly excluded from the scope of national legislation.³ In some countries the law specifically excludes establishments where only members of the employer's family are employed; the definition of such members varies, but it makes no difference whether they are wage earners or not.⁴ Absence of this provision constitutes a divergence from Convention No. 106, which, as was seen, allows exceptions only if the members of the employer's family are not, or cannot be considered to be, wage earners.

¹ The Committee on Weekly Rest discussed a proposal by the Swiss Government to exclude members of the employer's family from the scope of the Convention not only in the case of purely family undertakings but also in the case of undertakings employing ordinary wage earners. It was argued that the exception allowed in Article 5 (a) should not apply exclusively to family undertakings as such but rather to the members of the employer's family. This proposal was rejected by the Committee (I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 715).

² The Governments of the Ukraine and the U.S.S.R. stated in their reports that establishments operated by individual families do not exist in their countries.

³ France: government report on the application of Convention No. 14 for the period 1955-56. Guatemala: first report by the Government on the application of Convention No. 14. Sabah (Malaysia): government report on Convention No. 14 under article 19 of the Constitution. Tunisia: government report on the application of Convention No. 106 for the period 1960-62.

⁴ Brazil: section 372 of the Consolidated Labour Laws of 15 October 1946 does not apply to establishments operated by members of the same family. Denmark: the exclusion applies to work performed exclusively by members of the employer's family who are living in the same household as him (section 1 (2) of Act No. 227 of 11 January 1954. Finland: section 1 of Act No. 604 of 2 August 1946 excludes undertakings and establishments in which the only persons employed are persons permanently residing in employer's household who are lineal ascendants or descendants of the employer or his wife or are the employer's adopted children or adopted parents or their wives. . . . Gibraltar: section 3 of the Ordinance of 12 May 1922 to regulate the hours of employment of shop assistants excludes shops which only employ members of the employer's family living under his roof. Malaysia (states of Malaya): section 6 of the Ordinance of 9 August 1950—every person employed in any shop other than an unassisted shop . . . shall be given in each week a holiday of one whole day. Mexico: the Federal Labour Act does not apply to industries carried on in family workshops with the exception of the provisions on labour inspection (section 211). Nicaragua: under section 9 (1), the Labour Code does not apply to workers in family workshops, i.e. workshops which only employ persons related to the fourth degree by blood or second degree by marriage and who are supervised by a member of the family. Sweden: section 2 (b) of the Act of 3 January 1949 excludes work performed by the members of an employer's family provided it is performed at the employer's home.

72. In some countries the exclusion is not based on the establishments in which members of the employer's family are employed but relates directly to the members themselves, irrespective of whether or not they are wage earners.¹ The type of divergence from Convention No. 106 referred to in the previous paragraph also exists in this case.

Persons in High Managerial Positions.

73. Article 5 (b) of Convention No. 106 states that measures may be taken by the competent authority or through the appropriate machinery in each country to exclude from the provisions of the Convention persons holding high managerial positions. This permissive clause does not exist in Convention No. 14.

74. During the preparatory work on Convention No. 106 it was made clear that Article 5 (b) applies to persons who, because of the extent of their responsibilities, act in fact as if they were themselves employers.²

75. The reports containing information about the clause on persons in high managerial positions state in most cases that recourse is not had to this clause. In other words, the legislation of these countries covers such persons implicitly.³ The same would appear to be true of the countries with legislation of very general scope.

76. In several countries which specifically exclude this class of employee the legislation is often wider in scope than the Convention on this point. In some the exclusion applies to managerial staff or persons in confidential and supervisory positions.⁴ In certain countries it seems that exclusions are based on the

¹ Belgium: section 2 (1) of the Act of 17 July 1905, as amended, states that employers subject to it may not employ on Sundays for the operation of their establishments persons other than members of their own families up to the third degree and living in the same household. Burundi: section 2 (c) of the Decree of 4 March 1957 excludes relatives of the employer up to the third degree inclusive. Congo (Leopoldville): see under Burundi. Iraq: section 2 (1) (c) of the Labour Act of 16 March 1958 excludes members of the employer's family who are being maintained by him. Italy: section 1 (2) of the Act of 22 February 1934 excludes the spouse, parents and relatives of the employer up to the third degree who are living with him and are being maintained by him. Luxembourg: section 1 of the Act of 21 August 1913 excludes members of the owner's family. Pakistan: e.g. the East Bengal Shops and Establishments Act, 1951, excludes members of a shop-keeper's family (section 2). Portugal: section 3 of the Decree of 14 August 1934 states that exemption from any of the provisions of the hours of work regulations may be sought in the case of persons employed in small-scale businesses who are close relatives of their employers. Rwanda: see under Burundi. Switzerland: section 2 of the federal Act of 26 September 1931 excludes members of the family of the owner of an establishment. Viet-Nam: section 5 *in fine* of the Labour Code provides that the latter does not apply to handicraft establishments in which workers are directly related to the owner.

² Section 5 (b) of the proposed Convention drawn up by the Office was worded as follows: "persons holding supervisory or managerial positions or employed in a confidential capacity" (see I.L.O.: *Weekly Rest in Commerce and Offices*, Report V (1), International Labour Conference, 40th Session, Geneva, 1957, p. 26. The Committee on Weekly Rest approved a proposal to replace subparagraph (b) of the Office text by a clause covering only persons in high managerial positions. It was considered that "The exclusion to be permitted under this clause should be limited to persons who in fact act in the capacity of an employer and should not be so loosely drawn that subordinate persons could be excluded from the provisions of the Convention" (idem: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 715).

³ This would appear to be the case in Guatemala, Iraq, Ivory Coast, Ukraine, Venezuela, Yugoslavia.

⁴ Angola: section 122 of the Labour Code. Finland: section 3 of Act No. 604 of 2 August 1946. Israel: section 30 of the Act of 15 May 1951. New Zealand: section 2 (c) of the Shops and Offices Act of 1955. Pakistan: section 1 (1) of the 1942 Weekly Rest Act. Portugal: section 3 of Decree of 24 August 1934. Sarawak (Malaysia): section 7 of the Weekly Rest Ordinance—(*Laws of Sarawak*, 1958, Vol. IV). Switzerland: section 2 of the federal Act of 26 September 1951.

idea of the responsibility exercised in the undertakings.¹ Conformity of the national law with the Convention must then be ascertained by examining the case of each country separately.

SECTION III. NORMAL WEEKLY REST SCHEMES

77. The two Conventions and the Recommendation on weekly rest define the basic standards for normal weekly rest schemes. These standards, as laid down in Conventions No. 14 and 106 and Recommendation No. 103, relate to regularity, continuity, duration, method of calculation, uniformity and the day on which the weekly rest should be taken.

Regularity and Continuity of the Weekly Rest

78. Article 2, paragraph 1, of Convention No. 14 and Article 6, paragraph 1, of Convention No. 106 stipulate (subject to the exceptions allowed by these instruments) that all persons to whom they apply shall be entitled to an uninterrupted weekly rest period comprising not less than 24 consecutive hours in the course of each period of seven days.

Regularity.

79. A weekly rest at seven-day intervals is the virtually universal practice, although different formulae are used. The legislation of a limited number of countries states that a weekly rest must be granted during each "period of seven days".² In a large group of countries, the term "week" or "weekly" constitutes the reference to the standard of regularity.³ The legislation of other countries confines itself to placing a general prohibition on work on a specified day, usually Sunday.⁴ Lastly, in some other countries the weekly rest is granted "after six days' work".⁵

80. In some cases⁶ where the weekly rest is enforced only indirectly by means of restrictions on weekly and daily hours of work, it cannot be assumed that the rest

¹ Burundi: section 2 (e) of the Decree of 14 March 1957 excludes members of the management of the establishment or a branch of the establishment who bear major responsibilities. Congo (Leopoldville): see under Burundi. Denmark: section 12.3 of Act No. 227 of 11 June 1954 excludes senior executives. Greenland: officials who are not subject to supervision and whom it would be difficult or expensive to replace are excluded from the weekly rest legislation (Part II, sections 1 and 4, of Order No. 11 of 30 January 1961). Italy: the Act of 22 February 1934 does not apply (section 1.4) to persons engaged in the technical or administrative management of an establishment who are directly responsible for its operation. Rwanda: see under Burundi. United Arab Republic: section 123 of the Labour Code excludes an employer's authorised representatives from the weekly rest legislation.

² China, Haiti, Sweden, Thailand, Yugoslavia.

³ Afghanistan, Brazil, Bulgaria, Cameroon, Central African Republic, Chile, Comoro Islands, Congo (Brazzaville), Costa Rica, Czechoslovakia, Dahomey, French Polynesia, French Somaliland, Gabon, Grenada, Guinea, Hungary, Israel, Italy, Ivory Coast, Malagasy Republic, Mali, Mauritania, New Caledonia, Niger, Norway, Portugal, Northern Rhodesia, Rumania, St. Pierre and Miquelon, Sarawak (Malaysia), Senegal, Switzerland, Togo, Tunisia, Turkey, Ukraine, U.S.S.R., Upper Volta.

⁴ Argentina, Belgium, Bolivia, Colombia, Cyprus, Denmark, Faroe Islands, Finland, Greece, Guernsey, Ireland, Luxembourg, Malaysia (states of Malaya), Peru, Philippines, Poland, St. Helena, Spain, United Arab Republic, Venezuela.

⁵ Burundi, Congo (Leopoldville), Dominican Republic, France, Guatemala, Iraq, Mexico, Morocco, Nicaragua, Rwanda, Uruguay, Viet-Nam.

⁶ Cuba: Decree No. 1693 of 19 September 1933 prescribes a maximum working day of eight hours; section 1 of the Decree of 4 January 1934, issued under the foregoing decree, provides for a weekly rest for every 44 hours worked. Montserrat: the Shops Ordinance of 1941 (No. 12) only prescribes a maximum working week of 45 hours.

periods must be given at regular intervals since, theoretically at least, the working week could be spread over all seven days.

Continuity.

81. It will be noted that the relevant Articles of the two Conventions stipulate that the rest period must consist of not less than 24 consecutive hours. As elsewhere, this standard is applied by national legislation by means of varying formulae, such as "uninterrupted rest"¹, rest for a number of consecutive hours² or a full day (stated or implied).³

82. Exceptions to the requirement that the rest shall be consecutive and at regular weekly intervals are allowed only in particular cases in which permission is given for the weekly day of rest to be taken on another day of the week or in more than one part and at different times. Paragraph 3 (a) and (b) of Recommendation No. 103 deals with this aspect of the question, which will be examined later in the section dealing with special weekly rest schemes.

Duration and Calculation of the Weekly Rest

Statutory Duration.

83. As recalled earlier, the two Conventions require a weekly rest comprising not less than 24 consecutive hours. Recommendation No. 103 (paragraph 1) states that persons to whom Convention No. 106 is applicable should, as far as possible, be entitled to a weekly rest of not less than 36 consecutive hours.

84. According to the information supplied by governments, a minimum standard of 24 hours is almost universal under normal weekly rest schemes. The few exceptions encountered in certain special schemes are due to the nature of the work or the demands on certain types of establishments.

85. In fact, the minimum legal duration of weekly rest or the period of weekly rest generally allowed in the vast majority of the countries covered⁴ by the present survey is 24 hours or one calendar day. Moreover, as will be seen below, the period of rest is, in practice, very often longer than the legal minimum.

¹ Bulgaria, Czechoslovakia, Dominican Republic, Finland, U.S.S.R.

² Afghanistan, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Denmark, France, Gabon, Guinea, Haiti, Israel, Italy, Ivory Coast, Malagasy Republic, Mali, Mauritania, Morocco, Niger, Norway, Rumania, Senegal, Sweden, Switzerland, Thailand, Tunisia, Upper Volta, Viet-Nam, Yugoslavia.

³ Argentina, Belgium, Bolivia, Burundi, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Hungary, Iraq, Ireland, Luxembourg, Malaysia (states of Malaya), Mexico, Nicaragua, Peru, Philippines, Poland, Portugal, Rwanda, Turkey, United Arab Republic, Uruguay, Venezuela.

⁴ Aden: Employment in Shops Ordinance, 1958, and Factories Ordinance. Afghanistan: section 64 of the Regulation of 16 January 1946. Algeria: section 31 of Book II of the Labour Code of Algeria. Angola: section 120 of the Labour Code. Argentina: section 1 of the Act of 6 September 1905 [In this country the Act of 7 October 1932, which applies to certain categories of commercial undertaking, provides for weekly rest of one-and-a-half days]. Australia: the Government's report indicates that the minimum period of weekly rest is 24 hours. Austria: section II, 1, of the Act of 16 January 1895. Bahamas: Government's report. Barbados: section 2 of the Shops Act of 1945. Belgium: section 2, subsection 1, of the Act of 17 July 1905. Bermuda: Government's report. Bechuanaland: Government's report. Bolivia: section 40 of the Labour Code. Brazil: section 1 of the Consolidation of 9 August 1943. British Honduras: Labour Ordinance No. 15 of 1959. Burma: section 57 (1) of the Factories Act of 1951 and section 6 of the Shops and Establishments Act of 1951. Burundi: section 23 of the Decree of 14 March 1954. Cameroon: Eastern Cameroon—

section 1 of the Order of 3 December 1954; Western Cameroon—custom and usage. Canada: Lord's Day Act. Cape Verde: section 29 of Act No. 1330 of 9 February 1957. Central African Republic: Order of 22 November 1953. Ceylon: from information supplied by the Government it appears that weekly rest in industry is one day; section 5 of the Shop and Office Employees Act provides, however, for a weekly rest of one-and-a-half days for employees. Chad: Order of 3 December 1953. Chile: section 322 of the Labour Code. China: for example, section 5 of the Factory Act of 30 December 1932. Colombia: section 172 of the Labour Code. Comoro Islands: section 120 of the Overseas Labour Code of 1952. Congo (Brazzaville): Order of 24 October 1953. Congo (Leopoldville): section 23 of the Decree of 14 March 1957. Cook Islands and Niue: weekly rest is applied by custom and usage. Costa Rica: section 152 of the Labour Code. Cuba: Act of 19 September 1933. Cyprus: section 6 of the Act of 15 November 1942. Dahomey: Order of 6 August 1953. Denmark: section 14 (1) of Act No. 227 of 11 June 1954. Dominican Republic: section 155 of the Labour Code. Ethiopia: section 2560 of the Civil Code. Falkland Islands: Government's report. Faroe Islands: collective agreements and various texts. Fiji: the Government states that in practice workers receive one-and-a-half days of rest. France: section 31 of Book II of the Labour Code. French Guiana: section 31 of Book II of the Labour Code of France. French Polynesia: section 120 of the Overseas Labour Code of 1952. French Somaliland: section 120 of the Overseas Labour Code of 1952. Gabon: section 1 of the Decree of 29 September 1962. Gambia: Government's report. Ghana: according to the Government's report it is customary to grant a day of rest; civil servants receive one-and-a-half days by virtue of General Order 188 (ii). Federal Republic of Germany: section 150 (a) (i) of the Industrial Code. Gibraltar: Government's report. Gilbert and Ellice Islands: for example, section 3 (1) of the Shop Hours Ordinance of 1938. Greece: section 1 of the Decree of 8 March 1930. Greenland: collective agreements and various texts. Grenada: Government's report. Guadeloupe: section 31 of Book II of the Labour Code of France. Guatemala: section 126 (1) of the Labour Code. Guernsey: Sunday Trading Law, 1911. Guinea: Order of 15 July 1953. Haiti: section 110 (1) of the Labour Code. Hong Kong: Holidays Ordinance of 10 January 1947. Hungary: section 47, subsection 1, of the Labour Code. Iceland: there is no legislation respecting weekly rest and the Government confirms that by virtue of ancient usage a weekly rest of one day is observed. India: various state Acts and, for example, the Factories Act of 1948. Iran: section 1, subsection 1, of the Labour Act of 17 March 1959. Iraq: section 12 (1) of the Labour Code. Ireland: section 49 (1) of the Act of 14 February 1936. Italy: section 1 of the Act of 22 February 1934. Ivory Coast: Order of 20 July 1953. Japan: section 35 (1) of Act No. 49 of 1947. Jersey: Government's report. Kenya: Government's reports and various texts. Kuwait: section 36 of the Labour (Private Sector) Law of 1959. Luxembourg: section 1 of the Act of 21 August 1913. Macao: Act No. 2029 of 5 January 1948. Malagasy Republic: section 3 of the Decree of 28 March 1962. Malaysia (states of Malaya): section 3 of the Ordinance of 9 August 1950. Malta: Factories and Shops Employees Ordinance No. VII. Isle of Man: Government's report. Martinique: section 31 of Book II of the Labour Code of France. Mauritania: Order of 2 July 1953. Mauritius: Labour Ordinance of 1945. Mexico: section 78 of the Federal Labour Act. Montserrat: Government's report. Morocco: section 4 (1) of the Dahir of 21 July 1947. Mozambique: section 37 of the Order of 28 April 1956. Nauru: Chinese and Native Labour Ordinance 1922-1958. Netherlands: for example, section 22 and section 23 of the Labour Act of 1919. New Caledonia: section 120 of the Overseas Labour Code of 1952. New Guinea: Native Employment Ordinance of 1958. New Zealand: for example, section 19 (2) (b) of the Factories Act, 1946. Nicaragua: section 57 of the Labour Code. Niger: section 1 of the Order of 23 July 1953. Nigeria: various Wages Boards Orders. Norfolk Island: Government's report. Northern Rhodesia: Government's report. Norway: section 28 (3) of Act No. 2 of 7 December 1956. Nyasaland: Government's report. Pakistan: section 4 of the Act of 1942. Peru: section 1 of the Act of 28 December 1918. Philippines: sections 1 and 2 of the Act of 20 June 1953. Poland: section 10 of the Act of 18 December 1919. Portugal: section 16 of the Decree of 24 August 1934. Portuguese Guinea: section 284 of Legislative Order No. 486 of 7 December 1929. Reunion: section 31 of Book II of the Labour Code of France. Rumania: section 16 of the Labour Code. Sabah (Malaysia): section 7 of Ordinance No. 15 of 1957. St. Christopher-Nevis-Anguilla: Government's report. St. Helena: Lord's Day Observance Act, 1849. St. Lucia: Government's report. St. Pierre and Miquelon: section 120 of the Overseas Labour Code of 1952. San Tomé and Príncipe: section 5 of Order No. 2475 of 2 April 1959. Sarawak (Malaysia): section 7 of the Weekly Rest Ordinance. Senegal: Order of 26 June 1953. Singapore (Malaysia): section 41 of the Labour Ordinance, No. 40 of 1955. Republic of South Africa: for example, the Mines and Works Act No. 27 of 1956. Solomon Islands: section 10 of the Labour Regulations No. 3 of 1960. Southern Rhodesia: Government's report. Spain: section 1 of the Act of 13 July 1940. Spanish Guinea: section 53 of the Ordinance of 3 December 1947 and section 56 of the Ordinance of November 1953. Spanish West Africa: section 68 of the Order of 2 March 1954. Sweden: section 21 of the Act of 3 January 1949. Switzerland: section 5 of the Act of 26 September 1931. Syrian Arab Republic: section 118 of the Labour Code. Tanganyika: section 25 (B) (1) of the Employment Ordinance of 1961. Thailand: section 6 of the Announcement of 20 December 1958. Timor: Act No. 2029 of 5 January 1948. Togo: Order of 19 March 1954.

(footnote continued overleaf)

86. In a limited number of countries, the minimum legal duration of weekly rest is greater than 24 hours, either for all sectors or for certain sectors: 30 hours in industry in Finland¹, 32 hours in Czechoslovakia² and Yugoslavia³, 35 hours in Turkey⁴, 36 hours in Bulgaria⁵, Israel⁶ and Uruguay⁷ (for commercial establishments in the latter country), 38 hours in commercial establishments in Finland⁸, 42 hours in Byelorussia⁹, Ukraine¹⁰ and U.S.S.R.¹¹, and one-and-a-half days for commercial employees in Argentina.¹²

87. In practice the weekly rest appears to be longer than the 24 hours theoretically prescribed in most countries. This may be due to the way in which hours of work are spread over the week, or to the legislation on shop closing hours or, again, to collective agreement. Together with the legislation specifically concerned with the weekly rest, there may be other regulations dealing with the closing hours of shops or commercial establishments, which have a considerable influence on employees' rest periods.

88. The distribution of hours of work over the week is another indirect method of increasing the statutory weekly rest. For example, in countries which have adopted the 48-hour week and eight-hour day, the weekend break can be extended by working more than eight hours a day. Two countries afford an illustration of this way of rearranging working hours. In France a number of decrees were issued under the Act of 21 June 1936 introducing the 40-hour week, among them the Decrees dated 31 March 1937 and 19 May 1937 dealing respectively with retailing (other than food shops) and with offices, private administrative bodies and agencies. These decrees allowed the 40 hours to be spread over five days or five-and-a-half days, so as to give employees an extra day or half-day off. In Belgium the Act of 14 June 1921 introducing the eight-hour day and 48-hour week made provision (section 2 (2)) for a royal order to be issued granting Saturday afternoons off in any industry following an agreement to that effect between the majority of employers and the majority of workers in it. Other governments in their reports have mentioned the devices permitted by hours of work legislation which amount, in practice, to extending the weekly rest. Nevertheless, hours of work constitute in many respects a separate problem which is to some extent outside the scope of this report.

Tunisia: section 1 of Decree of 20 April 1921. United Arab Republic: section 118 of the Labour Code. United Kingdom: the Government states in its report that weekly rest is applied by virtue of collective agreements. United States: according to the Government's report some states have legislation providing for weekly rest of one day; however, hours of work are often distributed over five days. Upper Volta: Order of 15 July 1953. Uruguay: section 1 of the Act of 22 November 1920; section 1 of the Act of 22 October 1932, however, which deals with certain categories of commercial undertaking, provides for a weekly rest of 36 hours. Venezuela: section 49 of the Labour Code. Viet-Nam: section 175 of the Labour Code. Zanzibar: Government's report.

¹ Finland: section 15 of Act No. 604 of 2 August 1956.

² Czechoslovakia: section 4 (1) of Act of 19 December 1918.

³ Yugoslavia: section 231 (2) of the Labour Code.

⁴ Turkey: section 1 of Act of 25 May 1935.

⁵ Bulgaria: section 51 of the Labour Code.

⁶ Israel: section 7 of Act of 15 May 1951.

⁷ Uruguay: section 1 of Act of 22 October 1931.

⁸ Finland: section 8 of Act No. 605 of 2 August 1946.

⁹ Byelorussia: section 109 of the Labour Code.

¹⁰ Ukraine: section 109 of the Labour Code.

¹¹ U.S.S.R.: section 109 of the Labour Code.

¹² Argentina: section 1 of Act of 7 October 1932.

89. The reports on Recommendation No. 103 which contain information on paragraph 2 of that instrument show that in most of the countries concerned the weekly rest in commerce and offices is equal to, or greater than, 36 hours. Most governments have stated that in practice the weekly rest consists of a day-and-a-half and sometimes even of two days, depending on the branch of employment. It would appear that the weekly rest is longest in public administration and retailing.

90. To sum up, the reports reveal a marked tendency for the weekly rest to become longer in a growing number of branches of employment.

Method of Calculation.

91. Paragraph 2 of Recommendation No. 103 states that the weekly rest provided for by Article 6 of Convention No. 106 should, wherever practicable, be so calculated as to include the period from midnight to midnight. It adds that it should not include other rest periods immediately preceding or following the period from midnight to midnight.

92. The same method of calculation can also be employed in the case of Convention No. 14, although the latter does not specifically provide for it.

93. The foregoing paragraphs show that the majority of countries set, as their standard, a weekly rest of 24 hours or one calendar day and that, in practice, the break is longer than this. The difference between these countries and those where the statutory standard exceeds 24 hours is due to the basis on which the length of the weekly rest is calculated. In the first group, the period is calculated from midnight on one day to midnight on the next, leaving out of account any periods between stopping work and midnight and between midnight on the following day and the resumption of work. Thus, in the case of Chile¹ and Norway², where the law prescribes a minimum break of 24 hours, the method of calculation does not seem to take account of rest periods, whether by day or by night, immediately preceding or following the weekly rest. In the second group, the length of the weekly rest, as fixed by law, appears to cover the period from the stoppage of work on the last working day of the week to the time at which work is resumed on the first working day of the following week.³ The fact that the length of the break ranges from 30 to 42 hours appears to be due to differences between stopping and starting times in the countries concerned.

94. Almost all the countries that have reported stated that the weekly rest comprises the period from midnight to midnight. This is, in fact, stipulated by law in some countries.⁴ Similarly the reports show, by and large, that rest periods, whether

¹ Chile: section 322 of the Labour Code prescribes a day of rest each week, i.e. theoretically 24 hours, but under section 325 of the same Code, the rest lasts from 9 p.m. on the day preceding Sunday until 6 a.m. on the day following Sunday.

² Norway: under section 28 (3) of Act No. 2 dated 7 December 1956, the hours of work of wage earners must be distributed in such a way that an uninterrupted break of not less than 24 hours is given each week; section 21 (1) of the same Act stipulates that work must stop from 6 p.m. on the evening before Sunday until 10 p.m. on the evening before the next working day.

³ This seems to be the case in Argentina where work on Sundays is forbidden by section 1 of the Act of 6 September 1905; section 1 of the Act of 7 October 1932 imposes this ban with effect from 1 p.m. on Saturday. Turkey: section 3 of the Act of 25 May 1935 which deals with the Turkish National Day and the weekly rest in general, stipulates that the latter (which may not be less than 35 hours) must begin at 1 p.m. on Saturday.

⁴ Burma: section 2 of the Act of 1951. Czechoslovakia: section 5 of the Act of 19 December 1918. Denmark: section 14 (1) of Act No. 227 of 11 June 1954 and section 34 (1) of Act No. 226 of 11 June 1954. Finland: section 8 of Act No. 605 of 2 August 1946. Italy: section 3 of Act of

(footnote continued overleaf)

by day or by night, which immediately precede or follow the weekly rest, are not counted as part of it. Nevertheless, this particular point of the Recommendation does not appear to have been specifically embodied in the legislation of any country.

95. To sum up this review of methods of calculating the length of the weekly rest, it can be stated that in no case do the differing methods employed affect the principle of the rest itself. The importance of defining these methods lies in the fact that, at the national level, they make it easier to enforce the legislation and, at the international level, lead to more precise comparisons of the length of weekly rest periods.

Uniformity and Choice of Day

96. Article 2, paragraphs 2 and 3, of Convention No. 14 and Article 6, paragraphs 2 and 3, of Convention No. 106 state that the weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment and, wherever possible, shall coincide with the day of the week established as a day of rest by traditions or customs of the country or the district. Article 6, paragraph 4, of Convention No. 106 goes on to provide that the traditions and customs of religious minorities shall, as far as possible, be respected.

Uniformity.

97. A weekly rest, as was pointed out in the general introduction, is a social necessity and, if taken simultaneously, enables workers to enjoy their leisure hours together. The principle of uniformity is generally recognised by all the countries which have submitted reports (apart from the many exceptions needed to meet the daily demands on certain types of establishment or the operating conditions of others). These exceptions usually involve taking time off in rotation and will be examined in the section on special weekly rest schemes.

98. The legislation of several countries requires the break to be taken simultaneously by all workers. These relevant provisions often provide that in the absence of any specific exception, a weekly rest must be given "simultaneously" or "at the same time" to all employees of the same establishment.¹ Even in the absence of express provisions, the fact that a particular day of the week is prescribed for the weekly rest is sufficient to ensure uniformity. This is the case in the great majority of countries.

Choice of Day.

99. The questionnaire drawn up by the International Labour Office with a view to the preparation of the Weekly Rest (Industry) Convention, 1921 (No. 14), suggested that in principle Sunday should be chosen as the weekly day of rest subject to any special conditions that might exist in certain countries.²

22 February 1934. Luxembourg: section 1 of Act of 21 August 1913. States of Malaya (Malaysia): section 2 of Ordinance No. 47 of 1950. Morocco: section 4 of Dahir of 21 July 1947. Philippines: sections 1 and 2 of Act of 20 June 1953. Spain: section 2 of Act of 13 July 1940. Thailand: section 3 of the Announcement of 20 December 1958.

¹ France: section 34, Book II, of the Labour Code. Guinea: section 6 of Order of 15 July 1953. Haiti: section 110 (2) of the Labour Code. Morocco: section 5 of Dahir of 21 July 1947. Niger: section 6 of Order of 23 July 1953. Sweden: section 21 (1) of Act of 3 January 1949. Switzerland: section 6 of Act of 26 September 1931. Yugoslavia: section 232 of the Labour Code.

² I.L.O.: *Report on the Weekly Rest-Day in Industrial and Commercial Establishments*, Report VII, International Labour Conference, Third Session, 1921, p. 8.

100. This suggestion was not, however, adopted owing to the observations made by a number of countries inhabited by peoples of different faiths. It was considered to be sufficient if the day of rest coincided where possible with the day made customary by the tradition and usage of the country or district.

101. Sunday is in fact prescribed by the overwhelming majority of countries. It is indeed observed extensively as a day of rest outside the countries which either have, or have been influenced by, Christian traditions. In some Moslem countries the day of rest is Friday.¹

102. In three countries where the inhabitants belong to three different faiths, rest days may be given on Friday, Saturday or Sunday.²

103. Lastly, in some countries the law simply states in general terms that every worker is entitled to one day of rest per week.³

Respect for the Traditions and Customs of Religious Minorities

104. The number of reports containing information about respect for the traditions and customs of religious minorities is very small in relation to the importance of this matter. It can be concluded, however, that in the countries where the weekly day of rest is not defined, as well as in those where there is some choice between certain days of the week, respect for the traditions and customs of religious minorities is practised or could be practised without apparent difficulty. The same applies to countries with Christian or Moslem populations where there is no large religious minority and the day of rest is either Sunday or Friday.

105. Some countries which have supplied information on this point stated that allowance is made for the needs of religious minorities in fixing the weekly day of rest.⁴ In some cases, however, it has been difficult to make this allowance.⁵ It may be pointed out that in Greece, section 1 of the Decree of 8 March 1930 consolidating the weekly rest legislation stipulates that in industry, handicrafts or commerce no person of whatever faith may work on Sundays and public holidays. Finally, in

¹ This is mentioned in the reports from the following countries: Afghanistan (section 65 of the Regulations of 16 January 1946); Iran (section 14 of Act of 17 March 1959); Iraq (section 12 (5) of the Labour Code); Kuwait (section 15 of the Labour Law of 1960 (Public Sector)).

² Israel: section 7 (b) of Act of 15 May 1951. Morocco: section 5 of Dahir of 31 July 1947. Tunisia: section 1 (2) of Decree of 20 April 1921.

³ This appears to be the case in China (section 5 of the 1931 Factories Act); Guatemala (section 26 of the Labour Code); Pakistan (section 4, Weekly Rest Act of 1942); Thailand (section 6 of Announcement of 20 December 1958); United Arab Republic (section 118 of Labour Code).

⁴ Dominican Republic: first report on the application of Convention No. 106. India: in its report the Government stated that in public administrative services Sunday is considered to be a day of rest; in other types of establishment it is left to the owner or manager to decide; traditions and customs are generally taken into account in making this decision. Israel, Morocco: see footnote 2 above. New Zealand: the Government stated in its report that Seventh Day Adventists take their weekly day of rest on Saturday. Tunisia: see footnote 2 above. United Arab Republic: report on the application of Convention No. 106 for the period 1961-63. Yugoslavia: in its report for the period 1960-62 the Government stated that a circular (No. 849/55) had been sent to all the inspectorates in the constituent republics stating that any establishment was at liberty to fix its day of rest to suit workers belonging to different faiths, provided it did not impair the efficiency of the organisation or the operation of production processes.

⁵ The Government of Ghana stated in its first report on Convention No. 106 that owing to the great number of religious minorities in the country it had not been possible to respect their traditions and customs in prescribing the weekly day of rest.

Turkey, whereas section 1 of the Weekly Rest Act of 2 January 1925 prescribed Friday as the day of rest, the Act of 25 May 1935 (section 3) prescribed Sunday instead.

106. It will be apparent from the foregoing that the normal weekly rest scheme with its basic standards of regularity, continuity and uniformity cannot be applied universally. This makes it necessary to consider the cases in which exceptions have to be made; such exceptions may be permanent and constitute special schemes, or alternatively may be temporary, in which case they come to an end as soon as the exceptional circumstances giving rise to them no longer obtain.

SECTION IV. SPECIAL WEEKLY REST SCHEMES

107. As was pointed out earlier, Article 4, paragraph 1, of Convention No. 14 states that each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2 instituting a normal weekly rest scheme, special regard being had to all humanitarian and economic considerations. Members may therefore, in certain circumstances, introduce weekly rest schemes which form exceptions to the normal arrangements.

108. This is made even clearer by Article 7, paragraph 1, of Convention No. 106, which states that where the nature of the work, the nature of the service performed by the establishment, the size of the population to be served or the number of persons employed are such that the provisions of Article 6 cannot be applied (i.e. the normal weekly rest scheme), measures may be taken by the competent authority or through the proper machinery in each country to apply special weekly rest schemes, where appropriate, to specified categories of persons or specified types of establishments, regard being paid to all proper social and economic considerations. In the case of Convention No. 14, as of Convention No. 106, such special schemes should not normally be introduced without consultation with the representative organisations of employers and workers.

109. These provisions are justified by the need to keep certain establishments in operation on the day of rest owing to the nature of the work or the demands upon them; this has led almost all countries to make provision in their legislation for special weekly rest schemes. Some, however, such as New Zealand and Yugoslavia, stated in their reports that they had no special schemes—although this does not mean that they have not special arrangements in practice. The main features of special weekly rest schemes are that the rest is taken on a day other than that prescribed by the normal scheme, that it is not always taken at seven-day intervals and the length of the rest may be different. All these features of arrangements for compensatory rest will be examined after the description of the different classes of establishments and persons for whom special schemes are usually provided by national legislation.

Types of Establishments Subject to Special Schemes

110. The types of establishments or occupations to which the ban on work on the normal weekly rest day does not apply vary considerably from one country to another and in some cases governments reserve the right to change their schedules if the need arises. Nevertheless, an examination of these schedules of establishments covered by special schemes shows that they are governed by three main criteria, viz. the need to cater for certain everyday consumer needs; the need to keep certain establishments operating; and the need to make special weekly rest arrangements for particular places or districts.

Establishments Catering for Certain Needs.

111. There are special schemes for establishments engaged in work which cannot be interrupted owing to the nature of the needs for which they cater or the harm which any stoppage would cause to the public interest. This covers industries, businesses and services indispensable to the daily maintenance of health, food supplies, safety and essential consumer needs generally. The establishments mentioned by name in the legislation of several countries are: hospitals and similar establishments specialising in the care of the sick; hotels, restaurants and similar establishments; certain wholesale and retail commercial establishments; fire-fighting services; undertakers; newspaper, information and entertainment establishments; public baths and public utilities (water, gas and electricity); transport, including travel agencies; and broadcasting and receiving wireless telegraphy undertakings.

112. The legislation of many countries¹ subjects all or some of these types of establishments to special schemes.

113. In the case of retailing, which is one of the branches of employment most frequently subjected to special weekly rest schemes, some countries specify the items which may be sold on the compulsory weekly rest day.² This has the advantage of making it clear that exceptions to the normal weekly rest schemes are warranted only when they meet a very definite need. It also makes it possible to enforce the weekly rest legislation more effectively.

Continuous Process Establishments.

114. Special weekly rest schemes are also in force for industries which for technical reasons must operate continuously if they are to maintain their efficiency. As will be

¹ Algeria: section 38, Book II, of the Algerian Labour Code. Argentina: section 17 of Act of 1 March 1926. Belgium: section 4 of Act of 17 July 1905. Brazil: sections 6, 7 and 8 of the Regulation of 12 August 1949. Burundi: section 15 of Decree of 14 March 1957. Cameroon: section 4 of Order of 3 December 1954. Central African Republic: section 4 of Order of 22 November 1953. Chad: section 4 of Order of 5 December 1953. Chile: Regulations of 16 January 1918. Colombia: section 175 (1) (b) of the Labour Code. Comoro Islands: section 4 of Order of 12 May 1954. Congo (Brazzaville): Order of 24 October 1953. Congo (Leopoldville): see Burundi. Costa Rica: section 150 (b) of the Labour Code. Cyprus: section 19 (a) of 25 November 1942. Dahomey: Order of 6 August 1953. Denmark: section 14 (2) of Act No. 227 of 11 June 1954. Dominican Republic: section 160, Labour Code. France: section 38, Book II, of the Labour Code. French Polynesia: Order of 20 June 1955. French Somaliland: Order of 20 December 1953. Gabon: section 4 of Decree of 5 December 1962. Greece: section 8 of Decree of 8 March 1930. Guinea: section 3 of Order of 15 July 1953. Haiti: section 119 (2) of the Labour Code. Iraq: section 12 (3) of the Labour Code. Ireland: section 49 (1) of Act of 14 April 1936. Italy: Decree of 22 June 1935. Ivory Coast: section 3 of Order of 20 July 1953. Luxembourg: section 4 of Order of 21 August 1914. Malaysia (states of Malaya): section 6 of Ordinance of 9 August 1950. Malagasy Republic: section 7 of Decree of 28 March 1962. Mali: section 3 of Order of 20 July 1953. Mauritania: section 3 of Order of 2 July 1953. New Caledonia: section 4 of Order of 7 November 1953. Niger: section 3 of Order of 23 July 1953. Norway: section 21 of Act of 7 December 1956. Peru: section 2 of Act of 26 December 1918. Philippines: section 3 of Act of 20 June 1953 and Regulations of 15 October 1954. Poland: section 11 of Act of 18 December 1919. Rwanda: see Burundi. St. Pierre and Miquelon: section 4 of Order of 13 May 1955. Sarawak (Malaysia): section 4 (1) of Weekly Rest Ordinance (*Laws of Sarawak*, 1958, Vol. IV). Senegal: section 3 of Order of 26 June 1953. Spain: sections 12 and 13 of Regulations of 25 January 1941. Switzerland: section 9 of the federal Act of 26 September 1931. Togo: section 3 of Order of 19 March 1954. Tunisia: section 2 of Decree of 20 April 1921. Turkey: section 4 of Act of 2 January 1925. Upper Volta: Order of 15 July 1953. Uruguay: section 4 of Decree of 14 January 1932. Venezuela: section 35 of Regulations of 30 November 1948. Viet-Nam: section 180 of the Labour Code.

² Dominican Republic: section 160 of the Labour Code—shops selling sugar, milk, ice, etc. France: section 42 of Book II of the Labour Code states that regulations may be issued specifying the retail food shops in which different weekly rest arrangements may be made. Malaysia (states of Malaya): section 6 (h) of the Ordinance of 9 August 1950—sale of fresh milk, cream, meat, fish, bread, fruit, vegetables or other perishable foodstuffs. Uruguay: section 4 of Decree of 14 January 1932—establishments selling fresh meat, fish, poultry, vegetables, fruit and fresh pastry.

seen later, the schemes do not apply to industries so much as to particular types of employment which, because of technical considerations, cannot be interrupted and are usually carried on in shifts, e.g. the manufacture of foodstuffs for immediate consumption, occupations in which any interruption of the work would entail the loss or deterioration of the raw materials, industries using certain specialised techniques (ovens, blast furnaces, gas works, etc.).

115. A list of the occupations which various countries consider it essential not to interrupt would be unduly long. It is, however, interesting to take note of the methods employed in defining the classes of establishment or employment in which a special weekly rest scheme is required in order to maintain continuous operation. There are three different methods.

116. In the first place the law in some countries makes a general exemption from the normal weekly rest scheme in the case of establishments in which the work, because of its nature or for technical reasons, cannot be interrupted or postponed. Among the countries in this group some do not lay down any strict criterion or any procedure for deciding which establishments are covered by this definition.¹ In the absence of such a criterion in the legislation of these countries, it would appear—judging at least by the legislation—that employers are at complete liberty to decide in each case whether work in their establishments would suffer if interrupted. This practice is liable to lead to abuses, because it would allow special weekly rest schemes to be introduced in the case of establishments where they are not absolutely necessary and would not comply with the criteria regarding the nature of the work, the nature of the service performed, the size of the population to be served or the number of persons employed, laid down in Article 7, paragraph 1, of Convention No. 106 and which are also provided for in Article 4, paragraph 1, of Convention No. 14.

117. In the second type of case, which occurs quite often, the law states that special weekly rest schemes may be introduced in establishments where the work cannot be interrupted. Such legislation is also drawn up in general terms, but at the same time lays down a procedure which must be complied with in each case.²

¹ Afghanistan: section 67 of the Decree of 16 January 1946 (if, in an industrial establishment such as a factory making food products, etc., weekly rest might lead to deterioration of the raw materials employed, the employer is empowered to dispense with a weekly rest in his establishment and to reduce the daily hours of work proportionately). Thailand: section 9 of the Announcement of 20 December 1958 (if the work is such that the need for which it caters is permanent, an employer may ask his employees to work on the weekly day of rest).

² Belgium: section 4 of the Act of 17 July 1905 establishes a special weekly rest scheme for industries in which the work by its nature cannot be interrupted or delayed; section 5 of the Act empowers the Crown to extend the scheme to include any other classes of industrial and commercial establishments which, on grounds of public interest or local or other needs usually involve working for all or part of Sunday. Brazil: under section 68 (2) of the Consolidated Labour Laws of 9 August 1943, the appropriate authority may give standing permission for work to be carried out on Sundays in the case of industries which by their nature must continue to operate on that day. Burundi: section 24 of Decree of 14 March 1957; employers may keep their staffs working on Sunday, especially in establishments where the materials used are liable to very quick deterioration and the work cannot, by its nature, be interrupted; section 3 of this decree empowers the Governor General to prescribe the classes of establishment and employment in question, after consultation with representatives of the employers and workers. Colombia: section 175 (2) empowers the Government to prescribe types of employment which, by their nature, or because of technical reasons, cannot be interrupted and may therefore be performed on the compulsory rest day. Costa Rica: section 152 (4) (as amended) of the Labour Code states that, in the case of work carried out in industrial establishments in which continuous operation is necessary, the employer may apply to the Secretariat of State for permission to grant the rest period cumulatively every month. Cyprus: section 19 of the Act of 25 November 1942; the Governor-in-Council may, by Order published in the Gazette, prescribe a

day in each week instead of Sunday on which every shop or class of shop must be closed. Czechoslovakia: section 4 (3) of the Act of 19 December 1918 provides for exceptions to the 32-hour weekly rest in the case of establishments which operate continuously; exceptions are granted by the Minister of Social Welfare after agreement with the other Ministers concerned. Denmark: section 15 (1) of Act No. 227 of 11 June 1954 authorises the labour inspectorate, after consultation with the appropriate employers' and workers' organisations, to permit exceptions where the nature of the undertaking is such that continuous operation is necessary. Dominican Republic: section 161 of the Labour Code states that the provisions requiring an uninterrupted rest of 24 hours after six days' work do not apply to establishments, undertakings or operations which, in the view of the Secretariat of State for Labour, must not be interrupted. Finland: section 15 of Act No. 604 of 2 August 1946 introduced a special weekly rest scheme for operations which because of their technical character must be carried on without interruption every day of the week; in the event of disagreement the appropriate authority decides whether any type of work falls into this category. Guatemala: section 128 of the Labour Code makes provision for a special weekly rest scheme to be introduced by order in establishments where continuous operations are carried on or in other individual cases prescribed by the labour inspectorate. Haiti: section 116 of the Labour Code; whenever the nature of the work or the nature of the service provided by the establishment does not make it possible to carry out the provisions of section 110 (right to weekly rest), measures must be taken to subject such types of establishment, where necessary, to special weekly rest schemes having regard to all relevant social and economic factors. Hungary: section 47 of the Labour Code as amended; in the case of certain sections of industry or types of establishment and certain classes of workers or workers employed in certain types of jobs, the Minister may prescribe a weekly rest day other than Sunday. Iraq: section 12 (5) of the Code; the Minister may, by order, exclude certain activities or forms of work from section 12 (5) of the Code (weekly rest after six days' work). Ireland: section 49 (1) of the Act of 14 April 1936; the ban on Sunday work does not apply to continuous shift work; section 29 (1) of the Act empowers the Minister to make orders defining such work. Israel: section 8 of Act of 15 May 1951; the Minister of Labour may make an order permitting a weekly rest of less than 36 hours in the case of certain types of employment but in no circumstances of less than 25 consecutive hours. Mexico: under section 83 of the Federal Labour Act, the federal and district Governments, as the case may be, are empowered to issue such regulations as may be necessary to adapt the weekly rest standards of the Act to the special needs of certain industries or occupations (N.B. In reply to a direct request from the Committee, the Government stated, in its report for 1960-62, that in fact no regulations have been issued under section 83). Nicaragua: section 61 of the Code; establishments covered by the exceptions allowed by section 57 (i.e. processes which cannot be interrupted on account of the nature of the needs which they satisfy, work which for technical reasons admits of no delay in its execution and work which has to be done because interruption would cause serious prejudice to the interests of the public or industry or commerce in general) must make application to a labour inspector who will decide in each case. Pakistan: section 11 of the 1942 Act empowers the central and provincial Governments to except establishments from all or some of the weekly rest regulations, subject to such conditions as they may consider appropriate. Philippines: section 4 of Act of 20 June 1953; in cases where the work cannot be interrupted or where it is certain that delay would cause serious loss, the Secretary of State is empowered to extend the exceptions allowed in section 3 (which excludes certain specified establishments from the weekly rest regulations). Poland: section 12 of Act of 18 December 1919; in all cases where an establishment makes use of the authorisation to work on Sundays in accordance with section 11 (i.e. continuous process industries in which, for technical reasons, production cannot be interrupted) the inspectorate must be notified. Rumania: section 61 (4) of the Labour Code; works rules must grant days off in rotation to wage earners in continuous process industries. Sweden: section 21 (2) of the Act of 3 January 1949; the Workers' Protection Board may, after consulting the employers' and workers' organisations concerned, allow exceptions to the weekly rest regulations in the case of certain types or places of work. Switzerland: section 13 of the Regulations of 11 June 1934 provide for permission to be given for exceptions to the normal weekly rest scheme; permission, in such cases, is given where necessary for the operation, supervision or maintenance of the undertaking or for other urgent reasons (section 9 (b) of the federal Act of 26 September 1931). Turkey: section 9 of the Act of 2 January 1925 provides for a system of permits for employers wishing to introduce the special weekly rest scheme provided for by section 4 of the same Act, in the case of industrial establishments manufacturing and using perishable raw materials, together with establishments which cannot stop operations without leading to deterioration of their products. See also: British Honduras: section 115 (2) of Labour Ordinance No. 15, 1959; the Governor-in-Council may, by order, exempt from the weekly rest regulations all, or part, of any undertaking or establishment. Sabah (Malaysia): section 7 of the Labour Ordinance of 1957 of North Borneo states that in the event of a dispute the Labour Commissioner may decide whether a worker is deemed to be a shift worker. Sarawak (Malaysia): section 4 (1) of the Weekly Rest Ordinance—any shop other than those listed in Schedule II must remain closed one day a week; section 5—the Governor-in-Council may amend the schedule.

118. The procedure may consist in making an application for permission, which may be granted or refused by the competent authority (the Ministry of Labour or the labour inspectorate), in consulting with the employers' and workers' organisations concerned, or in combining these two methods. The conditions governing the introduction of special schemes will be examined later. The advantage of this practice as compared with that which is mentioned in paragraph No. 116 is that it avoids the drawbacks referred to in that paragraph and so makes it possible to enforce the law more strictly. It should be pointed out that the States Members bound by either Convention are (as will be seen later) required to supply a list of exceptions to the normal weekly rest scheme or of the classes of persons or establishment subject to special weekly rest schemes (Article 6, paragraph 1, of Convention No. 14 and Article 11 (a) of Convention No. 106).

119. In the third type of case the relevant legislation itself in some countries contains a detailed schedule of the establishments in which operations cannot be interrupted or postponed because of technical reasons and must, therefore, be subject to special weekly rest schemes.¹ In France, for example, section 38, Book II, of the Labour Code states that industries employing materials which are liable to rapid deterioration and industries in which any interruption of the work would lead to the loss or deterioration of the product being manufactured, are automatically empowered to grant weekly rests by rotation. A detailed regulation has been issued listing the industries falling within these categories. The schedule takes the form of a table divided into two columns; the left-hand column lists the types of establishments while the column opposite lists the types of work in each establishment which it is considered cannot be interrupted.² This method is also used for the former French non-metropolitan territories, where the provisions of section 38, Book II, of the French Labour Code referred to above have been incorporated in orders regulating the weekly rest.³

120. The same applies to certain other countries which have issued regulations listing the establishments in which operations cannot be interrupted and which are therefore subject to special weekly rest schemes.⁴ These lists do not always appear to be exhaustive and must be supplemented where necessary.

¹ It is interesting to note in this connection that Article 4 of the Hours of Work (Industry) Convention, 1919 (No. 1), provides that the rest days which may be secured to workers in compensating for the weekly rest day shall not be affected in cases where the limit of hours of work is exceeded in those processes which are required to be carried on continuously.

² For example, on building sites where compressed air is used, the production and pumping of compressed air are classified as continuous jobs.

³ For example Chad (Appendix to Order of 3 December 1953); Guinea (Appendix to Order of 15 July 1953); Mali (Appendix to Order of 20 July 1953) and Niger (Appendix to Order of 23 July 1953).

⁴ Argentina: sections 17 and 19 of the Act of 1 March 1926 list the types of employment which cannot be interrupted because of the needs for which they cater or because of technical reasons or because an interruption would be seriously detrimental to the public interest or to the industry itself (the list of types of employment in which the raw materials are liable to deteriorate quickly includes no less than 45 items). Austria: Ordinance of 24 April 1895; the schedule contains 119 items; the first column lists continuous process undertakings, with details in each case of the installations in which Sunday work is permitted, while the second column specifies the type and length of compensatory rest to be granted in each case. Chile: the Regulations of 16 January 1918 issued under the Consolidated Weekly Rest Act of 6 November 1917 specify the operations and occupations which may not be interrupted owing to the nature of the needs for which they cater, technical considerations or the need to avoid serious harm to the public interest or the industries concerned. Italy: the Decree of 22 June 1935 prescribes the occupations referred to by section 5 of

121. Of the three methods just analysed, the third has undoubted advantages because it enables special weekly rest schemes to be established automatically in the case of continuous processes, thereby avoiding the sometimes complicated procedures needed to decide which forms of employment come under this heading. Enforcement of the law is facilitated as a result, because the jobs in each class of establishment which are not subject to the normal weekly rest scheme are clearly defined. This method also comes closest to complying with the standards of Article 6 (1) of Convention No. 14 and Article 11 (a) of Convention No. 106 regarding the submission of lists of establishments subject to special weekly rest schemes.¹

Seasonal Establishments or Establishments in Particular Towns or Areas.

122. In some countries² there are special provisions for establishments which operate only for part of the year or which depend on natural energy or other variable circumstances (e.g. establishments using water or wind as their sole motive power, occupations which are carried on in the open air and in which work may be held up by bad weather). Although few regulations mention them, certain establishments in bathing and tourist resorts or watering places appear to come within this category.³

123. Apart from seasonal fluctuations which may make it necessary to permit special weekly rest arrangements in some areas, the legislation of certain countries permits exceptions on other grounds such as geographical situation or the size of the

the Act of 22 February 1934 which are exempted from the normal weekly rest scheme, viz. industrial operations which wholly, or in part, must be carried on continuously and any other activities entailing work on Sundays either for technical reasons or in the public interest. Luxembourg: section 7 *in fine* of the Act of 21 August 1913 states that a Ministerial Order shall be issued listing the establishments in which the work, by its nature, may not be interrupted or postponed. Morocco: the Order of 25 August 1947 lists establishments dealing with perishable materials and the Order of 25 July 1947 contains a schedule of specialised workers in continuous process industries for whom special weekly rest arrangements must be made. Spain: sections 12 and 13 of the Regulations of 25 January 1941 list the types of work referred to in section 5 (1) of the Act of 13 July 1940 which may not be interrupted owing to the needs for which they cater and the public service they supply, or owing to technical reasons. Uruguay: section 8 of the Decree of 6 May 1921 lists the forms of employment which may not be interrupted because of the nature of the needs for which they cater or because of technical reasons. Venezuela: sections 35 to 39 of the Regulations of 30 November 1948 list the establishments concerned or undertakings which, in the public interest or for special technical reasons, must be kept in operation on all or some public holidays. Viet-Nam: the Order of 1 July 1953 lists the industries employing raw materials liable to very quick deterioration and the industries in which any stoppage of work would entail the loss or deterioration of the product being manufactured.

¹ It is useful to point out in this regard that Article 7 of Convention No. 1 requires the States bound thereby to communicate a list of the processes which are classed as being necessarily continuous in character.

² Belgium: section 6 of Act of 17 July 1905. Burundi: section 25 of Decree of 14 March 1957. Cameroon: Order of 3 December 1954. Central African Republic: Order of 22 November 1953. Chad: Order of 3 December 1953. Congo (Brazzaville): Order of 24 October 1953. Congo (Leopoldville): see Burundi. Costa Rica: section 151 (c) of the Labour Code. Denmark: section 15 (a) of Act No. 227 of 11 June 1954. Dahomey: section 17 of Order of 6 August 1953. Finland: section 5 (1) of Act No. 605 of 2 August 1946. France: section 46, Book II, of Labour Code. Greece: section 8 (1) of Decree of 8 March 1930. Guinea: Order of 15 July 1953. Haiti: section 114 (c) of Labour Code. Italy: section 5 (3) of Act of 22 February 1934. Ivory Coast: Order of 20 July 1953. Luxembourg: section 5 (a) and (c) of Act of 21 August 1913. Mali: section 17 of Order of 20 July 1953. Mauritania: Order of 2 July 1953. Morocco: section 31 of Dahir of 21 July 1947. Nicaragua: section 57 (3) of Labour Code. Niger: section 17 of Order of 23 July 1953. Rwanda: see Burundi. Senegal: section 17 of Order of 26 June 1953. Switzerland: section 17 of Federal Act of 26 September 1931. Togo: Order of 19 March 1954. Tunisia: section 12 of Decree of 20 June 1921. Upper Volta: section 17 of Order of 15 July 1953. Viet-Nam: section 190 of Labour Code.

³ Legislation in France (section 46 (2), Book II, of the Labour Code), Poland (section 11 (a) of Act of 18 December 1919) and Switzerland (section 21 of the Federal Act of 26 September 1931) specifically covers establishments of this type.

towns in which establishments are situated.¹ A detailed examination of the hours of work legislation and special regulations affecting the closing hours of commercial establishments—which would be outside the scope of this survey—would probably bring to light many more cases of the same type.

Categories of Persons Subject to Special Weekly Rest Schemes

124. The provisions of Article 4, paragraph 1, of Convention No. 14 and of Article 7, paragraph 1, of Convention No. 106 permit the adoption of special weekly rest schemes for particular categories of workers. It appears that wide use has been made of this possibility, although to a lesser extent than for the categories of establishments.

125. Workers subject to special weekly rest schemes can be grouped in the following three principal categories, which are those which occur most commonly in the various countries: persons engaged in continuous attendance, such as guards and caretakers; workers performing preparatory and supplementary functions of maintenance and cleaning which must be carried out on the collective rest day and which are essential in order to avoid any delay in the normal resumption of work; and certain specialists engaged in continuous manufacture or operations or considered difficult to replace owing to their particular ability or knowledge. As a general rule shift workers can be included in the third of these categories. In some countries legislation brings all three categories under special schemes.² In other countries³ only maintenance personnel, guards, caretakers and similar workers are covered, or one or more of these categories. Other countries⁴ bring only certain categories of specialised workers under special arrangements. Legislation governing hours of work also provides for exceptions with regard to the above-mentioned workers. Their weekly rest period may be indirectly affected thereby.

¹ Colombia: section 175 (3) of the Labour Code; the Government may prohibit or restrict work on Sundays in certain occupations in the larger towns irrespective of the number of workers employed in each establishment. Morocco: section 24 of the Dahir of 21 July 1947 establishes a special weekly rest scheme for mines and building sites more than 20 kilometres from a fixed settlement with at least 100 inhabitants. Portugal: section 1 (4) of the Decree of 24 August 1934 states that in commercial establishments in small towns and in industrial establishments which are clearly rural in character, wage earners may be exempted from the hours of work regulations provided permission is given by the National Labour and Welfare Institute. Sweden: section 21 of the Act of 3 January 1949; the Workers' Protection Board may allow exceptions to the weekly rest scheme in the case of certain classes or places of work.

² For example Chad (sections 14, 15 and 16 of the Order of 3 December 1953); France (sections 39 and 41 of Book II of the Labour Code); Ivory Coast (sections 14, 15 and 16 of the Order of 20 July 1953); Malagasy Republic (sections 17, 18 and 19 of the Decree of 28 March 1962); Morocco (sections 18 and 19 of the Dahir of 21 August 1947); Niger (sections 14, 15 and 16 of the Order of 23 July 1953).

³ Afghanistan: section 68 of the Decree of 16 January 1946. Finland: section 8 of the Act of 2 August 1946. Peru: section 2, subsection 3, of the Act of 26 December 1918. Philippines: section 2, subsection 3, of the Regulations of 15 October 1954. Rwanda: section 16 of the Decree of 14 March 1957. Switzerland: section 14 of the Regulations of 11 June 1934. Turkey: section 6 of the Act of 2 January 1925. United Arab Republic: section 123, subsections 1 and 3, of the Labour Code. Viet-Nam: sections 183 and 184 of the Labour Code.

⁴ Colombia: section 182 of the Labour Code; persons who, in view of their technical knowledge or the work they perform, could not be replaced without serious harm to the undertaking are required to work on Sundays without right to compensatory rest; nevertheless, their work is remunerated in accordance with conditions laid down in section 179, subsection 1, namely at double time. Italy: section 6 of Decree of 22 June 1935—when the activities listed in section 5 do not permit the weekly rest period of 24 consecutive hours to be granted, owing to the impossibility of replacing specialised staff, the inspectorate may at the request of the employers, and after consultation of the trade union organisations concerned except in case of emergency, authorise reduction of the rest period for each week to 12 consecutive hours.

126. The power to make persons subject to weekly rest schemes constituting an exception to the general scheme is not, moreover, unlimited. Article 7, paragraph 3, of Convention No. 106 states that the provisions of Article 6 (normal weekly rest scheme) apply to persons working in branches of establishments subject to special schemes, which branches would come under these provisions if they were independent. In other words, the preceding provisions aim at limiting the application of special schemes, in establishments subject to such schemes, to workers engaged in activities which could not be brought under the normal scheme in view of their nature. No similar provisions are stated expressly in Convention No. 14. As regards the spirit of the Convention, however, the fact that its Article 4, paragraph 1, requires that special regard shall be had to all proper humanitarian and economic considerations in authorising exceptions would seem to correspond to the principle expressed in Article 7, paragraph 3, of Convention No. 106.

127. Very few reports contain any information concerning the above-mentioned safeguarding clause. From various provisions of the legislation in different countries, however, it is possible to appreciate to what extent this clause has been used. It has already been pointed out that many countries have a procedure for authorisation in order to determine the categories of establishments for which exceptions may be declared to the normal weekly rest scheme. It has also been shown that, as regards establishments which must operate on a continuous basis, special arrangements in certain countries apply only to specifically defined operations. Moreover, as is mentioned below, a system of consultation with employers' and workers' organisations is usually laid down in national regulations when special arrangements are to be introduced. All these factors help implicitly to restrict the introduction of special weekly rest schemes largely to what is strictly necessary.

128. Quite apart from the above considerations, it is interesting to note that in certain cases legislation itself expressly states that exceptions are granted only if found to be essential.¹

129. The principal categories of establishments and persons subject in most countries to special weekly rest schemes are covered in the above review. One general comment can be made: the introduction of special schemes is generally based on standards contained in the instruments studied here, concerning in particular the nature of the work and the nature of the services provided by the establishment. From the comments on the safeguarding clause provided in Article 7, paragraph 3, of Convention No. 106, it is clear that as a general rule also all proper social and economic considerations have been taken into account in introducing special schemes. Consideration must now be given to the implementation under national law and practice of the provisions concerning the consultation of employers' and workers' organisations.

¹ Chile: section 327 of the Labour Code; exceptions to the weekly rest period are valid exclusively —(i) in any undertaking for the departments or parts of the undertaking where work is carried out that provides grounds for exceptions, (ii) for persons strictly necessary in carrying out such work. Denmark: section 15, paragraph 3, of Act No. 227 of 11 June 1954—the exceptions provided for under paragraph 1 (exceptions to the prohibition of work on Sundays) are granted only as found necessary according to circumstances. Uruguay: section 2 of the Act of 22 November 1920; persons covered by the exceptions under section 2 (exceptions to the principle of Sunday rest) are entitled, in compensation for the Sunday rest period, to another rest day, Sunday working being in all cases limited to the strictly essential minimum. Venezuela: section 39 of the Regulations of 30 November 1948 provides that exceptions to prohibition of work on Sundays and public holidays shall be authorised only in the case of persons whose employment on Sundays is absolutely essential.

Consultation with Employers' and Workers' Organisations

130. Under Article 4 of Convention No. 14, total or partial exceptions, which imply the possibility of introducing special schemes, shall be authorised after consultation with responsible associations of employers and workers, wherever such exist. Such consultation is not necessary in the case of exceptions which have already been made under existing legislation. Similarly, Article 7, paragraph 4, of Convention No. 106 provides that any measures relating to the application of paragraphs 1, 2 and 3 (introduction of special schemes) shall be taken in consultation with the representative employers' and workers' organisations concerned.

131. The condition of previous consultation with the representative organisations in laying down special arrangements is generally applied. Forms of consultation vary from one country to the next. In some countries regulations or decisions having a general bearing on labour legislation are adopted after consultation with a standing authority including representatives of the employers and of the workers: for example, advisory labour committee¹, tripartite committee in India, labour council in Finland and joint committee in Belgium. In other cases the representative organisations of employers and workers are consulted.² In some Eastern European countries it is the trade unions that are consulted.³ In countries where the instruments under consideration are generally applied through collective agreements, arbitration awards or decisions of wages boards, the condition of consultation with employers and workers can clearly be regarded as fulfilled.

132. Consultation with employers' and workers' organisations is apparently not provided for in the legislation of certain countries. In such countries, a competent authority decides on any exceptions.⁴ It would be desirable in such cases, as required by the Convention, for the competent authority, before reaching a decision, to consult those mainly concerned in order to be able better to appreciate the situation.

Compensation under Special Weekly Rest Schemes

133. In accordance with Article 5 of Convention No. 14 in the case of exceptions to the normal weekly rest scheme every Member must as far as possible make provision for compensatory periods of rest except in cases where agreements or customs already provide for such periods.⁵

¹ All orders laying down the system of application of weekly rest periods in non-metropolitan territories and former non-metropolitan territories of France indicate in the preamble that the advisory labour committee has been consulted. The same practice exists in Viet-Nam.

² Congo (Leopoldville): section 3 of the Decree of 14 March 1957. Denmark: section 15, paragraph 1, of Act No. 227 of 11 June 1954. France: section 34, Book II, of the Labour Code. Israel: section 33 of the Act of 15 March 1951. Mexico: section 83 of the Federal Labour Act. Sweden: section 21 of the Act of 3 January 1949. Switzerland: section 27 of the Act of 26 September 1931. Uruguay: section 5 of the Act of 22 November 1920.

³ Hungary: section 80, paragraph 1 (b), of the Decree of 28 November 1953. Poland: according to the Government's report the trade unions are among the bodies that apply the provisions regarding weekly rest period. Rumania: section 61 of the Labour Code. U.S.S.R.: the Government states that under Order No. 910 of the Council of Ministers of 19 July 1955 certain establishments remain open on Sundays, subject to decision by the local councils of workers' delegates.

⁴ For example, Brazil, Colombia, Cyprus, Dominican Republic, Guatemala, Iraq, Ireland, Turkey (see footnote 1, p. 226).

⁵ According to the Explanatory Report of the Commission on Weekly Rest concerning this provision, "opinion was divided, a part of the Commission (while not unfavourable to the principle of compensatory rest) being strongly opposed to inserting in a draft international Convention a provision which might involve placing on all States the heavy obligation of securing and super-

134. Convention No. 106 is less flexible in the matter of compensatory rest.¹ Article 7, paragraph 2, provides that persons to whom special arrangements apply shall be entitled, in respect of each period of seven days, to rest of a total duration at least equivalent to the period provided for in Article 6 (namely not less than 24 hours in the course of each period of seven days).

135. It will be noted that Article 7, paragraph 2, of Convention No. 106 fixes the duration of the rest period to which workers subject to a special scheme shall be entitled, but that in contrast to Article 6 (which provides for a normal rest scheme) it does not specify when such rest shall be taken nor that it shall be continuous. Two possible abuses may be pointed out in this connection: the weekly rest period can be unduly postponed or it can be divided into excessively short periods.

136. Recommendation No. 103 provides for two restrictions to the application of special rest schemes in order somewhat to reduce the possibility of such abuses: firstly, Paragraph 3 (a) of the Recommendation states that special rest schemes should be established in such a way as to ensure that persons to whom such special schemes apply do not work for more than three weeks without receiving the rest periods to which they are entitled; secondly, Paragraph 3 (b) states that special schemes should ensure rest periods of not less than 12 consecutive hours wherever rest periods of 24 consecutive hours cannot be granted.

137. The above analysis of provisions governing compensation under special schemes stresses the three principal aspects of such compensation: fixing of the day of rest in relation to the day granted under the normal schemes; the regularity of the compensatory rest; and its duration. Cases where compensation is granted in the form of cash or by other arrangements must also be examined.

Compensation in the Form of Rest

Fixing of Regular Rest.

138. It must be pointed out first of all that one or more methods of organising compensatory rest may be provided under the same legislation according to categories of establishment or persons, or alternatively a choice can be provided between such methods.²

vising the provision of compensatory periods of rest" (I.L.O.: *International Labour Conference, Third Session, 1921*, pp. 746-747). In advice given by the International Labour Office the following comment is made: "By inserting the words, 'as far as possible' the Commission on Weekly Rest, and subsequently the Conference wished to emphasise that, while affirming the principle of compensatory rest, it must take into account the technical or other difficulties which might prevent the granting of compensatory rest periods in certain cases." (See *idem: International Labour Code*, footnote 469 under Article 344, p. 280.)

¹ The Swedish Government member of the Commission on Weekly Rest proposed amendment of paragraph 2 by inserting at the end: "except in special cases where it is deemed impractical by the competent authority or through the appropriate machinery." This proposal was rejected by the Commission. (See *idem: Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 716.)

² Two examples which are by no means isolated will illustrate this situation. In Nicaragua section 58 of the Labour Code provides that in the case of exceptions to the principle of weekly rest compensatory rest may be taken at the worker's option: (a) on another day in the week simultaneously for all the employees of an undertaking or on a rota basis; (b) from midday on the day normally set aside for rest until midday on the following day; and (c) on a rota basis by substituting two half-days during the week for the day of rest. Section 61, subsection 3, of the Labour Code of Rumania states that for workers unable to take their day of rest on Sundays owing to working arrangements the works regulations shall fix another day of the week as the day of rest.

139. Owing to the great disparity that exists in this matter only the principal arrangements in different countries can be stated, these being illustrated with examples which are in no way exhaustive or exclusive.

140. One of these arrangements consists of the rotation system. In establishments where operations cannot be interrupted either for technical reasons or because of needs which they must meet, rest is granted as a rule by an internal weekly rota. This is done in a great number of countries ¹ where legislation contains a general formula to indicate that in specific establishments generally coming within the above-mentioned category the weekly rest period is granted on a rota basis. In a certain number of countries ² legislation does not refer expressly to a system of rotation but provides that persons who work on the weekly day of rest shall be granted another day during the week. Provisions of this type can also lead to a system of internal rotation or simple transfer of the rest day as compared with the normal rest day.

141. In cases of transfer of the rest period regulations may offer the possibility of granting rest simultaneously to all employees of an undertaking on a day other than the normal rest day or half of the rest period on that day, the other half being postponed till the next day or some other time. In France, for example, section 34 of Book II of the Labour Code provides that when it is established that it would be harmful to the public or would compromise the normal operation of the undertaking if all employees took their rest period simultaneously on Sunday the rest period may be granted (*a*) on a day other than Sunday to all employees of the undertaking; (*b*) from midday on Sunday to midday on Monday; (*c*) on Sunday afternoon with compensatory rest of one day per fortnight on a rota basis; and (*d*) on a rota basis for all or some of the employees. Before these arrangements are followed they must be submitted to the competent authority after consultation with the employers' and workers' representatives.

142. These provisions give a fairly good summary of the most frequent methods whereby compensatory rest periods are organised either *de facto* or *de jure*. Such provisions are found in the legislation of a certain number of countries.³ In other

¹ Brazil: section 67 of the Consolidated Labour Laws of 1 May 1943. Cameroon: section 4 of the Order of 3 December 1954. Central African Republic: section 4 of the Order of 22 November 1953. Dahomey: section 3 of the Order of 6 August 1953. France: section 38 of Book II of the Labour Code. Haiti: section 119 of the Labour Code. Italy: section 5 of the Act of 22 February 1934. Norway: section 21, subsection 4, of the Act of 7 December 1956. Portugal: section 18 of the Decree of 24 August 1934. Ukraine: section 110 of the Labour Code. U.S.S.R.: section 110 of the Labour Code. Viet-Nam: section 180 of the Labour Code; the same applies in the other former non-metropolitan territories of France.

² Afghanistan: section 67 of the Decree of 16 January 1946. Argentina: section 2, *in fine*, of the Act of 6 September 1905. Dominican Republic: section 167 of the Labour Code. Finland: section 8, subsection 4, of Act No. 605 of 2 August 1946. Greece: section 12 of the Decree of 8 March 1930. Hungary: section 47, subsection 4, of the Labour Code. Iraq: section 12, subsection 3, of the Labour Code. Peru: section 4 of the Act of 26 December 1918. Turkey: section 12 of the Act of 9 August 1951.

³ The provisions of section 34 of Book II of the French Labour Code quoted in paragraph 141 are reproduced in their entirety in orders fixing the weekly rest in non-metropolitan and former non-metropolitan territories of France—for example, Cameroon: section 8 of the Order of 3 December 1954; Chad: section 7 of the Order of 3 December 1953; Malagasy Republic: section 10 of the Decree of 28 March 1962; Niger: section 6 of the Order of 23 July 1953.

See also: Morocco: section 10, paragraphs 2 and 3, of the Dahir of 21 July 1947 providing the possibility of fixing a rest day other than Friday, Saturday, Sunday or the day of the *suk* (market); Friday, Saturday or Sunday afternoon with compensatory rest of another half-day per week and on a rota basis. Nicaragua: section 58 of the Labour Code. Tunisia: under section 3 of the Decree of 20 April 1921 for an occupation or group of occupations in a particular region, town or urban

cases¹ legislation merely mentions the possibility of postponing compensatory leave to a day other than the normal day of rest without fixing the technical details of organisation, or it provides for compensatory rest of one day without further specifying the details (rotation, division, etc.).

Rest Period Coinciding with the Normal Day of Rest.

143. The general practice under special schemes is to grant not less than one day of rest each week without any need that it should coincide with the day of rest under normal arrangements except through rotation. However, one of the purposes of rest, however, is to permit workers to participate collectively in joint leisure activities, and this purpose could not be achieved if workers could not be granted their rest on the day of compulsory rest. In some countries legislation follows this principle and provides that rest must coincide with Sunday a certain number of times during a specified period.² Similar provisions are found in systems where a fraction of the rest period is included in part of the compulsory day of rest.³

Regularity of Compensatory Rest.

144. Paragraph 3 (a) of Recommendation No. 103 provides that special rest schemes should ensure that persons to whom such schemes apply do not work for more than three weeks without receiving the rest periods to which they are entitled.

145. Examination of national law and practice shows that the regularity of rest periods under special schemes ranges between one week and one year.

146. The week is the most common standard and covers the greatest number of workers, owing to the cases where legislation specifies that rest shall be taken during the week following the compulsory day of rest and the fact that the rota system applied under most special schemes is generally based on the week.

147. A regularity of eight to ten days is noted in legislation applying specially to the railways in France and some of the former non-metropolitan territories of France.⁴

district the competent authority may fix a day of rest other than Friday, Saturday or Sunday or decide that the rest day shall be on a Friday, Saturday or Sunday afternoon with compensatory rest of another half-day in a particular week and on a rota basis, such rotation to cover all or some of the employees. Uruguay: section 2, subsection 5, of the Act of 22 November 1920—in the case of exceptions the rest period may be granted (a) on a day other than Sunday to all employees of the undertaking either collectively or on a rota basis; (b) from midday or 3 p.m. on Sunday to midday or 3 p.m. on Monday; (c) on Sunday afternoon and a further day in any fortnight on a shift basis; (d) by rotation, substituting two half-days for the rest day.

¹ Bulgaria: section 51 of the Labour Code provides for a rest period of not less than 24 hours in the case of continuous processes. Cyprus: section 19 of the Act of 25 November 1942 provides that the Governor-in-Council may by order fix a closing day for specific categories of shop. Hungary: under section 47, subsection 3, of the Labour Code as amended the Minister may fix a weekly day of rest other than Sunday for certain branches of industry or undertakings. Mexico: section 81 of the Federal Labour Act provides that the parties shall by common agreement fix the days on which workers are to be granted rest in place of the compulsory day of rest.

² France: the arrangements under section 39 of Book II of the Labour Code for certain specialists provide that they shall be granted Sunday rest as frequently as possible. Spain: section 6 of the Ordinance of 7 June 1940 states that workers engaged in continuous processes authorised by exception on Sundays may not be engaged all day on two consecutive Sundays. Switzerland: section 7, subsection 3, of the federal Act of 26 September 1931 states that weekly rest must coincide not less than once in three weeks with a Sunday or an official holiday.

³ See footnote 3, p. 350.

⁴ France: in its report for the period 1956-57 on the application of Convention No. 14 the Government stated with regard to travelling personnel on local lines that the maximum interval

(footnote continued overleaf)

148. The regularity of two weeks may be generally applied at least in legislation and for certain sectors in particular countries¹ where the legislation does not leave much latitude in choosing between different methods of granting weekly rest in establishments coming under special schemes.

149. Accumulation of days of rest by the month is provided for in certain countries either in a general manner or in specific cases and subject to certain conditions.²

150. Accumulation of rest periods by the year is fairly rare in national legislation and relates only to very special situations. Thus Moroccan legislation permits the granting of rest periods by half-days each week with compensatory rest of 26 days per year distinct from annual leave.³ The possibility of annual accumulation is also contained in regulations governing inland navigation in Congo (Brazzaville), Central African Republic and Chad.⁴

between two weekly rest periods is ten days; this interval is nine days for travelling personnel of the French National Railways (S.N.C.F.). Mali: the Order of 23 July 1953 fixing the method of application of the 40-hour week in the railways provides in section 31, paragraph 1, that the number of weekly rest periods to be granted each year shall amount to 52, and 53 in years when there are 53 Sundays; paragraph 2 of the same section adds that the long period of work between two rest periods shall not exceed nine days.

Similar provisions are included in the General Order No. 258/I.G.T.L.S. of 23 January 1954 fixing duration of work on the railway network of former French Equatorial Africa (the federation which grouped the Congo (Brazzaville), the Central African Republic, Chad and Gabon).

¹ Belgium: section 4 of the Act of 17 July 1905—wage earners and salaried employees may be engaged in work for 13 days out of 14 or six-and-a-half days out of seven in the following categories of undertakings (there follows a schedule covering a wide range of categories of establishments): under section 5 of the same Act the Crown may extend this scheme to other categories of industrial or commercial undertakings which, for reasons of public utility or local or other requirements, usually have to operate during the whole or part of Sunday. Chile: under section 327 of the Labour Code persons exempted from the normal arrangements for weekly rest period are granted not less than one day every two weeks. Hungary: section 47, subsection 4, of the Labour Code as amended states that if a worker is employed on the normal weekly day of rest he shall be granted another day in compensation during the week; section 77, subsection 3, of the Decree of 28 November 1953 applying the legislative provisions states, however, that the Minister may, subject to agreement of the trade unions, authorise the rest period for two weeks to be granted on two consecutive days in certain branches or types of industry. Luxembourg: section 6 of the Act of 21 August 1913 provides that compensatory rest shall amount to either 24 consecutive hours or two half-days per fortnight.

² Burundi: section 24 of the Decree of 14 March 1957—provided employees are granted compensatory rest within one month they may work for employers on Sundays and public holidays in certain categories of establishments listed in the same section. Ceylon: section 5, paragraph 2, of Act No. 19 of 1954—the rest period due in respect of any week may be granted either during the same week or during the following week; nevertheless, the rest period thus due for a period of four consecutive weeks during any month may, subject to previous authorisation by the Commissioner, be granted at any one time during the month in question. Congo (Leopoldville): see under Burundi. Costa Rica: in accordance with section 152 of the Labour Code as amended, if the worker does not agree to provide his services during rest days in industrial undertakings where continuous operation is necessitated by the nature of the needs to be met or where the work is of clear public or social value, the employer may request the Secretariat of State for Labour to authorise rest periods to be granted each month on a cumulative basis. Japan: section 35 of Act No. 49 of 5 April 1947 provides the possibility of granting not less than four rest days for a period of four weeks; Morocco: under section 10, paragraph 3 (c), of the Dahir of 21 July 1947 it may be decided in certain cases, subject to the agreement of employers' and workers' organisations, that the rest period shall be taken by monthly accumulation of four or five days depending on whether three or four weeks have elapsed since the previous rest period. Rwanda: see under Burundi.

³ Morocco: section 10 of the Dahir of 21 July 1947.

⁴ General Order No. 357/I.G.T.L.S. of 23 January 1954 fixing the method of application of the 40-hour week in transport and other operations on inland waterways in the territories of the Middle Congo (Congo (Brazzaville)), Oubangui-Chari (Central African Republic) and Chad. Section 8 of the same order provides that, as compensation for weekly rest periods not granted owing to stopovers or travelling, workers shall be entitled, either upon return or at the time of annual leave, to an additional number of days of leave equivalent to the number of weekly rest periods not taken.

*Total Duration of Rest under Special Schemes.**Length of Rest Period.*

151. As indicated above, Article 7, paragraph 2, of Convention No. 106 provides that all persons to whom special schemes apply shall be entitled, in respect of each period of seven days, to rest of a total duration at least equivalent to 24 hours.

152. One general conclusion may be drawn from an examination of the reports and legislation. It has been seen from the preceding paragraphs that the rest periods established by special schemes, even where granted at unusual intervals, or accumulated over a long period, or divided into parts, are, generally speaking, of a total duration at least equal to that which is provided under the normal arrangements in force in the countries concerned, i.e. as a rule 24 hours for each period of seven days.

153. Special schemes involving a reduction of the total length of the weekly rest to less than the standard of 24 hours on a permanent basis are very uncommon. In the countries which may be mentioned in this respect ¹, such a situation is usually of an exceptional nature, or applies only to a few specified branches of activity. In any case, in so far as they have the effect of reducing the length of the weekly rest period below the level of 24 hours without requiring additional rest to bring the total up to 24 hours, the provisions in question do not appear to be in harmony with Article 7, paragraph 2, of Convention No. 106. Nor, unless special circumstances prevail, can justification be found for these provisions in paragraph 3 (b) of Recommendation No. 103, which states that special schemes should ensure that, where it is not possible to grant rest periods of 24 consecutive hours, rest periods should comprise not less than 12 hours of uninterrupted rest.

Division into Parts of the Weekly Rest Period.

154. The purpose of the provisions of paragraph 3 (b) of Recommendation No. 103 is to set a limit to excessive splitting up of the weekly rest period. It should

¹ Austria: under section V (2) of the Act of 16 January 1895, where certain specified types of work of a temporary nature take more than three hours, the workers employed thereon must be granted a compensatory rest period of 24 hours, on the following Sunday, or, if the requirements of the undertaking make this impossible, on a working day, or alternatively in the form of two rest periods of six hours each on two different days of the week (the Government's report suggests that in some cases a system exists on a permanent basis). Belgium: section 4 of the Act of 17 July 1905; with its report on Convention No. 106, however, the Government forwarded a copy of a new Bill, the concluding part of section 5 of which provides that workers who have been employed on a Sunday in application of the said section are entitled to compensatory rest within the six days following that Sunday. Chile: under section 327 of the Labour Code, the persons covered by special exceptions with respect to weekly rest are entitled to one rest day every fortnight. Cyprus: section 5 of the Hotels (Conditions of Service) Regulations provides for a weekly rest of one half-day per week; the Government's report on Convention No. 106 indicates that it is accepted in practice in this branch that the weekly rest should be one full day. Greece: section 12 (4) of the Decree of 8 March 1930 lays down that a decree may be issued on the recommendation of the Minister of National Economy after consultation with the Superior Labour Council to grant to wage-earning or salaried employees in the occupations mentioned in section 8 (which lists the categories of undertaking and types of work to which the obligation to grant a weekly rest day does not apply), as a rest day, either another day of the week or a portion of a day consisting of not less than 12 nor more than 24 consecutive hours. Italy: section 6 of the Decree of 22 June 1935—where, owing to the impossibility of providing qualified replacement staff, the activities listed in the preceding subsection (specified categories of undertaking and establishment) are unable to grant a weekly rest of 24 consecutive hours, the inspectorate may, at the request of the employers and after consultation (except in cases of emergency) with the workers' organisations concerned, authorise the reduction of the weekly rest period to 12 consecutive hours. Luxembourg: section 6 of the Act of 21 August 1913 lays down that the compensatory rest must be either 24 consecutive hours or two half-days per fortnight.

be noted in this connection that Article 7, paragraph 2, refers to the "total duration" of the rest to which workers subject to special schemes should be entitled. This would appear in particular to imply that it is permissible for the weekly rest to be divided up into several parts. From the preparatory work it may be seen that the term "total duration" was inserted in Article 7, paragraph 2, of the Convention for this reason.¹ It should also be noted, however, that both during the discussions which took place in the Committee on Weekly Rest at the 39th Session of the Conference and in the comments made by a number of governments on the original proposals for a Convention, attention was drawn to the abuses to which the splitting up of the weekly rest into excessively short periods might lead.²

155. In fact, with the apparent exception of Austria, where the law in exceptional circumstances permits the division of the period of rest into six-hour fractions, in the other countries submitting reports where possibilities exist of splitting up the period of rest, this period is never divided into more than two parts, each equal to half a normal working day.³ To each of these periods has to be added the period of night rest preceding or following the normal half-day, or an equivalent period.

156. The two countries submitting reports whose legislation specifies the manner in which the half-day should be determined seem to imply that this is so. In Belgium the final subsection of section 4 of the Act of 17 July 1905 lays down that the half-day rest must be taken either before or after 1 p.m. In Switzerland section 21 of the federal Act of 26 September 1931 defines a half-day rest as the interval between the nightly rest period and 12 noon or the period from 2 p.m. to the beginning of the night rest period, or any other period of seven consecutive hours between the end and the beginning of the night rest period.

157. At all events, if the weekly rest period were split up into excessively short periods the whole idea of weekly rest would completely lose its point. This might well occur, theoretically at least, in the case of Afghanistan. Section 67 of the Decree of 16 January 1946 of this country provides, in fact, that "where, as in the case of a food factory or the like, the observance of a weekly rest day might involve deterioration of raw materials used for production, the employer shall be entitled to abolish the rest day in his undertaking and reduce the daily hours of work proportionately so as fully to compensate the persons employed by him". The section adds, however, that "the employer may likewise fix a day other than Friday for the weekly rest day in his establishment, if he deems it to be necessary".

158. Between compensation in the form of rest and compensation in cash, mention should be made of two intermediate cases where compensatory rest, while provision is made for it, is not compulsory, though it is granted as far as possible.⁴

¹ I.L.O.: *Weekly Rest in Commerce and Offices*, Report V (2), International Labour Conference, 40th Session, Geneva, 1957, pp. 18-20.

² *Idem*: *Record of Proceedings*, International Labour Conference, 39th Session, Geneva, 1956, p. 730.

³ France: section 34 (c) of Book II of the Labour Code. Morocco: section 10 of the Dahir of 21 July 1947. Nicaragua: section 58 of the Labour Code. Sarawak (Malaysia): the Government states that with the authorisation of the Director of Labour the weekly rest may be divided into two half-days per week, beginning or ending at noon. Tunisia: section 3 of the Decree of 20 April 1921. Uruguay: section 2 (5) of the Act of 22 November 1920.

⁴ Denmark: section 16 (1) of Act No. 227 of 11 June 1954—in lieu of the free time that the workers lose through regular work on Sundays, they must as far as possible be given an equivalent total of free time. Sweden: the concluding part of section 21 of the Act of 3 January 1949—if any reduction takes place in the weekly rest period, corresponding time off from work must be allowed as far as possible.

Cash Compensation

159. Special schemes operate on a permanent basis. If compensation in the form of cash became the rule under such schemes it would practically have the effect of depriving the workers of the rest to which they are entitled, and this on a continuous basis. It is no doubt for this reason that regulations allowing for the systematic granting of compensation for weekly rest in cash form are rare. This form of compensation is more frequent in the case of temporary exceptions, and there is more justification for it under such circumstances. It is interesting to note in this connection that section 14 (1) of the Swiss federal Act of 26 September 1931 lays down that it shall be lawful to commute the rest period for a money payment.

160. In two countries, apparently, the legislation does provide for compensation under special schemes in the form of cash, or leaves it to the employer to choose between compensation in the form of rest and compensation in cash.¹ The fact that no restriction is placed on compensation in cash or on the freedom of the employer to choose between the two forms of compensation allows more latitude than is envisaged under the Convention, as the Committee has had occasion to point out.²

Cases of Establishments Not Subject to Weekly Closing

161. The legislation in some countries³ exempts certain classes of commercial establishments from weekly closing without making specific provision for compensatory rest. These establishments cater in the main for everyday consumer needs, and in most countries they are subject to special weekly rest schemes. It is often not possible from the information available to assess the extent to which effect is given to the Conventions on weekly rest in these cases. As regards the countries bound by the instruments under study here, the Committee has always called attention to the absence of compensatory rest arrangements and, in general, has asked for details of any arrangements made to provide a rest period for the workers concerned.

¹ Bolivia: section 31 of the Regulations of 23 August 1943—in the case mentioned in section 30 (case of exception), the employer must grant a compensatory day of rest or, if he prefers, pay double wages; section 30 of the Regulations provides that work may be performed on Sundays in the cases specified in the Decree of 30 August 1927 (the text of which has not been made available). Colombia: section 182 of the Labour Code—every person who, on account of his technical knowledge, or on account of the work which he performs, cannot be replaced without seriously affecting the undertaking, shall be obliged to work on Sundays and public holidays without being entitled to compensatory rest; nevertheless, he shall receive remuneration for his work in the manner provided for in section 179 (double wages).

² I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 39th Session, Geneva, 1956, p. 34.

³ For example Burma: the Shops and Establishments Act, 1951, stipulates (section 5 (1)) that nothing in the Act applies to establishments of overland, waterways and airways transport services, refreshment stalls and other shops at railway stations, docks, wharves, and airports, roadside stalls, refreshment stalls and other shops in any public exhibition, fun fairs, etc. Malaysia (states of Malaya): section 6 of the Ordinance of 9 August 1950 excludes certain classes of commercial establishments listed in the attached schedule: (a) premises used for carrying on the retail sale of motor fuel; (b) undertakers' premises; (c) pharmacists', chemists' or druggists' premises; . . . (g) premises used for the sale of newspapers or their delivery; (h) premises used for the sale and delivery of perishable foodstuffs. Philippines: section 3 of the Act of 20 June 1953 excludes hospitals, dispensaries, establishments producing and selling newspapers, places of entertainment, telecommunications services, restaurants and licensed premises.

SECTION V. TEMPORARY EXCEPTIONS

162. The Convention provides for the possibility of making certain other adjustments to the normal weekly rest scheme for temporary reasons.

163. Subject to certain qualifications, Article 4 (1) of Convention No. 14 states that each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, which sets the standards for a normal weekly rest scheme. This provision allows temporary exceptions from the principle of the weekly rest in certain unspecified circumstances.

164. Convention No. 106 is more explicit on this point than Convention No. 14. Article 8 defines the circumstances and conditions in which temporary exceptions may be authorised.

165. The problems involved in granting temporary exceptions, as provided for in the two instruments, can be divided into three groups: the circumstances in which exceptions are made, the conditions to which they are subject (especially the procedures for obtaining permission, and for consultation with the employers' and workers' organisations concerned) and compensation for rest which cannot be taken owing to temporary circumstances.

Circumstances in Which Temporary Exceptions Are Permitted

166. Article 8 (1) provides for three sets of circumstances in which temporary exceptions may be permitted, one of them unforeseeable and the other two more or less foreseeable. This distinction becomes important in establishing the procedure for permitting exceptions. In addition to these cases there are special circumstances encountered in certain countries which do not appear to be covered by this Article of the Convention.

Urgent Work : Cases of "Force Majeure".

167. Paragraph 1 (a) of Article 8 permits exceptions in case of accident, actual or threatened, *force majeure* or urgent work to premises and equipment, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment.

168. Virtually all the countries which have made reports permit temporary exceptions to the weekly rest in one or more of the cases mentioned in subparagraph (a); these exceptions are allowed either by the legislation dealing specifically with the weekly rest or by hours of work legislation. In the latter case the effect on the weekly rest is indirect, i.e. the law allows overtime to be worked on the normal day of rest.¹

169. The formulae employed vary from one country to another but all imply that the work for which the weekly rest is suspended must be urgent or unforeseeable. In most countries ² permission to suspend the weekly rest may be given for the pur-

¹ See, for example, section 223 of the Labour Code of Yugoslavia, as amended by the Decree of 1 March 1961, which provides that work may take place on the weekly day of rest subject to the same conditions as for normal overtime.

² Afghanistan: section 60 of Decree of 16 January 1946. Angola: section 120 (2) of the Labour Code. Austria: section III (1) of Act of 16 January 1895. Bulgaria: section 46 (c) and (d) of the Labour Code. Cameroon: Order of 3 December 1954. Central African Republic: Order of 22 November 1953. Congo (Brazzaville): Order of 24 October 1953. Dahomey: Order of 6 August 1953.

pose of urgent work carried out for clearly defined purposes, e.g. work which must be performed to enable rescue operations to be carried out, to prevent imminent accidents or to deal with accidents which have happened to the equipment, installations or buildings of an establishment.

170. In other countries¹ work is permitted in the event of *force majeure* or fortuitous circumstances, without further details being given. The legislation of certain other countries² uses general formulae such as "special cases" or "special circumstances", which may cover urgent tasks and which (depending on the interpretation placed upon them) may be wider in coverage than the situations provided for by Article 8 (1) (a), (b) and (c) of Convention No. 106.

171. The legislation of several countries states that temporary exceptions in the foregoing cases may be allowed only to the extent necessary to avoid serious interference with the normal operation of an establishment³ or cover the same point by

Denmark: section 13 (2) of Act No. 227 of 11 June 1954. Finland: section 5 (4) of Act No. 605 of 2 August 1946. France and Overseas Departments: section 40, Book II, of the Labour Code. Guinea: Order of 15 July 1953. Hungary: section 79 (2) of Decree of 28 November 1953. Iraq: section 130 of the Labour Code. Italy: section 17 of Act of 22 February 1934. Ivory Coast: Order of 20 July 1953. Japan: section 33 (1) of Act No. 49 of 1947. Luxembourg: section 3 of Act of 21 August 1913. Malagasy Republic: Decree of 28 March 1962. Morocco: section 16 of Dahir of 21 July 1947. Niger: section 11 of Order of 23 July 1953. Norway: section 20 of Act of 7 December 1956. Pakistan: section 71 (a) of Railways Act. Peru: section 2 (3) and (5) of Act of 26 December 1926. Poland: section 11 of Act of 18 December 1919. Rumania: section 57 (b), (c) and (d) of the Labour Code. Sabah (Malaysia): section 7 (a) of Labour Ordinance No. 15 of 1957. Senegal: section 11 of Order of 26 June 1953. Singapore: section 4 (2) (ii) of Labour Ordinance No. 40 of 1955. Spain: section 5 of Act of 13 July 1940. Switzerland: section 8 (1) of federal Act of 26 September 1931. Tunisia: section 5 of Decree of 20 June 1921. Ukraine: according to the Government's report the law permits the abolition or reduction of the weekly rest in exceptional circumstances for the purpose of carrying out unforeseeable tasks. U.S.S.R.: Government's report. United Arab Republic: section 120 (2) of the Labour Code. Uruguay: section 2 (3) of Act of 22 November 1920. Venezuela: section 37 of Regulations of 30 November 1948. Viet-Nam: section 182 of the Labour Code.

¹ Belgium: section 3 of the Act of 17 July 1905 states that the ban on Sunday work does not apply to urgent work due to *force majeure*. Burundi: section 16 (3) of the Decree of 14 March 1957—urgent work on machinery and equipment, together with work due to a case of *force majeure* or acute necessity. Chile: section 326 of the Labour Code allows work to repair damage due to a case of *force majeure*. Similar formulae are used in the following countries: Congo (Leopoldville) (see under Burundi); Colombia (section 163 of the Labour Code); Costa Rica (section 15 (a) of the Labour Code); Haiti (section 114 (a) of the Labour Code); Nicaragua (section 57 (2), as amended, of the Labour Code); Philippines (section 5 of Act of 20 June 1953).

² Guatemala: section 128 of the Labour Code allows work to be performed on weekly rest days in individual cases specifically permitted by the labour inspectorate. Portugal: section 17 of the Decree of 24 August 1934 states that in special cases and on receipt of an application stating the reasons, the labour inspectorate may authorise work on Sundays. St. Christopher-Nevis-Anguilla: section 3 (c) of the Shops Ordinance of 1942 empowers the Governor-in-Council to allow shops to remain open after closing time in cases of emergency and in such other circumstances as may be specified in the Governor's order. Sweden: section 21 (1) of the Act of 3 January 1949 states that for each period of seven days wage earners must be given an uninterrupted rest of not less than 24 hours unless there are special circumstances of a fortuitous character which make an exception necessary.

³ Burundi: section 16 of the Decree of 14 March 1957 allows work to be carried out if it must be performed outside ordinary working hours to prevent serious interference with the normal operation of the establishment. Chile: section 326 of the Labour Code allows work to be carried out on repairs which cannot be postponed. Colombia: section 164 of the Labour Code only permits work in so far as is necessary to avoid serious interference with the normal operation of the establishment. Italy: section 17 of the Act of 22 February 1934 states that urgent work may be carried out on Sundays if absolutely necessary. Nicaragua: section 57 of the Labour Code permits repair work to be carried out on the weekly day of rest in so far as it cannot be postponed. Sabah (Malaysia): section 7 (a) of the Labour Ordinance, 1957, states that work may only be performed in so far as may be necessary to prevent serious inconvenience to an establishment.

stipulating that the rest may be suspended only in the case of employees needed to carry out urgent tasks¹; alternatively, they may place a limit on the time that may be spent on these tasks.²

Abnormal Pressure of Work.

172. Article 8, paragraph 1 (*b*), of Convention No. 106 also allows temporary exceptions to the weekly rest in the event of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

173. Far fewer countries³ permit temporary suspension of the weekly rest in the event of abnormal pressure of work than in the event of urgent work. The absence of any definition in the Convention of the circumstances which constitute abnormal pressure of work might have led to certain abuses and it is interesting to note that in some of these countries⁴ there is a schedule of the establishments which are allowed to suspend the weekly rest because of abnormal pressure of work. Usually these are establishments of the type which operate at top pressure at certain times of the year.

174. In Switzerland the fact that section 8 (2) of the federal Act of 26 September 1931 requires permission to be sought for any exception rules out any possibility of abuse.

175. In other countries suspension of the weekly rest is permitted at certain seasonal peaks (a point referred to earlier in connection with special schemes).⁵

176. Temporary exceptions are also permitted in certain other countries to cope with occurrences which may entail abnormal pressure of work. For example, in

¹ France: section 40, Book II, of the Labour Code allows the weekly rest to be suspended in the case of workers who are needed to carry out urgent tasks. The same provision is in force in Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo and Upper Volta. See also Costa Rica (section 151 of the Labour Code allows exceptions only in the case of workers who are wholly employed on urgent tasks); Morocco (section 6 of the Dahir of 21 July 1947 allows the rest to be suspended in the case of workers needed to carry out urgent tasks).

² Afghanistan: section 60 of the Decree of 16 January 1946 stipulates that in no circumstances may such work exceed two hours a day. Ireland: section 49 (2) of the Act of 14 February 1936 permits an employer to employ an adult worker on Sunday for a period not exceeding three hours or for two or more periods not exceeding a total of three hours.

³ France: section 47, Book II, of the Labour Code—industries . . . which at certain times are faced with abnormal pressure of work and which are scheduled for that purpose, may suspend the weekly rest of their employees twice a month, provided that the number of days lost in the year is not in excess of six. Similar provisions are to be found in the orders dealing with weekly rest in the following countries: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Guinea, Ivory Coast, Malagasy Republic, Mali, Mauritania, Niger, Senegal, Togo, Upper Volta (a schedule of the establishments covered is, however, attached to these orders). See also Morocco (section 32 of Dahir of 21 July 1947); Switzerland (section 8 (1) of federal Act of 26 September 1931).

⁴ France: section 48 of the Labour Code states that a schedule of the establishments covered will be issued later. Morocco: Vizierial Order of 25 August 1947.

⁵ Note, however: Belgium (section 6 of Act of 17 July 1905—manual workers and salaried staffs may be required to work on the seventh day 12 times a year (1) in industries which operate only for part of the year or which operate at greater pressure at certain seasons); Bulgaria (section 46 (*f*) of the Labour Code allows overtime to be worked in the event of urgent seasonal demands whenever there is a shortage of manual workers and salaried staffs); Finland (section 5 of Act No. 605 of 2 August 1946—an employee may, with his consent, be employed beyond the normal hours of work (1) for seasonal sales . . . or other operations which are urgent or recur at stated intervals where the engagement of extra staff cannot reasonably be required; (2) for stocktaking and the periodical closing of accounts).

Denmark, Finland and the United Arab Republic¹, temporary exceptions to the weekly rest arrangements are allowed for annual stocktaking or the drawing up of balance sheets and other similar accounting operations. The same applies to certain countries² with respect to religious or local festivals and fairs.

Prevention of the Loss of Perishable Goods.

177. Lastly, Article 8, paragraph 1 (c.), permits temporary exceptions to be made in order to prevent the loss of perishable goods. This does not refer to industries which regularly use perishable raw materials and which are normally subject to special schemes, but to exceptional cases where, in order to prevent the loss of perishable goods, temporary permission is given for work to be performed on the weekly day of rest. These temporary exceptions to prevent the loss of perishable goods are mentioned in very few of the laws and regulations on weekly rest.³ Nevertheless this type of exception may be covered in cases where the law uses fairly general terms such as "special cases" or "special circumstances" in referring to temporary exceptions.⁴

178. To the foregoing three types of temporary exceptions should be added certain others found in the legislation of a few countries which appear to exceed the scope of Article 8 (1) of Convention No. 106.

Work in Connection with National Defence or Law and Order.

179. In China section 19 of the Factories Act, 1932, states that the weekly rest of persons engaged in work of a military character may be suspended if the competent authority thinks fit. In four countries⁵ an exception is made in the case of work

¹ Denmark: section 14 (2) (6) of Act No. 227 of 11 June 1954 allows exceptions for office duties for a period not exceeding 14 days a year in connection with the annual accounts and balance sheet or with clearance sales. Finland: section 5 of Act No. 605 of 2 August 1946 covers seasonal sales, stocktaking, the periodical closing of accounts, etc. United Arab Republic: section 120 (1) of the Labour Code exempts employers from the weekly rest regulations in the case of annual stocktaking, the drawing up of balance sheets and the closing of accounts.

² Denmark: section 14 (2) of Act No. 227 of 11 June 1954 makes an exception in the case of work in shops during the 14 days preceding Christmas Eve. Greece: section 13 of the Decree of 8 March 1930 makes an exception in the case of local fairs. Pakistan: section 11 of the 1942 Act permits temporary exceptions in the case of fairs or festivals. United Arab Republic: section 120 (4) excepts religious and civil festivals.

³ Belgium: section 3 (4) of the Act of 17 July 1905 excludes from the ban on Sunday work such work as may be necessary to prevent the deterioration of raw materials or products. Denmark: section 14 (2) (11) of Act No. 227 of 11 June 1954 excludes work which is unavoidable in order to prevent damage to plant, machines, raw materials or products. United Arab Republic: section 120 (2) of the Labour Code makes an exception in the case of work needed to prevent the certain loss of perishable goods. See also: Finland (section 5 (3) of Act No. 605 of 2 August 1946; Hungary (section 79 (2) of Decree of 28 November 1953); Italy (section 17 (a) of Act of 22 February 1934); Luxembourg (section 2 (3) of Act of 21 August 1913); Norway (section 21 (b) of Act of 7 December 1956); Switzerland (section 8 (1) of federal Act of 26 September 1931); Uruguay (section 2 (2) of Act of 22 November 1920).

⁴ Portugal: section 17 of Decree of 24 August 1934. Sweden: section 21 (1) of Act of 3 January 1949.

⁵ Bulgaria: section 46 of the Labour Code forbids overtime, which may, however, be permitted (a) on work connected with the defence of the People's Republic. France: section 49, Book II, of the Labour Code allows the weekly rest to be temporarily suspended by the Ministers concerned in government establishments and in those in which work is being carried out on behalf of the Government and in the interests of national defence. Israel: section 12 of the Act of 15 May 1951 empowers the Minister of Labour to permit the employment of persons for all or part of the weekly rest if he considers that any interruption of the work would be detrimental to the defence of the State. Rumania: section 57 of the Labour Code states that an employer may only order overtime to be worked in the following cases: (a) for the defence of the country or in order to prevent calamities. . . .

connected with national defence. In Italy section 17 (*b*) of the Act of 22 February 1934 states that work may be performed on a Sunday if ordered by the prefect in the interests of law and order, after consultation with the inspectorate about the maximum number of hours permissible and the safeguards required.

180. In all the foregoing cases details will be needed regarding the use actually made of these provisions in practice, in order to make a better assessment of their effects.

Conditions for the Authorisation of Temporary Exceptions

181. Article 11 (*b*) of Convention No. 106 provides that States Members shall supply information concerning the circumstances in which temporary exemptions may be granted in accordance with the provisions of Article 8. Article 8, paragraph 2, of the same Convention provides that in determining the circumstances in which temporary exemptions may be granted in accordance with the provisions of subparagraphs (*b*)—abnormal pressure of work—and (*c*)—prevention of loss of perishable goods—of paragraph 1 of Article 8 the representative employers' and workers' organisations concerned, where such exist, shall be consulted.

182. Provisions with regard to the consultation of employers' and workers' organisations are also to be found in Article 4 of Convention No. 14.

183. Temporary exceptions are therefore subject to conditions of two kinds, the one of an internal character based on administrative procedures of authorisation or sanction and the other provided for by the Convention and relating to the consultation of employers' and workers' organisations.

Procedures for the Authorisation of Temporary Exceptions : Formal Conditions.

184. Under any one body of legislation exceptions may, according to the circumstances of the case, be automatic or subject to prior authorisation or subsequent sanction by the competent authority. For instance, in the case of Bulgaria section 47 of the Code provides that no overtime shall be worked without the prior authorisation of the labour inspection service, whereas under section 46 of the Code exemption in certain cases is automatic and the labour inspection service must merely be notified within 48 hours of the time at which the work begins. It is nevertheless possible, to some extent, to classify the procedures for the authorisation of temporary exemptions according to the circumstances that give rise to them. In a number of countries the law allows automatic temporary exemptions irrespective of the circumstances which justify them. This seems to be the case in countries ¹ where work that can be regarded as falling within the categories listed in Article 8, paragraph 1, is simply excluded, without other restrictions, from the prohibition of employment on the day of weekly rest.

185. In many cases the exemption required to carry out work that is urgent or dictated by *force majeure*, and also sometimes work to be done in other circumstances, is automatic. The employer is, however, often required to notify the com-

¹ Costa Rica: section 151 of the Labour Code—persons employed exclusively (*a*) on repairing damage caused by *force majeure*; . . . (*c*) on work which by reason of its very nature cannot be done except at certain seasons, are also excluded from the provisions of section 149—which deals with weekly rest. The following countries seem to follow the same course in certain cases: Denmark (section 14 (2) of Act No. 227 of 11 June 1954); Ireland (section 49 (2) of the Act of 14 February 1936); Peru (section 2 of the Act of 26 December 1926); Rumania (section 57, subsection 3, of the Labour Code: the employer shall not order overtime without approval save in respect of the following kinds of work: [list] . . .); Sabah (Malaysia) (section 7 (*a*) of the Ordinance of 1957).

petent authority within a given time, and to provide certain information, such as the reasons for which the work is being done, the number of persons employed and the time the work will take.¹

186. In other countries² to qualify for temporary exceptions a prior authorisation from the competent authority appears to be required, and there is no distinction to be made among exemptions on the basis of the reasons for which they are permitted.

187. In only one country³ apparently can a worker be employed on the weekly rest day, in exceptional circumstances, only with his consent.

Consultation of Employers' and Workers' Organisations.

188. It is recalled that Article 8, paragraph 2, of Convention No. 106 provides for the consultation of employers' and workers' organisations in the cases mentioned in

¹ United Arab Republic: section 120, subsection 3, paragraph 1; in the cases listed in section 120, subsections 2 and 3 (urgent work and abnormal pressure of work), the competent administrative authority shall be notified in writing within 24 hours and informed of the nature of the exceptional situation and the time required to complete the work, and written permission must be obtained from the authority. Niger: section 21 of the Order of 21 July 1953—any head of an undertaking or manager who happens to suspend the weekly rest period in accordance with sections 11 (urgent work) or 12 (abnormal pressure of work) shall immediately notify the local inspector of labour and social legislation unless it is a case of *force majeure*, and shall report the circumstances that justify the suspension of the weekly rest, indicating the date and duration of the postponement and specifying the number of workers to whom it applies. A similar provision is to be found in the orders governing weekly rest in the following countries: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Guinea, Ivory Coast, Malagasy Republic, Mali, Mauritania, Senegal, Togo and Upper Volta. See also Belgium: section 6, subsection 3, of the Act of 17 July 1905—the head of an undertaking who takes advantage of the possibility provided for in subsection 1 (postponement of the weekly rest in undertakings where wind and water power are used) is required to inform the labour inspector within 24 hours. Greece: section 9, subsection 4, of the Decree of 8 March 1930—if by reason of a sudden need arising from *force majeure* it is absolutely impossible to apply for an authorisation before work begins, a report must be made to the police after work has begun. Iraq: section 130 of the Code provides that the Director of Labour is to be notified immediately in the event of urgent work. Italy: section 18 of the Act of 22 February 1934—an employer who calls upon his staff to do work of the kind covered by section 17 [including urgent work or work dictated by considerations of public order] shall notify the inspection service within 24 hours of the time when the work starts and shall indicate the reasons for the work and the number of persons employed, with indications of sex and age. More or less similar provisions exist in the following countries: Luxembourg (section 2 *in fine* of the Act of 21 August 1913); Morocco (section 9 of the Order of 25 July 1947); Poland (section 8 (a) of the Act of 18 December 1919); Tunisia (section 4 of the Order of 25 April 1921).

² Afghanistan: should normal operations be interrupted in an establishment by the course of nature or by unforeseeable and extraordinary accidents, the employer shall be entitled, by agreement with the competent authorities, to ask the workers to do additional work. Colombia: section 163 of the Labour Code—[in cases of *force majeure*, etc.] work shall be authorised only to the extent necessary to avoid a serious disturbance in the operation of the establishment. Guatemala: section 128 of the Labour Code—in particular cases clearly specified by the labour inspection service work shall be authorised on the weekly rest day. Nicaragua: section 61 of the Labour Code—establishments covered by the exceptions in section 57 [urgent and seasonal work] shall lodge applications with the labour inspector who shall be free to grant or refuse the authorisation requested. Philippines: section 5 of the Act of 20 June 1953 calls for a written authorisation from the competent authority. Switzerland: section 8 (2) of the federal Act of 26 September 1931—the cantons may make exceptions conditional on an authorisation. Ukraine: in its article 19 report on the application of Convention No. 106 the Government indicates that work in exceptional circumstances is allowed only by written decision of the manager of the undertaking or establishment. Uruguay: section 5 of the Act of 22 November 1920 provides that an application is to be made to the Ministry, which may grant or refuse the authorisation requested.

³ Finland: section 5 of Act No. 605 of 2 August 1946—subject to his consent, a worker may be employed for more than the normal working hours (1) for seasonal sales; (2) for stocktaking . . . and the closure of accounts; or (3) to anticipate a hazard.

subparagraphs (b) and (c) of paragraph 1 (relating to abnormal pressure of work and prevention of the loss of perishable goods). The consultation requirement is based on the fact that these two cases can be regarded as being to some extent foreseeable. Consultation is not required by the Convention in the unforeseeable circumstances listed in subparagraph (a).

189. In spite of this relative flexibility it must be noted that the provisions concerning the consultation of the representative employers' and workers' organisations concerned are on the whole not observed when temporary exemptions are authorised.

Compensatory Rest in Respect of Cases of Temporary Exception

190. Article 5 of Convention No. 14 states that each Member shall make provision as far as possible for compensatory periods of rest for suspensions or diminutions of the normal rest period. Article 8, paragraph 3, of Convention No. 106 provides that where temporary exemptions are made in accordance with the provisions of Article 8, the persons concerned shall be granted compensatory rest of a total duration at least equivalent to the minimum period provided for under Article 6 (i.e. an uninterrupted period of not less than 24 hours in each period of seven days).

191. It seems that under Convention No. 106, at any rate, compensatory rest is compulsory for temporary exemptions. In addition, the duration of the rest period should be at least 24 hours if the exemption has led to the total cancellation of the rest period. Both the Convention itself and the preparatory work clearly point to this.¹

192. Various forms of compensation are found in national law and practice: compensation in the form of rest or higher wages, choice between these two systems or a combination of the two. Compensation in the form of rest and compensation in the form of higher wages are the two forms most commonly used. The choice between them is to some extent determined by the nature of the legislation that applies, namely the legislation on hours of work or that on weekly rest. Under hours of work legislation, hours worked on the weekly rest day are regarded as overtime and paid for as such, as a rule without compensatory rest. The rules concerning hours of work and weekly rest are closely connected as regards temporary exceptions. Two examples may illustrate the position. In Yugoslavia section 233 of the Labour Code, as amended, provides that work on the weekly rest day may be done on the same terms as are imposed for overtime. In its report, the Government of Turkey refers to the rules concerning overtime in connection with temporary exceptions.

193. The connection referred to above makes it impossible to assert that in a particular case there is no compensation in any form for temporary exceptions. An exception for which no kind of compensation seems to have been laid down in the law concerning weekly rest may be covered by the law concerning hours of work in connection with overtime pay. For instance, section 3 of the Sunday Rest Act of 17 July 1905 of Belgium excludes from the prohibition of Sunday work urgent work dictated by *force majeure*, and the Act does not provide for any kind of compensation. On the other hand, section 13, subsections 3 and 4, of the Eight-Hour Day Act of 14 June 1921 provides that a higher wage is to be paid for such work.

¹ I.L.O.: *Record of Proceedings*, International Labour Conference, 39th Session, Geneva, 1956, p. 731: in the Committee on Weekly Rest the Swedish Government member suggested that it might not always be possible or practicable to grant compensatory rest of the full duration to be provided for in the proposed Convention, and submitted an amendment to qualify the Office text accordingly. The amendment was rejected.

194. The comments made under this heading are mainly based on the law concerning weekly rest in particular. Hours of work legislation has been taken into account wherever the information available permitted.

Compensation in the Form of Rest.

195. It should first be pointed out that various forms of compensation may exist side by side under the law of a particular country, according to the circumstances in which an exception is allowed.

196. In a certain number of countries ¹ there is provision for compensation in the form of rest, whatever the reason for the exception. The compensation is sometimes subject to conditions with regard to a minimum time worked on the compulsory rest day. In Denmark and in Sweden, compensation is to be given as far as possible. Under the legislation of a few countries, compensatory rest for temporary exceptions is provided for only in certain cases.²

¹ This seems to be the case in: Argentina: section 2 of the Act of 6 September 1905—regulations shall determine the rest to be given during the week to persons employed under a system of exceptions to the weekly rest rule. Austria: section V (2) of the Act of 16 January 1895. Bulgaria: section 79, subsection 3, of the Labour Code, as amended—as soon as the rest period is reduced to less than 24 hours, any work authorised on an exceptional basis on a day of weekly rest shall entitle the worker to compensatory rest in the course of the following days. Chile: section 327 of the Labour Code—at least one day of rest every fortnight. Haiti: section 115 of the Labour Code—the owners of the businesses and undertakings listed in section 114 [this section relates, in particular, to certain temporary exceptions] shall grant a complete compensatory rest period each week. Hungary: section 47, subsection 4, of the Labour Code, as amended—if the worker is employed on the day of weekly rest he shall receive another day off during the week as compensation. Israel: section 17 of the Act of 15 May 1951—the employer shall grant the worker, for hours worked during the weekly rest period, a period of compensatory rest of a duration and distribution to be specified in the permit under which the work is done, and higher wages are also payable in such a case. Italy: section 16 *in fine* of the Act of 22 February 1934—in the event of temporary exceptions the workers shall be granted a compensatory rest period of a duration equal to the number of hours worked on the day of weekly rest. Nicaragua: section 60 of the Labour Code—the staff covered by the exceptions listed in section 57 [temporary exceptions] shall be entitled to a compensatory rest period equivalent to that of which they were deprived. Peru: section 4 of the Act of 26 December 1918—compensatory rest period amounting to one day. Poland: section 12 of the Act of 18 December 1919, as amended—workers employed for over three hours on Sundays are to receive an equivalent number of hours off during the week. Portugal: section 17, subsection 1, of the Decree of 24 August 1934—staff which is compelled to work on a Sunday or other appointed day of weekly rest shall be entitled to a day of rest in the next three days; subsection 2—in addition, work on such a day shall be paid for as double time. Spain: section 6 of the Act of 13 July 1940. Sweden: section 21 *in fine* of the Act of 3 January 1949—if the weekly rest period provided for in subsection 1 [not less than 24 hours] should be reduced, compensatory rest shall be granted wherever possible. Switzerland: section 8 (3) of the federal Act of 26 September 1931—in all the cases mentioned above [temporary exceptions listed in section 8 (1)] a compensatory rest period of a duration equal to that of the rest period that has been cancelled or reduced shall be granted at some other time. U.S.S.R.: in its report on Convention No. 14 the Government states that, under an Order of 1 August 1930 of the People's Commissar for Labour, a day of weekly rest may be postponed only in exceptional cases for the performance of work that could not be foreseen, and in that case the workers concerned can be summoned to work only by a written order of the management, subject to the prior agreement of the trade union, and a day of compensatory rest is to be granted in the course of the following fortnight. Uruguay: section 4 of the Act of 22 November 1920—staff affected by the exceptions listed in section 2 [which include temporary exceptions] shall be entitled to another day of rest as compensation for the rest of which they are deprived on the Sunday. Viet-Nam: section 182, as amended, of the Labour Code—employees who are compelled to work during their weekly rest period shall be entitled to compensatory rest of a duration equal to the time worked on the day of rest.

² For instance Burundi, Congo (Leopoldville) and Rwanda (section 24 of the Decree of 14 March 1957, which grants compensatory rest for the exceptions listed in section 16 [work undertaken to cope with an accident and work dictated by *force majeure*]; for abnormal pressure of work it is

(footnote continued overleaf)

197. It is obvious that abnormal work on the weekly rest day, even if it lasts only a short while, disturbs the worker's family and social life. In this connection the duration of the compensatory rest period in the event of a temporary exception varies from country to country, as may be seen from the examples that have been cited. It seems to be at least 24 hours under the legislation of a few countries, including Bulgaria ¹, irrespective of the hours abnormally worked on the weekly rest day.

198. Under the legislation of some countries compensatory rest is granted but its duration is limited to that of the work done on the day of weekly rest ², or its granting is conditional on the working of a minimum number of hours on that day.³

Compensation in the Form of Higher Wages.

199. Compensation in the form of higher wages is very widespread, and can be said to be the rule in most countries, especially in cases of urgent work or work dictated by *force majeure*.

200. This form of compensation is completely incompatible with Convention No. 106. The preparatory work brings this out clearly. Paragraph 3 of Article 8 of the initial draft of the Convention prepared by the Office read as follows:

Where temporary exemptions are made in accordance with the provisions of this Article, the persons concerned shall be granted compensatory rest of a duration at least equivalent to the period provided under Article 6: Provided that in lieu of compensatory rest special wage rates may be prescribed through the appropriate machinery in each country.⁴

201. The proviso at the end of paragraph 3 of Article 8 was deleted by the Committee on Weekly Rest of the 40th Session of the International Labour Conference.⁵

provided that higher wages shall be paid); Finland (section 5 *in fine* of Act No. 605 of 2 August 1946—the worker is granted an uninterrupted rest period of at least 12 consecutive hours in every 24 in the cases listed in section 5, subsection 1 [seasonal sales] and subsection 2 [stocktaking]; for the types of work listed in subsection 3 [avoidance of damage to goods] and in subsection 4 [to anticipate a hazard], there seems to be no compensation provided for); Luxembourg (section 6 of the Act of 21 August 1913—in the cases listed in section 2 [work required to prevent the deterioration of perishable raw materials] wage earners and salaried employees employed on a transitory basis on Sundays for a period of over three hours are to receive compensatory rest under a roster system; this rest must be of not less than 24 consecutive hours, or two half-days per fortnight; no compensatory rest is provided for in the case of the urgent work covered by section 3 for the workers of the undertaking where urgent work is required).

¹ Section 79, subsection 3, of the Labour Code.

² Italy: section 16 of the Act of 22 February 1934. Nicaragua: section 60 of the Labour Code. Switzerland: section 8, subsection (3), of the federal Act of 26 September 1931. Viet-Nam: section 182 of the Labour Code.

³ Austria: section V (2) of the Act of 16 January 1895. Poland: section 12 of the Act of 18 December 1918. Luxembourg: section 6 of the Act of 21 August 1913.

⁴ I.L.O.: *Weekly Rest in Commerce and Offices*, Report V (1), International Labour Conference, 40th Session, Geneva, 1957, p. 27.

⁵ The following passage is to be found in the report of the Committee on Weekly Rest: "Deletion of the proviso at the end of paragraph 3 of the Office text was proposed by the Workers' members and supported by several Government members. It was argued that it was inadmissible for a text dealing with weekly rest to permit suppression of the rest in return for a monetary compensation and, moreover, that the proviso could be so applied in practice as to result in the complete elimination of the weekly rest. A number of Government members opposed the proposal. It was mentioned that the practice in some countries permitted monetary compensation at premium rates in lieu of compensatory rest. This had not led to abuses because the extra compensation limited the cases in which the practice was resorted to. . . ." By 69 votes to 57, with 5 abstentions, the Committee decided to delete the proviso to paragraph 3 (See I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 717).

202. Nevertheless in many countries¹ compensation takes the form of a money payment in respect of all or some of the exemptions permissible under Article 8, paragraph 1, of Convention No. 106, and there is a wage increase of an amount that varies according to the particular country.

Choice of Combination.

203. In Bolivia, Colombia and Rumania² the law allows the worker to choose between compensation in the form of rest and compensation in the form of money. In Bulgaria, Israel and Portugal the law provides that higher wages are to be paid for work done on the weekly rest day, in addition to which compensatory rest is to be granted.³

SECTION VI. MISCELLANEOUS PROVISIONS

Weekly Rest for Young Workers

204. Recommendation No. 103 contains two provisions concerning persons under 18 years of age. Paragraph 4, subparagraph 1, provides that persons under 18 years of age should, wherever practicable, be granted an uninterrupted weekly rest of two days, and subparagraph 2 provides that the provisions of Article 8 of the Convention (relating to temporary exemptions) should not be applied to such young persons.

205. These two subparagraphs have received differing applications in national law and practice.

¹ Afghanistan: section 61 of the Decree of 16 January 1946—compensation by a 15-25 per cent increase in the wage. Cameroon: section 13, subsection 3, of the Order of 3 December 1954—time worked on the weekly rest day [in industries where there is, at certain times, abnormal pressure of work and where weekly rest may be cancelled not more than twice a month nor more than six times a year] shall be regarded as overtime and paid for as such; there seems to be no compensatory rest. Similar provisions are to be found in the orders concerning weekly rest in the following countries: Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo, Upper Volta. See also Burundi (according to section 27 of the Decree of 14 March 1957, work done on Sundays in undertakings which operate more intensively in certain seasons and in which weekly rest may be cancelled 12 times a year shall be paid for at the rate of time-and-a-half); Congo (Leopoldville) (see Burundi); France (section 47 of Book II of the Labour Code—hours worked in the event of the suspension of the weekly rest period owing to abnormal pressure of work shall be deemed to be overtime); Greenland (section 2 of the Regulations of 15 February 1954—double time for Sunday work); Iraq (section 130 of the Labour Code—workers shall be paid at overtime rates); Morocco (section 32 of the Dahir of 21 July 1942—in the event of a suspension of weekly rest owing to abnormal pressure of work, hours worked on the weekly rest day shall be deemed to be overtime); Sabah (Malaysia) (section 7 of the Labour Ordinance, No. 15 of 1957—work done on the weekly rest day shall be paid for at the rate of time-and-a-half); Solomon Islands (section 10 (b) of the Labour Regulations, 1960—if a worker is employed on the weekly rest day at his employer's request, he shall be entitled to higher wages).

² Bolivia: section 31 of the Regulations of 23 August 1943—an employer shall have the choice of granting a day of compensatory rest or paying double time. Colombia: section 180 of the Labour Code, as amended—a worker who works, exceptionally, on a statutory rest day shall be entitled to compensatory rest with pay or to a cash payment, as he chooses. Rumania: section 39 (1) of the Labour Code—hours worked on the weekly rest day shall entitle the workers to compensation in the form of a holiday of equal duration granted in the course of the next two weeks; if this should not be possible, the worker shall receive, subject to his agreement, a wage increase equal to the wage rate.

³ Bulgaria: section 79, subsections 2 and 3, of the Labour Code. Israel: section 17, subsection 1, of the Act of 15 May 1951. Portugal: section 17, subsections 1 and 2, of the Decree of 24 August 1934.

Duration of the Rest Period.

206. From other points of view, young persons are undoubtedly protected by national legislation (reduced hours of work, extended annual holidays, educational facilities, etc.); most of the countries which supplied information on this point did not fail to mention the fact in their reports. In none of the countries which provided information on this point, however, does the national legislation specifically provide for an uninterrupted rest period of two days a week. There are, however, two factors to be borne in mind: the generally shorter hours of young workers have repercussions on weekly rest; and the distribution of hours of work over the week is such that, as pointed out by many countries, the five-day week has, in fact, been instituted in certain branches of employment. The fact remains, however, that all these factors have only an indirect influence on the weekly rest of young persons.

207. Only rarely have explanations of the failure to grant the weekly rest period of two days to persons under 18 years of age been given in the reports. In most cases the governments merely state that there is no such provision in the legislation. The Government of Sweden stated that it was difficult to grant two days to young persons because their work was closely connected with that of adults. The Government of Thailand stated that the adoption of Paragraph 4 (1) of the Recommendation would probably lead to a fall in the workers' income.

Protection of Young Workers against Temporary Exceptions.

208. The connection between the legislation on weekly rest and the legislation on hours of work in relation to temporary exceptions has already been mentioned. Since, in many countries, young persons have shorter hours of work, it was only natural that in these countries they should not be required to work overtime (which is generally provided for in the cases covered by Article 8, paragraph 1, of the Convention). In many countries the legislation concerning weekly rest therefore provides that temporary exceptions shall not apply to young persons. The age of the young persons varies from country to country, and is in many cases less than 18 years, particularly when the young persons are protected against exceptions in all cases.¹ In several countries² the legislation concerning weekly rest provides that exceptions allowed on account of urgent work shall not apply to persons under 18 years of age.

¹ For example: Argentina: section 5 of the Act of 1 March 1926—there shall be no exception to the observance of the weekly rest day in respect of persons below 18 years of age. Belgium: section 9 of the Act of 17 July 1905—exceptions and exemptions in connection with the prohibition of Sunday work shall not apply to persons below 16 years of age. Burundi: section 29 of the Decree of 14 March 1957—exceptions and exemptions in connection with weekly rest provisions shall not apply to persons of either sex below 16 years of age. Congo (Leopoldville): see under Burundi. Luxembourg: section 9 of the Act of 21 August 1913—exceptions and exemptions in connection with the weekly rest shall not apply to persons below 16 years of age. Peru: section 3 of the Act of 26 December 1918—exceptions to the prohibition of Sunday work shall not apply to women or to persons under 18 years of age. Rumania: section 59 of the Labour Code—persons below 18 years of age shall not be called upon to work overtime. Rwanda: see under Burundi. Ukraine: section 130 of the Labour Code—it shall be prohibited to require persons under 18 years of age to work overtime. United Arab Republic: section 127 of the Labour Code—the working of overtime by persons under 15 years of age, in any circumstances, as well as their employment on the day of rest, shall be prohibited. Uruguay: section 7 of the Act of 22 November 1920—no exception to the application of the principle of weekly rest shall be authorised in respect of women and persons under 16 years of age.

² Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, France, Gabon, Guinea, Ivory Coast, Malagasy Republic, Mali, Mauritania, Niger, Senegal, Togo, Tunisia, Upper Volta and Viet-Nam.

Income Protection

209. Article 9 of Convention No. 106 provides that in so far as wages are regulated by laws and regulations or subject to the control of administrative authorities there shall be no reduction of the income of persons covered by the Convention as a result of the application of measures taken in accordance with it. Recommendation No. 103 provides that provision should be made by collective agreements or otherwise to ensure that the application of measures taken in accordance with the Convention does not result in reduction of the income of persons covered by it.

210. Almost all the countries which supplied information on this point stated that the application of weekly rest legislation involves no reduction in wages. Some of them (Denmark, Singapore and Switzerland) pointed out that wages were not fixed by law or by the administrative authorities. The information supplied by Thailand would appear to leave some doubt as to whether there is remuneration for rest days.¹ In Kuwait, by virtue of section 15 of the Labour Law (Public Sector), the weekly rest day is unpaid.

211. An appreciable number of countries have specifically included in their legislation provisions to ensure in some way that weekly rest shall be granted without a reduction in wages. In certain countries² a worker is entitled to a rest period with pay or a rest period on full wages. In other countries³ no reduction may be made in consequence of the application of the law concerning weekly rest or hours of work.

212. For workers paid by the month, fortnight or week there is no apparent difficulty in applying legislation which provides in general terms that the worker shall be entitled to wages for the day of weekly rest or which prohibits any reduction in wages in respect of the rest period. Such provisions are, however, inoperative with regard to workers paid by the day or on piece rates, for example, and the legislation of certain countries lays down exactly how the wage for the day of weekly rest is to be calculated for the various categories of workers.

213. In Brazil section 7 of the Act of 5 January 1949 provides that the remuneration shall consist (a) for workers paid by the day, week, fortnight or month, of the remuneration for one day's work; (b) for those paid by the hour, of the remuneration for a normal day's work; (c) for those on task or piece rates, of an amount equivalent to the remuneration corresponding to the work done during the week, during normal working hours, divided by the number of days actually worked for the employer;

¹ In its report on Recommendation No. 103 the Government of Thailand states that it is not possible to fix the duration of the rest period at 36 hours or to grant persons below 18 years of age a rest period of two days because such measures would lead to a fall in the workers' incomes.

² Brazil: section 1 of the Act of 5 January 1949. Ceylon: section 5 of the Shops and Offices Act, 1957. China: section 18 of the Factories Act. Colombia: section 172 of the Labour Code. Guatemala: section 126 of the Labour Code. Iran: section 14 of the Act of 17 March 1959. Iraq: section 12 (1) of the Labour Code. Mexico: section 78, as amended, of the Federal Labour Act.

³ Argentina: section 5 of the Saturday Afternoon Closing Act of 7 October 1932. Burma: section 6 of the Shops and Establishments Act, 1951. British Honduras: section 9 of the Weekly Rest Ordinance. Burundi and Congo (Leopoldville): section 20 of the Decree of 14 March 1957. Malaysia (states of Malaya): section 8 of the Ordinance of 9 August 1950. Pakistan: section 6 of the Act of 1942. Philippines: section 6 of the Act of 20 June 1953. Portugal: section 36 of the Decree of 24 August 1934. Rwanda: see under Burundi. Sarawak (Malaysia): section 124 (4) of the Labour Ordinance, No. 15 of 1959. Tanganyika: section 25B (2) of the Employment Ordinance. Turkey: section 12 (1) of the Act of 9 August 1951. Uruguay: section 11 of the Act of 14 January 1932.

and (d) for homeworkers, of a sum corresponding to one-sixth of the value of the total amount produced during one week. In Iraq and Uruguay there are similar statutory provisions.¹

Inspection and Penalties

214. The instruments under consideration contain provisions to ensure that weekly rest legislation shall be applied in practice. These provisions relate to the supervision of the application of the legislation and to penalties for infringement of the law.

Supervision of the Application of Legislation concerning Weekly Rest.

215. There are three aspects to the supervision of the application of the legislation: at the international level, communication of lists of exceptions; at the national level, inspection; and at the level of the undertaking, notification of the weekly rest days to the workers concerned.

Communication of Lists of Exceptions.

216. Article 6 of Convention No. 14 requires each Member to draw up a list of the exceptions made under the Convention and to communicate it and any modifications in it to the International Labour Office. Article 11 (a) of Convention No. 106 contains similar provisions with regard to the categories of persons and the types of establishments subject to special weekly rest schemes.

217. The above-mentioned provisions are not always fully observed. With regard to total exemptions, the reports refer in most cases to the information provided with regard to the scope of the legislation since, as already stated in the section relating to exclusions, various categories of persons or establishments are excluded from the scope of the legislation. In the case of partial exceptions or of special schemes, such a practice would not be in conformity in all cases with the above-mentioned provisions of the Conventions. National legislation, as already seen, uses general wording to define the categories of establishments covered by special schemes. Such schemes apply to establishments which by their nature are compelled to operate continuously, or which must meet certain requirements of the population, or which operate with perishable raw materials, etc. Such general forms of words can cover a considerable number of categories of establishments. As already stated, in so far as the legislation contains a specific list of the establishments covered by special schemes, reference to such a list will be deemed satisfactory for the purposes of Article 6 of Convention No. 14 and Article 11 of Convention No. 106. On the other hand, when extensive powers are granted to the competent authorities to place categories of establishments defined in general terms under special schemes, information will have to be communicated concerning the use that has been made of that power.

218. Whenever a country bound by either of the Conventions is in such a position, the Committee has duly drawn its attention to the need to communicate a list of exceptions. An example of the correct application of the provisions in question is provided by Belgium. Section 5, subsection 1, of the Act of 17 July 1905 provides that "the King may extend the special weekly rest scheme provided for in section 4 [i.e. possibility of employing workers on 13 days out of 14 or six-and-a-half days out of seven] to any other categories of industrial and commercial undertakings which usually operate on all or part of Sunday, for reasons of public interest or local or

¹ Iraq: section 12 (1) of the Labour Code. Uruguay: section 11 of the Act of 14 January 1932.

other requirements". In each of its reports on Convention No. 14 the Government has listed the orders made under section 5.

Inspection Measures.

219. Article 11 of Convention No. 14 provides that such action as may be necessary shall be taken to render effective the provisions of the Convention. Article 10, paragraph 1, of Convention No. 106 also provides that appropriate measures shall be taken to ensure the proper administration of regulations or provisions concerning weekly rest, by means of adequate inspection or otherwise.

220. It seems that in many countries covered by this study there is a more or less developed system of inspection of the application of labour legislation in general. The Labour Inspection Convention, 1947 (No. 81), has been ratified by 58 States¹ and declared applicable without modification to 17 non-metropolitan territories.²

221. The extent of the acceptance of this instrument demonstrates the efforts made by the various governments to ensure the effectiveness of their social legislation.³

222. In many countries there is a specialised labour inspection system coming under a central government department. In other countries the police co-operates closely in the application of weekly rest legislation, particularly to ensure observance of the regulations concerning closing hours of establishments. The keeping of certain records by employers allows a check to be made on the way in which weekly rest is granted, and can facilitate the task of inspection services.

Notification of Weekly Rest Days.

223. Article 7 of Convention No. 14 provides that in order to facilitate the application of the provisions of the Convention, each employer, director or manager shall be obliged (a) where weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the government; and (b) where the rest period is not granted to the whole of the staff collectively, to make known by means of a roster drawn up in accordance with the method approved by the legislation of the country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

224. Paragraphs 5 and 6 of Recommendation No. 103 contain similar provisions.

¹ Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Cameroon (Western Cameroon), Ceylon, China, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Haiti, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Lebanon, Luxembourg, Malaysia (states of Malaya), Mali, Mauritania, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Portugal, Senegal, Sierra Leone, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanganyika, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Viet-Nam, Yugoslavia.

² France: Guadeloupe, Guiana, Martinique and Réunion. Netherlands: Netherlands Antilles, Surinam. United Kingdom: Antigua, Barbados, Brunei, Gibraltar, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, St. Vincent.

³ See, in Report III (Part IV) submitted to the 40th Session of the International Labour Conference (Geneva, 1957), the general survey by the Committee of Experts on the Application of Conventions and Recommendations with regard to Convention No. 81 in particular.

225. Provisions almost identical with those of Article 7 of Convention No. 14 are to be found in the legislation of a number of countries¹, which distinguishes clearly between the notification of collective and individual rest periods. In most of these countries model notices or registers have to be approved by the competent authority. In other countries the law allows works or establishment regulations to determine how the rest period shall be granted² or merely provides that the employer shall inform the workers of the rest days to which they are entitled by means of notices or registers.³ The legislation of yet other countries⁴ merely provides that the working hours shall be posted up or notified to the worker.

226. The notification of rest days is of particular importance in establishments which remain open under special schemes on the day normally given over to weekly rest. The mere posting up of working hours does not seem sufficient in such a case; under special schemes there must also be systematic arrangements for the granting of weekly rest, so as to permit of genuine inspection.

Penalties.

227. Article 10, paragraph 2, of Convention No. 106 provides that the necessary measures in the form of penalties shall be taken to ensure the enforcement of its provisions. Convention No. 14 implies that such penalties should exist by providing in Article 11 that action shall be taken to make the application of weekly rest arrangements effective.

228. In almost all countries which reported there is a system of penalties for infringement of labour legislation generally and of weekly rest legislation in particular. The penalties apply chiefly to employers who do not comply with statutory provisions, but the workers also are liable to such penalties for infringing the regulations under the law of certain countries. This is so, for example, in Greece⁵ and in Switzerland.⁶

¹ Argentina: section 6 of the Act of 12 September 1929 and section 7 of the Act of 1 March 1926. Brazil: section 74 of the Consolidation Act of 9 August 1943. Burundi: section 2 of the Decree of 22 July 1955. Cameroon: section 19 of the Order of 3 December 1954. Central African Republic: Order of 22 November 1953. Chile: section 328 of the Labour Code. Colombia: section 185 of the Labour Code. Congo (Leopoldville): see under Burundi. France: section 1 of the Decree of 24 August 1906. Ivory Coast: section 19 of the Order of 20 July 1953. Morocco: sections 1, 2 and 3 of the Order of 25 July 1947. Portugal: section 20 of the Decree of 24 August 1934. Spain: section 8 of the Act of 13 July 1940. Switzerland: sections 10 and 26 of the Statutory Regulations of 11 June 1934. Tunisia: sections 2 and 3 of the Order of 25 April 1921. United Arab Republic: section 122 of the Labour Code. Viet-Nam: section 6 of the Order of 1 July 1953.

² Belgium: section 8 of the Act of 17 July 1905. Bulgaria: section 49, subsection 2, of the Labour Code. Hungary: section 38 of the Labour Code. Luxembourg: section 11 of the Act of 21 August 1913. Rumania: sections 24 and 61 of the Labour Code. Turkey: section 29 of the Labour Code. Yugoslavia: section 352 of the Labour Code.

³ Cyprus: section 11 of the Act of 25 November 1942. Gibraltar: section 5 (1) of the Shop Closing Hours Ordinance. Haiti: section 109 (h) of the Labour Code. Israel: section 25 (a) of the Act of 15 May 1951. Sarawak (Malaysia): section 4 (1) of the Weekly Rest Ordinance. Thailand: section 53 of the Announcement of 20 December 1958. Uruguay: section 19 of the Decree of 6 May 1921. Venezuela: section 52 of the Labour Code.

⁴ Dominican Republic: section 121 of the Labour Code. Finland: section 20 of Act No. 605 of 2 August 1946. Ireland: section 32 (1) of the Conditions of Employment Regulations, 1946. Malta: section 24 of the Conditions of Employment Act, 1952. Pakistan: section 39 (1) of the Factories Act, 1934.

⁵ Greece: section 24 (2) of the Decree of 8 March 1930—salaried employees or wage earners who voluntarily work during prohibited hours shall be liable to penalties.

⁶ Switzerland: section 32 of the federal Act of 26 September 1931—fines may be imposed on (a) the chief of the establishment or the person responsible for its management if such person does not grant the workers the prescribed weekly rest period; and (b) a worker who works at his own trade or profession for third parties during the weekly rest period.

229. The penalty is in most cases a fine and sometimes imprisonment. A further offence leads to an increase in the fine ¹ or to a sentence of imprisonment.² In some countries the legislation provides as a penalty that the establishment shall be closed for a particular period of time.³

Suspension of the Application of the Provisions of the Convention

230. The application of the provisions of Convention No. 106 may be suspended in any country by order of the government in the event of war or other emergency constituting a threat to the national safety (Article 13 of Convention No. 106); there is no such provision in Convention No. 14.

231. Some countries ⁴, where the legislation provides for suspension measures, remain within the bounds of the Convention and respect the conditions for suspension laid down in the Convention, namely that the order should be given by the government in particular circumstances (war or some other emergency constituting a threat to the national safety). The countries ⁵ which provide that weekly rest legislation may be suspended for "reasons connected with national defence" or in "exceptional circumstances" seem to go beyond the provisions of the Convention. The same is true in cases where an authority other than the government decides on the suspension.⁶

SECTION VII. FEDERAL STATES

232. Ten federal States ⁷ have ratified Convention No. 14 and three ⁸ have ratified Convention No. 106. Among the federal States which have reported on these instru-

¹ Malaysia (states of Malaya): sections 9 and 10 of the Ordinance of 9 August 1950. Spain: section 11 of the Act of 13 July 1940. Uruguay: section 15 of the Act of 22 November 1920.

² Cyprus: section 12 of the Act of 25 November 1942. Czechoslovakia: section 13 of the Act of 19 December 1918.

³ Afghanistan: section 144 of the Decree of 16 January 1946. Bolivia: section 120 of the Labour Code.

⁴ For example: Argentina: section 7 of the Act of 12 September 1929—provisions concerning hours of work may be wholly or partly suspended by decree of the national executive in the event of a war or of circumstances constituting a threat to public safety. Turkey: section 19 of the National Security Act of 18 January 1940—the government may suspend the weekly rest period in the event of developments constituting a threat to national security.

⁵ Afghanistan: section 70 of the Decree of 16 January 1946. Bulgaria: section 46 of the Labour Code. Denmark: section 12 (4) of Act No. 227 of 11 June 1954; in reply to a request by the Committee, the Government stated in its report on the application of Convention No. 106 for the 1960-62 period that "exceptional circumstances" were to be understood to be war or cases of *force majeure* constituting a threat to the national safety. France: section 49 of the Labour Code. Israel: section 12 of the Act of 15 May 1951. Morocco: section 33 of the Dahir of 21 July 1947; in its reports for the 1959-60 period, the Government stated that no use had ever been made of the provisions of this section, which provides that the weekly rest period may be suspended in government establishments and in those where work is done on behalf of the Government, when the work is carried out in the interest of national defence. Spain: section 7, subsection 2, of the Act of 13 July 1940; in reply to a request by the Committee of Experts, the Government has stated that no use has ever been made of the provisions of section 7, which provide that weekly rest may be suspended in the public interest in exceptional circumstances. Tunisia: section 14 of the Decree of 20 April 1921, as amended—"in government establishments and in public services operating under a government concession or under government supervision, as well as in establishments where work is done on behalf of the Government and in the interests of national defence, the chiefs of the departments concerned may authorise the heads of such establishments not to grant weekly rest to their personnel"; the Committee of Experts drew the Government's attention to the fact that these provisions were not in conformity with Convention No. 106.

⁶ France: section 49, Book II of the Labour Code—the weekly rest period shall be suspended by the Ministers concerned. Tunisia: section 14 of the Decree of 20 April 1921—the power of suspension shall lie with the chiefs of the departments concerned.

(See overleaf for footnotes 7 and 8.)

ments under article 19 of the Constitution of the International Labour Organisation, two ¹ have stated that the matter is one for federal action and four ² partly for federal action and partly for action by the constituent units.

233. All the federal States bound by Convention No. 14, except Canada, have either legislation relating specifically to weekly rest or legislation of broader scope; but in all cases the legislation applies to the whole territory of the federal State. The implementation of the Convention in such States has not given rise to serious difficulties. This is confirmed by the fact that the Committee has noted only three cases ³ which called for comments on its part. As may be seen, the remarks in question have no connection whatever with the federal structure of the States concerned.

234. In Canada, on the other hand, the difficulties that have arisen in applying Convention No. 14 are directly due to the federal character of this country. It should be recalled in this connection that after ratifying the Convention, the federal Parliament had adopted a Weekly Rest Act which gave full effect to the Convention, but which was declared *ultra vires* for the federal authorities by the Judicial Committee of the Privy Council. At present the Convention is applied by the legislation of various provinces, which often covers only a limited range of occupations or limited geographical areas.⁴ In its reports, however, the Government states that efforts are being made in conjunction with the provincial authorities to extend the scope of the legislation so that the Convention may be fully applied.

235. As regards the federal States that have ratified Convention No. 106 ⁵ the difficulties of application encountered have been similar to those which are mentioned above in connection with Convention No. 14.

236. It seems that in two federal States which are bound by none of the instruments under consideration, the application of the Convention is hindered by the absence of general weekly rest legislation owing to the division of responsibilities between the central government and other bodies. For instance, the Government of Australia indicated in one of its reports that in peace time, conditions of work were entirely a matter for the state authorities, and that the federal Parliament was competent only in relation to employees of the Commonwealth of Australia itself. In the constituent states various provisions have been adopted with regard to conditions of employment, for banks and certain kinds of commercial establishments. In the case of Commonwealth public servants a federal Act governs the terms and conditions of service and contains, in particular, provisions concerning weekly rest.⁶ In practice, however, most, if not all, shop and office workers have a rest period longer

¹ Argentina, Brazil, Burma, Canada, India, Mexico, Pakistan, Switzerland, Venezuela, Yugoslavia.

² Mexico, Pakistan, Yugoslavia.

³ Federal Republic of Germany, Malaysia (states of Malaya).

⁴ Australia, Canada, Nigeria, United States.

⁵ India: a direct request was made for clarification with regard to the weekly rest rules for motorised transport workers. Venezuela: exclusion from the Labour Code of workers in the direct employment of the Government. Yugoslavia: compensatory rest in respect of the exceptions provided for in section 215 of the Labour Relations Act of 1957.

⁶ In the province of British Columbia, for example, according to information supplied by the Government, wage orders provide for weekly rest in the following undertakings and jobs: shops, hotels, laundries, goods lift operators, etc. In the province of Ontario the Weekly Rest Act, 1960, applies only to employees of hotels and restaurants in towns of more than 10,000 people.

⁷ Mexico, Pakistan, Yugoslavia.

⁸ Public Service Act, 1922, section 76 (2).

than is prescribed by the Recommendation. The Government states, however, that the fact that no general legislation exists makes it impossible to decide with any degree of certainty whether the instruments in question are applied in all respects.

237. The Government of the United States considers that under its constitutional system action on the part of the constituent states on certain points of the Conventions and Recommendations concerning weekly rest is more appropriate than federal action. It is indicated in the report that a certain number of states have adopted weekly rest legislation and that the 40-hour, five-day week is very widespread, as a matter of custom and under collective agreements. According to the Government, the extension of collective agreements and the progress of hours of work legislation provide grounds for hope that the Conventions will be more fully applied than is the case in the United States at present.

238. In conclusion it seems from the information available that in federal States where general rules on weekly rest have been laid down because the subject is one for action by the central government, the divergences between the legislation and the Conventions generally relate to technical points. In other federal States the legislation of the various constituent units, besides any divergences of this kind which it may contain, has a scope which only rarely corresponds to that of the Conventions.

CHAPTER II

DIFFICULTIES AND PROGRESS IN IMPLEMENTATION

239. Consideration should now be given to the information supplied by the various countries concerning the difficulties that prevent ratification, to the changes made in national law and practice to improve the application of the instrument in question and to ratification prospects.

DIFFICULTIES PREVENTING RATIFICATION

240. Many reports contain information on Point III (*b*) of the report form (based on article 19 (5) (*e*) of the I.L.O. Constitution), in which governments were asked to describe the difficulties inherent in the Convention or in national law or practice or any other factor that might prevent or delay ratification of the Convention.

241. Most of the governments expressed the view that their legislation was in conformity with both Conventions. The Committee will therefore deal only with the position in countries which themselves reported difficulties they had encountered.

242. On the whole the difficulties reported concerned Convention No. 106. They can be classified under three heads: scope, conditions for exceptions to the principle of weekly rest, and supervision of the practical application of the provisions of Convention No. 106 in particular.

Weekly Rest (Industry) Convention, 1921 (No. 14)

243. Four Governments mentioned difficulties connected with scope. The Government of the Federal Republic of Germany stated that section 105 (*b*) of the Industrial Code, providing for a weekly rest period of 24 hours, does not apply to transport undertakings, which is contrary to Article 1, paragraph 1 (*d*), of the Convention. The Government of Austria made a similar statement. The Government of the Netherlands stated that the national legislation excludes transport by inland waterway. The Government of the Republic of South Africa stated that certain of the activities mentioned in the definition of "industrial establishments" in the Convention are not covered by national legislation. This is true of transport and the construction of railways, harbours, docks, etc. (Article 1, paragraph 2 (*c*) and (*d*), of the Convention). These activities come within the scope of the South African railways and the harbours administration.

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

244. Eight countries considered that the scope of the Convention was more extensive than that of their national legislation. Austria and Burma stated, without giving further details, that the Convention covered categories of establishments and workers outside the scope of the statutory provisions in force. In three other countries the provisions relating to family establishments or to public administrative services are an obstacle to the ratification of the Convention: the Governments of

Finland, Sweden and Switzerland reported that the provisions of Article 5 (a) of Convention No. 106, which provides for the exclusion of establishments in which only members of the employer's family who are not or cannot be considered to be wage earners are employed, are stricter than the national legislation, which excludes such persons whether they are wage earners or not. In addition the weekly rest legislation does not apply to public administrative services in Finland or to office workers of public utility undertakings in Switzerland. Two countries state that ratification is prevented by the fact that the national legislation applies only to particular areas: the Government of India has stated in this connection that the laws concerning shops and commercial establishments in the various states of India largely cover urban areas only. According to the Government of Turkey, protection under the Weekly Rest Act in that country is confined to establishments in towns with a population of at least 10,000. These two countries stated, however, that efforts were being made to extend the scope of national legislation. The Government of Tanganyika stated that, contrary to the Convention, which provides for no such limitation, persons with an annual wage of more than £420 are excluded from the scope of the Employment Ordinance, which contains provisions concerning weekly rest. The Government mentioned that in fact it was traditional for such persons to have a weekly rest.

245. Seven countries referred to below pointed out as an obstacle the conditions laid down for the application of special weekly rest schemes or for temporary exceptions. The Government of New Zealand raised objections of principle which deserve attention and which provide the background for the observations made by other governments. This country referred in the following terms to its opposition to Article 8 (concerning temporary exceptions) as a whole when the Convention was being drawn up:

The New Zealand Government is of the opinion that any system which would aim at channeling the call-back of workers for weekend work through a process of prior application to the competent authority for permission, plus prior consultation with employers' and workers' organisations, would not be workable. The urgent circumstances requiring a call-back would frequently, if not preponderantly, arise at such short notice as to preclude the possibility of going through any such procedure. Moreover, these circumstances can arise from such a wide variety of causes that no scheduling of specific causes under a standing dispensation appears practicable. . . . The provision of adequate penalty rates of pay is sufficient safeguard against any unnecessary recourse to the calling back of workers for weekend work.¹

246. Besides New Zealand, whose opinion has just been referred to, six countries emphasise that the provisions of the Convention concerning exceptions are more rigid than those of their national legislation. The Governments of Austria and Luxembourg stated that under their legislation, in the event of temporary exceptions, compensatory rest is granted only if the work done on the day of weekly rest takes more than a certain time. The Government of the Federal Republic of Germany mentioned the fact that the Industrial Code does not provide for compensatory rest within the terms of Article 8, paragraph 3, of the Convention in the event of temporary exceptions. The Government of Finland states that employers have expressed doubts concerning the restrictive character of the list of exceptions in Article 8 of the Convention. The Government of Norway states that the failure to grant compensatory rest in case of certain exceptions constitutes an obstacle to ratification. It seems that ratification by Sweden is prevented by the fact that the provisions of Articles 7 and 8 of the Convention are more rigid than those of the national legislation with regard to compensatory rest.

¹ I.L.O.: *Weekly Rest in Commerce and Offices*, Report VII (2), International Labour Conference, 39th Session, Geneva, 1956, p. 7.

247. Difficulties connected with the supervision of the application of the Convention are regarded as preventing ratification in two countries: the Governments of Cyprus and Senegal have stated that commercial establishments are spread all over the country and that this makes application very difficult to supervise.

248. For the Government of the United Kingdom the question of weekly rest is a matter for collective bargaining, and it is not customary for the Government to interfere in this process.

* * *

249. The analysis of the provisions of the Conventions under consideration and the illustrations of their application which have been given show, however, that these instruments are not wholly lacking in flexibility and are capable of being fully applied in all respects. The main difficulties of application mentioned in the reports do not seem insuperable, and it may be useful to consider these difficulties further.

250. Scope is one of the major obstacles to the ratification of both Convention No. 14 and Convention No. 106. As regards Convention No. 14 the most numerous exclusions relate to transport undertakings; in the case of Convention No. 106 they are of various kinds, relating in particular to public administrative services. It is hard to imagine that in practice the workers concerned should not enjoy a weekly rest in occupations providing employment for such a large number of people. In any case most of the governments have not failed to point out that workers excluded from the scope of weekly rest legislation in fact have such rest either under collective agreements or under a well-established tradition. Consequently the governments concerned merely have to give legislative sanction to an existing practice. The Committee noted with great interest the efforts made in certain countries to extend the scope of national legislation to categories of establishment and persons not yet protected by law. These encouraging prospects justify the hope that there will be further progress in the ratification of these instruments.

251. The other major obstacle to the application of these Conventions lies in the conditions connected with temporary exceptions, particularly with regard to compensatory rest. It has been seen that in many countries work done exceptionally on the appointed day of weekly rest generally gives rise not to compensatory rest but to higher remuneration. In cases in which compensatory rest is provided for, the law sometimes provides that such rest shall be granted only if the work done on the normal day of weekly rest has taken a certain time. Provisions of this kind are of course not in conformity with the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106). It was also seen, however, that some countries grant a compensatory rest period of 24 consecutive hours in all cases of temporary exceptions irrespective of the number of hours worked on the day of rest appointed by law or usage.¹ Social and family considerations underlying this practice have already been mentioned.

CHANGES IN NATIONAL LAW AND PRACTICE

252. A certain number of reports contain, in reply to Point III (a) of the report form under article 19 of the Constitution, information concerning changes made or contemplated with a view to ensuring fuller application of the Convention.

¹ For example: Bulgaria: section 79, paragraph 3, of the Labour Code—"Where work is permitted as an exception on the weekly rest day, an appropriate rest shall be guaranteed on one of the working days thereafter, if the duration of the continuous weekly rest is reduced to less than 24 hours".

253. Most countries consider, as already stated, that their national legislation is in conformity with the Conventions under consideration, and therefore contemplate no amendments to it.

254. Five countries referred to new legislation on weekly rest as being under consideration by the competent authorities. In Belgium a Bill, a copy of which was enclosed with the report, has been tabled in the Senate with a view to eliminating the divergences between the Sunday Rest Act of 17 July 1905 and Convention No. 106. The preamble to the Bill refers to the main changes. Section 1 of the Act, which defines its scope by listing the categories of establishments covered, would be amended to render the Act applicable to all persons bound by a contract of employment; the scope of the Act is therefore extended. Section 3 of the Act of 17 July 1905, which provides for exceptions, is supplemented by a subsection introducing compensatory rest for workers who have been employed on a Sunday. In the Central African Republic a proposed order to take the place of the Weekly Rest Order now in force is to be submitted to the Advisory Labour Board. The Government states that as soon as this order has been issued there will be nothing to prevent ratification of Convention No. 106. In Finland a new Bill is now being drafted which will allow divergences with the Convention to be eliminated wherever practicable. The Government of the Philippines reports that the draft of a new weekly rest law has been submitted to Congress with a view to bringing the national legislation into harmony with the Conventions concerning weekly rest. The Government of Switzerland also referred to a Bill submitted to Parliament.

255. Three countries (Burma, China and Ethiopia) also referred in general terms to the revision of their weekly rest legislation.

RATIFICATION PROSPECTS

256. Favourable consideration is being given in five countries to ratifying Convention No. 106. In Belgium it seems from the preamble that the above-mentioned Bill is intended to facilitate ratification. In Colombia and Poland the Governments intend to submit ratification proposals to the competent authorities in the near future. The Government of France has stated that ratification of the Convention is now pending, and the Government of Morocco that ratification will take place in the near future.

257. The Government of Congo (Leopoldville) has stated that ratification of the Convention is held up by the fact that the national Parliament, which is constitutionally competent to approve international Conventions, is faced with very important political problems which take up all its time. Ratification will be proposed to Parliament as soon as circumstances permit. In Viet-Nam the Department of Labour is making a detailed study of the Convention with a view to submitting to the Government a report concerning the possibility of ratification.

GENERAL CONCLUSIONS

258. Throughout the foregoing pages the Committee has undertaken to analyse the provisions of the instruments under review and to assess the extent to which effect is given in their provisions by examining the law and practice of the various countries. The general conclusions that emerge from the analysis of the body of information made available to the Committee should now be stated.

259. The main conclusion reached by the Committee on the basis of this information is that of all terms of employment weekly rest is undoubtedly either the best observed or one of the best observed in the world. The most ancient societies often observed a weekly day of rest for the worship of their gods, and it is only later, in recent times, that the secular law has endorsed this practice in the legitimate interests of social protection and the requirements of modern life.

260. The essential principle of Conventions Nos. 14 and 106, namely the granting to the workers concerned of a weekly rest period of 24 consecutive hours for every period of seven days, is applied throughout the world, as may be seen from the section dealing with the normal system of weekly rest. There is, however, a striking difference in the number of ratifications of these two instruments. Convention No. 14 has been ratified by 67 States and declared applicable without modification to 34 non-metropolitan territories, whereas only 23 States, including two non-metropolitan territories, are bound by Convention No. 106. The fact that the latter Convention was adopted in 1957, whereas Convention No. 14 was adopted in 1921, does not altogether justify the difference in the number of ratifications. In this connection it should be noted that although most countries considered that their legislation was in the main in conformity with Convention No. 106, the number of countries contemplating ratification of that instrument is rather limited.

261. The main difficulties have already been mentioned, and it seems likely that they can be overcome, as also stated above.

262. Besides the conclusion that the principle of weekly rest is observed throughout the world, there is another unavoidable conclusion to be drawn from the examination of the reports. In many countries the length of the weekly rest period is increasing, especially under the influence of collective bargaining. The five-day or five-and-a-half-day working week is spreading to increasingly large sectors of economic activity.

263. The tendency to lengthen the period of weekly rest is more notable in industrialised countries, and this is no doubt due to the radical changes which modern industry has brought in the methods of production. Work adapted to the individual in which man was the master has been replaced by work in which machines impose their rhythm. The repercussions of this evolution on the physiological levels may thus have resulted in a more pronounced aspiration, on the part of the workers, towards shorter working hours and longer periodic intervals of rest.

LEGISLATION CONSULTED

(Weekly Rest)

AFGHANISTAN

Regulations of 16 January 1946 to govern the employment of persons in industrial establishments in Afghanistan (*L.S.*¹ 1946—Afghan. 1), sections 64 ff.

ALGERIA

Labour Code, Book II, sections 30-50.

ARGENTINA

Act No. 4661 of 6 September 1905 respecting weekly rest (*Boletín del Departamento Nacional del Trabajo*, 1924, No. 77, p. 1287 ; *Bulletin de l'Office international du travail*, Basle, 1905, Vol. IV, p. 343).

Decree of 1 March 1926 issuing regulations under Act No. 4661 on weekly rest (*Boletín Oficial (B.O.)*, 13 March 1926, p. 497 ; *L.S.* 1926—Arg. 2).

Act No. 11570 of 25 September 1929 respecting the supervision of the observation of the labour laws and their administration (*B.O.*, 25 October 1929, p. 882 ; *L.S.* 1929—Arg. 2).

Act of 12 September 1929 respecting the eight-hour day (*B.O.*, 17 September 1929, No. 10614, p. 501 ; *L.S.* 1929—Arg. 1).

Act of 7 October 1932 respecting Saturday afternoon rest (*B.O.*, 17 October 1932, No. 11515, p. 754 ; *L.S.* 1932—Arg. 2).

AUSTRALIA

Commonwealth :

Public Service Act, 1922-60.

States :

New South Wales.

Banks and Bank Holidays Act, 1912.

Industrial Arbitration Act, 1940.

Factories, Shops and Industries Act, 1962.

Victoria.

Bank Holiday (Saturday) Act, 1962.

Labour and Industry Act, 1958.

Queensland.

Holidays Acts, 1912-61.

Factories and Shops Acts, 1960.

South Australia.

Holidays Act, 1910-59.

Early Closing Act, 1926-60.

Western Australia.

Bank Holidays Act, 1884-1961.

Factories and Shops Act, 1920-59.

Tasmania.

Bank Holidays Act, 1919.

¹ *L.S.* = *Legislative Series*, published by the I.L.O.

Shops Act, 1925.

Factories, Shops and Offices Act, 1958.

Northern Territory.

Early Closing Ordinance, 1912-59.

Non-Metropolitan Territories :

Nauru.

Chinese and Native Labour Ordinance, 1922-53.

New Guinea and Papua.

Public Service Ordinance, 1949-61.

Native Apprenticeship Ordinance, 1951-61.

Industrial Relations Ordinance, 1962.

Industrial Organisations Ordinance, 1960.

AUSTRIA

Act of 16 January 1895 on weekly rest and public holidays in industry (*Reichsgesetzblatt (R.GBl.)*, No. 21).

Ordinance of 24 April 1895 respecting the application of the Act of 16 January 1895 (*R.GBl.*, No. 58).

Act of 15 May 1919 relating to the minimum period of rest, closing time and Sunday rest in commercial establishments and other undertakings (*L.S.* 1919—Aus. 8).

Mining Act of 28 July 1919 (*L.S.* 1919—Aus. 11).

Bakery Workers Act of 31 March 1955 (*L.S.* 1955—Aus. 2A).

BELGIUM

Act of 17 July 1905 respecting Sunday rest in industrial and commercial establishments (*Moniteur belge (M.B.)*, 26 July 1905 ; *Code Larcier*, p. 600), as amended by the Act of 24 July 1927 (*M.B.*, No. 223, p. 3715 ; *L.S.* 1927—Bel. 6).

Act of 14 June 1921 respecting the eight-hour day (*L.S.* 1921—Bel. 1).

BOLIVIA

Constitution of 27 June 1945, section 123.

Supreme Decree of 26 May 1939 to lay down the Labour Code (*Protección Social*, March 1939, Year II, No. 14, p. 28 ; *L.S.* 1939—Bol. 1), sections 40 ff.

Act of 23 November 1915 on the prohibition of work on Sunday (*Legislación Minera, Petrolera y Social*, 1928, p. 395).

Decree of 30 August 1927 made under the preceding Act (*Legislación Minera, Petrolera y Social*, 1928, p. 397).

Regulations of 23 August 1943 made under the Labour Code.

BRAZIL

Federal Constitution of Brazil (*Diario Oficial (D.O.)*, 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, No. 184, p. 11937 ; *L.S.* 1943—Braz. 1).

Legislative Decree No. 7947 of 11 September 1945 requiring commercial establishments in the Federal District to close on Saturday at noon (*D.O.*, 15 September 1945, No. 209, p. 14705).

Act No. 605 of 5 January 1949 respecting Sunday rest (*D.O.*, 14 January 1949, No. 11, p. 633 ; *L.S.* 1949—Braz. 1).

Decree No. 27048 of 12 August 1949 issuing regulations under Act No. 605 of 5 January 1949 (*D.O.*, 16 August 1949, No. 188, p. 11785).

BULGARIA

Labour Code (*Izvestiya*, No. 91, 13 November 1951 ; *L.S.* 1951—Bul. 2) and Act to supplement and amend the Labour Code (*Izvestiya*, No. 92, 12 November 1957 ; *L.S.* 1957—Bul. 2), sections 52 ff.

Ordinance of 29 January 1953 of the Ministry of Transport and the Central Council of Trade Unions respecting the hours of work and rest of wage and salary earners in rail, road and water transport (*Izvestiya*, 10 February 1953, No. 12, p. 2 ; *L.S.* 1953—Bul. 2).

Ordinance of 5 March 1958 respecting the hours of work and rest of wage and salary earners (*Izvestiya*, 14 March 1958, No. 21, p. 1 ; *L.S.* 1958—Bul. 3).

BURMA

Shops and Establishments Act, No. LIX of 1951 (*Burma Labour Gazette*, Vol. V, No. 2, p. 3 ; *L.S.* 1951—Bur. 5).

BURUNDI

Decree of 27 July 1955 respecting employment rules (*Bulletin Administratif (B.A.)*, 8 October 1955, p. 1273 ; *L.S.* 1955—Bel.C. 1), section 2 (b).

Decree of 14 March 1957 to prescribe the maximum hours of work to provide for rest on Sundays and public holidays (*B.A.*, 15 April 1957, p. 970 ; *L.S.* 1957—Bel.C. 3).

BYELORUSSIA

Labour Code, section 110.

Order of the Council of People's Commissars of the U.S.S.R. of 24 September 1929 (*L.S.* 1929—Russ. 3H).

CAMEROON

Eastern Cameroon.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (*Journal officiel de la République française*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5), section 120.

Order No. 6450 of 3 December 1954 to determine the manner of applying weekly rest (*Journal officiel du Cameroun (J.O.C.)*, 22 December 1954, No. 1039, p. 1737 ; erratum : Order No. 2066, 21 March 1955, *J.O.C.*, 6 April 1955).

CANADA

Dominion :

Lord's Day Act (*Revised Statutes of Canada*, Cap. 171).

Provincial :

Alberta.

Alberta Labour Act (*Revised Statutes of Alberta*, 1955, Cap. 167) amended by the Act of 1957 (Cap. 38).

British Columbia.

Minimum Wage Act of 1960 (*Revised Statutes of British Columbia*, 1960, Cap. 143 and Cap. 230).

Manitoba.

Employment Standards Act, 1957 (*Revised Statutes of Manitoba*, Cap. 20).

New Brunswick.

Weekly Rest Period Act, 1954 (3 Eliz. II, Cap. 16).

Ontario.

One Day's Rest in Seven Act, 1960 (*Revised Statutes of Ontario*, 1960, Cap. 269).

Quebec.

Weekly Day of Rest Act, 1941 (*Revised Statutes of Quebec (R.S.Q.)*, 1941, Cap. 166).

Minimum Wage Act (*R.S.Q.*, 1941, Cap. 164).

Saskatchewan.

One Day's Rest in Seven Act, 1953 (*Revised Statutes of Saskatchewan*, 1953, Cap. 262).

CENTRAL AFRICAN REPUBLIC

- Act No. 61/221 of 2 June 1961 to lay down the Labour Code (*Journal officiel*, August 1961, Special Number).
 Order No. 838/ITT of 22 November 1953 to regulate weekly rest.
 General Order to regulate the 40-hour week in river transport undertakings (*Journal officiel de l'Afrique équatoriale française*, 1 February 1954).

CEYLON

- Wages Boards Ordinance, No. 27 of 1941, as amended (*Legislative Enactments of Ceylon (L.E.C.)*, Vol. V, 1956).
 Factories Ordinance, 1942 (*L.E.C.*, Vol. V).
 Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (*L.S.* 1954—Cey. 1).

CHAD

- Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (*Journal officiel de la République française*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5), as amended by Act No. 8/61 of 9 March 1961.
 Order No. 631/ITT-LS of 3 December 1953 to determine the manner of applying weekly rest.
 Order No. 629/ITT-LS of 3 December 1953 to determine the retail food stores where weekly rest may be granted from noon on Sunday.

CHILE

- Legislative Decree No. 178 of 13 May 1931 to lay down the Labour Code (*Diario Oficial (D.O.)*, 28 May 1931 and 6 July 1931, Nos. 15982 and 16014, pp. 2875 and 3448; *L.S.* 1931—Chile 1), as amended by Act No. 6812 of 31 January 1941 (*D.O.*, 8 March 1941, No. 18907, p. 733; *L.S.* 1941—Chile 2) and by Act No. 8067 of 23 January 1945 (*D.O.*, 10 February 1945, No. 20079, pp. 285-286; *L.S.* 1945—Chile 1), sections 323 ff.
 Regulations of 16 January 1918 made under the Act of 5 November 1917 respecting Sunday rest (codified text).
 Decree No. 478 of 1 September 1932 respecting the closing of food stores on Sundays and public holidays (*D.O.*, 1 September 1932, No. 16364).

CHINA

- Factory Acts of 30 December 1932 (*L.S.* 1932—Chin. 2A), section 15.
 Factory Regulations of 30 December 1932 (*L.S.* 1932—Chin. 2B).

COLOMBIA

- Decree No. 2663 of 5 August 1950 to lay down the Labour Code (*Diario Oficial (D.O.)*, 9 September 1950, No. 27407, p. 929), as amended by Decree No. 617 of 1954:
 Act No. 37 of 27 April 1905 respecting Sunday rest (*Compilación de Leyes Obreras*, 1905-25, p. 13).
 Act No. 57 of 16 November 1926 to establish Sunday rest and to issue other provisions respecting labour legislation (*D.O.*, 1928, No. 20349, p. 297; *L.S.* 1926—Col. 2), as amended by Act No. 72 of 28 May 1931 (*Boletín del Trabajo*, May-June 1931, Nos. 17-18, p. 838; *L.S.* 1931—Col. 1A).
 Decree No. 83 of 19 January 1927 made under Act No. 57 of 1926 (*D.O.*, 1927, No. 20402, p. 119).
 Act No. 130 of 23 December 1945 to establish Sunday rest for hairdressers, manicurists and similar employees (*Revista Colombiana del Trabajo*, January-February 1949, No. 110, p. 43).

CONGO (BRAZZAVILLE)

- Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (*Journal officiel de la République française*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5), section 120.

Order of 24 October 1953 to determine the manner of applying weekly rest (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 15 November 1953, No. 22, p. 1615).

Order of 25 January 1956 to lay down the manner of applying weekly rest of domestic staff (*J.O.A.E.F.*, 15 February 1956, No. 4, p. 208).

CONGO (LEOPOLDVILLE)

Decree of 27 July 1955 respecting employment rules (*Bulletin administratif du Congo belge (B.A.)*, 8 October 1955, p. 1273 ; *L.S.* 1955—Bel.C. 1), section 2 (b).

Decree of 14 March 1957 to prescribe the maximum hours of work and to provide for rest on Sundays and public holidays (*B.A.*, 15 April 1957, p. 970 ; *L.S.* 1957—Bel.C. 3).

COSTA RICA

Constitution, section 59.

Act No. 2 of 27 August 1943 to lay down the Labour Code (*La Gaceta*, 29 August 1943, p. 1169 ; *L.S.* 1943—C.R. 1), sections 147 ff.

CUBA

Basic Act of 7 February 1959, section 66.

Act of 4 May 1910 respecting the hours of opening of commercial establishments (*Gaceta Oficial (G.O.)*, 5 May 1910, p. 4645).

Decree No. 1693 of 19 September 1933 respecting the eight-hour day (*G.O.*, 20 September 1933 ; *L.S.* 1933—Cuba 4A).

Decree of 19 October 1933 laying down general regulations for the administration of Decree No. 1693 respecting the eight-hour day (*G.O.*, 4 November 1933 ; *L.S.* 1933—Cuba 4B).

Decree No. 2940 of 2 December 1933 to amend the general regulations for the administration of Decree No. 1693 of 1933 (*G.O.*, 4 December 1933, p. 7646 ; *L.S.* 1933—Cuba 4D).

Order of 4 January 1934 respecting the interpretation of the general regulations for the administration of the Decree respecting the eight-hour day (*G.O.*, 5 January 1934, p. 163 ; *L.S.* 1934—Cuba 1).

Legislative Decree of 28 August 1934 to establish Sunday rest for persons employed in newspaper undertakings (*G.O.*, 29 August 1934, p. 3588 ; *L.S.* 1934—Cuba 8).

Act of 27 October 1955 respecting weekly rest for public tribunals and administrative services (*G.O.*, 28 October 1955, p. 18945).

CYPRUS

Shop Assistants Law, No. 21 of 26 November 1942 (*Cyprus Gazette*, No. 3025, 26 November 1942).

Hotels (Conditions of Service) Regulations, 1953 and 1956.

Children and Young Persons (Employment) Law, No. 33 of 30 September 1953 (*L.S.* 1953—Cyprus 2).

CZECHOSLOVAKIA

Act No. 21 of the Imperial Code respecting Sunday rest, of 16 January 1895, as amended by the Act of 18 July 1905 (*Bulletin de l'Office international du travail*, Basle, 1905, Vol. IV, p. 344).

Act of 19 December 1918 respecting the eight-hour working day (*Bulletin of the International Labour Office*, Basle (*B.B.*), 1919, Vol. XIV, p. 26).

Ordinance of 11 January 1919 for the application of the Act respecting the eight-hour day (*B.B.*, 1919, Vol. XIV, p. 31).

Circular addressed by the Minister of Social Welfare on 21 March 1919 to all administrative authorities with a view to ensuring the application of the Act respecting the eight-hour day (*B.B.*, 1919, Vol. XIV, p. 34).

Act of 24 September 1956 to reduce hours of work (*L.S.* 1956—Cz. 2).

DAHOMY

Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (*Journal officiel de la République française (J.O.)*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5), section 120.

Order No. 1918 of 6 August 1953 to determine the manner of applying weekly rest (*J.O.*, 10 August 1953, p. 400).

DENMARK

Act No. 226 of 11 June 1954 respecting workers' protection generally (*Lovtidende A (Lov. A)*, 30 June 1954, No. XXIII, p. 353 ; *L.S.* 1954—Den. 1), sections 14 ff.

Act No. 227 of 11 June 1954 respecting the protection of workers employed in shops and offices (*Lov. A*, 20 June 1954, No. XXIII, p. 572 ; *L.S.* 1954—Den. 2), sections 14 ff.

Regulations of 12 September 1955 respecting exceptions to the prohibition of work on Sundays and on public holidays in press undertakings.

Non-Metropolitan Territories :

Faroe Islands.

Closing of Shops Act, No. 442 of 21 November 1923.

Apprenticeship Act, No. 29 of 12 October 1954.

Collective Agreement of 27 October 1961 concluded between the autonomous local government and the Union of Salaried Employees.

Collective Agreement of 4 August 1961 concluded between the Treasury and the Danish National Union of Commercial and Clerical Employees.

Greenland.

Regulations of 10 November 1959 respecting the hours of work of officials permanently resident in Greenland.

Collective Agreement of 14 August 1961 concluded between the Government of Denmark and the Union of Greenland Workers.

DOMINICAN REPUBLIC

Act No. 183 of 9 December 1939 respecting Sunday rest and the closing of establishments (*Gaceta Oficial (G.O.)*, 9 December 1939, No. 5290, p. 3 ; *L.S.* 1939—Dom. 1).

Act No. 2920 of 11 June 1951 to lay down the Labour Code (*G.O.*, Vol. CXXII, No. 7309bis, 23 July 1951 ; *L.S.* 1951—Dom. 1), as amended (*inter alia*) by Act No. 4282 of 17 September 1955 (*G.O.*, 30 September 1955, No. 7892 ; *L.S.* 1955—Dom. 2), section 155.

Decree No. 5681 of 15 April 1960 respecting hours of work in public administrative services.

ETHIOPIA

Civil Code of 5 May 1960 (*Négarit Gazeta*, 5 May 1960, No. 2 ; *L.S.* 1962—Eth. 1B), section 2560.

FINLAND

Act No. 604 of 2 August 1946 respecting hours of work (*L.S.* 1946—Fin. 4).

Act No. 605 of 2 August 1946 respecting conditions of employment in commercial establishments and in offices (*L.S.* 1946—Fin. 4).

FRANCE

Labour Code, Book II (sections 30-50), which codifies several texts on weekly rest.

Decree of 21 June 1936 to lay down the 40-hour week in industrial and commercial establishments (Labour Code, Dalloz Edition, 1962, p. 252).

Several decrees made under the Decree of 21 June 1936 (see list of the principal texts, Dalloz Edition, 1962, p. 271).

Decree of 14 August 1907 respecting the list of establishments permitted to grant weekly rest by rotation (*ibid.*, p. 277).

Overseas Departments :

French Labour Code, Book II.

Overseas Territories :

Comoro Islands.

Order No. 54/85 of 12 May 1954 to determine the manner of applying weekly rest.

French Polynesia.

Order No. 836/IT of 20 June 1955 to determine the manner of applying weekly rest (*Journal officiel des Etablissements français en Océanie*, 30 June 1955, No. 14, p. 288).

French Somaliland.

Order No. 1545 of 23 December 1953 to determine the manner of applying weekly rest.

New Caledonia.

Order No. 13773 of 7 November 1953 to determine the manner of applying weekly rest (*Journal officiel de la Nouvelle Calédonie*, Special Number, 14 November 1953, p. 704).

St. Pierre and Miquelon.

Order No. 240 of 13 May 1954 to determine the manner of applying weekly rest (*Journal officiel*, 31 May 1954, No. 10, p. 626).

GABON

Act No. 88/61 of 4 January 1962 (*Journal officiel*, 1 March 1962, Special Number), sections 119 and 120.

Decree of 29 September 1962 to determine the manner of applying weekly rest.

FEDERAL REPUBLIC OF GERMANY

Industrial Code of 1869, section 105 (a)-(i).

Hours of Work Regulations of 30 April 1938 (*Reichsgesetzblatt*, I, p. 447 ; L.S. 1938—Ger. 6).

Act of 28 November 1956 respecting the closing of commercial establishments (*Bundesgesetzblatt (BGBl.)*, I, p. 875), as amended.

Young Persons (Protection of Employment) Act of 9 August 1960 (*BGBl.*, I, 13 August 1960, No. 45, p. 665 ; L.S. 1960—Ger.F.R. 2), as amended by the Federal Act of 8 January 1963 (*BGBl.*, I, 12 January 1963, No. 1, p. 2).

GHANA

General Order 188 (ii) relating to civil servants.

GREECE

Decree of 8 March 1930 to consolidate the law respecting weekly rest (L.S. 1930—Gre. 3).

Decree of 25 April 1951 respecting weekly rest in public entertainment undertakings (*Ephe-meris tes Kyberneseos (E.t.K.)*, 12 May 1951, Part I, p. 3).

Decree No. 387/62 to amend the regulations respecting hours of work and rest of persons employed on the steam railways (*E.t.K.*, 23 June 1962, Vol. A).

Royal Decree No. 582 of 1960 respecting the hours of work of persons employed in city bus transport (*E.t.K.*, Vol. A127, 19 August 1960).

GUATEMALA

Labour Code, 1947 (L.S. 1947—Guat. 1) as amended by the Decrees of 28 February 1956 (L.S. 1956—Guat. 2) and of 5 May 1961 (*El Guatemalteco*, 16 June 1961), sections 126, 128, 129 ff.

GUINEA

Act No. 1/AN/60 of 30 June 1960 to lay down a Labour Code (L.S. 1960—Gui. 1), section 153.

Order No. 3133 ITLS/Gu of 15 July 1953 to determine the manner of applying weekly rest (*Journal officiel*, 28 July 1953).

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 October 1961 ; L.S. 1961—Hai. 1), sections 110-115.

HUNGARY

Legislative Decree No. 7 of 1951 of the Praesidium of the People's Republic of Hungary to lay down a Labour Code (*Magyar Közlöny (M.K.)*, 31 January 1951, Nos. 17-18, p. 55; *L.S.* 1951—Hung. 1), sections 47 ff.

Legislative Decree No. 25 of 1953 of the Praesidium of the People's Republic of Hungary to amend and supplement Legislative Decree No. 7 of 1951 laying down the Labour Code (*M.K.*, 28 November 1953, No. 62, p. 381; *L.S.* 1953—Hung. 1).

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

INDIA

Indian Railways Act 1890, as amended.

Factories Act, 1948 (*Gazette of India (G.I.)*, 23 September 1948, Part IV, p. 292), as amended by the Act of 1954 (*G.I.*, Part II, p. 159; *L.S.* 1954—Ind. 1).

Mines Act, 1952 (*G.I.*, 17 March 1952, No. 18, Part II, p. 155; *L.S.* 1952—Ind. 3), as amended by the Act of 1959 (*G.I.*, 28 December 1959, Part II, p. 499).

Motor Transport Workers Act, 1961 (*G.I.*, No. 31, 22 May 1961).

Various state Shops and Establishments Acts (*India Labour Yearbook*, 1961).

IRAN

Labour Law of 17 March 1959 (*L.S.* 1959—Iran 1), sections 14 ff.

IRAQ

Labour Code, Law No. 1 of 1958, as amended by Acts Nos. 82 of 1958, 71 of 1959 and 184 of 1959 (*L.S.* 1961—Iraq 1), sections 12 ff.

IRELAND

Conditions of Employment Act of 14 February 1936 (*L.S.* 1936—Ire. 1), sections 49 ff.

ISRAEL

Act of 15 May 1951 respecting hours of work and rest (*Sefer Hakhukim*, 22 May 1951, No. 76, p. 204; *L.S.* 1951—Isr. 2).

Regulations made under section 8 of the Act of 15 May 1951 respecting weekly rest in transport (*Official Gazette—Reshumot (O.G.R.)*, No. 191, 28 September 1951).

Regulations made under section 8 of the Act of 15 May 1951 respecting weekly rest of shift workers (*O.G.R.*, No. 278, 12 June 1952).

ITALY

Act No. 973 of 16 June 1932 respecting weekly rest and public holidays in commercial undertakings and the hours of opening and closing of places for the sale of goods (*Gazzetta Ufficiale (G.U.)*, 20 August 1932, No. 192, p. 3766; *L.S.* 1932—It. 3).

Act No. 370 of 22 February 1934 respecting the Sunday and weekly rest (*G.U.*, 17 March 1934, No. 65, p. 1366; *L.S.* 1934—It. 3).

Ministerial Order of 22 June 1935 to determine the employments to which section 5 of Act No. 370 of 1934 applies (*G.U.*, 12 July 1935, No. 161, p. 3523).

Ministerial Order of 7 November 1936 to add further items to Schedule III approved by the Ministerial Order of 22 June 1935 made under Act No. 370 of 1934 (*G.U.*, 10 December 1936, No. 285, p. 3577).

IVORY COAST

Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (*Journal officiel de la République française*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5), section 120.

Order No. 4804 ITLS/C.I. of 20 July 1953 to determine the manner of applying weekly rest (*Journal officiel de la Côte d'Ivoire (J.O.C.I.)*, 30 July 1953, p. 701).

Order No. 5796 ITLS/C.I. of 7 August 1953 to lay down the list of establishments authorised to grant weekly rest from noon on Sunday in certain establishments for the retail sale of food (*J.O.C.I.*, 30 July 1953).

JAPAN

Labor Standards Law, No. 49 of 5 April 1947 (*Official Gazette*, 7 April 1947; *L.S.* 1947—Jap. 3), section 35.

Ordinance No. 23 of 1947 of the Ministry of Welfare to apply the Labor Standards Law.

Rule 15-1 of the National Personnel Authority (non-work periods).

Law No. 95 of 1950 respecting employees in regular service.

KENYA

Shop Hours Ordinance (*L.S.* 1925—Ken. 1.; 1930—Ken. 1).

Employment Ordinance (Chap. 226 of the *Laws of Kenya*).

Employment of Women, Young Persons and Children Ordinance (Chap. 227).

Regulation of Wages and Conditions of Employment Ordinance, No. 1 of 1951 (*L.S.* 1951—Ken. 1), as amended by Ordinances No. 41 and No. 63 of 1951, No. 9 of 1954 and No. 34 of 1956.

Various orders made under the above-mentioned ordinance respecting various branches of the economy.

KUWAIT

Labour (Private Sector) Law, 1959 (*el-Jarida el-Rasmiyya*, No. 216, 15 March 1959).

Labour (Public Sector) Law, No. 18 of 1960 (*el-Jarida el-Rasmiyya*, Supplement to No. 280, 20 June 1960).

LUXEMBOURG

Act of 21 August 1913 concerning the weekly day of rest for employees and workmen (*Mémorial du Grand-Duché de Luxembourg*, 29 August 1913, No. 58, p. 952; *Bulletin of the International Labour Office*, Basle (*B.B.*), 1914, Vol. IX, p. 106).

Ministerial Order of 21 August 1914 to make regulations under the Act of 21 August 1913 respecting weekly rest of salaried employees and wage earners (*B.B.*, 1916, Vol. XI, p. 355).

Consolidated Text of 20 April 1962 of the legislation governing the contract of service of salaried employees in private employment (*Mémorial*, 21 June 1962, No. 32, p. 449), sections 6 and 9.

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 to lay down the Labour Code (*Journal officiel (J.O.)*, 8 October 1960; *L.S.* 1960—Mad. 1), sections 81 and 82.

Decree No. 62-150 of 28 March 1962 to determine the manner of applying the weekly rest day and public holidays, both paid and unpaid (*J.O.*, 7 April 1962, No. 216, p. 577; *L.S.* 1962—Mad. 1).

Order No. 392-IGT of 16 February 1954 to fix the hours of work of employees of the railways of Madagascar (*J.O.*, 20 February 1954).

Order No. 2402-FCS of 25 October 1956 to fix the daily hours of work of the staff of administrative services (*J.O.*, 3 November 1956).

MALAYSIA

States of Malaya.

Ordinance No. 47 of 9 August 1950 to lay down weekly holidays for persons employed in shops, restaurants and theatres (*L.S.* 1950—Mal. 1).

Regulation No. 458 of 14 August 1951 respecting weekly rest (*Government Gazette*, 23 August 1951, Supplement to No. 18, p. 502).

Ordinance No. 38 of 27 June 1955 to consolidate and amend the law relating to employment (*L.S.* 1955—Mal. 2).

Sabah.

Labour Amendment Ordinance, No. 15 of 1957 (Chap. 67 of the *Revised Laws of North Borneo*).

Sarawak.

Weekly Holidays Ordinance (Chap. 79 of the *Laws of Sarawak*, 1958, Vol. IV).

Singapore.

Labour Ordinance, No. 40 of 1955 (*Laws of Singapore*, Vol. 1, 1956).

Clerks Employment Ordinance, No. 14 of 1957.

Industrial Relations Ordinance, No. 20 of 1960 (*Gazette of Singapore*, Supplement to No. 16, 1960).

MALI

Act No. 62-67 A.N.R.M. of 19 August 1962 to lay down a Labour Code (*Journal officiel (J.O.)*, 15 October 1962), Title III, Chap. VI.

Order No. 2518 ITLS/S.O. of 20 July 1953 to determine the manner of applying weekly rest (*J.O.*, 25 July 1953, p. 528), as amended by Order No. 4421 ITLS/S.O. of 22 December 1953 (*J.O.*, 1 January 1954, p. 7).

MAURITANIA

Act No. 63-023 of 23 January 1963 to lay down a Labour Code (*Journal officiel (J.O.)*, 20 February 1963), Chap. V, sections 17-21.

Order No. 22 of 2 July 1953 to determine the manner of applying weekly rest (*J.O.*, 27 July 1953, p. 1238).

MEXICO

Constitution of 31 January 1917, section 123, IV.

Federal Labour Act of 18 August 1931 (*Diario Oficial (D.O.)*, 28 August 1931, Vol. LXVII, No. 51, p. 3; *L.S.* 1931—Mex. 1), as amended by the Decree of 31 December 1955 (*D.O.*, 7 January 1956, No. 6, p. 8; *L.S.* 1955—Mex. 1A) and by the Decree of 31 December 1956 (*D.O.*, 31 December 1956, No. 50, p. 11; *L.S.* 1956—Mex. 2), sections 78 ff.

Regulations of 20 December 1919 respecting weekly rest (*D.O.*, 1 January 1920).

Rules respecting workers employed in the service of the powers of the Union (*D.O.*, 17 April 1941).

MOROCCO

Dahir of 21 July 1947 respecting weekly rest and public holidays (*Bulletin officiel (B.O.)*, 17 October 1947, No. 1825, p. 1034; *L.S.* 1947—Mor. 2).

Vizirial Order of 25 July 1947 to regulate supervision of the administration of the Dahir of 21 July 1947 respecting weekly rest (*B.O.*, 17 October 1947, No. 1825, p. 1039).

Vizirial Order of 25 July 1947 to issue the schedule of specialised workers employed in factories of continuous operation in which weekly rest may be granted according to special provisions (*B.O.*, 17 October 1947, No. 1825, p. 1040).

Vizirial Order of 25 August 1947 to issue the schedule of establishments authorised to suspend the weekly rest day (*B.O.*, 17 October 1947, No. 1825).

Vizirial Order of 22 March 1950 to amend the Vizirial Order of 25 July 1947 to regulate supervision of the administration of the Dahir of 21 July 1947 (*B.O.*, 28 April 1950, No. 1957, p. 475).

NETHERLANDS

Labour Act, 1919, as amended in 1930 (*Staatsblad (Sbl.)*, No. 261; *L.S.* 1930—Neth. 2).

Decree of 15 May 1933 to issue general service regulations for railways (*Sbl.*, No. 277; *L.S.* 1933—Neth. 3).

Decree of 8 September 1936 respecting hours of work in factories and workplaces (*Sbl.*, No. 862; *L.S.* 1936—Neth. 2).

Decree of 1937 respecting hours of work in offices (*Sbl.*, No. 844).

Decree of 11 August 1954 respecting hours of work in shops and warehouses (*Sbl.*, No. 391), as amended in 1958 (*Sbl.*, No. 358).

Decree of 28 August 1958 respecting hours of work for the remaining categories of workers (*Sbl.*, No. 492).

Various decrees respecting hours of work in various branches of the economy.

NEW ZEALAND

- Coal Mines Act, 1925, as amended (*New Zealand Statutes (N.Z.S.)*, Vol. 2, p. 157).
Factories Act, 1946 (*N.Z.S.*, Vol. 4, p. 775).
Transport Act, 1949 (*N.Z.S.*, Vol. 16, p. 1).
Industrial Conciliation and Arbitration Act, 1954 (*N.Z.S.*, Vol. 6, p. 521 ; *L.S.* 1954—N.Z. 1).
Act No. 32 of 20 October 1955 to consolidate and amend the law relating to shops, offices, warehouses and stores (*L.S.* 1955—N.Z. 1).

NICARAGUA

- Political Constitution of 1 November 1950 (*La Gaceta*, 6 November 1950, No. 235, p. 2209 ; *L.S.* 1950—Nic. 1), section 95.
Decree No. 336 of 12 January 1945 to lay down the Labour Code (*L.S.* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962 (*La Gaceta*, 13 October 1962, p. 2309 ; *L.S.* 1962—Nic. 1).

NIGER

- Act No. 62-12 of 13 July 1962 to lay down a Labour Code (*Journal officiel (J.O.)*, Extraordinary, 25 August 1962), section 118.
Order No. 1713 of 23 July 1953 to determine the manner of applying weekly rest (*J.O.*, 15 August 1953, p. 49).
Order No. 1758 ITLS/N of 31 July 1953 to determine the retail food establishments where the weekly rest period may begin on Sunday at noon.

NIGERIA

- Various orders made under the Wages Board Act.

NORWAY

- Workers' Protection Act, No. 2 of 7 December 1956 (*Norsk Lovtidend*, 31 December 1956, No. 45, p. 1235 ; *L.S.* 1956—Nor. 2).

PAKISTAN

- Factories Act, 1934, as amended (*Labour Code of Pakistan (Central)*, 1960).
Weekly Holiday Act, 1942.
East Bengal Shops and Establishments Act, 1951 (*Labour Code of Pakistan (L.C.P.)*, second edition, 1958).
Punjab Trade Employees Act, 1940 (*L.C.P.*).
North-West Frontier Province Trade Employees Act, 1947 (*L.C.P.*).
Sind Shops and Establishments Act, 1940 (*L.C.P.*).
Working Journalists (Conditions of Service) Ordinance, 1960 (*Labour Code of Pakistan (Central)*, 1960).

PERU

- Act No. 3010 of 26 December 1918 respecting the prohibition of work on Sundays, civil festivals and election days (Manuel A. VIRGIL: *Legislación del Trabajo*, Lima, 1945).
Presidential Decree No. 23 D.T. of 30 April 1957 to make provision for dismissal compensation, paid leave and weekly rest for domestic servants (*El Peruano*, 30 December 1957, No. 5024, p. 1 ; *L.S.* 1957—Per. 1A).

PHILIPPINES

- Blue Sunday Law, Act No. 946 of 20 June 1953.
Regulations made under the Blue Sunday Law of 20 June 1953, dated 15 October 1954.
Amendments of the Blue Sunday Law of 20 June 1953 and Blue Sunday Regulations of 15 October 1954, dated 27 March 1963.

POLAND

Act of 18 December 1919 respecting hours of work (*Dziennik Ustaw (D.U.)*, 1933, No. 94 ; *L.S.* 1920—Pol. 1), as amended by the Act of 22 March 1933 (*L.S.* 1933—Pol. 1).

Act of 18 January 1951 respecting public holidays (*L.S.* 1951—Pol. 1).

Decree of 29 March 1951 to amend the provisions respecting hours of work in industry and commerce (*D.U.*, 30 March 1951 ; *L.S.* 1951—Pol. 3).

PORTUGAL

Legislative Decree No. 24-402 of 24 August 1934 to regulate the hours of work in industrial and commercial undertakings (*Diário do Governo*, 24 August 1934, first series, No. 199, p. 1617 ; *L.S.* 1934—Port. 5).

Act No. 2029 of 5 June 1948 (*Colecção Oficial de Legislação Portuguesa*, 1948, Vol. 1, p. 372).
Angola.

Labour Code (*Boletim Oficial de Angola*, 5 June 1957, No. 23, series I, p. 562 ; corrections : *ibid.*, 13 November 1957, No. 46, series I, p. 859 ; *L.S.* 1957—Ang. 1).

Cape Verde.

Legislative Order No. 1330 of 9 February 1957.

Guinea.

Legislative Order No. 486 of 7 December 1959.

Macao.

Act No. 2029 of 5 June 1948.

Mozambique.

Legislative Order No. 1595 of 28 April 1956 (*Principal Legislação*, Province of Mozambique, Vol. XXVI, 1956, p. 183).

San Tomé and Príncipe.

Ministerial Order No. 2475 of 2 April 1959.

Timor.

Act No. 2029 of 5 June 1948.

RUMANIA

Act No. 114 : Constitution (*Monitorul Oficial*, Part I, 13 April 1948, No. 87bis, p. 3379 ; *L.S.* 1948—Rum. 1), section 20.

Act of 30 May 1950 (sections 61, etc.) to lay down the Labour Code (*L.S.* 1950—Rum. 1), as amended by Decree No. 369 of 13 July 1956 (*Buletinul Oficial (B.O.)*, 24 July 1956, No. 20, p. 137 ; *L.S.* 1956—Rum. 1), by Decree No. 90 of 18 February 1958 (*B.O.*, 22 February 1958, No. 9, p. 85 ; *L.S.* 1958—Rum. 1) and by Decree No. 266 of 19 July 1960 (*B.O.*, 21 July 1960, No. 12, p. 90 ; *L.S.* 1960—Rum. 1).

RWANDA

Decree of 27 July 1955 respecting employment rules (*Bulletin administratif du Congo belge (B.A.)*, 8 October 1955, p. 1273 ; *L.S.* 1955—Bel.C. 1), section 2 (b).

Decree of 14 March 1957 to prescribe the maximum hours of work and to provide for rest on Sundays and public holidays (*B.A.*, 15 April 1957, p. 970 ; *L.S.* 1957—Bel.C. 3).

SENEGAL

Act No. 61-34 of 15 June 1961 to establish the Labour Code (*Journal officiel (J.O.)*, 3 July 1961).

Order No. 4212 ITLS/S.M. of 26 June 1953 to determine the manner of applying weekly rest (*J.O.*, 11 July 1953, p. 742).

REPUBLIC OF SOUTH AFRICA

Shops and Offices Act, No. 41 of 1939.

Factories, Machinery and Building Work Act, No. 22 of 10 April 1941 (*Government Gazette (G.G.)*, Vol. CXXV, No. 2932, 22 August 1941, p. 492 ; *L.S.* 1941—S.A. 3), as amended by

the Act of 30 March 1960 (*G.G.*, 8 April 1960, No. 6409, Extraordinary, p. 3 ; *L.S.* 1960—S.A. 1), Chapter III, section 19.

Native Building Works Act, No. 27 of 1951.

Native Labour (Settlement of Disputes) Act, No. 48 of 5 October 1953 (*G.G.*, 9 October 1953 ; *L.S.* 1953—S.A. 1).

Wage Act, No. 5 of 19 February 1957 (*L.S.* 1957—S.A. 1), section 8 (*r*).

Public Service Act, No. 54 of 1957.

SPAIN

Act of 13 July 1940 respecting Sunday rest (*Boletín Oficial (B.O.)*, 18 July 1940 ; *L.S.* 1940—Sp. 7C).

Regulations of 25 January 1941 made under the Act of 13 July 1940 (*B.O.*, 5 March 1941), as amended by the Decree of 7 July 1944 (*B.O.*, 16 July 1944, No. 198, p. 5447).

Provinces of Ifni and Sahara.

Labour Code of Spanish West Africa (*B.O.*, 24 March 1954, No. 83, p. 1764 ; *L.S.* 1954—Sp. 1).

Provinces of Fernando Póo and Río Muni.

Ordinance of 3 December 1947 respecting the employment of Europeans in Guinea (*Boletín Oficial de Guinea (B.O.G.)*, 15 December 1947, No. 24).

Ordinance of 9 November 1953 respecting the employment of natives (*B.O.G.*, 15 December 1953, No. 24).

SWEDEN

Workers' Protection Act, No. 1 of 3 January 1949 (*L.S.* 1949—Swe. 1).

SWITZERLAND

Federal Act of 26 September 1931 respecting weekly rest (*Feuille fédérale*, 30 September 1931, No. 39, p. 265 ; *L.S.* 1931—Switz. 9).

Regulations of 11 June 1934 made under the federal Act respecting weekly rest (*Recueil des lois fédérales (R.L.F.)*, 15 June 1934, No. 20, p. 422 ; *L.S.* 1934—Switz. 4).

Ordinance of 14 January 1935 of the Federal Department of Public Economy respecting the weekly rest of persons employed in cinemas (*R.L.F.*, 14 August 1935, No. 27, p. 606).

SYRIAN ARAB REPUBLIC

Law No. 91 of 5 April 1959 to promulgate the Labour Code (*Al-jarida Al-rasmiyya*, 7 April 1959, No. 71bis, "B", p. 1 ; *L.S.* 1959—U.A.R. 1), sections 118 to 122.

TANGANYIKA

Employment Ordinance No. 47 of 10 November 1955 (Cap. 366 of the *Laws of Tanganyika* ; *L.S.* 1955—Tan. 1), as amended by Ordinance No. 10 of 11 May 1960 (*L.S.* 1960—Tan. 1), sections 25B ff.

THAILAND

Announcement of 20 December 1958 of the Ministry of the Interior respecting working hours, holidays of employees, conditions of female and child labour, payment of wages and welfare services.

Announcement of 23 January 1959 of the Ministry of the Interior respecting weekly rest of employees of industrial and commercial establishments employing more than ten persons (*Royal Thai Government Gazette*, 14 February 1959, p. 99).

TOGO

Act No. 52-1322 of 15 December 1952 to establish a Labour Code (Overseas Territories) (*Journal officiel de la République française (J.O.)*, 15-16 December 1952, No. 298 ; *L.S.* 1952—Fr. 5), section 120.

Order No. 278-54/ITLS of 19 March 1954 to determine the manner of applying weekly rest (*J.O.*, Special Number, 20 March 1954, No. 812, p. 242).

TUNISIA

Decree of 20 April 1921 respecting weekly rest (*Journal officiel (J.O.)*, 7 May 1921 ; *L.S.* 1921—Tun. 1-3), as amended by the Decree of 27 September 1939 (*J.O.*, 7 November 1939) and by the Decree of 3 August 1950 (*L.S.* 1950—Tun. 3).

Order of 25 April 1921 to regulate supervision of the administration of the Decree of 20 April 1921 (*L.S.* 1921—Tun. 1-3).

Order of 1 September 1921 to supplement the schedule of establishments authorised to grant weekly rest by rotation under section 2 of the Decree of 20 April 1921 (*J.O.*, 1921, p. 1040).

Order of 2 September 1921 to lay down derogations from the general rules respecting weekly rest with regard to specialised workers employed in factories in continuous operation.

Various orders prescribing compulsory weekly closing for commercial establishments in certain towns.

TURKEY

Labour Code : Act No. 3008 of 8 June 1936 (*Resmî Gazete (R.G.)*, No. 330, p. 6621 ; *L.S.* 1936—Tur. 2), as amended by Act No. 5518 of 25 January 1950 (*R.G.*, 31 January 1950, No. 7420, p. 17695).

Act No. 394 of 2 January 1925 respecting weekly rest (*L.S.* 1925—Tur. 1).

Act of 25 May 1935 respecting the National Festival and public holidays and rest days (*L.S.* 1935—Tur. 1).

Act No. 3062 of 13 November 1936 to amend Act No. 394 of 2 January 1925 (*R.G.*, 20 November 1936, No. 3464, p. 7323).

National Security Act of 18 January 1940.

Act No. 5620 of 23 March 1950 to amend Act No. 3062 of 13 November 1936 (*R.G.*, 29 March 1950, No. 7469, p. 18193).

Act of 9 August 1951 respecting weekly rest and public holidays (*R.G.*, 15 August 1951, p. 1801 ; *L.S.* 1951—Tur. 1).

UKRAINE

Labour Code, sections 109 and 110.

Decree of 29 September 1929 of the Council of People's Commissars of the U.S.S.R.

Decree No. 208 of 24 March 1949 of the Minister of Commerce of the U.S.S.R.

U.S.S.R.

Constitution of 5 December 1936, section 119.

Labour Code of the R.S.F.S.R. of 9 November 1922 (*L.S.* 1922—Russ. 1).

Order of the Council of People's Commissars of 24 September 1929 respecting hours of work and rest in undertakings and institutions transferring to the continuous working week.

Order of the People's Labour Commissariat of the R.S.F.S.R. of 1 August 1930 respecting the use of weekly rest days.

Order of the Praesidium of the Supreme Soviet of the U.S.S.R. of 26 June 1940 respecting the transference to the eight-hour working day and seven-day working week (*L.S.* 1940—Russ. 1A).

Order of the Council of People's Commissars of the U.S.S.R. of 27 June 1940 respecting the administration of the above-mentioned decree (*L.S.* 1940—Russ. 1C).

Order of the Praesidium of the Supreme Soviet of the U.S.S.R. of 8 March 1956 respecting the reduction of the working day of wage and salary earners on days preceding rest days and holidays and Order of the Council of Ministers of the same date made thereunder (*L.S.* 1956—U.S.S.R. 1 A, B).

UNITED ARAB REPUBLIC

Law No. 91 of 5 April 1959 to promulgate the Labour Code (*Al-jarida Al-rasmiyya*, 7 April 1959, No. 71bis, "B", p. 1 ; *L.S.* 1959—U.A.R. 1), sections 118 to 122.

UNITED KINGDOM

Fruit and Vegetable Preservation (Hours of Women and Young Workers) Regulations, 1939 (*Statutory Rules and Orders (S.R.O.)*, 1939, No. 621).

Factories Hours of Employment (Special Exception under Section 98) Regulations, 1946 (*S.R.O.*, 1946, No. 124).

Factories (Northern Ireland) Acts of 1938, 1949 and 1959.

Shop Acts of 1957.

Act of 1959 to consolidate the enactments relating to wages councils (*L.S.* 1959—U.K. 2).

Act of 22 June 1961 to consolidate the Factories Acts of 1937 to 1959 (9 and 10 Eliz. II, Cap. 34; *L.S.* 1961—U.K. 1).

Non-Metropolitan Territories :

Aden.

Employment in Shops Ordinance, 1958.

Bahamas.

Trade Union and Industrial Conciliation Act, 1958.

Barbados.

Shops Act, 1945 (1945-27).

Shops (Amendment) Act, 1951 (1951-61).

Shops (Amendment) Act, 1957 (1957-2).

Shops Order, 1946.

Shops (Amendment) Order, 1950.

Shops Order, 1957.

Bechuanaland.

Mining Health Proclamation (Cap. 126 of the *Laws of Bechuanaland*).

Cap. 158 of the *Laws of Bechuanaland*.

British Honduras.

Shops Ordinance, No. 10 of 1959.

Labour Ordinance, No. 15 of 1959.

Government Workers Rules, 1955.

Fiji.

Early Closing Ordinance (Cap. 205).

Gibraltar.

Omnibus Drivers and Conductors General Standard Order.

Shop Hours Ordinance of 12 May 1922 (Cap. 118).

Shops (Time of Opening and Sunday Closing) Order.

Conditions of Employment (Retail Distributive Trade) Order.

Gilbert and Ellice Islands.

Labour Ordinance (Cap. 13).

Grenada.

Wages Regulation (Minor Industrial Undertakings) Order (*S.R.O.*, 1961, No. 16).

Shops (Hours) Ordinance, No. 4 of 1938, as amended by Ordinance No. 42 of 1954 (*S.R.O.*, Nos. 19 of 1938 and 10 of 1939).

Guernsey.

Sunday Trading Law, 1911.

Hong Kong.

Holidays Ordinance of 10 January 1947 (Cap. 149).

Factories and Industrial Undertakings Ordinance, No. 34 of 1955.

Factories and Industrial Undertakings (Amendment) Regulations, 1958.

Factories and Industrial Undertakings (Amendment) (No. 2) Regulations, 1958.

Malta.

Order VII of 1939 concerning employees in factories and workshops.
Conditions of Employment (Regulation) Act, 1952.
Wholesale and Retail Trades Wages Council Wage Regulation Order.

Montserrat.

Shops Regulation Ordinance, No. 12 of 1941.

Northern Rhodesia.

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).
Posting of Notice Rules.
Shop Assistants Ordinance (Cap. 192).
General Notice No. 397 of 1961.

St. Christopher-Nevis-Anguilla.

Public Holidays Act, No. 19 of 1954.
Shops Regulation Ordinance, No. 5 of 1942.
Shops Hours Order (S.R.O., No. 10, 1942).

St. Helena.

Lord's Day (Observance) Ordinance, 1849 (*Laws of St. Helena*, 1950, Cap. 65).

St. Lucia.

Wages Regulation (Baking) Order (S.R.O., 1956, No. 33).
Shops (Hours) Ordinance (*Revised Laws*, 1957, Cap. 245).
Shops (Hours) Order (*ibid.*).
Wages Regulations (Clerks) Order (S.R.O., 1956, No. 42).

Solomon Islands.

Labour Regulation, No. 3 of 1960.

Southern Rhodesia.

Shop Hours Act, No. 20 of 1945, as amended by Act No. 1 of 1961.
Industrial Conciliation Act, No. 29 of 1959.
Apprenticeship Act, No. 53 of 1959.
Urban Areas (Native Employment) Regulations, 1958 : Government Notice No. 439 of 1958, as amended by Government Notice No. 485 of 1960.
Industrial Agreement for the Meat Trade : Government Notice No. 349 of 1959.
Industrial Agreement for the Commercial Undertaking of Bulawayo : Government Notice No. 520 of 1961.

Swaziland.

Shop Hours Proclamation (Cap. 191, *Laws of Swaziland*).
Mines, Works and Machinery Proclamation, 1960, No. 61 of 1960.

UNITED STATES OF AMERICA

Fair Labor Standards Act, 1938, as amended.
Walsh-Healey Public Contracts Act.
Work Hours Act, 1962.

UPPER VOLTA

Act No. 26/62 AN of 7 July 1962 to lay down the Labour Code (*Journal officiel (J.O.)*, 18 August 1962).
Order No. 437/TTLS/H.V. of 15 July 1953 to determine the manner of applying weekly rest (*J.O.*, Special Number, 1 August 1953, p. 2).

URUGUAY

Act of 22 November 1920 respecting weekly rest (*L.S.* 1920—Ur. 2), as amended by the Act of 22 October 1931 (*Diario Oficial (D.O.)*, 29 October 1931, Book 105, No. 7575, p. 202A ; *L.S.* 1931—Ur. 1).

Decree of 6 June 1929 to establish a new system of supervision for the application of the Acts respecting hours of work and weekly rest (*D.O.*, 20 June 1929, Book XCV, No. 6889, p. 632A; *L.S.* 1929—Ur. 1).

Decree of 14 January 1932 to issue regulations under the Act of 22 October 1931 respecting the rest on Saturday afternoons (*D.O.*, 27 January 1932; Book 106, No. 7645, p. 231A; *L.S.* 1932—Ur. 1), as amended by Decree No. 388 of 23 August 1933 (*D.O.*, 2 September 1933, No. 8113, p. 380A).

Act of 2 December 1952 to establish a system of weekly rest applying to persons employed in offices or industrial undertakings and in the commercial services of such undertakings (*D.O.*, 12 December 1952, No. 13814, p. 421A).

VENEZUELA

Labour Act of 21 October 1947 (*Gaceta Oficial (G.O.)*, 3 November 1947, No. 200, Extraordinary, p. 1; *L.S.* 1947—Ven. 2), which amends the Labour Code of 16 July 1936 as amended by the Act of 4 May 1945 (*G.O.*, 10 May 1945, Extraordinary, p. 8; *L.S.* 1945—Ven. 1), sections 49 ff.

Regulations of 30 November 1948 made under the Code.

VIET-NAM

Ordinance No. 15 of 8 July 1952 to promulgate the Labour Code (*L.S.* 1956—V.-N. 1C).

Order No. 43 XL/ND of 1 July 1953 respecting the grant of weekly rest by rotation (*Journal officiel (J.O.)*, 18 July 1953; *Recueil des textes d'application du code du travail*, p. 147).

Order No. 45 XL/ND of 7 July 1953 respecting the grant of weekly rest in factories of continuous operation (*J.O.*, 25 July 1953; *Recueil des textes d'application du code du travail*, p. 155).

Order No. 58 LD/ND of 10 August 1953 respecting derogations from weekly rest in certain categories of undertaking and industry (*J.O.*, 22 August 1953; *Recueil des textes d'application du code du travail*, p. 181).

Legislative Decree No. 6/63 of 22 March 1963 to repeal and replace sections 182, 183 and 190 of the Labour Code.

YUGOSLAVIA

Act of 12 December 1957 respecting employment relationships (*Službeni List (S.L.)*, 25 December 1957, No. 53, Text 663; *L.S.* 1957—Yug. 2), as amended by the Ukase of 28 June 1958 (*S.L.*, 2 July 1958, No. 26, Text 491; *L.S.* 1958—Yug. 1) and by the Ukase of 1 March 1961 (*S.L.*, 2 March 1961, No. 8, Text 60; *L.S.* 1961—Yug. 1), Cap. VI, sections 229-235.

Act of 12 December 1957 respecting the public service (*S.L.*, 25 December 1957, No. 53, Text 664).

APPENDIX

REPORTS REQUESTED AND REPORTS RECEIVED BY 25 MARCH 1964

(Annual Holidays with Pay; Weekly Rest)

(Article 19 of the Constitution)

States	Reports requested †			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Afghanistan	52, 101, — 106	47, 98, 103	6	—	—	—
Albania	— 101, 14, 106	47, 98, 103	6	—	—	—
Algeria	52, — — 106	47, 98, 103	5	—	—	—
Argentina	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
Australia *	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Austria	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
Belgium	52, — — 106	47, 98, 103	5	52, — — 106	47, 98, 103	5
Bolivia	52, 101, — 106	47, 98, 103	6	—	—	—
Brazil	— — — 106	47, 98, 103	4	—	—	—
Bulgaria	— 101, — —	47, 98, 103	4	— 101, — 106	47, 98, 103	4
Burma	— 101, — 106	47, 98, 103	5	— — — 106	47, 98, 103	4
Burundi	52, 101, — 106	47, 98, 103	6	—	—	—
Byelorussia	— 101, 14, 106	47, 98, 103	6	— 101, 14, 106	47, 98, 103	6
Cameroon	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Canada	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Central African Republic	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Ceylon	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Chad	— 101, — 106	47, 98, 103	5	—	—	—
Chile	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
China	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Colombia	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Congo (Brazzaville) . . .	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Congo (Leopoldville) . .	52, 101, — 106	47, 98, 103	6	52, 101* — 106	47*98* —	5
Costa Rica	52, 101, 14, —	47, 98, 103	6	52, 101, 14, —	47, 98, 103	6
Cuba *	—	47, 98, 103	3	—	47, 98, 103	3
Cyprus	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Czechoslovakia	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
Dahomey	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Denmark	— 101, — —	47, 98, 103	4	— 101, — —	47, 98, 103	4
Dominican Republic . . .	— 101, 14 —	47, 98, 103	5	— 101, 14, —	47, 98, 103	5
Ecuador	52, 101, 14, 106	47, 98, 103	7	—	—	—
Ethiopia	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Finland	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
France	— — — 106	47, 98, 103	4	— — — 106	47, 98, 103	4
Gabon	— — — 106	47, 98, 103	4	—	—	—
Federal Republic of Germany	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
Ghana	52, 101, 14, —	47, 98, 103	6	52, 101, 14, —	47, 98, 103	6
Greece	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
Guatemala	52, — 14, —	47, 98, 103	5	—	—	—
Guinea	52, 101, — 106	47, 98, 103	6	—	—	—
Haiti	52, 101, — —	47, 98, 103	5	52, 101, — —	47, 98, 103	5
Honduras	52, 101, 14, —	47, 98, 103	6	—	—	—
Hungary *	— — — 106	47, 98, 103	4	— — — 106	47, 98, 103	4
Iceland	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
India	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Indonesia	52, 101, 14, 106	47, 98, 103	7	—	—	—
Iran *	52, 101, 14, 106	47, 98, 103	7	52, — 14, —	—	2

† For footnotes see end of table, p. 398.

ANNUAL HOLIDAYS WITH PAY; WEEKLY REST

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports re-quested	Nos. of Conventions	Nos. of Recommendations	Reports received
Iraq	— 101, — —	47, 98, 103	4	— 101, — —	47, 98, 103	4
Ireland	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Israel	—	47, 98, 103	3	—	47, 98, 103	3
Italy	— — — 106	47, 98, 103	4	— — — 106*	47, 98, 103	4
Ivory Coast	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
Jamaica	52, 101, 14, 106	47, 98, 103	7	—	—	—
Japan	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Jordan	52, 101, 14, 106	47, 98, 103	7	—	—	—
Kenya * 1	52, — 14, 106	47, 98, 103	6	52, — 14, 106	—	3
Kuwait	— 101, 14, —	47, 98, 103	5	— 101, 14, —	47, 98, 103	5
Lebanon	52, 101, — 106	47, 98, 103	6	—	—	—
Liberia	52, 101, 14, 106	47, 98, 103	7	—	—	—
Libya	— 101, 14, 106	47, 98, 103	6	—	—	—
Luxembourg	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Malagasy Republic	52, 101, — 106	47, 98, 103	6	— — —	—	—
Malaysia	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Mali	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, — —	4
Mauritania *	52, 101, — 106	47, 98, 103	6	— — — 106	47, 98, 103	4
Mexico	— 101, — —	47, 98, 103	4	— 101, — —	47, 98, 103	4
Morocco	— — — 106	47, 98, 103	4	— — — 106	47, 98, 103	4
Netherlands	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
New Zealand	— — — 106	47, 98, 103	4	— — — 106	47, 98, 103	4
Nicaragua	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Niger	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Nigeria *	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Norway	52, — — — 106	47, 98, 103	5	52, — — — 106	47, 98, 103	5
Pakistan	52, 101, — —	47, 98, 103	5	52, 101, — —	47, 98, 103	5
Panama	— 101, 14, 106	47, 98, 103	6	—	—	—
Paraguay	52, 101, 14, 106	47, 98, 103	7	—	—	—
Peru	— — — 106	47, 98, 103	4	—	—	—
Philippines	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Poland	52, — — — 106	47, 98, 103	5	52, — — — 106	47, 98, 103	5
Portugal *	52, 101, — —	47, 98, 103	5	52, 101, — —	47, 98, —	4
Rumania	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Rwanda	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
El Salvador	52, 101, 14, 106	47, 98, 103	7	—	—	—
Senegal	— — — 106	47, 98, 103	4	— — — 106	47, 98, 103	4
Sierra Leone *	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
Somalia	52, 101, 14, 106	47, 98, 103	7	—	—	—
Republic of South Africa *	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Spain	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Sudan	52, 101, 14, 106	47, 98, 103	7	—	—	—
Sweden	52, — — — 106	47, 98, 103	5	52, — — — 106	47, 98, 103	5
Switzerland	52, 101, — 106	47, 98, 103	6	52, 101 — 106	47, 98, 103	6
Syrian Arab Republic	—	47, 98, 103	3	—	—	—
Tanganyika	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
Thailand	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7
Togo	52, 101, — 106	47, 98, 103	6	—	—	—
Trinidad and Tobago	52, 101, 14, 106	47, 98, 103	7	—	—	—
Tunisia	— 101, — —	47, 98, 103	4	— 101, — —	47, 98, 103	4
Turkey	52, 101, — 106	47, 98, 103	6	52, 101, — 106	47, 98, 103	6
Uganda	52, 101, 14, 106	47, 98, 103	7	—	—	—
Ukraine	— 101, 14, 106	47, 98, 103	6	— 101, 14, 106	47, 98, 103	6
U.S.S.R.	— 101, 14, 106	47, 98, 103	6	— 101, 14, 106	47, 98, 103	6
United Arab Republic	—	47, 98, 103	3	—	47, 98, 103	3
United Kingdom	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6
United States	52, 101, 14, 106	47, 98, 103	7	52, 101, 14, 106	47, 98, 103	7

REPORT OF THE COMMITTEE OF EXPERTS

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Upper Volta	52, 101, — 106	47, 98, 103	6	—	—	—
Uruguay	— — — 106	47, 98, 103	4	—	47, 98, 103	3
Venezuela	52, 101, — 106	47, 98, 103	6	—	—	—
Viet-Nam	— 101, — 106	47, 98, 103	5	— 101, — 106	47, 98, 103	5
Yugoslavia	—	47, 98, 103	3	—	—	—
Total	73, 81, 43, 90	109, 109, 109	614	49, 53, 27, 60	75, 74, 72	410
<i>State not a Member of the I.L.O.</i>						
Zanzibar	52, — 14, 106	47, 98, 103	6	52, — 14, 106	47, 98, 103	6

A total of 221 reports has also been received in respect of the following non-metropolitan territories *Australia* (Nauru, New Guinea, Norfolk Island, Papua); *United Kingdom* (Aden, Bahamas, Barbados, Bechuanaland, Bermuda, British Honduras, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher and Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland), *United States* (American Samoa, Guam, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands).

* Reports received too late to be summarised in Report III (Part II).

¹ The reports communicated by the Government of Kenya, which became a Member of the I.L.O. in 1964, cover a period preceding its admission to the I.L.O.