

International Labour Conference

FORTY-NINTH SESSION
GENEVA, 1965

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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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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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 1962 to 30 June 1964, 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 minor importance is no longer summarised, but separate mention is made, under each Convention, of countries which have supplied such data and of countries which refer to or repeat information previously reported.

As decided by the Governing Body at its 142nd Session and endorsed by the Conference at its 43rd Session (both held in Geneva in June 1959) and confirmed by these bodies in 1961, governments need supply detailed reports only every two years. For this purpose Conventions in force have been divided into two groups, and detailed reports are requested in alternate years on one of these groups. The present summary covers primarily the reports on the Conventions in the second of these groups as well as other reports which are also due under the above-mentioned decision: (a) first reports; (b) cases of serious 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 1964.

Information received in respect of newly independent States, which is summarised in the metropolitan countries section of the report, is limited to particulars not previously included in the non-metropolitan section of the report. At the time of printing of the present report Malawi (formerly known as Nyasaland), Malta and Zambia (formerly known as Northern Rhodesia) had become Members of the International Labour Organisation, Gambia had not.

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 1965. 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 1965.

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, 47th Session, Geneva, 1963; *Record of Proceedings* (Geneva, I.L.O., 1964); or *idem*, 48th Session, Geneva, 1964, *Record of Proceedings* (Geneva, I.L.O., 1965).

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.

BURMA

Law defining Fundamental Rights and Responsibilities of Peoples' Workers of 1 May 1964

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

Article 1 of the Convention. The working hours of motor transport workers and construction workers are to be regulated under the above law.

The Railway Servants' Hours of Employment Rules, 1931, supplemented by Subsidiary Instructions (1931) to Section 71-A to 71-H of the Indian Railway (Amendment) Act, 1930, and the Hours of Employment Rules, 1931, are the rules in force under 71-E of the Railways Act. Section 3 of the Hours of Employment Rules, 1931, has also specified the classes of railway servants to whom the hours of work provisions are to be applied.

Article 4. Overtime of 16 hours a week relates only to temporary exemptions allowed under Article 6, paragraph 1 (b), of the Convention and is not applicable to shift workers. A shift worker may be required to work in excess of 48 hours in a week only when he has to act as a substitute for another absentee worker, provided that the weekly average, taken over three weeks, does not exceed 52 hours.

Article 6. Due regard will be given to the observations of the Committee regarding the adoption of regulations respecting temporary exceptions due to pressure of work when rules are drafted.

Exceptions permitting a 60-hour week are usually made to deal with exceptional pressure of work for durations not exceeding two months at a time. Permanent excep-

tions allow for only 50-52 hours per week, with the exception of the sugar industry, where longer hours are seldom worked.

The Government will consider taking measures with a view to fixing appropriate limits of overtime to be permitted on the railways, in cases of pressure of work.

Article 8, paragraph 1(a) and (b). Government notifications regarding hours of work, hours of shifts and rest intervals are being circulated by the respective departments in addition to being advertised in the *Railway Gazette*. Specimen copies of forms being maintained as duty rosters and muster rolls were supplied.

Paragraph 1 (c). The overtime registers used in the oilfields are the same as those required under the Factories Rules.

CHILE

In reply to a direct request made by the Committee of Experts in 1963 the Government gives the following information.

An inquiry has established that no resolutions have been adopted under section 25 of the Labour Code with respect to intermittent work in industrial undertakings.

No measures have been taken to guarantee that overtime worked is, in accordance with section 28 of the Labour Code, of a temporary character, though information furnished by the Inspection Department shows that it usually is in practice.

COLOMBIA

Although the I.L.O.'s *Year Book of Labour Statistics, 1962*, shows the average number of hours worked monthly in the petroleum industry as 269 (63 per week) this is incorrect, for this is the figure for the total number of hours paid. The mistake is due to the fact that hours paid include the 18 legal paid holidays in the year, apart from Sundays. The actual average number of hours worked per month in 1961 was 214, which gives a weekly average of not more than 50 hours. The same observation applies to the other industries.

Article 4 and Article 7, paragraph 1 (a), of the Convention. The list of processes necessarily continuous in character given in the last report remains in force. The Government will study the observations which the Committee makes regarding this list. There is no internal regulation of an undertaking, applying to successive shift work, whereby a week of more than 56 hours has been authorised.

Article 5 and Article 7, paragraph 1 (b). Under Colombian legislation it is not possible to conclude the agreements mentioned in Article 5 of the Convention, since the only permitted case for the distribution of hours of work over a period of several weeks is that mentioned in section 165 of the Labour Code, which takes into account Article 2, clause (c) of the Convention.

Article 6 and Article 7, paragraph 1 (c). Exceptions are given only on a temporary basis and for urgent cases, in accordance with Article 6 of the Convention.

Article 8, paragraph 1 (c). A draft Bill recently put before Parliament contains a provision for the recording of additional hours. It is at present being studied by the Senate.

CZECHOSLOVAKIA

For the Government's reply to the observation made by the Committee of Experts in 1964, see *Report of the Committee* (1964), p. 657.

HAITI

In reply to the observations by the Committee of Experts the Government states that in principle it recognises that the recommendations regarding amendments to

section 104 of the Labour Code are sound, but that it wishes to postpone for a certain period amending the Code, which has been in force for only a short time. It will, however, bear in mind the amendments suggested.

INDIA

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

On the subject of mines it states as follows.

The draft Mines (Amendment) Rules, 1962, are being finalised in the light of comments received.

Section 35 of the Mines Act, as amended in 1959, limits the daily hours of work, including overtime, to ten. The amendment was necessitated by the hardship which the earlier quarterly limitation on overtime work (50 hours in any one quarter) was causing to this industry and which was standing in the way of its efficient operation.

The observations made by the Committee are being borne in mind while granting exemptions under section 83 (1) of the Mines Act. The power under this section is being exercised in exceptional circumstances only.

The power to grant exemption from the Mines Rules, vested in the Chief Inspector of Mines, under section 83 (2) of the Mines Act, does not entitle him to vary the limits in regard to the daily and weekly hours of work and thus this section neither modifies the hours of work as stipulated under the Act, nor leads to longer hours of work.

With regard to factories the position is as follows.

The proposed amendment of section 64 (2) and (4) (iii) of the Factories Act, 1948, does not involve a general relaxation of the existing limit of 50 hours a quarter.

The proposed amendment of section 64 of the Factories Act, empowering the state governments to permit overtime work for the workers engaged on work of national importance up to 150 hours a quarter, would not seem to influence the provisions of Article 10 of the Convention nor be contrary to Article 6. Under section 64 (4) (i), the total daily hours of work are not to exceed ten.

The proposals for amendment of section 5 of the Factories Act are being finalised in the light of comments received.

The total amount of overtime permitted under various state rules is generally in conformity with the requirements of section 64 (4) (iii) of the Factories Act, except in respect of cases of exemptions under section 64 (2). Rules are being formulated in order to give effect to the provisions of the Factories Act in the Union Territories of Pondicherry, Goa, Daman and Diu, to which it has been recently extended.

KUWAIT

Labour (Private Sector) Act, No. 38 dated 1 August 1964 amending the Labour (Private Sector) Act of 1959 (*Kuwait Al-Yawm*, No. 489, 9 Aug. 1964).

In reply to the Committee of Experts' request of 1964 the Government supplies the following information.

Article 1 of the Convention. The National Assembly, being the competent authority, will be asked to take the necessary steps to bring the Labour (Private Sector) Act of 1959 into conformity with the provisions of this Article. A copy of the agreement applicable to Indian, Pakistani and Goanese workers is supplied with the report. Persons not employed in manual work for daily remuneration are subject to the Labour (Public Sector) Act.

Article 2, clauses (b) and (c) and Article 5. The Labour (Private Sector) Act, as amended in 1964, has removed the contradictions between its provisions and these Articles. The amendment of the Labour (Public Sector) Act is being examined by the National Assembly.

Article 8. The Committee's observations will be taken into consideration in the proposed amendment to the Labour (Public Sector) Act which is submitted to the National Assembly.

NEW ZEALAND

In reply to a direct request made in 1963 by the Committee of Experts concerning the removal of the yearly limitation on overtime work by women through an amendment made to section 20 (2) (c) of the Factories Act 1946, the Government supplies the following information.

The amendment, while affording employers greater freedom to meet temporary emergency situations, has not resulted in more than 48 weekly working hours by women. The repeal neither curtails the constant supervision on overtime work by the inspectors of the Department of Labour nor does it relieve an employer from the obligation, under section 21 of the Act, to maintain a record, periodically inspected by the Department's inspectors, of the total yearly overtime worked by each woman employee. According to statistics from the *Labour and Employment Gazette* of the Department of Labour for 1963 to 1964, in no industry did working hours of men or women even attain the ordinary limit of 48 set by the Convention.

NICARAGUA

In reply to the observation made by the Committee of Experts the Government states that the Labour Code will be amended at a very early date in order to give effect to the provisions of the Convention.

PERU

The observation made by the Committee of Experts has been taken into account in the draft of a Labour Code which has been submitted to the legislation committee of the Senate.

PORTUGAL

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

The general revision of the Hours of Work Act is under study and a Bill to abrogate Decree No. 22500 and Legislative Decree No. 24402 has already been drawn up. This draft, which takes account of the observations of the Committee of Experts, applies the provisions of the Convention. It has not yet been published, but will be preceded by a new law on contracts of employment.

When enacted it will certainly be extended to the overseas provinces.

In response to the direct request, the Government provides additional information.

The new legislation on the general system of hours of work will, with very few exceptions, cover all kinds of work and not only that carried out in industrial establishments. Mines, quarries, etc., will thus be included. In mines and other extractive industries, hours of work do not exceed eight a day and 48 a week.

The Experts' suggestion on the general system of hours of work has been taken into account in the preparation of the Bill.

According to the texts of collective agreements concerning transport undertakings, transport workers in Portugal, with the exception of taxi drivers (whose work is essentially intermittent), work a maximum of 48 hours a week.

The new legislation will annul Decree No. 22500 authorising a 56-hour week in transport undertakings.

The new legislation on hours of work will limit the number of additional hours in accordance with Article 6, paragraph 2, of the Convention.

The new legislation on hours of work will be published in the near future.

The Committee of Experts' other suggestions contained in the direct request were taken into account in the preparation of the Bill on hours of work.

Furthermore the new legislation will lay down conditions for authorising overtime where there is exceptional pressure of work and in case of *force majeure*.

SPAIN

As regards the African provinces the Act respecting the autonomous status of Equatorial Guinea of 20 December 1963, approved by Decree No. 1885/1964 of 3 July 1964, establishes in section 2 (1) that "nationals born in Fernando Po and Río Muni shall have the same rights and duties as recognised for other Spanish nationals in the basic laws". Section 10 adds that "in the absence of specific legal or common law provisions the general legislation shall be applicable".

SYRIAN ARAB REPUBLIC

Article 6 of the Convention. Permanent exceptions to the average duration of work are laid down by section 114 of the Labour Code, supplemented by Decision No. 445 of 8 September 1959.

The ministerial decision giving executive force to the stipulations of section 117 of that Code has not been promulgated.

Temporary exceptions provided for in section 120 of the Labour Code were laid down by Decision No. 94 providing for public holidays and exceptional occasions giving rise to extra working hours. No compulsory provisions exist to enforce compliance with paragraph 3 of section 120 of the Code, but under the terms of that section and the stipulations concerning the fixing of the maximum duration of working hours, any exception must be communicated to the competent administrative authorities and be subject to written authorisation. Any divergence from the average duration of work is considered as exceptional and admissible only during a limited period.

Article 8. There exists no standard register of wages, the choice of type being left to employers. Except when otherwise mentioned, normal hours alone are counted, extra hours being entered in a separate register.

* * *

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

Belgium, Burma, Chile, Czechoslovakia, Haiti, India, Israel, Kuwait, New Zealand, Nicaragua, Peru, Spain, Syrian Arab Republic.

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

Argentina, Bulgaria, Cuba, Luxembourg, Uruguay.

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	Malta	4. 1. 1965
Austria	12. 6. 1924	Morocco	14. 10. 1960
Belgium	25. 8. 1930	Netherlands	6. 2. 1932
Bulgaria ¹	14. 2. 1922	New Zealand	29. 3. 1938
Burma	14. 7. 1921	Nicaragua	12. 4. 1934
Central African Republic	9. 6. 1964	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.

BELGIUM

Royal Order of 20 December 1963 on employment and unemployment.

See under Convention No. 88.

KENYA

In February 1964 the Government, the Federation of Employers and the Federation of Labour concluded for a period of 12 months an agreement on the measures for the immediate relief of unemployment. Under this agreement the number of employees in public services shall be increased by 15 per cent. and the number of those employed by private employers shall be increased by 10 per cent.

* * *

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

Belgium, Kenya.

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
Central African Republic	9. 6. 1964	Nicaragua	12. 4. 1934
Chile	15. 9. 1925	Panama	3. 6. 1958
Colombia	20. 6. 1933	Rumania	13. 6. 1921
Cuba	6. 8. 1928	Spain	4. 7. 1923
France	16. 12. 1950	Uruguay ¹	6. 6. 1933
Gabon	13. 6. 1961	Venezuela	20. 11. 1944
Federal Republic of Germany	31. 10. 1927	Yugoslavia	1. 4. 1927
Greece	19. 11. 1920		
Hungary	19. 4. 1928		

¹ Has denounced this Convention.

ALGERIA (First Report)

Labour Code, Book I, section 29 and 29(a), and Book II, section (a) to 54(e).

Social Security Code: Decree of 11 March 1926, Part II, Chap. 6.

Decision No. 49-045 of the Algerian Assembly applied through the order of 10 June 1949 (*Journal officiel*, 14 June 1949) as amended and supplemented.

Order of 26 October 1959 laying down detailed application of maternity insurance in the non-agricultural sector (*Recueil des actes administratifs*, No. 88, 30 Oct. 1959, p. 2440).

Article 3, clauses (a) and (b), of the Convention. Algerian legislation provides for a period of 12 weeks' rest, to be taken as the worker wishes.

Clause (c). A maternity insurance scheme has been set up within the framework of Algerian social security legislation.

Entitlement to maternity benefit is subject to a qualifying period of not less than 120 hours' work during the three months preceding medical confirmation of pregnancy and a period of insurance coverage of ten months at the presumable time of confinement.

Maternity benefit includes repayment of medical and pharmaceutical expenses in the form of an allowance of a fixed amount and repayment of 80 per cent. of hospital expenses in respect of a maximum period of eight days when confinement takes place in a hospital or clinic. There is also legislative provision for a daily allowance equivalent to half the basic daily wage (subject to the ceiling fixed in respect of the contribution rate) for a maximum period of eight weeks. The earliest date at which employment may be interrupted is two weeks before the presumable date of confinement.

ARGENTINA

In reply to the observation by the Committee of Experts in 1964 concerning the provision of maternity benefit for women who do not satisfy the conditions fixed by national legislation, the Government states that, in accordance with the decision by the Supreme Court, payment of maternity benefit under Act No. 11933 of 1934 is not subject to any conditions and that women are therefore eligible for such benefit even if they do not satisfy the conditions laid down in section 35 of Decree No. 80229.

In reply to a direct request in 1964 regarding duration of leave and maternity benefit the Government states: (a) that the provisions of section 13 of Act No. 11317

(providing for six weeks' antenatal leave) are no longer applicable since entry into force of Act No. 11933 (prohibiting the employment of women 30 days before confinement), and that these provisions are very broadly interpreted in the light of advanced social progress; (b) that Act No. 11933 (section 2) guarantees women workers benefit equivalent to their total wage and that the ceiling of 200 pesos fixed by the Act was readjusted under Legislative Decree No. 5170 of 1958.

BULGARIA

In reply to requests made in recent years by the Committee of Experts regarding Article 3, clauses (a) and (c), of the Convention, concerning respectively the compulsory nature of the postnatal leave and the payment of maternity benefits to women who fail to comply with the conditions prescribed by national legislation, the Government states that a number of the Committee's observations will be taken into account when the Labour Code is revised in the near future.

CHILE

In reply to the observation and the requests by the Committee of Experts concerning application of Article 4 of the Convention (prohibition of dismissal during maternity leave, irrespective of grounds), the Government states that in order to give effect to the Committee's observation it will shortly consider what amendments should be made in national legislation in order to suspend application of sections 9 and 164 of the Labour Code (regarding valid grounds for dismissal) in respect of workers on maternity leave.

COLOMBIA

The draft revision of the Labour Code is still being debated by the Seventh Committee of the House of Representatives. In 1964 the Government presented a draft Act amending a number of sections of the Labour Code. This draft amends section 241 by making it obligatory for the employer to keep a woman worker's post open while she is absent on maternity leave or on leave due to illness resulting from her pregnancy or confinement; the draft provides that notice of dismissal given by the employer, or in such a way that the notice would expire, during such periods shall have no effect whatsoever. The draft also amends section 238 of the Code and makes it compulsory for the employer to grant a woman worker two 30-minute breaks each day to nurse her child until it reaches the age of 6 months.

CUBA

See under Convention No. 103.

GABON

In reply to the request made by the Committee of Experts in 1964 the Government states as follows.

Article 3, clause (a), of the Convention. A draft ordinance has been elaborated to eliminate the exception provided for in section 115 of the Labour Code permitting cancellation—on express authorisation from the doctor in attendance—of the prohibition on employing a woman during the eight weeks following her confinement.

Clause (c). The application of this provision devolves upon the authorities responsible for administering maternity protection and family allowances, and instructions have been issued to the Social Security Fund of Gabon on the lines of the Committee's observations.

FEDERAL REPUBLIC OF GERMANY

Federal Act of 30 June 1961 concerning social assistance (*Bundesgesetzblatt*, Part I, 5 July 1961, No. 46, p. 815) (*L.S.* 1961—*Ger. F.R.* 5).

For the Government's reply to the Committee's previous observations concerning application of Article 3(c) (Maternity benefit for employees not covered by insurance); 3(d) (nursing breaks); and Article 4 (prohibition of dismissal) of the Convention, see the *Report of the Committee* (1964), p. 659.

The Government also sends together with its report the text of a second draft amendment, which is before Parliament, to the 1952 Maternity Protection Act. It further states that this draft contains no amendments to the provisions in the national legislation to which the Committee's observations refer, but it hopes that these provisions will be examined by Parliament.

ITALY

Act No. 7 of 9 January 1963 prohibiting dismissal of women workers on the grounds of marriage and amending Act No. 860 of 26 August 1950 concerning the physical and economic protection of working mothers (*Gazzetta Ufficiale*, No. 27, 30 Jan. 1963).

In reply to previous observations by the Committee of Experts the Government states that this Act brings national legislation into line with Article 3 (c) of the Convention by extending insurance coverage with regard to maternity benefit to categories of women workers whose benefits were hitherto payable by the employer.

IVORY COAST

Labour Code: Act No. 64-290 of 1 August 1964 (*Journal officiel*, 17 Aug. 1964, No. 44, p. 1059).

In reply to the request by the Committee of Experts in 1963 the Government states that under the Labour Code women are entitled to suspend employment for 14 consecutive weeks, including six weeks after confinement. In practice, any mistake by the physician or midwife cannot prevent the worker from receiving benefit to which she is entitled from the date of the medical certificate until the date on which confinement takes place, owing to the longer duration of antenatal leave (eight weeks) and the compulsory character of postnatal leave lasting six weeks, and also owing to payment of antenatal benefit and maternity benefit (at the time of the last antenatal examination in the eighth month and at the time of actual confinement) being independent of the date fixed by the physician, which is, in the great majority of cases, stated in approximate terms, such as "on or about such and such a date", or "at the beginning or the end of such and such a month". When the regulations to apply the Labour Code are drafted, the Government intends, however, to include in the operating regulations of the Family Allowance Equalisation Fund a provision corresponding to the last part of Article 3(c) of the Convention.

With regard to medical care, which was also mentioned in the above-mentioned request, the Government states that the new Labour Code provides that women are entitled, during suspension of employment (14 weeks, subject to extension by a further three weeks in case of sickness resulting from pregnancy or confinement) and within the limits laid down by the public health administration, to repayment of the cost of confinement and, where applicable, of medical care. The Government further states that antenatal confinement and postnatal care are given free of charge as a matter of practice in maternity homes or public clinics, in the clinics operated by the Family Equalisation Fund and in the medical services of undertakings which employ a sufficient number of staff for national legislation to require such facilities to be provided.

MAURITANIA (First Report)

Labour Code: Act No. 63-023 of 23 January 1963 (section 33, Book I, and sections 15 and 16, Book II) (*Journal officiel*, No. 106, 20 Feb. 1963) (L.S. 1963—Mau. 1).

General Order No. 5254 I.G.T.L.S./A.O.F. of 19 July 1954 concerning employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722) (L.S. 1954—F.W.A. 2).

Article 1 of the Convention. The spirit of the above general order is in harmony with the definition of industrial establishments in the Convention; no legal provisions have so far defined the demarcation line between commerce and industry on the one hand and agriculture on the other, since there is no confusion regarding any distinction between these branches of activity.

Article 2. Definition of the terms "woman" and "child" corresponds to that given in the Convention.

Article 3, clause (a). Section 15, paragraph 2, of Book II of the Labour Code prohibits employment of women workers for six weeks after confinement.

Clause (b). Section 19 of the above order provides the possibility for pregnant women to suspend their employment for 14 consecutive weeks, including eight weeks after confinement.

Clause (c). During the period of suspension of employment, the woman worker receives her whole wage for a period equal to that for the duration of notice, and thereafter the sum is halved and is payable by the Social Welfare Fund. Women are also entitled to medical care before and after confinement (section 33, Book I of the Labour Code). Any miscalculation by the physician or the midwife of the presumable date of delivery does not preclude a woman from receiving the appropriate benefit.

Clause (d). Under section 16 of Book II of the Labour Code and section 18 of the above order, the woman is entitled to two half-hour nursing breaks per day for a period of 15 months.

Article 4. Suspension of employment during the 14 weeks' maternity leave may not be held as grounds for breach of contract under national legislation. Extension of the 14-week period as a result of sickness, whether or not due to pregnancy or confinement, is assimilated to the cases of suspension of employment covered in section 30, Book II of the Labour Code.

Supervision of the application of legislation and regulations is the responsibility of the inspection services.

NICARAGUA

In reply to the request made by the Committee of Experts in 1964 the Government furnishes the following information.

Articles 2 and 3 of the Convention. The field of application and the provisions of the Social Security Act are more limited than the Convention and the Labour Code. With the sole exception of section 9, paragraph 1, of the Code, which refers to family workshops, this Code covers all cases in which women workers are not entitled to benefits under the social security scheme, either because they are not members of the scheme, or for any other reason.

Article 3, clauses (a) and (b). The inclusion of a provision in the Constitution guaranteeing pregnant women a maternity leave of 20 days before and 40 days after confinement was understood to amend the Labour Code. It was felt that a leave period of three months paid by the employer imposed a heavy burden on enterprises and prejudiced the employment opportunities for women. There has been no change in this interpretation in view of the fact that the social security scheme—which

provides for a 12-week leave period (of which six are compulsory)—is being extended to an increasing number of women.

It should be stated that, apart from the fact that women workers are protected by the social security scheme or by the general provisions of the Labour Code, a mistake by the doctor in estimating the date of the confinement does not prevent the woman receiving benefits to which she is entitled from the date of the medical certificate until the actual date of the confinement.

Clause (c). As has already been stated, it has not been thought appropriate to amend the Labour Code, having regard to the fact that an increasing number of women workers are covered by the social security scheme.

In cases in which the employer is not obliged to pay the maternity leave, if the woman has insufficient financial resources, the State assumes responsibility for her through the social assistance institutes.

Clause (d). The provision respecting nursing breaks will be taken into account when the Labour Code is next revised.

Article 4. National legislation goes further than the Convention in protecting a woman worker after the commencement of her pregnancy. She may be dismissed only for a justifiable reason, after approval by the labour inspectorate, and the employer must show due cause for her dismissal. The reasons justifying dismissal are set out in section 119 of the Labour Code, e.g. dishonesty, recourse to violence, deliberate material damage to equipment, serious failures to comply with the obligations of the contract, divulgence of the undertaking's secrets, abandonment of work, etc. During the time that the woman is absent on maternity leave she cannot be dismissed. A woman worker can be dismissed only if she has become liable to dismissal by reason of due cause, which must immediately be adduced by the employer. The period during which a pregnant woman may not be dismissed extends to the nursing stage (nine months after the confinement). Throughout this entire period, the employer must keep her post open for her in the event of her illness subsequent to the expiration of her maternity leave.

SPAIN

In reply to the question asked by the Committee of Experts regarding the African provinces, the Government furnishes the following information.

Articles 1 and 3 of the Convention. At present, the benefits provided for in sections 166 to 169 of Book II of the Contract of Employment Act, ratified by the decree of 31 March 1944, are granted without any restriction to the women of the provinces referred to. The provisions of these sections being of a general nature, under section 10 of the Act of 20 December 1963, ratified by the decree of 3 July 1964, they apply when no specific legal provisions exist.

Article 4. Under sections 68 and 69 of the order of 24 May 1962, the labour court is competent to deal with any cases of women dismissed during maternity leave.

* * *

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, Federal Republic of Germany, Italy, Ivory Coast, Luxembourg, Mauritania, Yugoslavia.

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

4. Night Work (Women) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Laos	23. 1. 1964
Albania ¹	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	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).

AFGHANISTAN

Section 83 of the draft labour code, whose enactment is expected in 1965, prohibits night work for women. The provisions of the Convention are fully implemented, since no women are employed on night work in industrial undertakings, in conformity with the country's religious and social standards. The Convention, ratified 25 years ago in the certainty that it maintained the existing practice, is enforced by public opinion, and government intervention is unnecessary. No workers' or employers' organisations exist to which this report can be communicated.

CONGO (BRAZZAVILLE)

Labour Code: Act No. 10-64 of 25 June 1964.

The Government confirms its intention to denounce this Convention; only the obligations arising out of Convention No. 41 will be respected.

* * *

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

Colombia, Congo (Brazzaville).

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

Chile, Cuba, Peru.

5. Minimum Age (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Luxembourg	16. 4. 1928
Argentina	30. 11. 1933	Malagasy Republic	1. 11. 1960
Austria	26. 2. 1936	Malaysia (Singapore)	3. 3. 1964
Belgium	12. 7. 1924	Mali	22. 9. 1960
Bolivia	19. 7. 1954	Malta	4. 1. 1965
Brazil	26. 4. 1934	Mauritania	20. 6. 1961
Bulgaria ¹	14. 2. 1922	Netherlands	21. 7. 1928
Cameroon (Eastern Cameroon)	7. 6. 1960	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon	27. 9. 1951	Norway	7. 7. 1937
Chad	10. 11. 1960	Poland	21. 6. 1924
Chile	15. 9. 1925	Rumania	13. 6. 1921
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Sierra Leone	15. 6. 1961
Cuba	6. 8. 1928	Spain	29. 9. 1932
Czechoslovakia	24. 8. 1921	Switzerland	9. 10. 1922
Dahomey	12. 12. 1960	Tanzania (Zanzibar)	22. 6. 1964
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	Zambia	2. 12. 1964
Israel	23. 12. 1953		
Ivory Coast	21. 11. 1960		
Japan	7. 8. 1926		
Kenya	13. 1. 1964		

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

CONGO (BRAZZAVILLE)

For legislation see under Convention No. 4.

Under section 116 of the Labour Code the minimum age of admission to employment is fixed at 16 years. This section does not make any use of the exception provided for in Article 2 of the Convention, but on the other hand, it does not apply to practical work organised in connection with vocational instruction or courses of vocational training and vocational guidance.

GABON

Decree No. 275/PR of 1 December 1962 to provide for exceptions to the rules governing the employment of young workers (*Journal officiel*, 15 Feb. 1963, No. 5, p. 185) (L.S. 1962—Gab. 2).

GAMBIA (First Report)

The Labour Ordinance (Cap. 85).

Article 1 of the Convention. Section 2 of the above ordinance defines the line of division which separates industry from commerce and agriculture.

Article 2. Section 5(1) prohibits the employment of children under the apparent age of 14 years.

Article 3. The ordinance is silent on this but in practice work done by children in a technical school approved and supervised by the Government is exempted from the prohibition mentioned under Article 2 above.

Article 4. Persons under the apparent age of 16 years are not employed and therefore no registers are kept.

Section 6(3) empowers any commissioned police officer to carry out the necessary inspection; this has never been done, however, since persons under 16 years of age are not offered employment.

HAITI

In reply to the direct request made by the Committee of Experts in 1963 the Government states that in order to rule out any ambiguity in the application of legal provisions relating to the minimum age for admission to industrial employment, the recommendation to write in a single general provision on revising the Code in the near future will be followed. The same holds true for the repeal of paragraph 2 of section 405 of the Code.

INDIA

The provisions of the Employment of Children Act, 1938, the Factories Act, 1948, and the Motor Transport Workers Act, 1961, were extended to the Union Territory of Pondicherry from 1 October 1963.

The Factories Act, 1948, and the Mines Act, 1952, were extended to the Union Territories of Goa, Daman and Diu from 1 April 1964 and 2 October 1963, respectively.

In the state of Kerala, the Motor Transport Workers Act, 1961, came into force from 1 August 1963.

IVORY COAST

For legislation see under Convention No. 3.

KENYA

In reply to the direct request made by the Committee of Experts in 1963 the Government provides the following information.

No orders have been made by the Minister under section 2(d)(i) of the Employment of Women, Young Persons and Children Act and the provisions in section 2(d)(ii) of the same Act have the effect of excluding the field operations of plantations where there is a processing factory associated with the plantation.

By the above Act the employment of children under 16 years of age is prohibited; Article 4 of the Convention therefore does not apply.

MALAYSIA

Singapore (First Report)

Labour Ordinance, No. 40 of 1955.

Order made under section 97 of the Labour Ordinance No. 40 of 1955 (G.N.S. 295 of 26 Oct. 1956).
Factories Ordinance, No. 41 of 1958, amended by the Factories (Amendment) Ordinance, No. 49 of 1959.

Article 1 of the Convention. The term "industrial undertaking", as defined in section 2 of the Labour Ordinance, is similar to that of the Convention.

Article 2. "Child" is defined in section 2 of the Labour Ordinance as a person who has not completed his fourteenth year of age. Section 71 of this ordinance prohibits the employment of any child as a workman upon any vessel unless such vessel is under the personal charge of the parent or legal guardian of the child. Under section 72 no child or young person may be employed in any industrial undertaking, except in accordance with the provisions of Part IX of the ordinance. Under section 77, nothing in the foregoing provisions shall apply to the employment of children and

young persons upon work approved and supervised by the Department of Education and carried on in any government or other technical school or in a training ship or under any apprenticeship scheme approved by the Commissioner. Section 79 lays down penalties in respect of the employment of a child or young person in contravention of the above provisions or of any regulations made thereunder. A child between the ages of 12 to 14 may be employed subject to registration under Part IX of the ordinance. In issuing a certificate of registration, the Commissioner imposes conditions on the certificate.

Article 3. Section 77 of the Labour Ordinance, already quoted under Article 2, covers this Article.

Article 4. Section 82 of the Labour Ordinance provides that a child or young person who wishes to work in an industrial undertaking may apply to the Commissioner for the issue to him of a certificate of registration. Under section 2 of this ordinance, a "young person" is defined as a person who has completed his fourteenth but not his sixteenth year of age. Section 91 requires a child or young person who enters into employment in an industrial undertaking to hand his certificate of registration to his employer for safe keeping and such employer must produce such certificate of registration for inspection at any time when called upon to do so by an inspecting officer. Section 93 makes it an offence for any employer to fail to keep in the place of employment the certificate of registration of any child or young person employed by him. The Labour (Application to Children and Young Persons) Notification, 1956, required all children and young persons already employed in any industrial undertakings to apply to the Commissioner for registration by 1 January 1957.

The supervision of the application of the Labour Ordinance and the Factories Ordinance is entrusted to the Commissioner for Labour. Under his general direction officers make regular inspections on workplaces to ensure observance of the provisions of the ordinances. The administrative arrangements for carrying out the provisions of the law are now well known and well established, whilst the rise in the standard of living in recent years and the vast expansion of schooling and other social services for children have greatly reduced the temptation for parents to send them out to work. Frequent inspections of workplaces no doubt also operate to deter any unscrupulous employers.

MAURITANIA

Labour Code: Act No. 63-023, of 23 January 1963 (*Journal officiel*, No. 106, 20 Feb. 1963, p. 53) (*L.S.* 1963—Mau.1).

National laws make no distinction between economic sectors with regard to the employment of children.

See also under Convention No. 33.

NIGER

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

RUMANIA

In reply to the direct request made by the Committee of Experts in 1963 the Government states that under section 27 of the regulations approved by Decision No. 224 of the Council of Ministers, when an employee leaves to take up an engagement, the socialist sector units are required to enter on a form information taken from the work booklet regarding the employee's activity in the unit in question. This form is then filed in the unit's permanent record department. The employee's age is one of the items which must compulsorily be recorded; a standard form is used by all units throughout the country.

SPAIN

As regards the application of the Convention in the African provinces, see under Convention No. 1.

SWITZERLAND

In reply to the direct request made by the Committee of Experts in 1963 the Government states that in virtue of a draft ordinance of April 1964 (section 60 (1a)), young persons over 13 years of age can be employed on light work only in retail trade, except when it is itinerant.

UGANDA (First Report)

Employment of Children Ordinance (No. 18 of 1939) as amended by the Employment of Children (Amendment) Ordinance (No. 27 of 1946) (Cap. 86 of *The Laws of Uganda*, 1951).

Article 1 of the Convention. The definition of "industrial undertaking" given under section 2 (1) of the ordinance is the same as that contained in paragraph 1 clauses (a), (b) and (c) of the Article. The provisions of paragraph 1(d) of the Article are omitted from the ordinance because children are not employed in such services.

No decisions have been taken in regard to paragraph 2.

Article 2. Section 3 (4) of the ordinance provides that the minimum age for industrial employment shall be 16 years and the proviso to section 2 (1) allows the employment of children in any undertaking in which only members of the family of the proprietor or owner are employed.

Article 3. This is applied by virtue of the proviso to section 2 (1) of the ordinance.

Article 4. Section 77 of the above-mentioned ordinance requires that "Every employer, unless exempted by the Labour Commissioner, shall keep a nominal roll in English of all employees engaged by him on written or oral contracts and such roll shall be in such form and contain such particulars as the Labour Commissioner may prescribe".

UNITED KINGDOM

Education (Scotland) Act 1962, 10-11 Eliz. II, Ch. 47.

Section 32 of the above Act provides that a child remains of compulsory school age until he attains the age of 15 years.

ZAMBIA (First Report)

The Employment of Women, Young Persons and Children Ordinance (Cap. 191) as amended by the General Laws (Amendment) Ordinance, 1963 (Ordinance No. 47 of 1963).

Article 1 of the Convention. The provisions of this Article are applied by sections 3 and 7 of Cap. 191.

Article 2. The exemption which, under section 8 (1) of the above ordinance, was previously granted for 12-monthly periods to tobacco grading establishments and tobacco sales floors, in respect of the employment of young persons under the age of 16 years, expired on 1 June 1963, and was not renewed.

Article 3. The provisions of this Article are applied by section 4 (2) of the ordinance.

Article 4. The provisions of this Article are applied by section 8 (2) of the ordinance. The form of register is not prescribed but is subject to inspection by authorised government officers.

Under the amending ordinance, 1963, powers of inspection and examination in terms of section 18 of the Employment of Women, Young Persons and Children Ordinance are given to all police officers of or above the rank of Assistant Inspector instead of to European police officers, as was the case prior to the amendment.

* * *

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, Brazil, Cameroon (Eastern Cameroon), Chad, Chile, Cuba, Denmark, France, Israel, Ivory Coast, Kenya, Luxembourg, Malta, Netherlands, Poland, Yugoslavia.

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

Albania, Central African Republic, Ceylon, Colombia, Czechoslovakia, Dahomey, Ireland, Japan, Malagasy Republic, Norway, Sierra Leone, Togo, Upper Volta.

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.

UPPER VOLTA

In reply to the direct request made by the Committee of Experts in 1963 the Government gives the following information.

The use of the expression "child workers and apprentices", which is less general than the stipulations of the Convention, is a mistake in drafting which will be rectified when the texts applying the new Labour Code are revised.

At the same time, the list of industrial undertakings in which the prohibition of night work for male young persons over the age of 16 may temporarily be suspended will be brought into line with that embodied in the Convention.

* * *

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

Albania, Congo (Brazzaville), Hungary, Upper Volta.

7. Minimum Age (Sea) Convention, 1920

This Convention came into force on 27 September 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sarawak, Singapore)	3. 3. 1964
Belgium	2. 2. 1925	Malta	4. 1. 1965
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	Tanzania (Zanzibar)	22. 6. 1964
Federal Republic of Germany	11. 6. 1929	United Kingdom	14. 7. 1921
Greece	16. 12. 1925	Uruguay ¹	6. 6. 1933
Hungary	1. 3. 1928	Venezuela	20. 11. 1944
Ireland	4. 9. 1925	Yugoslavia	1. 4. 1927
Italy	14. 7. 1932		
Jamaica	8. 7. 1963		
Japan	7. 6. 1924		

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

AUSTRALIA

Regulations under the Navigation Act 1912-61 (*Commonwealth Gazette*, 25 Oct. 1963).

COLOMBIA

In reply to a direct request made by the Committee of Experts in 1963 the Government states that under the Merchant Navy Regulations, approved on 4 August 1962, a seaman's certificate, required for employment on board merchant ships, can be issued only to persons whose situation in respect of military service is established and who, therefore, are in possession of a military service booklet. This applies only to persons aged at least 18 years and consequently minors under 18 cannot be employed on board vessels.

DOMINICAN REPUBLIC

In reply to a direct request made by the Committee of Experts in 1963 the Government states that the General Directorate of Harbour Masters is entrusted with controlling and supervising employment at sea as well as with applying legal provisions relating to navigation. There are no minors between 14 and 16 years of age employed on board vessels or in related occupations.

MALAYSIA

Sarawak (First Report)

Labour Ordinance. Chapter 76 of *The Laws of Sarawak* (1958 edition).

According to section 80 of the ordinance, children are not permitted to work on any ship except a school or training ship. A child is a person under 14 years of age.

Every master of a ship, according to section 83 of the ordinance, must keep a register in which young persons (persons between 14 and 18 years of age) are registered, with particulars of their ages.

The Labour Department is responsible for the enforcement of this legislation.

Singapore (First Report)

Merchant Shipping Ordinance. Cap. 207 of *The Laws of the State of Singapore* as amended by Ordinance No. 28 of 1963.

According to section 34 (1) of the above ordinance, children under 14 years of age are not permitted to be employed on board ship, except a ship in which only members of the same family are employed. School ships and training ships are excepted.

Section 35 (2) provides for a register to be kept by the captain which contains the names and ages of all young persons engaged on board the ship.

NORWAY

Law of 19 June 1964 amending the Seafarers Act of 17 July 1953.

The law of 1964 provides that boys under the age of 15 and women under the age of 20 may not be employed on board ship. Boys under the age of 16 must not be employed in overseas trade. No one must be employed as an engine-room boy before he has reached the age of 16 or as a trimmer or stoker before he has reached the age of 18.

The King or someone authorised by him may, if special conditions make it necessary, admit exceptions to the age limit for women over 18.

The King may issue further directions about the conditions whereby boys under 17 can serve on board ship, and about special precautions for the security of boys under that age on board and ashore. In this connection it may be decided that as a condition of serving on board ship in overseas trade it will be required that the boy concerned has completed an approved training course.

The above directions have not yet been made.

PORTUGAL

Order No. 8031 of 9 March 1935 bringing into operation in the overseas provinces the provisions of Legislative Decree No. 23764 of 13 April 1934.

Order No. 19525 of 27 November 1962 bringing into operation in the overseas provinces the provisions of Legislative Decree No. 41643 of 23 May 1958.

SIERRA LEONE

In reply to a direct request by the Committee of Experts in 1964 the Government states that shipmasters have been informed of their legal obligation (section 14 of the Employers and Employed Amendment Act of 1962) to keep registers in accordance with Article 4 of the Convention.

* * *

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

Argentina, Belgium, Brazil, Bulgaria, Canada, Chile, Cuba, Finland, Federal Republic of Germany, Greece, Hungary, Italy, Japan, Poland, Sweden, United Kingdom, Yugoslavia.

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

Ceylon, Denmark, Ireland, Luxembourg, Spain.

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	Malta	4. 1. 1965
Bulgaria	16. 3. 1923	Mexico	20. 5. 1937
Canada	31. 3. 1926	Netherlands	15. 12. 1937
Ceylon	25. 4. 1951	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Nigeria	16. 6. 1961
Colombia	20. 6. 1933	Norway	21. 7. 1936
Cuba	6. 8. 1928	Peru	4. 4. 1962
Denmark	15. 2. 1938	Poland	21. 6. 1924
Finland	20. 1. 1950	Rumania	10. 11. 1930
France	21. 3. 1929	Sierra Leone	15. 6. 1961
Federal Republic of Germany	4. 3. 1930	Spain	20. 6. 1924
Ghana	18. 3. 1965	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

In reply to the observation made by the Committee of Experts in 1964 the Government states that it has taken note again of the Experts' comments and reiterates its firm intention to adjust, in so far as possible, national laws to the Convention, which is already applied in practice.

BULGARIA

General principles relating to employment conditions for seamen, approved by the Ministry of Transport and Communications, 12 January 1962.

In accordance with section 4 of these principles, in cases of long-term repair of a vessel or in circumstances where the vessel is lost or permanently or temporarily disabled, seamen are guaranteed employment in another vessel of the same company. If no such vacancy exists, the persons concerned are temporarily taken into the coastal services of the company until they are transferred to another vessel. Thus in the event of shipwreck or in the circumstances mentioned above, the contract of service is not suspended and shipwrecked seamen are not left without employment.

Bulgarian legislation does not provide for measures of legal regulation relating to indemnities in case of shipwreck, as set out in the Convention.

COLOMBIA

In reply to the observation made by the Committee of Experts in 1964 the Government states that, since the reform Bill for the Labour Code submitted to Congress in 1960 had not yet been passed, in November 1964 it tabled a Bill to amend certain sections of the Labour Code in force. This Bill adds to section 249 of the Labour Code a paragraph providing for unemployment pay in the event of shipwreck. This consists in the payment of wages for the actual period of unemployment up to two months.

GAMBIA (First Report)

The Merchant Shipping (International Labour Conventions) Ordinance, Cap. 154.

Article 1 of the Convention. Section 2 of the above ordinance contains definitions of the words "seaman" and "ship".

Articles 2 and 3. Section 3 of the ordinance provides that where, by reason of the wreck or loss of a ship on which a seaman is employed, his service terminates before the date foreseen in the agreement, he shall be entitled to receive wages for a period of up to two months, unless the owner shows that the seaman was able to obtain other employment.

The Director of Marine is responsible for the implementation of this legislation.

MALAYSIA

Singapore (First Report)

For legislation see under Convention No. 7.

Section 83 of the ordinance lays down that a seaman who is unemployed because of shipwreck is entitled to receive normal wages during a period of two months.

Section 90 lays down the mode of recovering wages.

MALTA

In reply to the direct request made by the Committee of Experts in 1963 the Government indicates that recourse to the law courts, normally through the Seamen's Union, would be the remedy in case of dispute, just as in the case of arrears of wages.

MEXICO

Navigation and Maritime Trade Act (*Diario Oficial*, 21 Nov. 1963).

In reply to the observation made by the Committee of Experts in 1964 the Government states that the above-mentioned law has been enacted; its section 40 (III) provides that the harbour authorities shall, before authorising vessels to sail, require proof of payment of, or guarantee for, damages caused to harbour installations or liabilities arising in respect of claims made by workers. Section 6 stipulates that no provision of the law shall be applied in contravention of international treaties, agreements or conventions duly ratified by Mexico.

See also *Report of the Committee* (1964), p. 660.

NIGERIA

In reply to a direct request made in 1964 the Government provides the following information.

In accordance with national practice, a seaman who is employed on government-owned vessels would receive wages and enjoy conditions of service not less favourable than those provided under the Merchant Shipping Act.

Under section 71 of the Act, unemployment indemnities in case of loss or foundering of vessels are construed as "wages on termination of service by wreck", and have the same remedies and mode of recovering wages payable as under any other section of the Act.

PERU (First Report)

Regulations concerning harbour masters' offices and the merchant navy. Presidential Decree No. 21 of 31 October 1951.

Under section 123 of the Constitution Conventions acquire the force of law on ratification by Congress.

Article 1 of the Convention. The above-mentioned Regulations define "seamen" as members of ships' crews, port workers and fishermen. The term "vessel" is taken in the national legislation as embracing all the types of ships and boats covered by the Convention.

Article 2. Under section 687 (1) of the Regulations in question, in the event of a vessel being unable to sail, the seamen in its crew are entitled only to such wages as are already due, unless the inoperability of the vessel is due to the negligence or unskilfulness of the captain, engineer or pilot, in which case the seamen receive compensation from the guilty party for any loss or damage suffered.

Section 688(a) provides that in the event of the total loss of a vessel through capture or shipwreck, the members of the crew lose the right to claim any wages whatsoever, although subsection (b) goes on to state that if any portion of the vessel or its cargo is salvaged the crew has a claim on the salvaged part of the vessel or the amount realised from the cargo saved.

Under section 690 (a) shipwreck does not exonerate the shipowner or his agent from the obligation to provide maintenance for the crew in the port of arrival and to arrange for their repatriation. The same applies in the case of a breakdown which makes it impossible for the ship to proceed.

Article 3. The procedure for the recovery of indemnities is the same as that for the recovery of arrears of wages.

The authorities responsible for the application of the relevant provisions are the port authorities, who must report to the Port Authorities Department of the Ministry for the Marine. In each port open to maritime navigation there exists a port authority. In foreign countries the Peruvian consular authorities deal with matters connected with the national merchant navy.

RUMANIA

In reply to an observation made by the Committee of Experts in 1964 the Government states that the provisions of section 20 (c) of the Labour Code concern cases in which the enterprise, as a whole, ceases its activity for one month, and do not concern a single ship of the enterprise. The Government considers therefore that Article 2 of the Convention is fully applied by existing legislation.

SIERRA LEONE

In reply to the direct request made by the Committee of Experts in 1964 the Government states that the Merchant Shipping (Colonies) (Amendment) Order, 1941, continues to apply to Sierra Leone and will remain in force until specifically abrogated.

SPAIN

For the application in the African provinces, see under Convention No. 1.

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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, Belgium, Bulgaria, Ceylon, Chile, Cuba, Finland, Greece, Ireland, Italy, Japan, Malaysia (Singapore), Netherlands, Norway, Peru, Switzerland, Uruguay.

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

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

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		

ARGENTINA

Decree No. 280/64 of 1964 concerning placement of seafarers.

The decree establishes a new organ for the placement of seafarers. Its managing board is composed of representatives of the Ministry of Labour and Social Security, of the port authorities, and of shipowners and seafarers.

The body comprises three departments: registration, placement and statistics. Seafarers wishing to engage themselves on board a ship must be registered in this new placement office and shipowners must fill the vacancies occurring on board their ships through it.

CUBA

In reply to a direct request made by the Committee of Experts in 1964 the Government supplies the following information.

The placement of seamen is carried out through the Manpower Directorate of the Ministry of Labour as well as through the manpower department of the committee for co-ordination, implementation and inspection of each municipality, due account being taken of the characteristics and nature of this type of employment. In practice this is done in collaboration with the personnel department of the shipping firm, the Ministry of Transport and the Ministry of Public Health. There was no surplus or shortage of seamen during the reporting period.

MEXICO

In reply to a direct request made by the Committee of Experts in 1963 the Government states that up to now it has not been possible to set up a joint advisory committee of shipowners and seafarers at the port of Veracruz but that measures are being taken that will permit the next report to show that progress has been achieved.

PERU (First Report)

Regulations concerning harbour masters' offices and the merchant navy. Presidential Decree No. 21 of 31 October 1951.

Presidential Decree dated 2 December 1938.

Act No. 14273 dated 26 December 1962.

The provisions of the Convention apply to all personnel engaged on board ship. According to section 507 of the above-mentioned Regulations, seafarers wishing to be engaged on board ship must be registered in the harbour master's office, and must be in possession of the seamen's registration book. Engagements are carried out by the master, the shipowner or the ship agent before the harbour master; if abroad, before the consul.

No specific legislation has been enacted for the placement of seafarers. According to the above Presidential Decree, however, the supervision of placement agencies is entrusted to certain official organs. The supervision of employment is carried out in conformity with the Act of 1962.

SPAIN

As regards the application of the Convention in the African provinces, see under Convention No. 1.

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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, Cuba, Denmark, Finland, Federal Republic of Germany, Greece, Italy, Japan, Netherlands, New Zealand, Norway, Peru, Poland, Spain, Sweden, Yugoslavia.

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

Belgium, Bulgaria, Colombia, France, Luxembourg, Mexico, Uruguay.

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	Malta	4. 1. 1965
Austria	12. 6. 1924	Netherlands	28. 11. 1956
Belgium	13. 6. 1928	New Zealand	8. 7. 1947
Bulgaria	6. 3. 1925	Nicaragua	12. 4. 1934
Byelorussia	6. 11. 1956	Norway	28. 1. 1957
Central African Republic	9. 6. 1964	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*, 1 Mar. 1962, Special Issue No. 5, p. 189) (*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 they have reached the age of 16 years, save where exceptions are authorised by decree issued on a recommendation by the Minister of Public Health, having regard to the circumstances and the tasks which they may be called upon to perform. So far nothing has been issued on this matter by the competent authorities.

Article 3. The provisions contained in section 117 of the Code do not apply to forestry training schools or model farm and stock-rearing centres.

MALTA (First Report)

The Compulsory Education Ordinance, 1946, as amended by Ordinance XXXV of 1947.

Article 1 of the Convention. Attendance at school is compulsory for children between the ages of 6 and 14. The above ordinance applies the Convention in full.

Article 2. No arrangements under this Article have been made.

Article 3. Technical schools are run by the Department of Education.

Enforcement is entrusted to the Department of Education.

PERU

Minors' Code: Act No. 13928 of 2 May 1962 (sections 35 to 50: protection of young persons in employment) (*El Peruano*, 7 and 8 May 1962).

Article 1 of the Convention. Section 37 (a) of the above Code stipulates the age of admission to agricultural employment of a non-industrial nature as 14 years. Section

38 permits the employment of young persons of 13-14 years of age for not more than six hours a day.

Section 45 provides that a juvenile court judge may authorise the employment of a young person of school age in occupations which do not interfere with regular attendance at school on condition that he really needs to work for his living and subject, *inter alia*, to undergoing a medical examination beforehand.

UNITED KINGDOM (First Report)

Children and Young Persons Act, 1963.

Children and Young Persons (Scotland) Act, 1937.

Education Act (Northern Ireland), 1947, as amended in 1960.

Education Acts, 1944 and 1962.

Articles 1 to 3 of the Convention. In England and Wales, under the Education Act, 1944, a child (other than one in attendance at a special school) remains of compulsory school age until he attains the age of 15 years.

The employment of a child under the age of 13 years is prohibited before the close of school on any day on which he is required to attend school. He must not be employed before 6 a.m. or after 8 p.m. Section 34 of the Children and Young Persons Act, 1963, will restrict the hours of employment for a child to not earlier than 7 a.m. and not later than 7 p.m. on any day. In practice, the majority of local authorities already have bye-laws prohibiting employment before 7 a.m. and after 7 p.m.

In Scotland the compulsory school age for a child (other than one in attendance at a special school) is 15 years. Section 28 of the Children and Young Persons (Scotland) Act, 1937, provides that no child under the age of 13 shall be employed before the close of school hours on any day on which he is under obligation to attend school. He must not be employed before 6 a.m. or after 7 p.m. during the winter and after 8 p.m. from 1 April to 30 September.

A child must not be employed for more than two hours on a school attendance day and on a Sunday. He must not lift, carry or move anything which could cause injury to him.

Children under 13 may be permitted by the authorities to be employed by their parents or guardians in light agricultural work.

The authorities may prohibit the employment of children in any specified occupation and may also prescribe the age below which they are not to be employed, and the number of hours and all the other conditions to be observed in relation to their employment.

In Northern Ireland the compulsory school age is 15 years.

The Education Act (Northern Ireland), 1923, as amended, prohibits the employment of a child under the age of 13 years before the close of school hours on a school attendance day.

Local education authorities are responsible for ensuring that the terms of the relevant Education Acts and by-laws are enforced. In addition they are empowered to prohibit or restrict employment of a child whenever it is likely to be prejudicial to his health or otherwise to render him unfit to obtain the full benefit of the education provided for him.

* * *

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

Albania, Ukraine.

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	Malagasy Republic	1. 11. 1960
Algeria	19. 10. 1962	Malawi	22. 3. 1965
Argentina	26. 5. 1936	Malaysia:	
Australia	24. 12. 1957	States of Malaya	11. 1. 1960
Austria	12. 6. 1924	Sarawak, Singapore	3. 3. 1964
Belgium	19. 7. 1926	Mali	22. 9. 1960
Brazil	25. 4. 1957	Malta	4. 1. 1965
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	Tanzania:	
Ethiopia	4. 6. 1963	Tanganyika	19. 11. 1962
Finland	19. 6. 1923	Zanzibar	22. 6. 1964
France	23. 3. 1929	Togo	7. 6. 1960
Gabon	14. 10. 1960	Tunisia	15. 5. 1957
Federal Republic of Germany	6. 6. 1925	Turkey	29. 3. 1961
Greece	13. 6. 1952	Uganda	4. 6. 1963
Guinea	21. 1. 1959	Ukraine	14. 9. 1956
Iceland	21. 8. 1956	U.S.S.R.	10. 8. 1956
India	11. 5. 1923	United Arab Republic	3. 7. 1954
Ireland	17. 6. 1924	United Kingdom	6. 8. 1923
Italy	8. 9. 1924	Upper Volta	21. 11. 1960
Ivory Coast	21. 11. 1960	Uruguay	6. 6. 1933
Jamaica	8. 7. 1963	Venezuela	20. 11. 1944
Kenya	13. 1. 1964	Yugoslavia	30. 9. 1929
Luxembourg	16. 4. 1928	Zambia	2. 12. 1964

ALGERIA (First Report)

See under Conventions Nos. 87 and 98.

BRAZIL

Agricultural Workers' Code, Act No. 4214 of 2 March 1963.

For the reply of the Government to the observation made by the Committee of Experts, see *Report of the Committee* (1963), p. 527-528.

The Government states that although the rural trade union movement is only beginning, the following organisations already exist: one confederation, 13 workers' federations, four employers' federations, 379 workers' unions and 21 employers' associations.

CONGO (BRAZZAVILLE)

For legislation see under Convention No. 4.

Workers in the agricultural sector are guaranteed the same rights of association and combination as workers in industry and commerce.

CONGO (LEOPOLDVILLE)

In reply to the direct request made by the Committee of Experts in 1963 the Government states that the Decree of 25 January 1957 to regulate the right of association, except for agents and auxiliary agents of the administration and the judiciary, will be repealed on 31 December 1964. In the meantime the Government will enact a new law establishing the conditions which must be met by occupational organisations in order to be registered and to function legally. The possible repeal of Legislative Ordinance No. 123/APAJ of 16 April 1942 respecting trade unions will be considered at that time; in consequence, the Convention will be generally implemented since, under the new provisions, agricultural workers, like independent workers and farmers, will be able to reorganise into trade unions for the defence of their occupational interests.

CUBA

In reply to the direct request by the Committee of Experts in 1964 the Government declares that manual and intellectual workers who are active members of an agricultural or industrial production co-operative cannot associate under the provisions of paragraph (f) of section 17 of Act No. 962. The Government adds that this exclusion is based on the fact that members of this type of producers' organisation have specific rights and duties laid down in these organisations' constitutive charters or regulations and that from an association point of view these members cannot be considered, either legally or economically, as being wage earners or in a relationship of dependence on the body to which they belong.

ETHIOPIA (First Report)

The revised Constitution of 1955 (*Negarit Gazeta*, 4 Nov. 1955, No. 3).

Labour Relations Proclamation No. 210 of 1963 (*ibid.*, 1 Nov. 1963, No. 3).

The Constitution provides for the right to form and join associations, in accordance with the law.

The above-mentioned Proclamation declares in section 20 that "Employers may create and join employers' associations and employees may establish and join labour unions. Such organisations, when registered by the Minister, may engage in all lawful activities".

Conventions ratified are considered as a part of the Supreme Law. However, the Convention is given effect when its principles appear in the legislation promulgated formally and published in the official gazette.

The Labour Relations Board, a ministerial body, deals with labour disputes and has the power to issue decisions and awards. To carry out the task of supervision, a draft law on the labour inspection service has been submitted to the Council of Ministers for final approval.

There is only one union of workers in agriculture, because, although Ethiopia is predominantly an agricultural country, agriculture is not yet commercialised but is still conducted, in many cases, on a share-cropping basis.

GREECE

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

The following categories of wage earners are covered by the legislation relating to collective agreements: (a) workers employed in agricultural work or stock-breeding for commercial firms, public services or corporate bodies under public law; (b) workers who, until Legislative Decree No. 3755/1952 came into force, were governed by collective agreements or arbitration awards; and (c) workers compulsorily insured by the Social Insurance Institute, irrespective of the legal form of the agricultural undertaking. Thus only self-employed workers and their families do not come under the legislation concerning collective agreements.

As a general rule the land, divided up into very small holdings, is farmed by the landowner and his family. It is only in exceptional cases and on a temporary basis that paid labour is called in from other activities for such work. Some of these wage earners are normally employed in experimental farming or stock-breeding (or of a more extensive nature) and are therefore covered by the legislation concerning collective agreements.

The exclusion of agricultural workers from the scope of the legislation concerning collective agreements "is justified because of the nature of their work and the special conditions under which it is performed".

No information is available on the number and scope of collective agreements concluded under section 20 of Act No. 281/1914.

IVORY COAST (First Report)

For legislation see under Convention No. 3.

Article 1 of the Convention. The provisions of the Labour Code, and in particular Part II relating to occupational unions, are applicable to agricultural workers.

The Minister of Labour and Social Affairs is responsible for the enforcement of laws and regulations applying the Convention. For this purpose he uses the labour inspection services and central labour services as well as advisory authorities, as laid down in the Labour Code, which are answerable to him.

KENYA

The General Agricultural Workers' Union has merged with the Tea Plantation Workers' Union and the Sisal and Coffee Plantation Workers' Union to form the Kenya Plantation and Agricultural Workers' Union. The Kenya Union of Sugar Plantation Workers has so far remained outside the merger and has withstood offers to join the general organisation.

MALAYSIA

Sarawak

The Trade Unions Ordinance, Chapter 78, as amended by Ordinance No. 12 of 1962.

Article 1 of the Convention. The above ordinance does not differentiate between workers in agriculture and other workers. Among 40 trade unions registered in Sarawak, at least three have agricultural workers as members; many of these may be considered as self-employed.

Singapore

The Trade Unions Ordinance, Chapter 154, as amended by Ordinance No. 22 of 1963.

Article 1 of the Convention. The above ordinance applies to any person who has entered into or works under a contract with an employer.

Its application is entrusted to the Registrar of Trade Unions and to the Commissioner for Labour.

There is only one trade union of agricultural workers registered as such. It is, however, the declared policy of the Government to encourage and assist in the development of sound trade unions.

MALTA

In reply to a direct request made by the Committee of Experts the Government states that the provisions of Part II of the Trade Unions and Trade Disputes Ordinance apply to all workmen, including agricultural workers.

PERU

Act No. 15037 of 21 May 1964 concerning agrarian reform.

In reply to the observation by the Committee of Experts in 1963 the Government states that all workers coming under any branch of production whatsoever enjoy equal rights and that section 237 of the above Act concerning agrarian reform repealed contracts binding the right to use land to performance of services, even if such services were remunerated in cash. The same section further states that any performance of personal services shall be fully subject to labour legislation.

RUMANIA

Section 2 of Act No. 52/1945 places no restrictions on the right of free association of persons engaged in agriculture. Paragraphs 1 and 2 of this Act read as follows: "All persons who work in the same profession or in similar or related professions shall have the right to establish and join trade unions in full freedom and without previous authorisation. No person may be obliged to join a trade union or relinquish trade union membership against his will."

Section 1 (a) of the Rules of the Trade Unions of the People's Republic of Rumania provides that: "membership of trade unions is open to all citizens of the People's Republic of Rumania who (a) are employed in an undertaking, an institution, a machinery and tractor establishment, a state agricultural enterprise . . .".

With regard to members of collective farms, they are not employed persons and are thus not trade union members. Their right of association is expressed in collective agricultural undertakings which are production co-operatives.

RWANDA

In reply to the direct request made by the Committee of Experts the Government states that the principle of freedom of association for all workers as laid down in the Constitution has not yet given rise to any law or regulations to determine the measures for its application. However, in the draft Labour Code now under study an entire chapter is devoted to trade unions and occupational associations. Until this Bill is passed the Decree of 25 January 1957, section 3 of which was repealed by Ordinance No. 222/212 of 24 June 1961, will remain in force.

SPAIN

Decree No. 1885/1964 of 3 July 1964 to approve the Act respecting self-determination for Equatorial Guinea (*Boletín Oficial del Estado*, 6 July 1964, p. 8679).

In reply to a direct request made by the Committee of Experts in 1963 the Government states that under section 2 (1) of the Act respecting self-determination for Equatorial Guinea, dated 20 December 1963 and approved by the above decree, "native-born citizens of Fernando Po and Río Muni have the same rights and obligations as devolve upon other Spanish citizens under the Fundamental Laws", while section 10 adds that "where no specific statutory provisions or customary laws exist the general legislation shall apply".

SYRIAN ARAB REPUBLIC

Law No. 134 of 4 September 1958 on agricultural relations.

The application of the stipulations of the Convention is ensured by the above law.

Section 7 of this Law guarantees to all categories of agricultural workers the right to constitute trade unions with the purpose of defending and promoting the interests of workers in all sectors. Affiliation to any trade union can be made freely. This Law applies not only to agricultural workers but to all the categories of workers listed in section 7, in other words without any restrictions.

TANZANIA

Tanganyika

The National Union of Tanganyika Workers (Establishment) Act, 1964 (No. 18 of 1964).

Rule 12 of the first schedule to the above Act provides for agricultural workers to be represented by one of the nine industrial sections of the new union.

TURKEY

Act No. 274 of 1963 concerning Trade Unions (*Resmî Gazete*, 24 July 1963, No. 11462) (*L.S.* 1963—Tur. 1).

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

The right of association is one of the fundamental rights granted to all persons, without any distinction, by the Constitution. Indeed, section 29 provides that "everyone has the right to form associations without prior authorisation. Limitations may be imposed on this right by law only to maintain public order or morals". Moreover, under section 1 of the Associations Act and section 53 of the Civil Code, the only condition to establish an association is that at least three persons must combine their knowledge and activities and announce publicly that they have organised an association.

Consequently everyone, including all persons engaged in agriculture, has the right to establish associations. In fact there are several farmers' unions and a federation of such unions. In addition to this right to form associations under the Associations Act, persons employed in pursuance of a labour contract and employers (in the meaning of the above Act) are entitled to constitute workers' and employers' trade unions, respectively.

Further, one of the major improvements introduced by the above Act is that any person employed in pursuance of a contract of service, irrespective of the nature of his work, has the right to establish employees' trade unions or become a member of such trade unions.

ZAMBIA (First Report)

Trade Unions and Trade Disputes Ordinance, Cap. 25, as amended by Ordinance No. 52 of 1963.

Article 1 of the Convention. The ordinance mentioned above makes no distinction between agricultural workers and employees engaged in other industries; they all enjoy the same rights of association and combination.

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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:

Brazil, India, New Zealand, Uganda.

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

Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussia, Cameroon (Eastern Cameroon), Central African Republic, Ceylon, Chad, Colombia, Czechoslovakia, Dahomey, Denmark, Finland, France, Gabon, Federal Republic of Germany, Ireland, Italy, Luxembourg, Malagasy Republic, Malaysia (States of Malaya), Mauritania, Mexico, Morocco, Netherlands, Niger, Nigeria, Norway, Poland, Sweden, Switzerland, Togo, Tunisia, Ukraine, U.S.S.R., United Kingdom, Upper Volta, Uruguay.

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	Malta	4. 1. 1965
Australia	7. 6. 1960	Mexico	1. 11. 1937
Austria	14. 6. 1954	Morocco	20. 9. 1956
Belgium	26. 10. 1932	Netherlands	20. 8. 1926
Brazil	25. 4. 1957	New Zealand	29. 3. 1938
Bulgaria	6. 3. 1925	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Norway	22. 1. 1963
Chile	15. 9. 1925	Panama	3. 6. 1958
Colombia	20. 6. 1933	Peru	4. 4. 1962
Congo (Leopoldville)	20. 9. 1960	Poland	21. 6. 1924
Cuba	22. 8. 1935	Portugal	16. 5. 1960
Czechoslovakia	12. 6. 1950	Rwanda	18. 9. 1962
Denmark	26. 2. 1923	El Salvador	11. 10. 1955
Finland	20. 1. 1950	Senegal	22. 10. 1962
France	4. 4. 1928	Spain	1. 10. 1931
Gabon	13. 6. 1961	Sweden	27. 11. 1923
Federal Republic of Germany	6. 6. 1925	Tanzania:	
Haiti	19. 4. 1955	Tanganyika	19. 11. 1962
Hungary	8. 6. 1956	Zanzibar	22. 6. 1964
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
Malawi	22. 3. 1965	Zambia	2. 12. 1964
Malaysia:			
States of Malaya	5. 6. 1961		
Sarawak, Singapore	3. 3. 1964		

BURUNDI (First Report)

Social Security Act of 20 July 1962.

The above-mentioned law not only provides for insurance against accidents in agriculture, in the same way as in industry, but guarantees agricultural workers the same degree of protection as other workers.

See also under Conventions Nos. 17 and 18.

MALAWI (First Report)

The Workmen's Compensation Ordinance (Chapter 89 of *The Laws of Nyasaland*).

Article 1 of the Convention. Workmen in agricultural undertakings are accorded the same rights in obtaining compensation for personal injury by accident arising out of and in the course of their employment as are other members of the employed population.

NORWAY (First Report)

Act on occupational injuries insurance of 12 Dec. 1958.

This law introduced compulsory insurance for all employees (with the exception of some few casual workers) regardless of the nature of the work.

No alterations have been made to the Act in connection with the ratification of the Convention. The Act in fact contained the same rules for agricultural workers as for workers in other trades.

The application of the Act is entrusted to the National Insurance Institution and the local insurance offices.

PERU

Act No. 1378 of 24 January 1911, amended by Act No. 11408 of 30 June 1950.

Presidential Decree of 25 June 1926.

Act No. 14212 of 2 October 1962.

Article 1 of the Convention. The rules governing workmen's compensation are applicable to all salaried employees and wage earners, irrespective of what place of work the accident occurs in.

Section 2 (8) of Act No. 1378 establishes in specific terms the liability of agricultural undertakings using machinery run otherwise than by human power towards employees exposed to danger from such machinery.

Under the above Presidential Decree a guarantee fund was set up to enable heads of undertakings or landowners to meet their obligations towards employees injured in accidents.

The political and judicial authorities are responsible for enforcing the legislation in this respect. These authorities supply full details of all accidents and information as to the manner in which the law is being observed to the General Directorate of Labour in Lima and the regional directorates and subdirectorates in the provinces, as well as to the institutions attached to the Ministry of Labour and Indigenous Affairs.

* * *

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

Burundi, Gabon, Kenya, Malaysia (Sarawak, Singapore), Norway, Peru.

The report from *Congo (Leopoldville)* refers to the information previously supplied.

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

ARGENTINA

In reply to the observations made by the Committee of Experts the Government states that measures have been taken in the various provinces to eliminate the handling of white lead and to enforce without exception the provisions of Act No. 7601/57 prohibiting the use of white lead and of Act No. 11317 prohibiting the employment of women and young workers in painting work involving the use of products which contain lead salts.

CONGO (BRAZZAVILLE)

For legislation see under Convention No. 4.

By virtue of the new Labour Code, Order No. 718 of 15 February 1957 regulating the use of white lead in the cases where this use is authorised remains in force. While the competent authorities have not specified any case in which the use of white lead is necessary, the above order is designed to prescribe the necessary measures for the protection of the workers employed in the undertakings where white lead is used.

* * *

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

Argentina, Congo (Brazzaville), Upper Volta.

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
Honduras	17. 11. 1964	United Arab Republic	10. 5. 1960
Hungary	8. 6. 1956	Upper Volta	21. 11. 1960
India	11. 5. 1923	Uruguay	6. 6. 1933
Iraq	12. 5. 1960	Venezuela	20. 11. 1944
Ireland	22. 7. 1930	Viet-Nam	14. 6. 1955
Israel	26. 6. 1951	Yugoslavia	1. 4. 1927
Italy	8. 9. 1924		

ALGERIA (First Report)

Labour Code, Book II, sections 30 et seq.

Decree of 24 August 1906 organising enforcement of the Weekly Rest Act.

Decree of 14 August 1907 detailing further classes of establishments permitted to grant weekly rest periods on a rota basis.

Decree of 31 August 1910 laying down exceptions to general rules concerning the weekly rest period for specialist workers employed in undertakings using continuous-firing processes.

Article 1 of the Convention. National legislation concerning weekly rest periods covers all workers. However, the rest period of wage-earning railway employees is regulated by special provisions, and a Merchant Marine Code at present being prepared will lay down regulations governing the rest period for workers employed by water transport undertakings.

Article 2. Sections 31 to 34 of Book II of the Labour Code lay down the principle of a 24-hour rest period each week to be granted to all employees on Sundays.

Article 3. No such exception is provided for in legislation, although it is recognised in legal practice.

Articles 4 to 6. Sections 34, 40 and 41 provide for exceptions to the Sunday weekly rest provisions and compensation at some other time. Section 38, as supplemented by the decree of 14 August 1907, lists the classes of undertakings which may grant the weekly rest period on a rota basis. The decree of 31 August 1910, adopted under section 39, lays down methods of application of the weekly rest period in undertakings operating continuous-firing processes or continuous-work processes.

Article 7, clause (a). When the rest period is given collectively to all employees the days and hours of the collective rest period must be displayed.

Clause (b). When the rest period is not granted to the whole of the staff collectively, a special roster must mention the names of wage earners and salaried employees subject to special arrangements, these arrangements being indicated.

The labour inspectorate is responsible for enforcement of weekly rest regulations. Its services enforce these regulations by means of inspection, either through regular visits or by following up complaints. A report is made on any violations and transmitted to the courts.

During the reporting period 14 violations were brought to light. Available statistics do not allow any precise calculation of the number of workers protected by legislation.

CHINA

For the reply of the Government to the observation made by the Committee of Experts, see *Report of the Committee* (1963), p. 529.

COLOMBIA

Decree No. 3739 of 1953.

Act No. 72 of 1931.

Act No. 6 of 1945.

In reply to an observation by the Committee of Experts the Government communicates the following information.

Articles 1 and 2 of the Convention. Employees of the national railways are covered by the provisions of the Labour Code in accordance with section 1 of the above decree by which the employees of such undertakings are to be governed by the legal provisions applying to workers in the private sector.

With regard to employees of public works undertakings and other state employees, section 492 of the Labour Code expressly maintains the provisions applied to them before the Code was promulgated until such time as special regulations are issued. Thus, these workers are entitled to the weekly rest period in accordance with the Acts mentioned above.

Article 3. No use has been made of this clause.

Article 6. Section 175 of the Labour Code and section 5 of the above decree correspond to the requirements stated in this Article of the Convention.

CONGO (BRAZZAVILLE)

For legislation see under Convention No. 4.

Section 118 of the Labour Code stipulates that the granting of weekly rest, comprising at least 24 consecutive hours a week and falling usually on Sunday, is compulsory.

CONGO (LEOPOLDVILLE)

In reply to a request by the Committee of Experts the Government states that it will take every necessary step to enact legal provisions ensuring weekly rest in inland waterway undertakings.

DENMARK

In reply to a request made by the Committee of Experts in 1963 the Government states that provisions establishing rest periods as compensation for exceptions made to weekly rest periods are contained in a certain number of collective agreements.

INDIA

In reply to a direct request made by the Committee of Experts in 1963 the Government states that a number of state governments have framed rules under the Motor Transport Workers Act, 1961, providing, *inter alia*, for weekly rest. Other state governments and Union Territories are also taking steps wherever necessary to frame similar rules under the Act.

IRAQ

In reply to a direct request by the Committee in 1963 the Government provides the following information.

Article 1 of the Convention. The Government states that in practice all industrial and commercial establishments, large or small, close on Friday. The necessary modification in the relevant legislation will be considered by the committee now revising the present Labour Law.

Chapter II of the Labour Law of 1958, as amended, is applied to workers employed in seasonal works lasting less than six months.

Under the provisions of this law persons remunerated wholly by a share of profit have equal right to the weekly rest period.

Article 3. Persons other than the members of the employer's family employed in industrial undertakings in which only the members of one single family are employed enjoy the weekly rest day granted to all workers.

Article 5. Provision for compensatory periods when work is carried out on the day of weekly rest is made in the new draft Labour Law.

Article 7, clause (b). See section 5 (2) of the Labour Law of 1958, as amended.

IVORY COAST

Labour Code: Act No. 64-290 of 1 August 1964 (*Journal officiel*, 17 Aug. 1964, special issue, No. 44).

KENYA (First Report)

Mombasa Shop Hours Act (Cap. 232).

Regulation of Wages and the Conditions of Employment Ordinance (Cap. 229).

Regulation of Wages (Hotel and Catering Trades) Order, 1963 (Legal Notice 201/1963).

Regulation of Wages (Laundry, Cleaning and Dyeing Trades) Order, 1963 (L.N. 155/1963).

Regulation of Wages (Baking, Flour, Confectionery and Biscuit Making Trades) Order, 1963 (L.N. 154/1963).

Regulation of Wages (Building and Construction Industry) Order, 1963 (L.N. 201/1963).

Regulation of Wages (Road Transport) Order, 1963 (L.N. 253/1963).

Regulation of Wages (Tailoring, Garment Making and Associated Trades) Order, 1963 (L.N. 291/1963).

Regulation of Wages (Motor Engineering Trades) Order, 1963 (L.N. 595/1963).

Regulation of Wages (Knitting Mills) Order, 1963 (L.N. 679/1963).

Regulation of Wages (Wholesale and Retail Distributive Trades) Order, 1964 (L.N. 22/1964).

Regulation of Wages (Footwear Industry) Order, 1964 (L.N. 194/1964).

Article 1 of the Convention. There is no national law or regulation of general application to all the categories of industrial undertakings covered by this Convention, ensuring weekly rest periods for those workers not already covered by statutory wage-fixing machinery, collective agreement or arbitration award. It is, however, firmly established custom in all these industries that workers enjoy a period of weekly rest. Except for occasional overtime work on rest days, disregard by employers or workers of weekly rest conditions occurs in comparatively few cases.

Article 2. Virtually all the labour force employed in industrial undertakings is entitled to a weekly rest of 24 consecutive hours. The normal working week is 5½ days, but in some cases six shifts. A few undertakings have a five-day week while others run a 12-day fortnight with a rest period of two days per fortnight.

In the great majority of undertakings the weekly rest period is granted simultaneously to all persons employed, except for staggered workdays or shifts for security staff such as watchmen or caretakers. Such weekly rest periods generally coincide with the day of the week established by custom as a day of rest or religious observance.

Article 3. The question of exempting establishments employing only members of the same family has not yet been considered.

Article 4. The national legislation does not provide for the granting of exemptions from the existing obligations normally to allow a weekly rest period.

It is an established principle in Kenya that worker and employer organisations are consulted, either ad hoc or through the Labour Advisory Board, in regard to measures affecting employment generally.

An employer may also require a worker to perform overtime on a weekly rest day but at an enhanced rate of pay. Furthermore, most wages regulation orders, collective agreements or awards provide a different working week for security staff (watchmen and caretakers) or for other personnel needed to keep offices, control points, services or plant manned continuously. Such workers usually take their weekly rest day on varying days of the week.

Article 5. Although not yet the general practice wages regulation orders, collective agreements and arbitration awards usually provide for compensating periods of rest for workers who have been required to perform shift work or overtime work on the customary weekly rest days.

Article 6. The exemptions referred to in Articles 4 and 5 above have not been made in respect of undertakings employing members of the same family, but in respect rather of various types of occupation, manufacturing process or utility service. These exemptions have not been made on the basis of a centrally formulated policy but have evolved gradually from deliberations of wages advisory bodies, joint negotiating machinery or arbitration tribunals. A collation of all such multifarious exemptions will be a considerable undertaking.

Article 7. In the case of undertakings covered by wages regulation orders, the employer, director or manager is obliged under section 20 (2) of the ordinance mentioned above to exhibit the relevant wages council's wall notice. The terms of employment must similarly be exhibited by employers carrying out public contracts which include the "fair wages clause" required under Convention No. 94.

In undertakings where terms of employment are regulated by collective agreement or arbitration award, there is no such obligation. Some employers, however, do exhibit notices indicating the working hours and the rest periods.

In undertakings working a shift system or roster of duty hours for particular staff, it is common practice to post up a notice of such particulars, but this is not obligatory under the law.

The supervision and enforcement of the provisions on weekly rest is the responsibility of the officers of the Labour Department.

In cases where weekly rest has not been properly observed or suitable compensation afforded for foregoing it, action has been taken by the authorities or by trade unions to bring the undertakings or establishments concerned into line with desirable practice.

Full observance of the Convention has posed difficulties in that it requires making very specific and detailed legislation, allowing numerous exemptions for particular circumstances, or else attempting to make a general law applicable to virtually all

workers, which would be found to be too rigid in terms of practical application to the wide variety of occupations and circumstances occurring in a rapidly developing country.

Alternatively, the statutory extension of the application of collective agreements or of awards to parties not already covered would have to be contemplated. It has been the Government's policy to rely on the regulation of these matters mainly by voluntary collective bargaining. The parties are thus able to evolve conditions appropriate to the many particular circumstances, and to vary those conditions rapidly by mutual agreement. Where effective joint negotiation has not been readily attainable, the Government has set up statutory wage councils, and continues to do so. There is no formed intention as yet to adopt further measures to enforce those provisions of the Convention which are not already given sufficient effect by national legislation or practice.

MALAYSIA

Sarawak (First Report)

Labour Ordinance of 1 July 1952, as amended by Ordinance 11 of 1958 (*The Laws of Sarawak*, 1958, Vol. IV, Chapter 76).

Section 105 of the above ordinance provides for a working week of six days.

Industry, as defined in the Convention, is mainly under the control of the Government, which observes Sunday as the weekly day of rest. Other light industrial undertakings, which are few in number, also observe Sunday as the weekly day of rest. Throughout industry, as defined in the Convention, all employers observe a weekly day of rest; religious custom sometimes appoints a day other than a Sunday.

The Labour Department is responsible for the application of the above-mentioned legislation.

MAURITANIA

Labour Code: Act No. 63—023 of 25 January 1963 (*Journal officiel*, 20 Feb. 1963, No. 106) (*L.S.* 1963—Mau. 1).

SPAIN

Labour Regulations of the Equatorial Region (Provinces of Fernando Pó and Río Muni) of 24 May 1962 (Aranzadi—*Repertorio Cronológico de Legislación*, 1962, p. 804).

See under Convention No. 1.

TURKEY

For the Government's reply to the observation made by the Committee of Experts, see *Report of the Committee* (1963), p. 529.

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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:

Afghanistan, Belgium, Brazil, Cameroon (Eastern Cameroon), Chile, Finland, Hungary, Israel, Morocco, Poland, Rwanda.

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

Argentina, Bulgaria, Burma, Central African Republic, Chad, Cuba, Czechoslovakia, Dahomey, France, Gabon, Haiti, Ireland, Italy, Luxembourg, Malagasy Republic, Mexico, New Zealand, Niger, Norway, Peru, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, Upper Volta, 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	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964
Belgium	19. 7. 1926	Malta	4. 1. 1965
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	Tanzania:	
Ghana	20. 5. 1957	Tanganyika	30. 1. 1962
Greece	14. 6. 1930	Zanzibar	22. 6. 1964
Hungary	1. 3. 1928	Trinidad and Tobago	24. 5. 1963
Iceland	21. 8. 1956	Turkey	29. 9. 1959
India	20. 11. 1922	Ukraine	14. 9. 1956
Ireland	5. 7. 1930	U.S.S.R.	10. 8. 1956
Italy	8. 9. 1924	United Kingdom	8. 3. 1926
Jamaica	26. 12. 1962	Uruguay	6. 6. 1933
Japan	4. 12. 1930	Yugoslavia	1. 4. 1927
Kenya	13. 1. 1964		

AUSTRALIA

See under Convention No. 7.

BYELORUSSIA

See under Convention No. 60.

CAMEROON

Western Cameroon

Constitution, 1961 (section 53).

Labour Code Ordinance, Cap. 91 of the revised edition of *The Laws of Nigeria* (as amended).
Order No. 130 of 6 September 1962.

Article 1 of the Convention. The definition of "ship", which conforms to the definition contained in the Convention, appears in section 169 of the above ordinance.

Article 2. Section 171 (1) of the ordinance provides that no young person shall be employed or work on vessels as a trimmer or stoker. A "young person" means a person under the age of 18 years (section 155).

Article 3. Section 170 of the ordinance and section 2 of the above order implement this Article.

Article 4. Section 171 (2) of the ordinance applies to this Article.

Article 5. Covered by section 173 of the ordinance.

Article 6. There is no provision for the inclusion of a summary of the provisions of the Convention in articles of agreement.

The responsibility for the application of the legislation and administrative regulations is entrusted to the head of the shipping district (harbour master). Crew lists must be open to inspection by officers of the Department of Labour and Customs and Excise.

COLOMBIA

See under Convention No. 7.

CYPRUS

The Merchant Shipping (Masters and Seamen) Law, 1963, sections 92 and 100 (*Official Gazette*, first supplement, 25 June 1963, No. 259).

KENYA (First Report)

The Employment of Women, Young Persons and Children Act, Cap. 227 of *The Laws of Kenya* (revised edition, 1962).

According to section 12 of the above Act, the employment of any "juvenile" workers is prohibited as trimmer or stoker on any ship. A juvenile is defined as a person under 18 years of age. Juveniles may be employed, with the approval of the Minister for Labour, on a school ship or training ship. Section 13 of the Act requires every master to keep a register of young persons employed on board. British articles of agreement which are still in use contain a summary of the provisions of the Convention.

MALAYSIA

Sarawak (First Report)

For legislation see under Convention No. 14.

Article 2 of the Convention. Section 81 of the Labour Ordinance lays down that no young person (a person under 18 years of age) shall be employed as trimmer or stoker in any ship unless prior written approval has been given by the Commissioner of Labour.

Article 5 is applied by section 83 of the ordinance.

Singapore (First Report)

Merchant Shipping Ordinance. Cap. 207 of *The Laws of the State of Singapore* as amended by Ordinance No. 28 of 1963.

Article 2 of the Convention. According to section 35 (1) of the above ordinance no young person (a person under 18 years of age) may be employed or work as trimmer or stoker on any ship.

Article 3. The exceptions provided for in this Article are contained in section 35 (1)(a).

Article 4. Section 35 (1) (b) applies this Article.

Articles 5 and 6. These are applied by paragraphs 2 and 3 of section 35.

MAURITANIA (First Report)

Decree No. 239 dated 17 September 1954 concerning minimum age for admission to employment. (*Journal officiel de l'Afrique occidentale française*, 9 Oct. 1954).

Code of the Merchant Marine. Act No. 62-038 dated 20 Jan. 1962. (*Journal officiel*, 21 Feb. 1962, p. 116).

Section 18 of the above decree prohibits the employment of young persons under the age of 18 years.

The Code does not contain any permissive provisions similar to those of Articles 3 and 4 of the Convention. Section 3-4-07 of the Code contains provisions concerning supervision of the crew by the captain of the vessel.

Under section 10-3-58 of the Code, the application of these provisions is entrusted to the masters, the maritime authority, police officers and ships' officers.

MOROCCO

Dahir No. 1-61-219 of 4 December 1961 to amend sections 166 and 176 (5) of Annex I of the Dahir of 31 March 1919 establishing a Maritime Trade Code (*Bulletin officiel*, 15 Dec. 1961).

Articles 1 and 2 of the Convention. It is forbidden to employ young persons under 18 years of age as trimmers or stokers on any vessels.

NORWAY

See under Convention No. 7.

SIERRA LEONE

Article 3, clause (c), of the Convention. In reply to the direct request by the Committee of Experts in 1964 the Government states that consideration is being given to the repeal of section 55 (2)(b) of Chapter 212 of the Employers and Employed Act of 1960.

SWITZERLAND

In reply to the direct request made by the Committee of Experts in 1962 the Government indicates that contracts contain a clause according to which the Swiss Sailors' Manual, delivered with the contract, forms an integral part of it.

TANZANIA

Tanganyika

In reply to the direct request made by the Committee of Experts in 1963 the Government has supplied the following information.

Section 90 (1) of the Employment Ordinance prohibits the employment of young persons under 18 years on any ship as a trimmer or stoker. Any person who contravenes this prohibition is liable to penalties.

By virtue of the Employment Ordinance (Amendment) Act, 1962, "the master or other person in charge of every ship on which any person under the age of sixteen years is employed shall keep a register of all such persons or shall identify them with a distinguishing mark in the ship's articles and shall include in the register or articles the ages or apparent ages of such persons, the dates on which they commenced employment and such other matters as may be prescribed".

* * *

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, Bulgaria, Canada, Ceylon, Chile, Cuba, Finland, Federal Republic of Germany, Ghana, Greece, Hungary, India, Italy, Japan, Netherlands, New Zealand, Poland, Sweden, United Kingdom, Yugoslavia.

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

Denmark, France, Ireland, Luxembourg, Nigeria, Spain, Ukraine, U.S.S.R.

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	Japan	7. 6. 1924
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964
Belgium	19. 7. 1926	Malta	4. 1. 1965
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	Tanzania:	
France	22. 3. 1928	Tanganyika	30. 1. 1962
Federal Republic of Germany	11. 6. 1929	Zanzibar	22. 6. 1964
Ghana	20. 5. 1957	Trinidad and Tobago	24. 5. 1963
Greece	28. 6. 1930	Ukraine	14. 9. 1956
Hungary	1. 3. 1928	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		

CAMEROON

Western Cameroon (First Report)

For legislation see under Convention No. 15.

Article 1 of the Convention is reproduced in section 169 of the Labour Code Ordinance.

Articles 2 and 3 are covered by section 172 of the Code and sections 2 and 4 of Order No. 130.

Article 4. There is no provision for any exception.

The responsibility for the application of the legislation and administrative regulations is entrusted to the head of the shipping district (harbour master).

The attention of the federal authorities has been drawn to the fact that the above order does not take fully into account the provision in Article 3 of the Convention for periodical medical examination of children and young persons.

MALAYSIA

Sarawak (First Report)

For legislation see under Convention No. 14.

Section 83 of the Labour Ordinance provides that the employment of any child or young person on any ship is conditional on the production of a medical certificate. Medical examinations of persons under 18 years of age must be repeated every year.

Singapore (First Report)

For legislation see under Convention No. 15.

Section 36(1) of the Merchant Shipping Ordinance lays down that no young person may be employed in any ship without the production of a medical certificate showing that he is fit for that employment. A young person is a person under 18 years of age. A medical certificate remains in force for a period of 12 months.

* * *

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

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	Morocco	20. 9. 1956
Argentina	14. 3. 1950	Netherlands	13. 9. 1927
Austria	21. 8. 1936	New Zealand	29. 3. 1938
Belgium	3. 10. 1927	Nicaragua	12. 4. 1934
Bulgaria	5. 9. 1929	Panama	3. 6. 1958
Burma	16. 2. 1956	Philippines	17. 11. 1960
Burundi	11. 3. 1963	Poland	3. 11. 1937
Central African Republic	9. 6. 1964	Portugal	27. 3. 1929
Chile	8. 10. 1931	Rwanda	18. 9. 1962
Colombia	20. 6. 1933	Sierra Leone	13. 6. 1961
Congo (Leopoldville)	20. 9. 1960	Somalia (ex-Trust Territory)	18. 11. 1960
Cuba	6. 8. 1928	Spain	22. 2. 1929
Czechoslovakia	12. 6. 1950	Sweden	8. 9. 1926
Finland	20. 1. 1950	Syrian Arab Republic	10. 5. 1960
France	17. 5. 1948	Tanzania:	
Federal Republic of Germany	14. 6. 1955	Tanganyika	30. 1. 1962
Greece	13. 6. 1952	Zanzibar	22. 6. 1964
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	Zambia	2. 12. 1964
Mexico	12. 5. 1934		

ALGERIA (First Report)

Law of 9 April 1898 concerning responsibility for employment injuries sustained by workmen in the course of their employment as well as subsequent laws complementing and amending it (in particular the Law of 1 July 1938).

Law of 25 September 1919 extending the Law of 9 April 1898 to Algeria.

Law of 25 October 1919 extending the Law of 9 April 1898 to occupational diseases.

Order of 10 June 1949 making insurance against employment injuries compulsory (section 3).

Law of 30 October 1946 on the prevention of and compensation for employment injuries (section 90).

Law of 2 September 1954 on the revision of compensation due under legislation on employment accidents or occupational diseases.

Article 2, paragraph 1, of the Convention. Every wage earner, wherever he works or in whatever capacity he is employed by one or several employers or heads of undertakings, is covered by the compensation scheme for employment injuries. Students attending technical instruction establishments or persons in vocational training or professional readaptation centres are also covered for accidents due to or incurred in the course of such instruction or training.

Paragraph 2. The scheme also applies to casual workers, those working at home, members of an employer's family and, without limitation as regards earnings, to non-manual workers.

Article 3. Civil servants and state employees come under a special scheme which is more advantageous.

Article 5. In the case of permanent incapacity or death, compensation is in the form of periodical payments. For permanent incapacity the amount of the periodical

payment is calculated by multiplying the annual wage of the victim by his degree of incapacity, this being taken as one-half for up to 50 per cent. and increased one-and-a-half times above 50 per cent. For death, the widow, children and parents each have a right to periodical payments calculated as a percentage of the annual basic wage of the victim; the total of the annuities granted, however, must not exceed 85 per cent. of this wage.

Article 6. Daily compensation must be paid throughout the period of temporary incapacity as from the day following the day of the accident.

Article 7. In cases where the injury results in total incapacity necessitating the constant help of a third person, the victim is entitled to periodical payments equivalent to 100 per cent. of his annual wage increased by 40 per cent., this supplement not falling below a legal minimum.

Article 8. Where the injured person's condition improves or deteriorates, a revision is undertaken within three years from the date of the accident or of the cure or of the decision to grant periodical payments; after these dates compensation payments are no longer subject to revision.

Article 9. Medical, pharmaceutical, surgical and hospital expenses are covered whether work has been interrupted or not, at rates laid down by the Ministry of Social Affairs.

Article 10. Once the judge has confirmed the injured person's right to appliances, the latter is entitled to claim either the supply, repair, and renewal of the necessary prosthetic appliances from his employer, or alternatively compensation at rates laid down by the Ministry of Social Affairs.

Article 11. A claim by an injured person or his rightful claimants has preferential rights. Insurance is compulsory. In the event of insolvency of the employer or insurer, compensation is ensured because there is a guarantee fund which since 1955 has been integrated into the "Joint Fund for Industrial Accidents in Algeria", financed by special taxes.

BURUNDI (First Report)

Social Security Act of 20 July 1962.

Royal Orders and Ministerial Orders to implement the provisions of the Act of 20 July 1962.

Article 2 of the Convention. Social security legislation applies to anyone who is party to a contract for the hire of services and employed on national territory by one or more employers of the public or private sector and to the personnel of semi-public bodies for whom no provision is made for social security benefits.

A decree extending the scope of the provisions of the above Act to the pupils of trade and handicraft schools and apprentices will be submitted shortly to the King for signature.

Casual workers are also covered.

Excluded from the scope of the future Labour Code will be: (a) the activities of persons who for philanthropic motives or religious beliefs devote themselves to teaching or who collaborate in religious or philanthropic works for which they receive no remuneration other than a simple maintenance allowance; (b) temporary or permanent employment relations between a person and the members of his family, provided that consanguinity does not exceed the third degree, that they live under the same roof and that they have not agreed that their employment relations should be governed by the legislation concerning contracts for the hire of services; and (c) aliens working for foreign organisations subject to public law or for diplomats.

Provision will also be made in the new Labour Code for the possibility of exempting employers in the lower income brackets from some of the obligations laid down in it.

As regards home workers, the draft Code also provides that the Ministry of Social Affairs may make all or some of its provisions applicable to contracts in which

a person undertakes towards others to remunerate a given manual task according to output or to buy products manufactured by them.

Article 3. Ship crews (Lake Tanganyika) and fishermen are covered by the above Act. The Legislative Assembly will examine shortly a Bill setting up a social security scheme for judges, civil servants, local government employees and additional staff engaged under civil service conditions, as well as commissioned and non-commissioned officers of the army.

Article 4. The above Act applies to agricultural workers in the same way as to other workers.

Article 5. Workers incapacitated as a result of an industrial accident, or their dependants, are entitled to compensation, which in principle is paid in the form of an annuity.

During the first 30 days of incapacity, the employer must pay the worker two-thirds of his salary or wage. Lodging or a lodging benefit is payable up to the termination of the contract.

In the case of total or partial temporary incapacity, as from the thirty-first day the injured worker is entitled to a daily benefit equivalent to two-thirds of his daily wage. The amount of this benefit may be reduced by half during the worker's hospitalisation if he has no dependants.

In the case of total permanent incapacity the injured worker is entitled to an annuity of 80 per cent. of his wage. In the case of partial permanent incapacity, if the degree of incapacity is less than 15 per cent., the injured worker receives a benefit equivalent to three instalments of the corresponding annuity. In other cases the injured worker receives an annuity the amount of which varies according to the degree of incapacity.

Compensation for employment injury may also be paid in the form of an invalidity pension. If the worker is entitled simultaneously to a disability annuity and to an invalidity pension, the amount of the latter is deducted from the former. The injured worker's dependants receive a compensation in the form of an annuity. The widow of a monogamous marriage or a disabled widow and the unmarried children who were supported by the deceased worker are considered surviving dependants. The annuity amounts for the widow to 20 per cent. of the worker's wage and for each child to 15 per cent., but the total may not exceed 100 per cent. of the annuity for total permanent incapacity to which the deceased worker would have been entitled.

Article 6. Compensation is payable from the day on which the accident causing the incapacity occurred. During the first 30 days the employer must provide, besides this compensation, medical, surgical, pharmaceutical and hospital care to the injured worker and must defray the necessary travelling expenses. From the thirty-first day onward the pensions are paid by the National Social Security Institute.

Article 7. The recipient of a disability annuity or an invalidity pension who requires the help of another person in his everyday life is entitled to a supplement of 50 per cent. of his annuity or pension.

Article 8. The general insurance regulations lay down all the steps that must be taken in case of an accident, such as the period within which notification must be made, the certificates required if incapacity is prolonged, etc. In the event of the employer failing to take such steps, the governor of the province or his delegate, at the request of the injured worker or his dependants, complies with the formalities for which the employer is responsible and appoints a doctor to examine the injured worker and to make out the prescribed certificates.

Incapacity pensions are granted on a temporary basis. If the condition of the injured worker improves or becomes worse and this is duly certified by a doctor designated or authorised by the National Social Security Institute, a review of the annuity is made on the initiative of that Institute or at the request of the recipient. No

review may be made after a period of five years has elapsed from the date of recovery.

The decision of the National Social Security Committee is final as regards claims made by the insured persons, the beneficiaries or other persons who consider that they are entitled to N.S.S.I. benefits. The Inspectorate of Labour is responsible for ensuring that the provisions of the Act are observed by both employers and workers. The Institute may, subject to the approval of the Ministry of Social Affairs, appoint officials from its staff to carry out such supervision.

Article 9. Medical care includes medical and surgical aid, medical examinations, X-rays, analyses, medicaments, hospitalisation (including maintenance), dental care, necessary transport expenses and the supply, maintenance and renewal of artificial limbs and surgical appliances which the doctor designated or authorised by the Institute certifies as being necessary to the injured worker.

Medical aid, except for artificial limbs and surgical appliances, is provided only until the period of review expires.

Medical aid is given by the Institute or those public or private bodies authorised by the Ministry of Public Health. In the latter case such bodies are reimbursed on the basis of a schedule agreed upon between the Ministry and the Institute.

Article 10. The labour inspectors are responsible for supervision with respect to artificial limbs and appliances. The Act does not permit the supply and renewal of artificial limbs and appliances to be replaced by the award to the injured worker of a supplementary compensation.

Article 11. If the employer fails to discharge any of the obligations laid down in the Act, the National Social Security Institute automatically assumes his liabilities. This Institute also serves as a contingency fund for non-insured workers and, where necessary, brings action against the employer. Even if the employer is unable to discharge his obligations, the worker always receives the benefits due.

As regards benefits due by the employer during the first 30 days, the insured worker has a preferential claim with respect to his employer's debts.

The Ministry of Labour is entrusted with applying the above-mentioned law. The labour inspectors supervise its application.

CONGO (LEOPOLDVILLE)

In reply to the direct request made by the Committee of Experts in 1964 the Government has supplied the following information.

The Minister of Labour has not made any order laying down provisions applicable to specific categories of workers (in this instance, apprentices).

In practice, the conditions enjoyed by civil servants are at least as good as those established under the Legislative Decree instituting the social security scheme. Steps will be taken by the appropriate authorities to fill this gap by legislation.

Although section 22 of the Legislative Decree respecting social security provides that medical care need be given only up to the end of the five-year period for medical re-examination referred to in section 29, it should be pointed out that in such cases the injured person, if unemployed, is entitled to free medical care under the public assistance scheme, while if he is in an occupation he may receive such care at a reduced fee in state hospitals.

MALAYSIA

States of Malaya

In its proposals for the setting up of a social insurance scheme the Government will take into consideration the questions raised by the Committee of Experts concerning periodical payments, cost of renewal of artificial limbs and surgical appliances,

and the guaranteeing of payment of compensation in cases where the deposit of \$5,000 under section 26 (2) of the Workmen's Compensation Ordinance proves to be inadequate. The actuarial implications of such a scheme are at present under investigation.

MAURETANIA (First Report)

Labour Code: Law No. 63-023 of 23 January 1963 (Book II, section 56).

Decree No. 57-245 (modified) of 24 February 1957 on the prevention of and compensation for employment injuries (*Journal officiel de la République française*, 28 Feb. 1957, No. 50, p. 2305) (*L.S.* 1957—Fr.1).

Decision No. 304 of 30 December 1958 on rules for calculating daily compensation and periodical payments.

Order No. 29 of 30 December 1958 on the supply of artificial limbs and orthopaedic appliances. Law No. 60-106 of 30 June 1960 on the creation of a fund for the guarantee and increase of periodical payments (*Journal officiel*, 3 Aug. 1960, p. 395).

Law No. 63-145 of 19 July 1963 on the creation and administrative organisation of the National Social Insurance Fund (*ibid.*, 17 Aug. 1963).

Article 1 of the Convention. Legislation on this subject is in accordance with the provisions of the Convention.

Article 2. All wage earners coming under the Labour Code are covered: that is, all persons, irrespective of sex and nationality, who follow a paid vocational activity under the direction and authority of another person.

This scheme also covers members of workers' co-operatives, apprentices, students attending vocational training schools or prisoners working out a penal sentence.

Article 3. Seamen are governed by the Merchant Marine and High Seas Fishing Code.

Article 4. Legislation also applies to agricultural labourers.

Article 5. The worker is entitled to a life annuity in the case of permanent incapacity, as are his rightful heirs in the event of the accident being followed by death. Five years after the date on which payments have begun, the annuity may be partially or totally replaced by a capital sum on condition that the beneficiary is of age and that the degree of incapacity is below 10 per cent. Above this rate, conversion can take place only within the limits of a maximum of one quarter of the capital corresponding to the value of the periodical payment in cases where the rate of incapacity is not more than 50 per cent., and if it is higher, of the capital corresponding to the proportion of the payment granted up to 50 per cent. The decision on the conversion of the annuity is taken by the National Social Insurance Fund.

Article 6. Daily compensation for temporary incapacity is due as from the first day after the accident, the wage for the day on which the accident took place being payable by the employer.

Article 7. The compensation payable to injured persons who need the help of another person in their everyday life is increased by 40 per cent., and this increase must be at least equal to 70 per cent. of the minimum compensation wage.

Article 8. The labour inspectorate supervises the application of national legislation.

Review of payments takes place on the initiative of the injured person or of the National Social Insurance Fund. Medical examinations can take place at six-monthly intervals in the first two years and at one-year intervals thereafter.

Article 9. Persons suffering from employment injuries or occupational diseases are entitled to medical, surgical and pharmaceutical assistance so long as the injury is not cured or healed.

Article 10. The supply, repair and renewal of artificial limbs or orthopaedic appliances are granted to persons suffering from employment injuries once the need for them has been certified by the medical practitioner or the appliances commission.

Article 11. The Law of 1960 mentioned above has set up a fund for the guarantee and increase of compensation payments in relation to employment injuries and occupational diseases.

SYRIAN ARAB REPUBLIC (First Report)

Social Insurance Code: Act No. 92 of 6 April 1959.

Presidential Decree No. 104 of 1963.

Article 2, paragraph 1, of the Convention. All workers, including apprentices, whether employed in public or private undertakings, are covered by the industrial accident insurance scheme.

Paragraph 2. Only the members of the employer's family actually supported by him are excluded.

Article 3. No use has been made of the provisions of this Article. Public servants come under the general industrial accident insurance scheme.

Article 4. The scheme applies only to those agricultural workers who use machinery or are exposed to the occupational diseases defined by law.

Article 5. In the event of total incapacity, a monthly pension equivalent to 60 per cent. of the injured worker's wages, but not less than Syrian £60 and not more than Syrian £240, is paid to him.

In the event of death, each surviving dependant receives a monthly pension of at least Syrian £15; the total amount of the pensions payable to the surviving dependants ranges from a minimum equivalent to 50 per cent. of the deceased worker's wages to a maximum of Syrian £50 or the full amount of the deceased worker's pension, whichever is higher.

The scheme does not provide for payment of a lump sum in lieu of an annuity.

Article 6. The benefits are paid by the Social Insurance Institution from the day following that on which the accident occurs. The first day the injured worker's wage is paid by the employer.

Article 7. No additional compensation is provided for.

Article 8. The degree of incapacity may be reviewed, either at the request of the worker concerned or by the Social Insurance Institution, at six-monthly intervals during the year following verification of invalidity and once a year during the next four years. The invalidity pension is readjusted according to the degree of incapacity established by the review.

Article 9. The Social Insurance Institution provides medical care for the injured worker until he has recovered or has been certified to be disabled.

Article 10. Under the scheme the Institution defrays the cost of the supply, normal renewal and repair of artificial limbs and surgical appliances.

Article 11. The industrial accident insurance scheme is managed by the Social Insurance Institution, which is a public body.

* * *

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

Algeria, Burundi, Chile, Mauretania, Syrian Arab Republic.

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
Central African Republic	9. 6. 1964	Pakistan	30. 9. 1927
Ceylon	17. 5. 1952	Poland	3. 11. 1937
Chile	31. 5. 1933	Portugal	27. 3. 1929
Colombia	20. 6. 1933	Rwanda	18. 9. 1962
Congo (Leopoldville)	20. 9. 1960	Senegal	4. 11. 1960
Cuba	6. 8. 1928	Spain	29. 9. 1932
Czechoslovakia	19. 9. 1932	Sweden ¹	15. 10. 1929
Dahomey	12. 12. 1960	Switzerland	16. 11. 1927
Denmark	18. 6. 1934	Syrian Arab Republic	10. 5. 1960
Finland	17. 9. 1927	Tunisia	12. 1. 1959
France	13. 8. 1931	United Arab Republic	10. 5. 1960
Federal Republic of Germany	18. 9. 1928	United Kingdom ¹	6. 10. 1926
Guinea	21. 1. 1959	Upper Volta	21. 11. 1960
Hungary	19. 4. 1928	Uruguay ¹	6. 6. 1933
India	30. 9. 1927	Yugoslavia	1. 4. 1927
Iraq	26. 11. 1938	Zambia	22. 2. 1965
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.

BELGIUM

Act of 24 December 1963 respecting workmen's compensation for injury resulting from occupational diseases, and the prevention of such diseases (*Moniteur belge*, No. 261, 31 Dec. 1964). Royal Decree of 18 January 1964 to establish the list of occupational diseases for which compensation is payable (*ibid.*, No. 20, 28 Jan. 1964).

CONGO (LEOPOLDVILLE)

See under Convention No. 42.

SYRIAN ARAB REPUBLIC (First Report)

Social Insurance Code: Act No. 92 of 6 April 1959.

The Government states that the Convention was ratified by virtue of Presidential Decree No. 498 of 1960. It is applied by the Act mentioned above. Under this Act, the provisions respecting compensation are applicable both to industrial accidents and to occupational diseases. The latter are listed in Annex I of the Act. Administration of the insurance is entrusted to the Social Insurance Institution.

The Ministry of Social Affairs and Labour is responsible for supervising application of the provisions through inspectors of the Social Insurance Institution and labour inspectors.

UPPER VOLTA

In reply to a direct request of the Committee of Experts the Government indicates the following. To implement the remarks made by the Committee a study is now being made of how to revise the list of occupational diseases with relation to poisoning by lead, its alloys and compounds and by mercury, its amalgams and compounds. As regards anthrax infections, it does not appear that the present list of employments likely to induce this infection could be interpreted as implying that the worker must furnish proof that the animal products handled came from animals diseased while alive.

YUGOSLAVIA

In reply to a request of the Committee of Experts the Government communicates the following information. The list of occupational diseases includes under the heading of "anthrax infections" all work done with infected animals or animal remains, as well as loading, unloading and transport. Workers engaged in these activities are thus in the same position as other workers as regards the occupational origin of the disease. However, the observation made by the Committee of Experts will be thoroughly examined by the body charged with the revision of the law on disablement, which will take place shortly.

* * *

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

Upper Volta, Yugoslavia.

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

Algeria, Burma, Congo (Leopoldville).

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	Luxembourg	16. 4. 1928
Argentina	14. 3. 1950	Malagasy Republic	10. 8. 1962
Australia	12. 6. 1959	Malawi	22. 3. 1965
Austria	29. 9. 1928	Malaysia:	
Belgium	3. 10. 1927	States of Malaya	11. 11. 1957
Bolivia	19. 7. 1954	Sarawak, Singapore	3. 3. 1964
Brazil	25. 4. 1957	Mali	17. 8. 1964
Bulgaria	5. 9. 1929	Malta	4. 1. 1965
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
Central African Republic	9. 6. 1964	Nigeria	17. 10. 1960
Chile	8. 10. 1931	Norway	11. 6. 1929
China	27. 4. 1934	Pakistan	30. 9. 1927
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (Leopoldville)	20. 9. 1960	Poland	28. 2. 1928
Cuba	6. 8. 1928	Portugal	27. 3. 1929
Cyprus	23. 9. 1960	Rwanda	18. 9. 1962
Czechoslovakia	8. 2. 1927	Senegal	22. 10. 1962
Denmark	31. 3. 1928	Sierra Leone	13. 6. 1961
Dominican Republic	5. 12. 1956	Somalia (ex-Trust Territory)	18. 11. 1960
Finland	17. 9. 1927	Republic of South Africa	30. 3. 1926
France	4. 4. 1928	Spain	22. 2. 1929
Gabon	13. 6. 1961	Sudan	18. 6. 1957
Federal Republic of Germany	18. 9. 1928	Sweden	8. 9. 1926
Ghana	20. 5. 1957	Switzerland	1. 2. 1929
Greece	30. 5. 1936	Syrian Arab Republic	26. 7. 1960
Guatemala	2. 8. 1961	Tanzania:	
Haiti	19. 4. 1955	Tanganyika	30. 1. 1962
Hungary	19. 4. 1928	Zanzibar	22. 6. 1964
India	30. 9. 1927	Trinidad and Tobago	24. 5. 1963
Indonesia	13. 9. 1927	Tunisia	12. 6. 1956
Iraq	30. 4. 1940	Uganda	4. 6. 1963
Ireland	5. 7. 1930	United Arab Republic	29. 11. 1948
Israel	5. 5. 1958	United Kingdom	6. 10. 1926
Italy	15. 3. 1928	Uruguay	6. 6. 1933
Ivory Coast	5. 5. 1961	Venezuela	20. 11. 1944
Jamaica	26. 12. 1962	Yugoslavia	1. 4. 1927
Japan	8. 10. 1928	Zambia	2. 12. 1964
Kenya	13. 1. 1964		

ALGERIA (First Report)

Act of 9 April 1898, amended by the Act of 1 July 1938.

Article 1 of the Convention. Foreigners who sustain industrial accidents and cease to reside in Algeria receive compensation equivalent to three times the annuity granted to them. The same holds true of their dependants. However, the amount granted to the latter may not exceed a certain limit. Foreign dependants who are not residing in Algeria at the time of the accident receive no compensation.

Legislation concerning industrial accidents does not apply to prisoners of foreign nationality.

All these provisions may be modified by international treaties or conventions.

Article 2. Modifications have been made to the principle of territoriality in the following cases: (a) short-term missions (of less than 3 months); (b) detachments not exceeding one year (renewable for another year).

Article 3. Legislation concerning compensation for industrial accidents already exists.

Article 4. No modifications have been made in this field since Algeria acquired independence.

BURUNDI (First Report)

For legislation see under Convention No. 17.

Article 1 of the Convention. The Social Security Act guarantees equality of treatment as regards industrial accidents occurring on the territory of Burundi, not only for nationals of countries which have ratified the Convention but also for nationals of any other country. This position may be changed with respect to those countries which have not ratified the Convention.

Equality of treatment is guaranteed without any condition as to residence. The Burundi Bank of Issue authorises the regular transfer of benefits granted under national laws to foreigners. It might be found useful, however, to conclude agreements on this matter with the countries concerned with a view to solving difficulties in calculating benefits caused by the fact that the latter have been provided in various countries or by the complications that might arise from restrictions on foreign exchange operations.

Article 2. National legislation applies to anyone employed under a contract for the hire of services in the national territory by one or more employers, whether nationals or foreigners. It is intended to expand legal protection to some nationals who work temporarily abroad. Such advantages might, by reciprocal agreements, be granted to foreign workers employed in Burundi under similar conditions.

Article 4. No modifications have been made to the social security or to the regulations for its application.

CAMEROON

Eastern Cameroon

Labour Code of 15 December 1952.

Ordinance No. 59-100 of 31 December 1959 respecting compensation for, and the prevention of, industrial accidents and occupational diseases (*Journal officiel*, 17 Feb. 1960, p. 206), amended by Act No. 61-10 of 20 April 1961 (*ibid.*, 10 May 1961, p. 585).

Decree No. 61-51 of 25 April 1961 to lay down conditions for the coverage of employment injury contingencies by the insurance company (*ibid.*, 10 May 1961, p. 612).

Decree No. 61-52 of 25 April 1961 (*ibid.*, 10 May 1961, p. 613).

Article 1 of the Convention. The above-mentioned ordinance contains provisions which do not conform to those of the Convention. Under section 57 a foreign worker resident in Cameroon enjoys the same treatment as a national, but if he permanently leaves the country he receives a lump-sum payment equivalent to three times the annual allowance granted to him. Under the same provision, foreign dependants of a foreign worker receive nothing if they are not resident in Cameroon at the time of the accident. Provision is, however, made for the amendment of these terms by international treaties or conventions. No agreements of this kind have, as yet, been made.

However, the ordinance and the provisions mentioned above have been revised in a draft Act now before the Parliament; this draft places the management of workmen's compensation and occupational diseases schemes in the hands of the National Social Security Fund, an official body whose creation is also envisaged in the draft Act.

Article 2. No special agreements of this kind have yet been made.

Article 3. The Workmen's Compensation Scheme has been in existence since 1957. It was established by Decree No. 57-245 of 24 February 1957.

Article 4. Note has been taken of these provisions.

The labour inspection and social legislation department is responsible for ensuring the application of the above-mentioned Acts and Regulations.

CONGO (LEOPOLDVILLE)

In reply to the request made by the Committee of Experts in 1964 the Government states that no arrangements have been made for benefits to be paid to industrial accident victims residing abroad.

Cash benefits are credited by the National Social Security Institution to the account of the person concerned in the Congo, and any person resident abroad is entitled to transfer a portion of his assets in the Congo under the rules governing the National Bank.

Benefits in kind are supervised by the National Social Security Institution, and its specific authorisation is necessary for an insured person to receive treatment abroad. Such an authorisation is necessary in order to prevent abuses.

GUATEMALA (First Report)

Labour Code: Decree No. 1441 of 1961.

Organic law of the Guatemalan Social Security Institution. Congressional Decree No. 295.

Regulations concerning protection against accidents in general. Decision No. 97 of the Guatemalan Social Security Institution, 1958.

Regulations concerning proof of survival and continued existence of conditions entitling beneficiaries to compensation. Decision No. 1008 of the Guatemalan Social Security Institution.

Article 1 of the Convention. No distinction is made between nationals and aliens in the social security legislation and regulations governing the Guatemalan Social Security Institution and its social security schemes. There are no specific provisions concerning the payment of compensation to workers who sustain industrial accidents or to their dependants in the event of residence outside the country. Such compensation is paid according to the general rule and is not subject to residence. No agreements have been concluded with other Member States of the I.L.O.

Article 2. No agreements on this subject have been concluded with other Members of the I.L.O.

Article 3. Compensation for industrial accidents is regulated by the organic law of the Guatemalan Social Security Institution and the Regulations concerning protection against accidents.

The competent authorities with respect to labour and social security are the Ministry of Labour and the Guatemalan Social Security Institution, to which, respectively, the Inspectorate General of Labour and the inspection services of the Institution are responsible.

MALAYSIA

Sarawak

Workmen's Compensation Ordinance (Chapter 80 of *The Laws of Sarawak*).

Article 1. The mode of calculating workmen's compensation in respect of persons who reside outside the territory is provided in section 18 of the above ordinance. The provisions apply to both national workers and their dependants and foreign workers and their dependants. There are no conditions as to residence and no arrangements made with other member territories.

Article 2. No agreement has been made under this Article. It is generally accepted that the conditions of the territory of employment shall apply.

Article 3. The ordinance fully covers workmen's compensation for industrial accidents.

Article 4. There are no modifications to the ordinance.

The Commissioner of Labour is responsible for the application of this legislation. He is assisted by the Deputy Commissioner of Labour and subordinate staff in the field inspection.

Singapore (First Report)

The Workmen's Compensation Ordinance (*The Laws of the State of Singapore*, Chapter 157).
The Workmen's Compensation Regulations, 1955.

Article 1 of the Convention. The requirements of this Article are fully applied. No distinction has been made on grounds of nationality or race. Equality of treatment is given to foreign workers and their dependants without any conditions as to residence. Arrangements are made by the Commissioner of Labour to send compensation money to beneficiaries living outside the British Commonwealth. This necessity has arisen only in the case where dependants are residing in China. Although no special arrangement has been made with the Government of China, workmen's compensation is payable to dependants residing in China through recognised agencies.

Article 2. No special arrangements have been made with other countries for the compensation for industrial accidents to workers whilst temporarily or intermittently employed in Singapore.

Article 3. A system of workmen's compensation is already in force.

Article 4. Modifications have not been made in the laws and regulations to facilitate the application.

The application of this legislation is entrusted to the Commissioner of Labour, his deputies and his assistants appointed under the Labour Ordinance. The Commissioner is assisted by a staff of labour and factory inspectors.

MAURITANIA (First Report)

Labour Code: Act No. 63—023 of 23 January 1963, Book II, section 56 (*Journal officiel*, 20 Feb. 1963, No. 106).

Decree No. 57-245 (amended) of 24 February 1957 concerning industrial accident and occupational disease insurance and prevention (*ibid.*, 28 Feb. 1957, No. 50).

Order No. 430 of 19 December 1958.

Article 1, paragraph 1, of the Convention. Under national legislation concerning compensation for industrial accidents and occupational diseases, all employed persons residing in Mauritania enjoy the same advantages regardless of race or origin (section 1 of the above Code).

Paragraph 2. The conditions of compensation for industrial accidents occurring within the national territory are identical for all employed persons: (a) compensation due to nationals is paid to their address. The same holds true for their dependants residing abroad; (b) foreigners residing outside the national territory temporarily may, as they wish, be paid the benefits at their address either in Mauritania or abroad. However, if such a worker definitely ceases to reside in Mauritania he receives a lump sum equal to three times his yearly annuity. Foreign dependants are entitled also to such payment if they are residing in Mauritania at the time when the accident occurs. Dependants who are not residing in Mauritania at the time of the accident receive no benefits.

Nationals of the former French Union and of Cameroon are on the same footing as national workers and enjoy the same rights as those to which the latter are entitled.

Article 2. No agreements with other Members of the I.L.O. have yet been concluded.

Article 3. The industrial accident and occupational disease insurance scheme now in force was set up by the above-mentioned decree.

Article 4. Modifications to national legislation are made as they are found to be necessary.

Under the national Constitution, duly ratified or adopted international agreements and treaties override national laws.

SENEGAL (First Report)

Constitution of 7 March 1963 (*Journal officiel*, 11 Mar. 1963) (section 79).

Decree No. 57-245 of 24 December 1957 concerning industrial accident insurance and prevention.

A ratified Convention overrides national laws.

Article 1 of the Convention. Annuities of nationals are payable at the place of residence. Previously the annuities of foreigners were payable only to workers residing on the national territory. This provision has been repealed by Article 1 of the Convention, since a Convention overrides national legislation. An agreement on social security has been concluded between France and Senegal. Steps are now being taken to secure ratification.

Article 2. The agreement signed between France and Senegal concerns temporary workers who are nationals of either State. These workers come under the scheme in force in their country of origin.

Article 4. A copy of the compendium of laws applicable in Senegal brought up to date of 27 January 1964 has been forwarded to the Office.

The labour and social security services are responsible for ensuring that laws concerning industrial accidents are enforced.

SYRIAN ARAB REPUBLIC (First Report)

For legislation see under Convention No. 17.

Article 1 of the Convention. The industrial accident insurance scheme applies to all workers regardless of their nationality. Pensions due in accordance with the provisions of the law cease to be paid to dependants who have left the national territory, unless otherwise decided by the board of the Social Security Institution which alone may authorise the transfer of the exchange value of the pensions due.

Article 2. No special agreement has been reached with other Members of the I.L.O. as regards the application of this Article.

Article 3. The Social Insurance Code has been in force since 1959.

Article 4. By Ministerial Order No. 10 of 1961, the industrial accident insurance scheme was modified so as to increase the scale of benefits.

* * *

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

Algeria, Burma, Burundi, Cameroon, Gabon, Guatemala, Malaysia (Sarawak, Singapore), Mauritania, Senegal, Syrian Arab Republic.

20. Night Work (Bakeries) Convention, 1925

This Convention came into force on 26 May 1928

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

¹ Has denounced this Convention.

BULGARIA

In reply to a direct request made by the Committee of Experts the Government supplies the following information: Regulation No. 929 of 30 May 1962 was drafted in consultation with the employers' and workers' organisations. The Labour Inspectorate does not authorise the employment of persons under the age of 18 years on night work in bakeries.

COLOMBIA

In reply to the observation made by the Committee of Experts in 1964 the Government indicates that a Bill was submitted to the Congress in August 1964. The Bill empowers the Government to make, in accordance with I.L.O. Conventions, regulations regarding such matters as night work in bakeries.

PERU (First Report)

Constitution, section 123 (21).

Presidential Resolution of 22 June 1928 issuing regulations under the Salaried Employees' Act No. 4916.

Presidential Resolution of 27 October 1936 on hours of work.

Resolution of the General Directorate of Labour, 15 September 1949 to establish a local tripartite committee for the bakery industry.

Resolutions of the General Directorate of Labour, 26 January and 26 October 1950 to establish a work schedule in the bakery industry in several localities.

Resolution of the General Directorate of Labour, 27 June 1950 on hours of work in pastry-making establishments.

Both the general regulations and the collective agreements concluded in respect of the bakery industry are governed by the provisions on the application of the Convention, and these have the force of law.

Under the Presidential Resolution of 22 June 1928 above, the parties concerned are empowered to establish any work schedule they choose, provided that it does not exceed eight hours per day. Section 1 of the Presidential Resolution of 27 October 1936 stipulates that persons in charge of work shall post the schedule of hours to be worked by the employees in their establishments.

Under the resolutions of 26 January and 26 October 1950, the bakeries of Lima, Callao and of watering places, as well as those of Huacho and Huaral, may not make bread between 7 p.m. and 4.30 a.m. In these establishments the work is done in two shifts: the first starts at 4.30 a.m., but a tolerance of half an hour is admitted for

beginning work; and the second begins at 1 p.m., with a tolerance of half an hour, if required, for the termination of the work. This regulation was agreed with the tripartite committee set up by the resolution of 15 September 1949, composed of three employers' representatives and three workers' representatives and presided by an official from the General Directorate of Labour. The agreement was considered to have the force of a collective agreement and became compulsory by decision of the General Directorate of Labour.

No use is made of the exemption provided for in paragraph 3 of Article 1 of the Convention.

The Presidential Resolution of 7 June 1952 established a special work schedule for the category of workers known as *canchadores*.

The authority responsible for ensuring the application of the above-mentioned provisions is the General Directorate of Labour in Lima, and in the provinces the regional inspectorates in collaboration with the prefectures and municipalities.

SPAIN

For the Government's reply to the observation made by the Committee of Experts in 1964 see *Report of the Committee* (1964), p. 662.

See also under Convention No. 1.

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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:

Bulgaria, Chile, Finland, Israel, Peru, Spain.

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

Argentina, Cuba, Colombia, Ireland, Luxembourg, Sweden, Uruguay.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

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

¹ Conditional ratification.

INDIA

By virtue of the Emigration (Amendment) Act of 1963 the provisions of the Emigration Act of 1922 have been extended to journeys by air, with effect from 1 January 1964.

JAPAN

Act No. 124 concerning the Japanese Emigration Service, promulgated on 8 July 1963.

Article 3 of the Convention. The Japanese Emigration Service places an official inspector on any emigrant vessel on which the number of emigrants is not in excess of 150; an additional inspector is placed in respect of each further group of 100 emigrants. When there is more than one inspector on board, one is appointed chief inspector.

Official inspectors are required to submit reports to the Japanese Emigration Service both during and after transport of emigrants. During the voyage they look after the well-being of the emigrants: recreation, general care, education, physical exercise, etc.

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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, Cuba, Finland, Ireland, Netherlands, New Zealand.

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

Albania, Argentina, Belgium, Bulgaria, Burma, Colombia, Czechoslovakia, Denmark, Hungary, Luxembourg, Mexico, Norway, Sweden.

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	Malta	4. 1. 1965
Belgium	3. 10. 1927	Mauritania	8. 11. 1963
Bulgaria	29. 11. 1929	Mexico	12. 5. 1934
Burma	31. 10. 1932	Morocco	14. 3. 1958
Canada	30. 6. 1938	Netherlands	15. 12. 1937
Chile	18. 10. 1935	New Zealand	29. 3. 1938
China	2. 12. 1936	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	29. 3. 1940
Cuba	7. 7. 1928	Pakistan	31. 10. 1932
Finland	8. 4. 1947	Peru	4. 4. 1962
France	4. 4. 1928	Poland	8. 8. 1931
Federal Republic of Germany	20. 9. 1930	Sierra Leone	15. 6. 1961
Ghana	18. 3. 1965	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

MALAYSIA

Singapore (First Report)

Merchant Shipping Ordinance (Cap. 207 of *The Laws of Singapore*) as amended by Ordinances No. 18 of 1958, No. 32 of 1960 and No. 28 of 1963.

Article 2 of the Convention. The definitions laid down in this Article are contained in section 3 of the above ordinance.

Article 3, paragraph 1. Section 24 (1) of the ordinance lays down that the master of a British ship, or of a ship of a foreign country which has no consular officer resident in the state, must enter into an agreement with every seaman he carries to sea from any port in the state. Ships of less than 25 tons trading within certain limits are excepted.

Paragraphs 2 to 5. These are implemented by sections 45 to 47 of the ordinance.

Article 4. Sections 44 (1) and 45 (1) apply this Article.

Article 5. Section 60 of the ordinance provides for the issue of certificates of discharge to seamen signed off a ship.

Article 6. Sections 45 (2), 46 and 47 of the ordinance provide for the different types of agreements which may be concluded with the crew. Section 45 (2) lays down what details must be contained in the agreements with the crew.

Article 7. The agreement contains a list of the crew.

Article 8. This Article is implemented by section 51 (1) of the ordinance.

Article 9. Agreements for indefinite periods are not allowed by the law.

Article 10. Paragraph 63, Chapter III, of the Board of Trade Instructions contains provisions concerning termination of agreement by mutual consent. Sections 95 and 96, 83 and 84 implement respectively clauses (b), (c) and (d) of this Article.

Articles 11 and 12. The circumstances under which a seaman or a master may demand immediate termination of an agreement are contained in the form of agreement.

Article 13. Paragraph 63 of the Ministry of Transport Instructions implements this Article.

Article 14. Application of this Article is ensured by sections 59 to 61 of the ordinance.

PERU (First Report)

For legislation see under Convention No. 8.

Articles 1 and 2 of the Convention. Part VII of the Regulations contains stipulations which are in agreement with the Convention. Definitions are contained in Parts VII and VIII.

Articles 3 to 8. According to Chapter XIV of Title VIII of the Regulations, all engagements of seamen imply the existence of articles of agreement which contain stipulations concerning the services which the seaman is supposed to carry out, his remuneration and other conditions of employment, as well as the obligations of the shipowner and the master.

Articles of agreement are signed before the harbour master or the Peruvian consul by the shipowner or his agent or the master, and by the seaman.

The Regulations contain provisions as to the different types of agreements and their contents.

Articles 9 to 15. Conditions for the termination of agreements are contained in sections 673 to 677 of the Regulations.

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The report from *Colombia* 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, Federal Republic of Germany.

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	Mauritania	8. 11. 1963
Belgium	3. 10. 1927	Mexico	12. 5. 1934
Bulgaria	29. 11. 1929	Netherlands	5. 5. 1948
China	2. 12. 1936	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	7. 7. 1928	Philippines	17. 11. 1960
France	4. 3. 1929	Poland	8. 8. 1931
Federal Republic of Germany . .	14. 3. 1930	Somalia (ex-Trust Territory) . .	18. 11. 1960
Ghana	18. 3. 1965	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

PERU (First Report)

For legislation see under Convention No. 8.

In Peru the principle prevails that a seaman may not be abandoned after the beginning of a voyage and before its end, except in certain cases when he is in detention. In all other cases he must be repatriated at the expense of the shipowner.

Provisions applying the Convention are contained in Chapters XV and XVI of Part VIII of the Regulations.

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

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

ALGERIA (First Report)

Decision No. 49-045 of the Algerian Assembly on the organisation of social security in Algeria, enforced by order of 10 June 1949.

Order of 19 October 1959 (amended) regulating application of sickness insurance in the non-agricultural sector.

Act of 30 December 1952 relating to disputes and control.

Order of 27 January 1954 regulating the application of the law on disputes.

Order of 11 October 1957 on the organisation of social funds in the non-agricultural sector.

Article 2 of the Convention. The non-agricultural social security scheme compulsorily covers all persons, irrespective of nationality or sex, residing in Algeria; both wage-earners and persons otherwise working, in whatever locality, for one or more employers, whatever the amount and nature of their earnings or the form, nature and duration of their contract.

Article 3. After a delay of seven days the maximum duration of the sickness benefit is fixed at six months when the insured person has worked at least 120 hours in the course of the three months preceding his illness and at three years when he has been registered for 12 months and has worked 480 hours in these 12 months. However, in the event of an illness not classified as a long-term illness (cancer, tuberculosis, poliomyelitis, mental disorders) which does not involve either stopping work for more than six months or continuing care for a period longer than six months, the insured person cannot receive more than 360 daily payments per three-year period.

The daily payment is suspended when the insured person exercises a profitable occupation or fails to observe the regulations; in the case of hospitalisation it is reduced unless the insured person has at least two dependent children.

Article 4. Medical aid in the form of repayment of medical, surgical, pharmaceutical, hospitalisation, dental, appliance and optical expenses is given without time limitation on condition that the insured person has completed the necessary 120 hours' work. The insured person contributes 20 per cent. of the expenses except in the event of a long-term infection or one involving a stoppage of work for more than six months or an important surgical operation. In the event of a long-term infection the insured person must, on pain of the suspension, reduction or termination of compensation payments, comply with the treatments and measures prescribed.

Article 5. Members of the family, the spouse who is not earning and is neither divorced nor separated either legally or in fact, and the children are entitled to medical benefits.

Article 6. Sickness insurance is administered by regional social funds set up under private law and run by management committees subject to the supervision of the Ministry of Social Insurance and to the financial control of the Ministry of National Economy. Half the membership of the management committee is made up of workers' representatives, a quarter of employers' representatives and a quarter of persons chosen because of their work in or knowledge of social problems.

Article 7. The financing of social benefits is ensured by contributions paid up by employers and workers. Legislation does not provide for a financial contribution from the Government.

Article 9. There is a right of appeal to an appeals committee within the management committee of the fund and a right of legal appeal to a court of first instance specialised in social security matters. Appeal against judgments handed down is made to a higher court. Finally, an appeal can be made to quash judgments of the latter. When the judgment is contested on medical grounds the insured person has at his disposal the services of a doctor chosen with the agreement of the medical practitioner and the medical adviser.

COLOMBIA

In reply to the observation by the Committee of Experts in 1964 the Government lists the municipal areas covered by the sectional funds and local offices of the Colombian Social Insurance Institution, and states the total number of protected persons and beneficiaries covered by sickness insurance as at 30 April 1964.

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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:

Algeria, Colombia.

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

COLOMBIA

See under Convention No. 24.

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

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Luxembourg	3. 3. 1958
Australia	9. 3. 1931	Malagasy Republic	1. 11. 1960
Belgium	11. 8. 1937	Malawi	22. 3. 1965
Bolivia	19. 7. 1954	Mali	22. 9. 1960
Brazil	25. 4. 1957	Malta	4. 1. 1965
Bulgaria	4. 6. 1935	Mauritania	20. 6. 1961
Burma	21. 5. 1954	Mexico	12. 5. 1934
Burundi	11. 3. 1963	Morocco	14. 3. 1958
Cameroon:		Netherlands	10. 11. 1936
Eastern Cameroon	7. 6. 1960	New Zealand	29. 3. 1938
Western Cameroon	29. 1. 1963	Nicaragua	12. 4. 1934
Canada	25. 4. 1935	Niger	27. 2. 1961
Central African Republic	27. 10. 1960	Nigeria	16. 6. 1961
Chad	10. 11. 1960	Norway	7. 7. 1933
Chile	31. 5. 1933	Paraguay	24. 6. 1964
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	Tanzania:	
Federal Republic of Germany	30. 5. 1929	Tanganyika	19. 11. 1962
Ghana	2. 7. 1959	Zanzibar	22. 6. 1964
Guatemala	4. 5. 1961	Togo	7. 6. 1960
Guinea	21. 1. 1959	Tunisia	15. 5. 1957
Hungary	30. 7. 1932	Uganda	4. 6. 1963
India	10. 1. 1955	United Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	United Kingdom	14. 6. 1929
Ireland	3. 6. 1930	Upper Volta	21. 11. 1960
Italy	9. 9. 1930	Uruguay	6. 6. 1933
Ivory Coast	21. 11. 1960	Venezuela	20. 11. 1944
Jamaica	8. 7. 1963	Viet-Nam	14. 6. 1955
Kenya	13. 1. 1964	Zambia	2. 12. 1964
Lebanon	26. 7. 1962		

ARGENTINA

Act No. 16459 establishing minimum wage-fixing machinery and Decree No. 7374/64 prescribing rules for its administration.

AUSTRALIA

South Australia.

Industrial Code Amendment Act, 1963.

Western Australia.

Industrial Arbitration Act Amendment Act, 1964.

CAMEROON

Western Cameroon (First Report)

Wages Boards Ordinance (Cap. 211 of *The Laws of the Federation of Nigeria and Lagos*, 1958, revised edition).

Article 1 of the Convention. This article is covered by section 3 of the above ordinance.

Articles 2 and 3. These are covered by sections 3, 5, 9, and 10 of the ordinance. The Minister may establish a wages board to which representatives of workers and employers are appointed in equal numbers after due consultation with their respective organisations or he may refer the question of whether a wages board should be established with respect to any category of workers and employers to a commission of inquiry which is composed of workers' and employers' representatives.

Responsibility for the administration of the ordinance is entrusted to the Senior Labour Officer.

CENTRAL AFRICAN REPUBLIC

Labour Code: Act No. 61/221 of 2 June 1961.

Orders No. 52/MT-OS of 20 December 1963 and No. 53/MT-OS of 30 December 1963.

CONGO (BRAZZAVILLE)

See under Convention No. 95.

CONGO (LEOPOLDVILLE)

Legislative Ordinances No. 250 (25 October 1963); No. 106 (23 April 1964); and No. 123 (1 May 1964).

Legislation has been adopted to allow trade associations to take the initiative in drawing up collective agreements where existing legal provisions and regulations are inadequate. A general job classification and the suitable representation of employees have been introduced so as to facilitate the conclusion of satisfactory collective agreements between employers' and employees' representatives.

CZECHOSLOVAKIA

In reply to the observation made by the Committee of Experts in 1963 the Government indicates its intention to annul, together with other outdated legislation, paragraph 5 of Act No. 244/1948.

GABON

Article 3, paragraph 2, of the Convention. In reply to a direct request by the Committee of Experts the Government states that, although section 93 of the Labour Code does not expressly require consultation of employers' and workers' representatives before the guaranteed minimum interoccupational wage is fixed, such consultation does take place in practice.

GAMBIA

The Labour Ordinance (Cap. 85 of *The Laws of Gambia*, 1955, Vol. II).
The Labour (Amendment) (No. 2) Ordinance No. 11 of 1960.

Articles 1 and 2 of the Convention. The 1960 ordinance provides for the establishment of voluntary collective bargaining machinery for any specified workers or groups of workers.

Article 3. Section 34 A, clauses (4) and (5), of the Labour Ordinance as amended provides that minimum rates agreed to by the joint industrial councils shall be binding on the employers and workers concerned; penalties are also laid down for any infringements of the provisions of the agreements or those of the Labour Ordinance relating to wages and conditions of employment of workers generally.

Article 4. Agreements are published in the *Gambia Gazette* for general information.

The Labour Department is responsible for enforcing the provisions of agreements.

GUATEMALA (First Report)

Labour Code: Decree No. 1441 of 1961.

Labour Charter: Legislative Decree No. 1 of 2 April 1963.

Regulations of the National Wage Board.

Article 1 of the Convention. This is covered by sections 103 to 115 of the above Code.

Article 2. The Code provides that the State, employers and workers shall participate directly through their respective representatives in fixing minimum wages. Minimum wage fixing is based on direct consultation with employers and workers through investigations made by the National Wage Board.

Article 3. The authorities in charge of minimum wages receive the advice of the Technical Council, which includes representatives of the State, employers and workers. The National Wage Board prepares an economic study based on its investigations which is brought before the joint board; the latter draws up recommendations which are forwarded to the Ministry of Labour and Social Security together with the study and the conclusions of the National Wage Board.

Section 12 of the Labour Code stipulates that any contract involving a reduction of the minimum wage shall be null and void.

Article 4. The executive, through the Ministry of Labour and Social Security, is responsible for enforcing the provisions governing minimum wages.

Supervision in this respect is carried out through the services of the National Wage Board, and irregularities noticed are reported to the competent courts for the penalties provided for by law to be imposed.

A worker who has been paid a wage at less than the rate to which he is entitled may take action through the normal administrative or judicial channels to recover the amount by which he has been underpaid. If no agreement or settlement is reached through the administrative authorities judicial proceedings may be instituted.

INDIA

In reply to the direct request made by the Committee of Experts in 1964 the Government states that all state governments have been advised, by means of circulars, to give workers and employers an opportunity to offer comments on the proposals in the matter of refraining from fixing minimum wages and granting exemptions under the relevant sections of the Minimum Wages Act or, alternatively, to place all such proposals before the advisory boards set up under the Act. The expectation is that state governments are following this procedure.

IRAQ (First Report)

Labour Law (No. 1 of 1958) as amended by Laws Nos. 82 of 1958, 71 of 1959, 184 of 1959 and 23 of 1961 (L.S., 1961—Iraq 1).

Articles 1 and 2 of the Convention. Workers and employers are consulted through their representatives participating in the wage-fixing boards (section 36 of the above law).

Article 3. Minimum wage-fixing boards are formed by ministerial order after consultation with the parties concerned, who are asked to nominate representatives. The boards review wage levels payable in the respective trades or branches thereof and then fix a wage which becomes binding on the parties upon publication in the official gazette.

Article 4. The legislation is enforced by the Directorate General of Labour. Labour inspectors are entitled to recover from the employer by judicial proceedings any arrears of wages due from the employer to the worker (section 106 (2) of the law).

KENYA

The Regulation of Wages (General) Order No. 31, 1963.

Minimum wage regulations have been enacted covering the following employments: tailoring, garment-making and associated trades; road transport industry; hotel and catering trades; motor engineering trades; baking, flour-confectionery and biscuit-making trades; building and construction industry; laundry, dyeing and cleaning trades; knitting mill trades; wholesale and retail distribution trades; agricultural industry; and the footwear industry.

Wage councils have been established by law in all the above-mentioned employments.

LUXEMBOURG

Minimum wage scales are adopted upon the recommendation of the relevant trade organisations, which submit appropriate comments, and with the co-operation of employers' and workers' representatives.

The minimum wage rates are published in the official gazette. Automatic adjustments of minimum wages to the cost-of-living index are brought to the knowledge of the persons concerned by a government notification in the press.

MALAWI (First Report)

Regulation of Minimum Wages and Conditions of Employment (*The Laws of Nyasaland*, Chapter 83), revised to 12 June 1961.
Ordinance No. 6 of 1961.

Article 1 of the Convention. The 1961 ordinance applies equally to all sectors and occupations in the economy. Legislation provides for both a Wages Advisory Board and wage councils for the effective regulation of wages and conditions of employment.

Article 2. Wage councils have been established in a number of industries.

Article 3. It is obligatory to consult employers' and workers' organisations before the appointment in equal numbers of representatives to the Wages Advisory Board and wage councils. No use has been made of the exception in clause 2 (3).

Article 4. The ordinance provides for the publication and enforcement of statutory wage rights and for the recovery of underpayments.

Legislation has been enacted fixing minimum wages for all employees, regardless of trade.

MAURITANIA

For legislation see under Convention No. 5.

Articles 1 and 2 of the Convention. The minimum wage is applicable to all occupations.

Article 3. Employers and workers are equally represented on the National Labour Council. Minimum rates are binding on employers.

Article 4. The Labour Inspectorate enforces the legislation.

NICARAGUA

In reply to the request by the Committee of Experts in 1964 the Government communicates the following information.

Article 3, paragraph 2 (1), of the Convention. The National Minimum Wage Committee carries out surveys and consults the most representative persons and bodies among employers and workers in the various regions or activities before fixing the appropriate minimum wages.

Employers and workers take part on an equal footing in employing the method of wage fixing established by law.

Paragraph 2 (3). There are no special cases in which a general exception has been authorised, apart from that stated by the law in regard to apprentices (section 147).

Article 4, paragraph 1. The National Minimum Wage Committee adopted two decisions in 1963 in connection with minimum wage rates; these were published in the official gazette, with legal force throughout the country.

NIGER (First Report)

For legislation see under Convention No. 5.

Article 1 of the Convention. Irrespective of collective agreements which may be applicable to particular trades, the inter-occupation minimum wage is fixed by decree on the advice of the Labour Advisory Committee (section 93 of the Labour Code).

Article 2. Section 93 of the Code is applicable to all remunerated activities. The Labour Advisory Committee comprises employers' and workers' representatives.

Article 4. Labour inspectors ensure the observance of minimum wage rates. Workers are generally well informed of their rights.

PERU (First Report)

Decree-Law No. 14192 of 2 August 1962, on the obligation of fixing minimum wages and salaries.
Decree-Law No. 14222 of 23 October 1962, on methods of fixing minimum wages and salaries.
Presidential Decree No. 016 of 31 October 1962, implementing Decree-Law No. 14192.

Articles 1 to 3 of the Convention. All economic activities are covered by minimum wage rates. A National Minimum Wage Committee has been established, in which both employers and workers participate directly and which, on the basis of reports submitted by local committees, fixes minimum wages for various activities in particular geographical regions.

Minimum wages are the same for equal work by men and women, except where the output of women is notably less. Lower rates may be fixed as well for: (a) the age groups of 14-18, 18-20, and over 60 when lower output has been confirmed; (b) persons with protracted or permanent illness or handicaps; (c) agricultural workers whose contract gives them a right to the use of land.

Article 4. Minimum wages fixed by collective agreements remain in force unless they are below the minima laid down by law. A worker who has been paid wages at less than the minimum wage rates is entitled to recover the amount which has been underpaid by recourse to justice or other legal procedure.

The Ministry of Labour and Indigenous Affairs is responsible for implementing minimum wage legislation through the General Directorate of Labour.

PORTUGAL

In reply to the questions by the Committee of Experts the Government gives the following explanations.

Article 2 of the Convention. The Minister for Corporations and Social Welfare makes use of the wage-fixing powers vested in him under Legislative Decree No. 32749 only in cases where the workers and the employers are unable to reach agreement during the negotiation of a collective agreement.

Article 3, paragraph 2 (1). The services or boards responsible for carrying out inquiries in respect of wages under section 4 of Legislative Decree No. 32749 may consult the employers' and workers' organisations, and this is in fact done in practice.

Paragraph 2 (2). Section 3 of Legislative Decree No. 43179 of 23 September 1960 provides for the collaboration of representatives of the employers and the workers on an equal footing in the corporative committees.

Paragraph 2 (3). Under section 2 (1) of Legislative Decree No. 32749 undertakings may give their employees additional remuneration in the form of bonuses for increases in output, length of service or especially difficult conditions in which certain tasks have to be performed. Under this provision wages higher than the minimum rates may be paid, but not lower.

RWANDA

A Labour Code is being prepared which will deal with the question of minimum wages. Minimum wages presently in force were decreed in 1961 by Presidential Order without the prior consultation of either the representatives of the employers or workers concerned.

The Convention is not applied at present.

SYRIAN ARAB REPUBLIC

In reply to an inquiry by the Committee of Experts the Government communicates the following information.

The purpose of Administrative Instructions B/1/6450 of 4 September 1961 is to guide the work of committees responsible for wage fixing.

Household industries are not covered by regulations on minimum wages. Workers in these industries are becoming more and more uncommon.

In accordance with section 156 of the Labour Code, the representatives of employers' and workers' organisations have an equal number of seats and an equal status on the committee for each area. These committees, moreover, must consult employers' and workers' organisations before taking decisions.

All infractions carry penal or administrative penalties. Employers are compelled to pay what is due to the workers.

UGANDA

The Minimum Wages Advisory Boards and Wages Councils Ordinance (No. 21 of 1957) as amended by the Public Service (Negotiating Machinery) Act, 1963.

The Minimum Wages Advisory Boards and Wages Councils (Exhibition of Notices) Rules, 1960 (Legal Notice No. 210 of 1960).

The Minimum Wages Advisory Boards and Wages Councils (Keeping of Records) Rules, 1960 (Legal Notice No. 211 of 1960).

Article 1 of the Convention. Section 3 (1) of the above ordinance empowers the Minister for Labour to appoint a minimum wages advisory board for any specified area or for any employees or groups of employees in any occupation in which he considers it desirable to fix a minimum wage and to determine other conditions of employment. Section 7 (1) also empowers him, where he is satisfied that no adequate machinery exists for the effective regulation of wages or conditions of employment of any employees, to establish a wages council which shall submit to him wages regulation proposals regarding remuneration and conditions of employment.

Article 2. Minimum wages advisory boards were set up in 1958 and 1962 to make recommendations in regard to the wages and conditions of employment of all unskilled labour in certain towns and suburban areas, but prior consultation with organisations representing workers and employers in the area was not considered appropriate or necessary. It is not proposed that wages councils should be set up without prior consultation with any organisation of workers or employers concerned.

Article 3. The first schedule of the ordinance stipulates that a minimum wages advisory board shall comprise three persons appointed by the Minister. The Minister may additionally appoint not more than two representatives of employers and an equal number of employee representatives.

The second schedule to the ordinance lays down that a wages council shall comprise not less than five persons appointed by the Minister, including independent members and representatives of employers and employees in equal numbers.

Article 4. The enforcement of wages regulation orders is the responsibility of the Labour Commission and the officers of the Labour Department.

UPPER VOLTA

Labour Code: Act No. 26/62-AN of 7 July 1962.

ZAMBIA

The Minimum Wages and Conditions of Employment (Amendment) Rules 1963 (Government Notice No. 287 of 1963).

The Minimum Wages and Conditions of Employment (Amendment) Rules 1964 (Government Notice No. 259 of 1964).

New legislation has been introduced requiring employers to maintain records of hours of work for the purpose of ensuring that statutory rates of pay and overtime are applied, violations of which are subject to appropriate penalties.

* * *

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, Brazil, Bulgaria, Cameroon (Eastern Cameroon), Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Czechoslovakia, France, Gabon, Federal Republic of Germany, India, Ivory Coast, Kenya, Luxembourg, Mauritania, Mexico, Morocco, New Zealand, Nicaragua, Niger, Norway, Peru, Portugal, Tanzania (Tanganyika), Spain, Uganda, Upper Volta, Uruguay.

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

Burma, Dahomey, Ecuador, Hungary, Ireland, Italy, Malagasy Republic, Netherlands, Nigeria, Sierra Leone, Switzerland, Togo, Tunisia, United Kingdom.

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.

· · · AUSTRALIA

In reply to a direct request made by the Committee of Experts in 1963 the Government provides the following information. With regard to regulation 72 (3) (a) of the Navigation (Loading and Unloading—Safety Measures) Regulations, 1961, in practice the person in charge frequently obtains the weights of packages or articles of cargo from the manifest or cargo list and gives them to the foreman, who in turn passes the information to the labourers. Sometimes a ship's document includes a "heavy weight list" supplied by shipping companies to facilitate this arrangement. If a surveyor in the course of his duties notes that heavy packages are being lifted he will usually check whether they are marked. If not marked he will check that the labourers are aware of the weights being lifted (for instance in the case of shipments of logs where individual logs may weigh as much as 10 tons). However, unless there is an actual case where an unmarked cargo is being lifted without the labourers being informed of the weight, the surveyor would not report the circumstances unless perhaps there had been a dispute.

CZECHOSLOVAKIA

Transport Order No. 134/64 (*Sbírka Zákonů*, No. 59 of 1964).
Safety regulations for Czechoslovak ocean-going vessels of 1963.

The regulations are aimed at ensuring maximum safety during the handling of heavy packages.

INDIA

In reply to an observation made by the Committee of Experts in 1963 the Government supplies the following information. The question of the appointment of inspec-

tors under the Marking of Heavy Packages Act is under consideration and a decision is likely to be taken shortly. As an interim measure the existing dock and labour inspectors at the major ports of Bombay, Calcutta, Madras, etc., have been designated as inspectors under this Act also. As regards the minor ports, the question whether the officers appointed under the Sea Customs' Act 1878 can be designated as inspectors under the Marking of Heavy Packages Act is also under examination.

NETHERLANDS

Royal Decree of 29 March 1963, section 71 (*Staatsblad*, No. 170).

NORWAY

In reply to a direct request made by the Committee of Experts in 1963 the Government provides the following information. In order to obtain a better practical application of the existing regulations, the Shipping Department has issued a new circular under which the Shipping Control has to exercise a strict control over the observance of the regulations concerning the marking of heavy weights. These measures are part of general work which is constantly in progress against accidents.

PERU (First Report)

Under the terms of the Circular of 6 August 1935, shipping companies must mark the weight plainly on any package carried by their ships.

It is unnecessary to go into the Articles of the Convention in detail. No comment has been made in this respect.

SPAIN

As regards the application of the Convention in the African provinces, see under Convention No. 1.

* * *

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, Bulgaria, Canada, Chile, Cuba, Czechoslovakia, Finland, Federal Republic of Germany, India, Indonesia, Ireland, Italy, Morocco, Netherlands, Norway, Peru, Poland, Portugal, Spain, Sweden, Switzerland, Yugoslavia.

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

Austria, Burma, Burundi, Congo (Leopoldville), France, Hungary, Japan, Luxembourg, Mexico, Uruguay.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932

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

Countries	Ratification registered on
Spain ¹	29. 8. 1932

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

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

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

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Ratification registered on	Countries	Ratification registered on
Albania	25. 6. 1957	Japan	21. 11. 1932
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	14. 3. 1950	Laos	23. 1. 1964
Australia	2. 1. 1932	Liberia	1. 5. 1931
Austria	7. 6. 1960	Libya	13. 6. 1961
Belgium	20. 1. 1944	Luxembourg	24. 7. 1964
Brazil	25. 4. 1957	Malagasy Republic	1. 11. 1960
Bulgaria	22. 9. 1932	Malaysia	11. 11. 1957
Burma	4. 3. 1955	Mali	22. 9. 1960
Burundi	11. 3. 1963	Malta	4. 1. 1965
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	Tanzania:	
Greece	13. 6. 1952	Tanganyika	30. 1. 1962
Guinea	21. 1. 1959	Zanzibar	22. 6. 1964
Haiti	4. 3. 1958	Togo	7. 6. 1960
Honduras	21. 2. 1957	Trinidad and Tobago	24. 5. 1963
Hungary	8. 6. 1956	Tunisia	17. 12. 1962
Iceland	17. 2. 1958	Uganda	4. 6. 1963
India	30. 11. 1954	Ukraine	10. 8. 1956
Indonesia	31. 3. 1933	U.S.S.R.	23. 6. 1956
Iran	10. 6. 1957	United Arab Republic	29. 11. 1955
Iraq	27. 11. 1962	United Kingdom	3. 6. 1931
Ireland	2. 3. 1931	Upper Volta	21. 11. 1960
Israel	7. 6. 1955	Venezuela	20. 11. 1944
Italy	18. 6. 1934	Viet-Nam	6. 6. 1953
Ivory Coast	21. 11. 1960	Yugoslavia	4. 3. 1933
Jamaica	26. 12. 1962	Zambia	2. 12. 1964

ALGERIA (First Report)

No forced labour exists in Algeria.

BYELORUSSIA

Trade Union Ordinance of 20 March 1964.

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

The above ordinance provides that the kind and amount of produce is determined directly at the collective and state farms by the farms' professional and managerial personnel with broad consultation of the members of collective farms and the workers on state farms. Part of the output is sold to the State at prices fixed by the Government on the basis of agreement between the farm and the procurement agencies.

There are no legislative or other binding instruments which require either the members of a collective farm or individual peasant farmers to plant particular crops.

Under the ordinance of 20 December 1938 respecting employment books, the manager of the undertaking is required to issue an employment book to every worker whose employment is terminated. If a member of a collective farm decides to transfer to permanent work as an employee in some other undertaking, the general meeting of members of the collective would be required to consider his statement to that effect and to give him the appropriate certificate.

The Decree of the Presidium of the Supreme Council of the U.S.S.R. dated 26 November 1958 concerning the participation of certain undertakings and economic organisations in the construction and repair of main roads regulates the participation in road works of economic units, and not of individual citizens.

CHAD

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

Section 7 (4) of Ordinance No. 2 of 27 May 1961 and sections 3 and 14 of Decree No. 9 of 6 January 1962, under which persons liable to military service who have not been called upon for active service may be ordered to perform certain work of public utility, are not incompatible with the Convention, since such work constitutes a part of the normal civic obligations of citizens (Article 2, paragraph 2 (b), of the Convention). Any modification of this legislation would lead to difficulties, because the military forces would have to be increased so that all citizens could do military service or else a social injustice would be committed against a small part of the population called upon to do active service. Moreover, the Government considers that Article 2, paragraph 2 (d), of the Convention may be invoked by regions where the stage of underdevelopment is such as to endanger the normal conditions of existence of the whole or part of the population. The above-mentioned provisions of Ordinance No. 2 of 27 May 1961 have not been applied in practice.

Instructions have been given to ensure that persons detained, interned or expelled by the administrative authorities are not subjected to forced labour during detention.

CONGO (BRAZZAVILLE)

For legislation see under Convention No. 4.

Section 4 of the Labour Code absolutely prohibits forced or compulsory labour as defined in the Convention; violations of this prohibition are punishable under section 254 of the Code.

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

Section 4 of the Code specifically excludes civic service from the definition of forced labour. This service, which gives a general education and vocational training

in agriculture, is an extension of the primary education, and protects a great many young people from juvenile delinquency. See also *Report of the Committee* (1964), p. 665.

Work decided upon and performed voluntarily by members of a community is excluded from the definition of compulsory labour contained in section 4 of the Code.

INDIA

Madras Compulsory Labour (Amendment) Act, 1964 (*The Fort St. George Gazette*, No. 36, 9 Sep. 1964).

Article 11 of the Convention. The above-mentioned Act was adopted so as to bring the provisions of sections 1 and 2 of the Madras Compulsory Labour Act into line with those of this Article.

IRAQ (First Report)

Forced or compulsory labour is not permitted in any form except in cases of emergency.

IVORY COAST

Labour Code: Act No. 64-290 of 1 August 1964 (*Journal officiel*, No. 44, 17 Aug. 1964, p. 1059).

Act No. 63-4 of 17 January 1963 to mobilise citizens with a view to ensuring the economic and social advancement of the country (*ibid.*, 18 Jan. 1963) and Decree No. 63-48 of 9 February 1963 to apply the said Act (*ibid.*, 28 Feb. 1963).

Act No. 61-209 of 12 June 1961 on the organisation of national defence (*ibid.*, 13 June 1961).

Act No. 61-210 of 12 June 1961 on the recruitment for the armed forces (*ibid.*, 13 June 1961).

In reply to an observation and previous direct requests by the Committee of Experts the Government supplies the following information.

Section 2 of the above Code provides that forced or compulsory labour is absolutely prohibited. By repealing in its section 201 all contrary provisions the Labour Code repeals the above Act No. 63-4 and Decree No. 63-48. This legislation had never been applied in practice.

Citizens are subject to military service under the above Acts Nos. 61-209 and 61-210. The Government has now decided to separate the armed forces from the civic service and a directorate of the civic service has been established. The civic service should become a centre for the promotion of rural enlightenment and agricultural development, without political or military aims. It will bring together young volunteers: after they have been trained, their example, their hard work and their utilisation of the education given them will enable them to influence villagers who have not had the opportunity to go to the school for civic service. Earlier legislation is now being brought into harmony with the new organisation. The civic service will be voluntary and separate from military service.

Section 680 of the Penal Procedure Code provides that convicts shall be put to work. A prisoner may be employed outside a penitentiary at work supervised by the authorities. Decrees are being prepared to replace existing provisions which are out of date and inconsistent with the Convention because some of them authorise prison labour to be hired out to private undertakings.

KENYA

No persons are now held under the Detained and Restricted Persons (Special Provisions) Act, whereas a number of persons are held under the Preservation of Public Security Act, but they are not required to perform any work.

Inquiries are continuing to ensure that the authority conferred by the African District Councils Act is not used to impose compulsory labour for works of economic

development, but only for minor communal services. The powers to require work for the conservation of natural resources in times of natural disaster and to carry out famine relief measures under the Native Authority Act are essential aspects of communal self-help and emergency relief and cannot be abandoned at this stage. The power to exact minor communal services for six days a quarter under section 11 (*k*) of the Act has been revoked.

LAOS (First Report)

Forced labour does not exist in Laos.

TUNISIA (First Report)

Constitution of 1 June 1959.

Penal Code.

Decree of 10 January 1957 concerning the recruitment and organisation of the armed forces (*Journal officiel*, 22 Jan. 1957).

Article 1 of the Convention. No forced or compulsory labour within the meaning of the Convention exists in Tunisia.

Article 2. The forms of compulsory labour which are excepted by virtue of this Article from the definition of forced or compulsory labour are regulated by the legislation relating to military service, prison labour and cases of *force majeure*. The above-mentioned decree prohibits the use of military personnel for work of a non-military nature. The Penal Code provides that prisoners shall perform labour. Compulsory labour may be imposed in cases of invasion by locusts and forest fires.

Article 25. Infringements upon personal liberty are punishable under sections 250 to 252 of the Penal Code.

UPPER VOLTA

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

The Government is still considering the creation of a national civil service; this possibility must be regarded as one of the measures that the Director-General of the I.L.O. mentions in his Report to the Second African Regional Conference as being possible solutions of the employment problems of developing countries.

The Labour Code provides that prison labour may be carried out only under supervision and control of the public authorities; this implies that prisoners may not be placed at the disposal of employers in the private sector, since supervision of the performance of work is one of the essential prerogatives of the employer.

Section 14 of Act No. 25-60, concerning compulsory labour in case of non-payment of taxes, has never been applied in practice and is now obsolete, for no authority has ever been given the power to make decisions under this provision.

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

This Convention came into force on 29 August 1933

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Austria ¹	16. 2. 1933	New Zealand	29. 3. 1938
Bulgaria	22. 6. 1932	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	29. 6. 1953
Cuba	24. 2. 1936	Panama	16. 2. 1959
Finland	13. 1. 1936	Spain	29. 8. 1932
Guatemala	4. 8. 1961	Syrian Arab Republic	10. 5. 1960
Haiti	31. 3. 1952	United Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	Uruguay	6. 6. 1933
Israel	26. 6. 1951		
Kuwait	21. 9. 1961		
Luxembourg.	3. 3. 1958		

¹ Conditional ratification.

CHILE

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

The repeal of subsection 2 of section 131 of the Labour Code will be sought when the reform of the labour legislation announced by the Government takes place.

The Convention sets no limit on the number of hours of overtime which may be worked annually. Provisions exist, however, laying down the maximum number of hours of overtime which may be worked in a day, and there is no question of exceptions being made habitually.

Section 108 of the Code extends to salaried employees who do not belong to commercial or industrial undertakings all the rights conferred by that Part of the Code, in so far as these are compatible with the nature of the duties which they perform. These rights include the limitation of hours of work.

Steps will be taken to ensure that the hours of work of salaried employees in the service of municipal authorities do not exceed the limits laid down by the Convention.

FINLAND

In reply to a request made by the Committee of Experts in 1963 the Government states that certain difficulties have prevented the preparation of a Bill on the conditions of employment in shops and offices. It is proposed, however, to submit the Bill to Parliament during 1964.

The Government further indicates that, in accordance with a statement of principle made by the Labour Council on 12 September 1963, all work performed in excess of the maximum normal hours of work, prescribed in section 4, paragraphs 1 and 2, of Act No. 605 of 1946, are to be regarded as overtime and remunerated in conformity with section 6 of the Act.

GUATEMALA (First Report)

Constitution: Legislative Decree No. 8 of 10 April 1963.

Labour Code: Decree No. 1441 of 5 May 1961.

Labour Charter: Legislative Decree No. 1 of 2 April 1963.

Decree No. 584.

Government Decision No. 346.

Article 1 of the Convention. The practical application of the demarcation line indicated in the Convention poses no problems, as laws and regulations in force fix the duration of the work in offices and trade at eight hours per day and 45 per week, 48 hours for the purposes of remuneration. In fact, certain enterprises have already adopted a 40-hour week and, in administrative services, duration of work is 44 hours per week. No use has been made of the exception authorised by paragraph 3.

Article 2. Under section 116 (3) of the Labour Code effective work is the whole period during which a worker remains at the disposal of an employer.

Article 5. Under the terms of section 122 of the Code the daily duration of normal and supplementary work should not exceed 12 hours except in certain cases provided for in the rules and in certain others listed in this Article. Labour inspectors test the reasons given to justify supplementary hours and impose penalties where necessary.

Article 6. Regulations made by public authority to which this Article refers have not been deemed necessary.

Article 7. With regard to the exceptions provided for by this Article, section 124 of the Code lists certain categories of workers who are not subject to limitations in the duration of work. However, these workers may not be compelled to work for more than 12 hours, except in well-defined cases provided for by the regulations. Regulations lay down what types of work are not subject to limitation of the duration of work.

Article 11. The labour inspectorate keeps check on standards concerning the duration of work. The Labour Code contains stipulations on the posting of work time-tables where they are visible. Measures are taken to acquaint workers with the regulations when they are engaged.

HAITI

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

Articles 5 and 6 of the Convention. No use has been made of the exceptions laid down in these Articles.

Article 7. Sections 103 and 105 of the Labour Code permit the exceptions mentioned in this Article.

IRAQ (First Report)

For legislation see under Convention No. 26.

Article 1 of the Convention. The Labour Law defines commercial establishments and agricultural workers. Section 2 of the Law exempts from its provisions members of the employer's family and staff engaged in official work with public administration authorities in the civil service.

Articles 2 to 7. Sections 130 and 131 of the Law lay down the rules for the making up of hours lost because of interruption of work in cases of accident or *force majeure*. The competent authority is informed of such cases and of the steps taken.

Articles 8 to 11. Inspection is carried out by the Directorate General of Labour. Labour inspectors ensure the effective enforcement of the provisions of Article 11 concerning the posting of the appropriate notices by the employers and the keeping of necessary records.

Article 12. The Law prescribes penalties for infractions. Regular visits by labour inspectors enforce the Convention. Repeated breaches of its provisions are referred to the Labour Court or civil courts.

KUWAIT

Article 11, paragraph 1, of the Convention. In reply to a request made by the Committee of Experts the Government states that the question is being studied of whether the Civil Service Commission or the Ministry of Social Affairs should be responsible for the inspection of the public sector in respect of hours of work provisions.

See also under Convention No. 1.

LUXEMBOURG

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

The Co-ordinated Text of 20 April 1962 includes all the legislation in force respecting employment in the private sector.

Article 1 of the Convention. According to Luxembourg law, employees are divided into three categories: salaried employees, wage earners, and domestic workers; the category depends on the nature of the services rendered and not on the type of establishment. The legislation applicable to employees covers persons employed in industrial or agricultural establishments if the nature of the work falls within the definition given in section 3 of the Co-ordinated Text, which defines the juridical concept of an employee. In practice, all persons employed in commerce and private offices are included in the field of application of the Act of 20 April 1962.

Article 6. The Minister of Labour grants an authorisation to exceed the legal duration of work only if the employer's request concerns exceptional work loads; labour inspectors verify on the spot that this is the case. Furthermore, the agreement of the employees' representatives must be obtained. The authorisation may be withdrawn at any time if circumstances so require. The normal duration of work being 44 hours per week and eight per day, any prolongation is authorised only within the limits specified in the Convention.

Articles 7 and 8. In application of section 6 of the Text of 20 April 1962, a Grand Ducal Rule has been drawn up by the Government to regulate the hours of work of private employees and has been submitted to the Council of State. Its publication is expected within the next few days. All regulations that may be adopted under section 6 above are first submitted to the industrial associations concerned for their opinion.

Article 11. Employees are informed of their hours of work by their representatives. Furthermore the text of any authorisation granted by the Minister of Labour for additional hours to be worked must be posted in a place where it is clearly visible to the whole staff, so that not the slightest uncertainty can exist regarding either normal working hours or additional hours.

NICARAGUA

In reply to the observation made by the Committee of Experts the Government states that by virtue of section 168 of the Labour Code persons employed in the postal, telephone and telegraph services are subject to the general provisions of that Code.

See also under Convention No. 1.

SPAIN

As regards the application of the Convention in the African provinces, see under Convention No. 1.

SYRIAN ARAB REPUBLIC

See under Convention No. 1.

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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, Bulgaria, Chile, Cuba, Finland, Guatemala, Haiti, Iraq, Israel, Kuwait, Luxembourg, New Zealand, Nicaragua, Spain, Syrian Arab Republic.

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

Mexico, Uruguay.

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

This Convention came into force on 30 October 1934

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Malta	4. 1. 1965
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Belgium	2. 7. 1952	Netherlands	25. 8. 1964
Bulgaria	29. 12. 1949	New Zealand	29. 3. 1938
Canada	6. 4. 1946	Nigeria	16. 6. 1961
Chile	18. 10. 1935	Norway	23. 6. 1956
China	30. 11. 1935	Pakistan	10. 2. 1947
Cuba	7. 9. 1954	Peru	4. 4. 1962
Finland	23. 8. 1949	Sierra Leone	15. 6. 1961
France	27. 5. 1955	Spain	28. 7. 1934
Honduras	17. 11. 1964	Sweden	3. 8. 1938
India	10. 2. 1947	Tanzania (Tanganyika)	19. 11. 1962
Italy	30. 10. 1933	United Kingdom	10. 1. 1935
Kenya	13. 1. 1964	Uruguay	6. 6. 1933
Malaysia (Singapore)	3. 3. 1964		

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962, to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Decree No. 55-314 of 14 March 1955, to apply the provisions of Convention No. 32 to shipping (*ibid.*, 25 Mar. and 6 Apr. 1955).

By virtue of the above Act, all legislation giving effect to the Convention remains in force.

Supervision and inspection are carried out by one inspector of navigation and maritime work and two machine inspectors of the merchant navy.

BELGIUM

In reply to the observation made by the Committee of Experts in 1963 with regard to the application of the Convention to ships engaged in inland navigation the Government states that it accepts this observation and that proceedings for modifying the general regulations for the protection of workers will be started very soon.

BULGARIA

In reply to the direct request made by the Committee of Experts in 1964 the Government supplies the following information.

Article 5, paragraph (2) (c), of the Convention. Paragraphs 254-258 of the regulations respecting technical safety in water transport ensure safe means of access to and from the holds.

Paragraph (4). This provision will be taken into consideration at a possible future revision of the regulations.

Article 9, paragraph (8). Paragraph 232 (b) of the regulations prohibits the use of a damaged winch; a winch is considered to be damaged, *inter alia*, when it emits steam.

CHILE

In reply to the direct request of the Committee of Experts the Government confirms that there is no legislation applying the provisions of Article 2, paragraph 2 (3), Article 3, paragraph (3), Article 5, paragraph 2 (a), (b), (c) and (e), and Article 9, paragraph 2, subsections (3), (4), (7), (8) and (9). As regards this last Article, the regulations on ships' equipment establish only general norms.

The legislation does not contain any provisions on free passage between the cargo and the coamings of the hatchways, as provided for in Article 5, paragraphs (3), (4) and (5), but in practice a space of about 1 metre is left for persons circulating in the vessel. There are also ladders to the hold.

The maximum weight which loading apparatuses can lift is stated on the certificate of seaworthiness issued by the shipping department of the coastal and merchant marine authority, and as regards foreign apparatuses, *Lloyd's Register of Shipping* states the tonnage they can lift and inspects their appurtenances.

The maritime regulations do not provide detailed measures for the protection of dockers and contain only general directives. The report quotes a series of regulations containing directives of this nature. It points out however that the coastal and merchant marine authority is bringing these regulations up to date and is studying Conventions on the matter in order to harmonise the regulations with them. A temporary circular on the security measures referred to in Articles 2 and 3 will be presented at a forthcoming meeting of the Central Committee.

CUBA

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

Article 4 of the Convention is applied by section 5 of Presidential Decree No. 1986 of 5 June 1958. The conditions to be complied with by the vessels used for the transport of workers are fixed by the maritime section of the Ministry of Transport (the form of register of small vessels is appended).

The provisions of the Convention have been incorporated into the national law by section 7 of the above decree. All working centres in the ports are equipped with the facilities contemplated in Article 13 of the Convention. A copy of the register of hoisting machines on board ship is appended to the report.

The inspection is carried out by the Labour Safety Department. Section 575 of the Social Defence Code provides for penalties in the case of contraventions of the legislation.

FINLAND

The committee revising the legislation on labour inspection will complete its task in the near future. Another committee has been set up to amend regulations and instructions on the loading and unloading of ships; this committee will soon finish its work.

In the ports the lighting has continued to improve but, in particular on foreign ships, has not always been satisfactory. The lighting in the ports of Helsinki has been improved as a result of the work of the committee dealing with this problem. A circular letter on lighting standards in ports was also sent to the state labour inspectors.

FRANCE

Article 2 of the Convention. Most of the approaches are public property and are cleaned by public services. Section 64 of the Maritime Port Code prohibits the deposit

of earth and dirt on the docks and quays. The police regulations give similar rules as regards inland navigation.

Article 5. General provisions on the measures to prevent falls in the holds are being prepared.

Article 17. The most important Articles of the Convention are posted up at the workplaces and safety instructions are distributed.

ITALY

In reply to the observations and the direct request of the Committee of Experts the Government provides the following information.

Copies of regulations which have entered into force in the ports listed in the first paragraphs of the direct request have been transmitted to the I.L.O.

The regulations applicable to the ports mentioned in the second paragraph of the request are still being prepared.

Detailed information is given on ports whose traffic is limited to vessels of up to 1,000 tons and on ports of lesser importance.

The committee charged with preparing the special regulations has not yet produced concrete results. As soon as powers are delegated by Parliament and the state of work in hand by the various groups set up for the purpose permits, the Government hopes to be able to adopt standard regulations that can be generally applied in all ports.

MALAYSIA

Singapore

Factories Ordinance, No. 41 of 1958 as amended.

Singapore Port Rules, 1957.

Port of Singapore Authority Ordinance, No. 36 of 1963.

The provisions of the Factories Ordinance apply to every dock, wharf or quay as if it were a factory.

Article 2 of the Convention. This is complied with by the Port of Singapore Authority which took over the functions of the Singapore Harbour Board in 1963.

Article 3. No exceptions are allowed.

Article 4. The Authority has no occasion to send workers by water transport to vessels in the roads.

Articles 5 to 8. These Articles are the responsibility of the ships.

Article 9. The provisions of this Article are partly the responsibility of ships.

Article 11. The provisions of this Article are complied with by the Port Authority and are partly the responsibility of vessels.

Articles 13 and 14. These are complied with by the Port Authority.

Article 15. No exemptions have been granted.

Article 16. This Article applies to ships only.

Article 17. These provisions are covered by the Factories Ordinance and the Port Rules.

Article 18. The provisions of this Article apply to ships; working gear is normally satisfactory.

No court decisions have been handed down. No observations have been received from organisations of employers and workers.

MEXICO

The Navigation and Maritime Trade Act of 1963 (*Diario oficial*, 21 Nov. 1963).

SIERRA LEONE (First Report)

Docks Regulations (Cap. 217 of *The Laws of Sierra Leone*, 1960 edition).

Docks Regulations (Safety of Wharf Workers) Rules, 1949 (*ibid.*, Cap. 217).

Explosives Act (*ibid.*, Cap. 235).

Explosives Rules (Public Notice No. 13 of 1946 as amended by Public Notice No. 108 of 1949) (*ibid.*, Cap. 235).

Petroleum Act (*ibid.*, Cap. 236).

Petroleum Rules, 1959. (*ibid.*, Cap. 236).

Article 1 of the Convention. This is applied by rule 3 of the Docks Regulations (Safety of Wharf Workers) Rules.

Article 2, paragraph (4). The measurement requirements have, to a great extent, been complied with. Complete compliance is expected soon.

Article 3. This is applied by rules 13 and 51 of the Rules.

Article 4. Vessels used for the transport of workers to and from a ship by water are commanded by a competent person, not overcrowded, and properly equipped (rule 48 of the Rules).

Article 5. No exceptions are provided for.

Article 6, paragraph (1). This is not enforced during short interruptions of work.

Article 7. This is applied by rule 16 of the Rules.

Article 8. The requirements of this Article are complied with.

Article 9. The measures prescribed for the examination and testing of all gear apply irrespective of whether they are carried out aboard a ship or not.

Article 10. This Article is applied by the Rules.

Article 11. A crane may in exceptional cases be loaded beyond the safe working load subject to certain conditions: written permission, keeping of record, etc.

Article 12. As only explosives and petroleum are imported, there are no special regulations as regards other dangerous goods.

Articles 13 and 14. These are applied by the Rules.

Article 15. Certain exemptions are granted for the unloading of fish, for barges or lighters, and for rowing boats and canoes. The competent authority can exempt chains, lifting tackle, etc., from annealing under certain circumstances. Exemptions are given as regards the use of falls or slings for loading at intermediate docks, provided that the process takes not more than half an hour.

Article 16. The Rules apply to all ships irrespective of when they were built.

Article 17. It is customary to display copies or summaries of the regulations, but at present there is no statutory provision on this matter. Steps will be taken to include the necessary provisions in the Rules when they are revised or amended.

Article 18. It has not yet been necessary to apply the provisions of this Article.

No court decisions have been made regarding the application of the Convention.

The Convention is applied by the above-mentioned legislation and by the system of inspection. There are no statistics available on the number of workers, accidents, contraventions, etc. No observations have been received from employers' and workers' organisations.

SPAIN

For the application of the Convention in the African provinces, see under Convention No. 1.

SWEDEN

The Workers' Protection Act does not apply to work done by a person employed on a Swedish vessel for account of the vessel or by order of his superior, whether on the vessel or elsewhere. The provisions of the Convention are thus applied partly by that Act (or regulations issued thereunder) and partly by the legislation relating to ship's work.

Article 3 of the Convention. Some exceptions are allowed as regards vessels not exceeding deadweight 150 tons.

Article 5. Loose ladders may be used between the hold and the deck on vessels of under 200 deadweight tons.

Article 6. Fencing is not required during breaks by daylight not exceeding one hour.

Article 7. The provisions apply only to vessels of 200 gross register tons and over.

Article 9. A competent person is a person recognised as competent by the Shipping Board.

Article 11. There are no provisions permitting gear to be overloaded in certain cases.

Article 17. The Swedish legislation clearly defines the persons or bodies who are to be responsible for compliance with the respective provisions.

The inspection authorities are the Shipping Board and the Workers' Protection Board.

TANZANIA

Tanganyika (First Report)

Factories Ordinance (Cap. 297).

Docks Rules, 1962 (Government Notice No. 444 of 26 Oct. 1962).

Article 1 of the Convention. This is complied with by rules 2 and 3 of the above Rules.

Article 2. This is applied by rule 7 of the Rules.

Article 3. The Rules do not apply to cargo stages or cargo gangways or to ships not exceeding 200 tons net registered tonnage.

Ships are divided into three classes: ships registered in Tanzania; ships on board of which the lifting machinery complies with regulations which are substantially equivalent to the Rules; and all other ships. Certain exemptions are made for the ships of the two latter classes.

Article 4. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, appropriate measures are taken to ensure the safe transport for such worker.

Article 5. Rule 19 of the Rules gives the detailed specifications concerning the means of access to holds, etc.

Article 6. Exceptions are made in respect of ships not exceeding 200 tons with only one hatchway and any ship during mealtimes or other short interruptions of work.

Articles 7 and 8. These are applied by the provisions of Part III of the Rules.

Article 9. The nature and frequency of the tests and examinations of the lifting equipment are prescribed by the Rules.

Article 11. Overloading of a crane is permissible in exceptional cases to such extent as may be approved by a responsible person and with the written permission of the owner.

Articles 12 to 15 are implemented by the relevant rules of the Rules. No exceptions are provided in respect of climatic conditions.

Article 17. Section 61 of the above ordinance provides for the display of copies of regulations in the places of work. A system of inspection has been established.

Article 18. No reciprocal agreements have been entered into with other countries.

UNITED KINGDOM

In December 1962 the Trades Union Congress forwarded to the Minister a copy of a resolution in which it urged its General Council to press the Government for a review with the utmost speed of the statute law regarding the safety of dockworkers. The Minister replied that he accepted the need for revision, that work had already started and that he hoped to publish draft revised regulations in 1964 (publication is likely to be early in 1965).

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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:

Algeria, Argentina, Belgium, Canada, Chile, Cuba, Finland, France, India, Italy, Kenya, Mexico, New Zealand, Norway, Sierra Leone, Spain, Sweden, Tanzania (Tanganyika), United Kingdom, Uruguay.

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

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

This Convention came into force on 6 June 1935

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	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.

ARGENTINA

The inspectors of the General Directorate of the Labour Police control the application of measures relating to the identification and supervision of persons engaged in the occupations and professions mentioned in Article 6 of the Convention.

Children under 15 years of age are forbidden to sell newspapers on public transport vehicles, even under the supervision of their parents.

Although the night period during which child labour is prohibited is shorter than that laid down in the Convention, children in fact enjoy a wider protection since the law forbids minors under 18 to work at night.

AUSTRIA

In reply to the direct request made by the Committee of Experts in 1963 the Government states that an ordinance of 1954 prohibits the employment of young females regardless of age and young males under 16 years in itinerant trades.

CAMEROON

Eastern Cameroon

Decree No. 64-124/COR of 29 June 1964 to amend certain provisions of section 5, heading 1, of Order No. 982 of 27 February 1954 fixing the minimum age for admission of children to employment, together with the nature of the employment and the categories of undertakings in which they may not be employed.

In reply to the direct requests made by the Committee of Experts the Government states that the provisions of the above order (sections 1, 22, 23 and 24) give effect to the provisions of Article 6 of the Convention.

It is planned to amend the law to bring it into conformity with the provisions of Article 3, paragraphs (2) (b) and (4) (b), of the Convention.

CENTRAL AFRICAN REPUBLIC

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

Article 3, paragraph 2 (a), of the Convention. By virtue of a law of 30 June 1928, which is still in force, children are prohibited from working on holidays.

Paragraph 2 (b). Order No. 42 applies to all undertakings whether industrial, public or private and not only to industrial undertakings.

Article 7. Under section 11 of Order No. 837 a written authorisation is required from the labour inspector for all children below 14 years of age who are employed on light work. Such authorisation must be noted in the employer's register.

CHAD

In reply to the direct general request made by the Committee of Experts in 1963 the Government states that the identification and supervision of young persons engaged in the employments and occupations referred to in Article 6 of the Convention are facilitated by the existence of a work card issued by the Manpower Office (section 174 of the Act of 15 December 1952).

FRANCE

Act No. 63-808 of 6 August 1963 to amend and supplement the provisions relating to the employment of children in public entertainments and to establish regulations for the use of remuneration received by children not over compulsory school age (*Journal officiel*, No. 185, 8 Aug. 1963).

The above-mentioned Act fixes 16 years as the minimum age at which children may be engaged either in fixed or travelling entertainment undertakings or in cinema, radio, television or sound-recording undertakings. Individual exceptions to this minimum age are allowed by the law but are subject to very strict conditions designed to provide maximum protection for the health, morals and future of the children concerned. Such exceptions are authorised by the prefects, on the approval of a committee composed of qualified members of the various ministerial departments concerned with the protection of children.

GABON

In reply to the direct request by the Committee of Experts in 1963 the Government states that section 1 of Decree No. 275/PR of 5 December 1962 also prohibits the employment of persons aged under 16 in itinerant occupations.

IVORY COAST

In reply to the direct general request made by the Committee of Experts in 1963 the Government states that identification of children engaged in the employments referred to in Article 6 of the Convention may be checked in several ways, including that of requiring the child to produce the work card issued by the Manpower Office, which must be in his possession.

MAURITANIA (First Report)

Labour Code: Act No. 63-023 of 23 January 1963 (*Journal officiel*, No. 106, 20 Feb. 1963, p. 63) (L.S. 1963—Mau. 1).
Local Orders No. 239 and No. 240 of 17 September 1954.

Article 2 of the Convention. Section 1, Book II, of the Labour Code prohibits the employment of children below the age of 14 years, save in the case of exceptions allowed by the Minister of Labour.

Article 3, paragraph (2). National laws and regulations are not in conformity with this provision of the Convention. However, a Bill now being passed will fill the gaps in the existing legislation.

Article 7. The application of this Convention is entrusted to labour inspectors, who enjoy the necessary powers to accomplish their tasks.

Employers are required to arrange for the medical examination of any children whom they wish to employ.

Section 38 of Local Order No. 239 and section 64, Book V, of the Labour Code lay down the penalties to be imposed for any breaches of the laws and regulations, in accordance with the provisions of clause (c) of this Article.

The employment of children is still rare. Employers avoid child labour for reasons of output and so as not to have to comply with the requirements of national legislation on this matter.

NETHERLANDS

In reply to the direct general request made by the Committee of Experts in 1963 the Government states that the activities referred to in Article 6 of the Convention are not, as a rule, carried on by young workers, except within small family undertakings.

NIGER

Labour Code: Act No. 62-12 of 13 July 1962.

In reply to the direct general request made by the Committee of Experts in 1963 the Government states that no suitable measures have been taken to establish a higher age for admission of young persons to the employments referred to in Article 6 of the Convention or for facilitating their identification and supervision as provided for in Article 7(b) of the Convention. The decrees to be issued in accordance with the provisions of the Labour Code should implement the provisions of the Convention on this point.

SPAIN

In reply to a direct request by the Committee of Experts in 1963 the Government states that legislation contains provisions corresponding exactly to those laid down in Article 7 of the Convention. Section 178 of Book II of the law on contracts of employment states that, in order to obtain employment, any person aged under 18 must produce an authorisation by his father, a certificate stating his age and certification by a recognised physician that the work he is to perform does not exceed his physical capacity, that he is not suffering from any contagious or infectious disease and that he has been vaccinated. Compliance with these three conditions is shown on a single document.

The certificate of primary studies, which must be produced by any minor applying for work (section 42 of the Act of 17 July 1945 concerning primary education, as supplemented by the order of 13 May 1950) also facilitates identification.

The Ministry of Labour is studying the possibility of improving or elaborating the provisions mentioned above.

The duration of compulsory school attendance has recently been changed (under the Act of 17 July 1945) and young persons may not begin to work until they are aged 15.

For application of the Convention in the African provinces, see under Convention No. 1.

TOGO

In reply to the direct general request made by the Committee of Experts in 1963 the Government states that children's working conditions in itinerant trades do not warrant the fixing of a minimum age higher than 14 years.

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

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

Dahomey, Malagasy Republic, Upper Volta.

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 the observation of the Committee of Experts the Government states that although the request made to municipalities that they refrain from issuing licences to employment agencies has been ignored, it is hoped that, in accordance with the social policy of the new Government, final measures will be taken on this matter to remove difficulties at present in the way of applying the Convention.

* * *

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

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1947
Bulgaria	29. 12. 1949	Malta	4. 1. 1965
Chile	18. 10. 1935	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
France	23. 8. 1939		

BULGARIA

In reply to the observation made by the Committee of Experts in 1964 on the suspension of pensions in the event of the beneficiary's leaving the territory of Bulgaria, effected, with few exceptions, even in respect of nationals of member States bound by convention, the Government indicates that this measure is in conformity with the Convention since, in Bulgaria, "pensions are paid on the basis of public funds", the final sentence of Article 12, paragraph 5, of the Convention permitting the withholding of pensions in such cases.

FRANCE

Act No. 62-789 of 13 July 1962 to grant certain categories of workers the right to make retrospective contributions under the old-age insurance scheme (*Journal officiel*, No. 165, 14 July 1962).

Finance Act for 1963, No. 63-156 of 23 February 1963, section 66 providing for title to pension of the surviving spouses of insured persons who died before the age of 60 (*ibid.*, No. 47, 24 Feb. 1963). (This became section L. 351-1 of the Social Security Code.)

Finance Act for 1964, No. 63-1241 of 19 December 1963, section 71 to grant the right to benefits in kind under the sickness insurance scheme to beneficiaries of wage-earners' old-age benefits (*ibid.*, No. 297, 20 Dec. 1963). (This became section 642 (b) of the Social Security Code.)

By virtue of the above Act of 1962 certain workers who joined the compulsory insurance scheme by virtue of legislative or statutory provisions subsequent to 1 July 1930 were granted the right to make retrospective contributions under the old-age insurance scheme within a period which expired on 31 December 1963. This is not the only legislation by which persons excluded from social insurance by reason of the fact that prior to 1 July 1947 their remuneration exceeded the ceiling for compulsory insurance were enabled to regularise their position.

Section L.351-1 of the Social Security Code provides for the grant of a pension to the surviving spouse aged 65 or 60 in the event of inability to work, who had been dependent on the insured person whose death occurred before the age of 60, provided the latter had completed the necessary qualifying period for the grant of a pension in his own right, i.e. normally 15 years.

Formerly, the survivor's pension could be granted only if the insured person had died after the age of 60 (section L.351 of the Social Security Code).

In reply to the observations made by the Committee of Experts concerning the conditions for granting a supplementary allowance the Government does not share the view of the Committee and maintains its former attitude based on the arguments previously set forth.

ITALY

See under Convention No. 40.

POLAND

Ordinance of the Council of Ministers dated 4 March 1964 extending coverage under the social insurance scheme to members of lawyers' co-operatives (*Dziennik Ustaw*, No. 10, text 62).

Ordinance of the Council of Ministers dated 26 July 1962 amending the ordinance concerning suspension of pension entitlement and methods of payment of compensatory invalidity pensions (*ibid.*, No. 43, text 205).

Ordinance of the Chairman of the Labour and Wages Committee dated 19 October 1962 amending the ordinance concerning designation of homeworkers as workers in accordance with the decree concerning general retirement insurance for workers and their families (*ibid.*, No. 55, text 280).

Order of the Chairman of the Social Insurance Institute dated 11 May 1963 concerning designation of homeworkers working on behalf of certain commercial establishments and recognised as workers in accordance with the decree concerning general retirement insurance for workers and their families (*Monitor Polski*, No. 43, text 218).

As a general rule income from all sources produced by wage earning or self-employed occupational activity or by running an agricultural, horticultural, forestry or other undertaking, as well as income from immovable property, brings about suspension of pension entitlement when such income is in excess of a specified level. However, this does not apply in the case of income not derived from regular occupational activity or from some source other than occupational activity, examples being, in the first case, remuneration in the form of isolated commission or copyright and, in the second case, studentships or fees in respect of participation in meetings.

In the period under consideration the following changes took place with regard to suspension of pension entitlement: (a) the old-age pension is no longer suspended for physicians employed half time by the social health service (this exemption previously applied only to physicians employed full time); (b) agricultural owners and farmers continue to receive pensions when their income is not in excess of 9,680 zlotys (previously 4,000 zlotys). The pension sum is halved when income is between 9,680 and 14,520 zlotys. The pension is suspended above a level of 14,520 zlotys.

UNITED KINGDOM

National Insurance Act, 1963.

National Insurance Act (Northern Ireland), 1963.

Family Allowances and National Insurance Act, 1964.

Family Allowances and National Insurance Act (Northern Ireland), 1964.

* * *

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

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

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

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	Malta	4. 1. 1965
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

CHILE

See under Convention No. 35.

ITALY

See under Convention No. 40.

POLAND

See under Convention No. 35.

UNITED KINGDOM

See under Convention No. 35.

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

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

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

Argentina, Bulgaria.

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

This Convention came into force on 18 July 1937

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

ITALY

See under Convention No. 40.

POLAND

See under Convention No. 35.

* * *

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

France, Italy, Poland, United Kingdom.

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

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Chile	18. 10. 1935
Czechoslovakia	1. 7. 1949
France	23. 8. 1939

Countries	Ratification registered on
Italy	22. 10. 1947
Peru	1. 2. 1960
Poland	29. 9. 1948
United Kingdom.	18. 7. 1936

ITALY

See under Convention No. 40.

POLAND

See under Convention No. 35.

UNITED KINGDOM

See under Convention No. 35.

* * *

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

France, Italy, Poland.

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

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

This Convention came into force on 8 November 1946

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
Italy	22. 10. 1952		

ITALY

See under Convention No. 40.

POLAND

See under Convention No. 35.

* * *

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

Italy, Poland, United Kingdom.

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

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

ITALY

Act No. 1338 of 12 August 1962 providing for an increase in pensions in respect of compulsory invalidity, old-age and survivors' insurance (*Gazzetta ufficiale*, No. 229, 11 Sep. 1962).

Act No. 1339 of 12 August 1962 providing for an increase in the pensions awarded by the special branch of compulsory invalidity, old-age and survivors' insurance for handicraft workers and their families (*ibid.*, No. 229, 11 Sep. 1962).

Act No. 9 of 9 January 1963 establishing an increase in minimum pensions and revising insurance regulations for agricultural workers, farmers and sharecroppers (*ibid.*, No. 28, 31 Jan. 1963).

Act No. 50 of 3 February 1963 to amend section 10 of Act No. 5 of 3 January 1960, lowering the age of entitlement to pensions of workers employed in mines, quarries and peat bogs (*ibid.*, No. 42, 14 Feb. 1963).

Act No. 260 of 27 February 1963 extending medical assistance to handicraft workers entitled to pensions (*ibid.*, 28 Mar. 1963).

PERU (First Report)

The legal and regulatory provisions indicated by the Government in its report on Convention No. 39¹ and the observations made there apply to all workers, including those in agriculture.

The field of application is not the same in both Conventions, in that Convention No. 40 (Article 2, paragraph 1) refers to agricultural undertakings and includes domestic servants employed in the households of agricultural employers.

POLAND

See under Convention No. 35.

UNITED KINGDOM

See under Convention No. 39.

* * *

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

Italy, Poland.

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

Bulgaria, Peru, United Kingdom.

¹ This report arrived at the I.L.O. too late to be summarised.

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

This Convention came into force on 22 November 1936

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Mali	22. 9. 1960
Argentina	14. 3. 1950	Mauritania ¹	20. 6. 1961
Belgium ¹	4. 8. 1937	Morocco	13. 6. 1956
Brazil ¹	8. 6. 1936	Netherlands ¹	9. 12. 1935
Burma	22. 11. 1935	New Zealand ¹	29. 3. 1938
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon	2. 9. 1950	Pakistan ¹	22. 11. 1935
Chad	10. 11. 1960	Peru	8. 11. 1945
Congo (Brazzaville)	10. 11. 1960	Senegal	4. 11. 1960
Dahomey	12. 12. 1960	Republic of South Africa ¹	28. 5. 1935
France ¹	25. 1. 1938	Switzerland ¹	4. 6. 1936
Gabon	14. 10. 1960	Togo	7. 6. 1960
Greece ¹	30. 5. 1936	United Arab Republic ¹	11. 7. 1947
Guinea	21. 1. 1959	United Kingdom ²	25. 1. 1937
Hungary	18. 12. 1936	Upper Volta	21. 11. 1960
India ¹	22. 11. 1935	Venezuela	20. 11. 1944
Iraq	28. 3. 1938		
Ireland ¹	15. 3. 1937		
Ivory Coast	21. 11. 1960		
Malagasy Republic	1. 11. 1960		

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

² 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:

Hungary, Peru.

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	Malta	4. 1. 1965
Bulgaria	29. 12. 1949	Mexico	20. 5. 1937
Burma	17. 5. 1957	Morocco	20. 5. 1957
Burundi	11. 3. 1963	Netherlands	1. 9. 1939
Congo (Leopoldville)	20. 9. 1960	New Zealand	29. 3. 1938
Cuba	22. 10. 1936	Norway	21. 5. 1935
Czechoslovakia	1. 7. 1949	Panama	16. 2. 1959
Denmark	22. 6. 1939	Poland	29. 9. 1948
Finland	20. 1. 1950	Rwanda	18. 9. 1962
France	17. 5. 1948	Republic of South Africa	26. 2. 1952
Federal Republic of Germany	17. 6. 1955	Spain	24. 6. 1958
Greece	13. 6. 1952	Sweden	24. 2. 1937
Haiti	19. 4. 1955	Turkey	27. 12. 1946
Honduras	17. 11. 1964	United Kingdom	29. 4. 1936
Hungary	17. 6. 1935	Uruguay	18. 3. 1954

ALGERIA (First Report)

Act of 25 October 1919 extending the Act of 8 April 1898 to cover occupational diseases.

The rules applying with regard to compensation for employment accidents also apply to occupational diseases. In addition the poisonings or sicknesses due to the substances mentioned in the Convention are named in the schedules annexed to legislation.

The authorities responsible for application of legislation are the private insurance companies; the Ministries of National Economy and of Social Affairs are responsible for supervision.

BELGIUM

For legislation see under Convention No. 18.

CONGO (LEOPOLDVILLE)

In reply to the direct request by the Committee of Experts the Government states that pending promulgation of a Presidential Ordinance establishing the list of occupational diseases, as provided for by section 20 of the Legislative Decree of 29 June 1961, the list annexed to the order of 16 November 1959 will continue to be applicable.

MEXICO

In reply to an observation by the Committee of Experts the Government confirms the information previously provided and specifies the following points in particular.

Poisoning by lead is covered by section XXXI of section 326 of the Federal Labour Act.

Poisoning by mercury is covered by item XXXII of the same section of the Act as amended by the decree of 31 December 1956. National legislation is wider than the Convention, for it covers all workers handling mercury.

Anthrax infection is covered by item I of the same section: its scope is also wider than that of the Convention.

Silicosis is covered by item IX of this section, which provides broader protection than the Convention.

For risks arising from epithelial affections of the skin, phosphorus, arsenic, benzene and its homologues, halogen derivatives of hydrocarbons, X-rays, and radium and radioactive substances, the coverage in the Convention is better than in national legislation.

* * *

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

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

Countries	Ratification registered on
Mexico	9. 3. 1938
Norway	21. 5. 1935
United Kingdom ¹	13. 1. 1937
Uruguay	18. 3. 1954

¹ Has denounced this Convention.

CZECHOSLOVAKIA

For the Government's reply to the observation made by the Committee of Experts in 1964 see *Report of the Committee* (1964), p. 668.

MEXICO

For the Government's reply to the observation made in 1964 see *Report of the Committee* (1964), p. 668.

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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:

Czechoslovakia, Mexico.

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

Belgium, France, Ireland, Norway.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on
Algeria	19. 10. 1962
Bulgaria	29. 12. 1949
Czechoslovakia	12. 6. 1950
France	21. 2. 1949
Ireland	10. 6. 1937
Italy	22. 10. 1952

Countries	Ratification registered on
New Zealand	29. 3. 1938
Norway	20. 5. 1957
Peru	4. 4. 1962
Switzerland	14. 6. 1939
United Kingdom	29. 4. 1936

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Decree of 25 May 1955 confirming a decision establishing a scheme of assistance to workers who are involuntarily unemployed.

Decision No. 55-024 to institute a scheme of assistance to workers who are involuntarily unemployed.

Order of 25 June 1955 to establish the conditions of application of Decision No. 55-024 of the Algerian Assembly.

Circular No. 50 of October 1962 of the Ministry of Labour to determine the conditions of operation of the special work projects for the unemployed.

Article 1 of the Convention. Provision is made for the payment of daily allowances to all persons, of whatever nationality, who are registered as unemployed persons as a result of no work having been found for them within one month of their having filed an application for employment; to qualify for the allowance, the worker must have been resident in the commune for six months and must have been employed in an industrial or commercial establishment for six of the 12 months preceding the filing of that application. A special scheme exists for dockers and other workers in commercial sea ports. At present, throughout Algeria, special works projects for the employed are operating, which engage unemployed workers for 15-day periods on a roster basis. Workers are paid in cash at an hourly rate of 1.25 francs for nine hours work per day; they also receive benefits in kind amounting to one-half their total earnings.

Article 2. The scheme in operation covers all the categories of persons mentioned.

Article 3. For the time being, no allowances are paid in the case of partial unemployment.

Article 16. Foreigners enjoy the same rights as nationals, with the exception of political rights.

The application of the above-mentioned Acts and regulations is entrusted to the labour authorities of the *départements*.

CZECHOSLOVAKIA

In reply to the observation made by the Committee of Experts in 1964 the Government furnishes the following information. With reference to the comment by the Committee of Experts that the absence at a given moment of unemployment does not free a 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, it can be stated that the problem is now being studied by legal experts from the viewpoint of its applicability to the home situation, and that the results of their investigations will be reported to the competent services within the country and to the I.L.O.

PERU (First Report)

No national legislation has been enacted in pursuance of this Convention. The existing relief scheme has not yet been replaced by an unemployment insurance scheme.

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	Lebanon	26. 7. 1962
Argentina	14. 3. 1950	Luxembourg	3. 3. 1958
Australia	7. 10. 1953	Malawi	22. 3. 1965
Austria	3. 7. 1937	Malaysia:	
Belgium	4. 8. 1937	States of Malaya	11. 11. 1957
Brazil	22. 9. 1938	Singapore	3. 3. 1964
Bulgaria	29. 12. 1949	Mexico	21. 2. 1938
Byelorussia	4. 8. 1961	Morocco	20. 9. 1956
Cameroon:		Netherlands	20. 2. 1937
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	Tanzania (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	Zambia	2. 12. 1964
Kenya	13. 1. 1964		

AUSTRIA

In reply to a direct request made by the Committee of Experts the Government indicates that, when the opportunity arises, the competent authorities will not fail to give a new legal form to the provisions concerning the employment of women in underground work so as to rule out any ambiguity in the full application of the provisions of the Convention.

COSTA RICA (First Report)

Constitution dated 7 November 1949 (sections 71, 121 and 124).

Labour Code: Act No. 2 of 27 August 1943, as amended.

Article 1 of the Convention. The term "mines" is defined in the Mining Industry Code.

Article 2. There is no direct prohibition of underground work for women in the national legislation. However, section 87 of the Labour Code prohibits the employment of women in hazardous and unhealthy work, and this covers underground work in mines.

Article 3. For the time being, no use is made of the exemptions provided for under this Article.

GUATEMALA (First Report)

Constitution: Legislative Decree No. 8, which came into force on 10 April 1963.

Labour Code: Congressional Decree No. 1441, which came into force on 16 August 1961.

Labour Charter: Legislative Decree No. 1, which came into force on 2 April 1963.

Mining Code (section 123).

Articles 1 and 2 of the Convention. Section 123 of the Mining Code prohibits the employment of women in the mines.

Article 3. There is no legislation providing for any exceptions to the terms of the Convention.

The competent authorities responsible for the application of the Convention are the Ministry of Labour and Social Security and the labour inspection services of this Ministry.

* * *

The report from *Guatemala* 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:

Malaysia (Singapore), Peru.

47. Forty-Hour Week Convention, 1935

This Convention came into force on 23 June 1957

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	21. 8. 1956	Ukraine	10. 8. 1956
New Zealand	29. 3. 1938	U.S.S.R.	23. 6. 1956

BYELORUSSIA

Legislation and practice have continued to develop towards the objective laid down in the Convention. The majority of workers in the textile industry have now been given a 40-hour week with two days of rest. These measures, taken after careful preparation, have involved no loss of wages for the workers concerned; in certain cases, they have even resulted in an increase in wages. Reduction in the number of working hours has been accompanied by other measures aiming at a constant improvement in the workers' living conditions.

U.S.S.R.

Order of the Council of Ministers, No. 458 of 27 April 1963.

Order No. 220/II of 3 June 1964 of the State Labour and Wages Committee of the Council of Ministers.

Under the above order of 1963 the 40-hour week spread over five days has been introduced in 200 textile firms employing over 500,000 workers and comprising nearly half the existing spinning and weaving machinery. In the district of Ivanov, where over 80 per cent. of textile workers already work the new hours, the change-over to a 40-hour week was to be completed in 1964 throughout textile firms. Under the above order of 1964 the regional economic councils were asked to follow the example set by the Ivanov district with regard to the textile industry.

These measures, applied with the active collaboration of the trade unions, have not resulted in reduction in wages and have even led to a certain rise in workers' earnings.

The change-over to the 40-hour week with two days of rest has been accompanied by a series of measures relating to organisation of workers' cultural and leisure time services. The operating hours of other essential facilities have been adjusted to the new hours of work.

* * *

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

Byelorussia, Ukraine, U.S.S.R.

The report from *New Zealand* refers to the information previously supplied.

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

Countries	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.

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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:

Czechoslovakia, Mexico.

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

France, Ireland, New Zealand, Norway.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Rwanda	18. 9. 1962
Belgium	26. 7. 1948	Sierra Leone	13. 6. 1961
Burundi	11. 3. 1963	Somalia (ex-British Somaliland)	18. 11. 1960
Cameroon (Western Cameroon)	3. 9. 1962	Tanzania:	
Congo (Leopoldville)	20. 9. 1960	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Zanzibar	22. 6. 1964
Jamaica	26. 12. 1962	Trinidad and Tobago	24. 5. 1963
Japan	8. 9. 1938	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom ¹	22. 5. 1939
Malaysia	11. 11. 1957	Zambia	2. 12. 1964
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		
Norway	7. 7. 1937		

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 a request and an observation made by the Committee of Experts the Government indicates that no changes have occurred with respect to the matters mentioned by the Committee. An agreement regulating the work of the Bolivian labourers in Argentina was appended to the Government's report.

CAMEROON

Western Cameroon (First Report)

Labour Code Ordinance (Cap. 91 of the revised edition of *The Laws of Nigeria*, 1958).

The Labour Code, which remains in force for Western Cameroon, ensures the application of the provisions of the Convention.

CONGO (LEOPOLDVILLE)

In reply to an observation by the Committee of Experts in 1964 the Government indicates that this Convention at present has no application in Congo. All persons under a contract of employment come under the provisions of the legislative decree of 1 February 1961.

GHANA

Article 7, paragraph 1, of the Convention. A corresponding provision has been embodied in the new Labour Bill which is being considered by the Government.

Article 10. It is proposed to delete section 8 (2) of the Labour Ordinance.

MALAYSIA

Singapore

Article 7 of the Convention. Under section 116 of the Labour Ordinance the recruiting of the head of a family is not to be deemed to involve the recruiting of any member of his family. Section 118 requires that the expenses of travel to the place of

employment shall be borne, and transport and necessities for the journey shall be provided, by the recruiter or employer. Sections 12 and 120 give the right to recruited workmen and their dependants to be repatriated under certain circumstances.

Article 8. It has not been found necessary to adopt any such policy as mentioned in this Article.

Articles 13 and 14. The requirements of these Articles are adopted for inclusion in section 114 of the ordinance. Subsection (3) of this section provides that a licence shall be subject to such conditions as may be endorsed thereon.

RWANDA

In reply to a direct request by the Committee of Experts in 1964 the Government lists legislation in force, together with the provisions implementing each of the Articles of the Convention.

Section 52 (*d*) of the Royal Order of 19 July 1954 remains in force but this provision is rarely applied in practice, and labour legislation at present being studied will settle this matter by bringing the law into line with the Convention.

In view of the volume of recruitment of workers for employment in the Congo, the adoption of certain joint methods of supervision is under consideration, in accordance with Article 24, paragraph 2, of the Convention.

SOMALIA

Law No. 2 of 9 January 1964 concerning extension of the Labour Code, etc. (*Bollettino ufficiale*, No.1, Suppl. No.3, 15 Jan. 1964).

By virtue of the above law the application of the Labour Code in force in the former United Nations Trust Territory has been extended to the whole territory of the State. However, the regulations bringing the Code up to date and for its completion and implementation are still awaiting approval.

In reply to a direct request by the Committee of Experts the Government states that it appears neither possible nor desirable to extend the area of application of the Convention to the whole of the national territory since its standards are incompatible with the Labour Code.

With the extension of the Labour Code to the whole of the national territory, all legislative provisions in the former British Somaliland contrary to and incompatible with those of the Code must be considered as repealed.

TANZANIA

Tanganyika

In reply to a request made by the Committee of Experts the Government indicates that the tendency for employers to avoid reliance on recruited labour has continued. As a result, administrative instructions abolishing the system of recruitment of workers have been issued. Current recruiting licences will not be renewed after 1964. Thereafter all requests for labour will have to be made through the employment exchange system. Labour forwarding offices will continue to be permitted to forward genuine voluntary labour to employment. At present Part IX of the Employment Ordinance will not be repealed and illegal recruitment will continue to be an offence under the law.

ZAMBIA

In reply to a direct request by the Committee of Experts in 1963 the Government indicates that a non-racial Employment Bill is in the legislative programme for introduction in the Legislative Assembly in the latter part of 1964. In determining a quota

of recruits for each district after consultations with the administrative officers concerned, particular attention is paid to Article 5, paragraph 1.

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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:

Cameroon (Western Cameroon), Ghana, Kenya, Nigeria, Rwanda, Uganda, Zambia.

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

Japan, Malaysia (States of Malaya), New Zealand, Norway, 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
Central African Republic	9. 6. 1964	Mexico	9. 3. 1938
Chad	8. 6. 1961	Morocco	20. 9. 1956
Colombia	7. 6. 1963	New Zealand	10. 11. 1950
Cuba	20. 7. 1953	Panama	3. 6. 1958
Czechoslovakia	12. 6. 1950	Peru	1. 2. 1960
Denmark	22. 6. 1939	Senegal	22. 10. 1962
Dominican Republic	5. 12. 1956	Syrian Arab Republic	26. 7. 1960
Finland	23. 8. 1949	Tunisia	15. 5. 1957
France	23. 8. 1939	Ukraine	14. 9. 1956
Gabon	13. 6. 1961	U.S.S.R.	10. 8. 1956
Greece	13. 6. 1952	United Arab Republic	3. 7. 1954
Hungary	8. 6. 1956	Uruguay	18. 3. 1954
Iraq	12. 5. 1960	Viet-Nam	6. 6. 1953
Israel	22. 8. 1951	Yugoslavia	26. 3. 1953
Italy	22. 10. 1952		

CHAD (First Report)

Labour Code (Overseas): Act No. 52-1322 of 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) as amended by Act No. 8/61 of 9 March 1961 (*Journal officiel*, 15 Mar. 1961).

General Order No. 3018 of 29 September 1953 fixing the structure of employers' registers (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 1 Nov. 1953).

Act No. 56-332 of 27 March 1956 amending the provisions for annual holidays with pay (*J.O.R.F.*, 31 Mar. 1956, No. 76).

General Order No. 960/IGT/A.E.F. of 11 March 1957 applying the Act of 27 March 1956 with regard to the provisions for annual holidays with pay (*J.O.A.E.F.*, 15 Mar. 1957, No. 6).

Decree No. 142 PR of 16 July 1962 laying down civil service regulations.

Article 1 of the Convention. The legislation covering holidays with pay applies to all workers. The above-mentioned decree excludes those whose conditions of work are governed by civil service regulations.

Article 2. Workers covered by the Labour Code are entitled to holidays with pay at the rate of not less than one-and-a-half days per month of actual employment. The duration of leave is increased for workers recruited outside the national territory, workers aged under 18 and women aged under 21 who have one or more dependent children. The duration is also increased in respect of workers' seniority (two, four or six working days after 20, 25 and 30 years' employment respectively). Working days are all days other than Sundays and days declared to be public holidays on the basis of law or collective agreement.

Annual holidays with pay may not be split except with the worker's agreement and provided that one of the periods comprises not less than 12 consecutive working days.

In calculating the length of holidays the following may not be excluded: absence owing to employment injury or occupational disease, maternity leave, or absence on

grounds of sickness for a period of up to six months; up to ten days' special leave on the occasion of family events may not be deducted from annual holiday entitlement.

Article 3. In accordance with section 2 of the Act of 9 March 1961 the employer is required to pay the worker throughout his period of leave a sum equal to not less than the average wage received by the worker during the last 12 months preceding his holiday in the form of wages, compensation, bonuses or commission. Such sum does not include output bonuses, allowances in respect of occupational expenses or benefit in kind granted by law or agreements in accordance with the employer's housing obligations. Nevertheless, the leave allowance may not be less than the total remuneration which the worker would have received during the holiday period if he had continued to work, subject to deduction of the elements enumerated above.

Article 4. National provisions governing annual holidays with pay are incorporated in public law, and the rights they grant may not be renounced.

Article 5. No use has been made of the provisions of this Article.

Article 6. In the event of breach or expiry of the employment contract before the worker becomes entitled to holidays, compensation calculated on the basis of rights acquired must be granted in lieu.

Article 7. The employer's register, the structure of which is laid down by the order No. 3018, meets the provisions of this Article. With regard to the part of the register that contains information concerning holidays with pay, the provisions of the order allowing for exemptions in undertakings employing not more than five permanent workers will not be reproduced in the regulations to be adopted in this connection. No exception was in fact granted under these provisions during the period covered by this report.

Article 8. Violation of provisions concerning annual holidays with pay are punishable in accordance with sections 225 and 232 of the Labour Code.

The labour inspectorate is responsible for enforcement of laws and regulations in this connection.

No courts have been obliged to take action on the grounds of violation of the provisions covered in this report.

The labour inspectorate has made 42 observations in this connection, and all have been put into effect. The inspectors have also engaged in conciliation over 102 disputes relating to interpretation of individual holiday entitlement. Sixteen of these disputes could not be settled by conciliation and were brought before the labour courts; in no case were existing laws and regulations disputed.

The Government believes that the provisions of the Convention are applied, since the employers' and workers' organisations have never referred to any situation constituting violation or ignorance of the provisions governing annual holidays and the labour inspectors' reports indicate that the obligations laid down in these matters have become normal custom.

PERU

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

Article 1 of the Convention. All workers, whether in public or in private employment, are entitled without any restriction whatever to annual holidays.

Article 2, paragraph 2. Section 3 of Act No. 13683 does not permit the relinquishment of the right to holidays but indicates that, by agreement between the worker and the employer, up to 20 days' annual holiday may be replaced by compensation in cash.

Article 4. Section 13 of the Presidential Decree of 24 October 1961 provides that, by agreement between the parties or when this is necessary for reasons of service, up to two years' holiday may be accumulated, subject to the approval of the labour authorities.

URUGUAY

Regulations dated 26 April 1962 to implement Act No. 12590 of 23 December 1958 in regard to holidays with pay.

In reply to an observation made by the Committee of Experts the Government makes the following statement. Section 16 of the above Act permits exceptions for technical employees only if valid reasons are adduced to prove that the general system may be detrimental to the economic interests of particular activities, and only in exceptional cases. Section 23 of the above regulations lays down new conditions in regard to such exceptions.

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The report from *Yugoslavia* supplies information on minor changes in the Convention's implementation.

The report from the *Malagasy Republic* refers to the information previously supplied.

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	Mauritania	8. 11. 1963
Belgium	11. 4. 1938	Mexico	1. 9. 1939
Brazil	12. 10. 1938	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Norway	7. 7. 1937
China	10. 12. 1964	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

PHILIPPINES

Revised Merchant Marine Regulations.

Under Philippine laws and regulations the following different classes of certificates are issued: master; first mate; second mate; third mate; patron; patron in the minor; patron for harbour, bay, lake or river; chief engineer; second engineer; third engineer; fourth engineer; chief motor engineer; second, third and fourth motor engineer; bay, lake and river motor engineer.

According to section 743 of the Merchant Marine Regulations, a candidate for the certificates mentioned above must appear before the Board of Marine Examiners or the Board of Examiners for Engineer Officers for physical and professional examination.

The regulations mentioned above lay down the minimum age, the minimum period and nature of professional experience for each of the certificates and the nature and curriculum of the examinations required.

YUGOSLAVIA

Decree respecting the crews of ships in the mercantile marine (*Službeni List*, No. 80/49).

Regulations respecting the qualifications required for, and the recognition of ranks held by, the members of the crews of vessels of the mercantile marine (*ibid.*, No. 42/58).

Regulation to revise the regulations respecting the qualifications required for, and the recognition of ranks held by, the members of the crews of vessels of the mercantile marine (*ibid.*, No. 52/60).

Basic Act respecting safety at sea (*ibid.*, No. 30/62).

Labour Relations Act (*ibid.*, No. 17/61).

Act to revise the Penal Code (*ibid.*, No. 30/59).

Article 1 of the Convention. The above-mentioned legislation applies to all vessels of the mercantile marine without exception. It does not apply to vessels not used for commercial purposes.

Article 2. The term "officer on board ship" within the meaning of sections 2 and 75 of the above regulations includes: (a) Master (ocean-going): in command of any vessel of whatever tonnage or type of navigation; (b) Master (coastal): who, in strictly defined conditions respecting the tonnage of the ship and the type of navigation, performs the duties of first and second deck officer on vessels plying coastal waters only; (c) Mate: who performs the duties of third and second deck officers on

board ships of less than 400 gross tons, engaged in coast trade, and who may perform the duties of master on board passenger transport ships of less than 200 gross tons; (d) Engineer first class: who performs the duties of engineer officer and is in charge of the engine department without regard to the type and power-rating of the engine; (e) Engineer second class: who performs the duties of second engineer officer, and who in certain conditions may perform the functions of first officer and may also take charge of the engine department of the ship; (f) Engineer third class: who performs the duties of third engineer officer and, in certain conditions, those of second engineer officer, and who in exceptional cases in ships with engine power-rating not exceeding 500 h.p., may be put in charge of the engine department; (g) Chief machinist: who performs the duties of an officer and is in charge of the machine department on ships of low engine power-rating (from 300 to 1,000 h.p.).

Article 3. Only a person holding a certificate of competency may be engaged on board a vessel as a crew member and may perform the duties assigned to him having regard to his competency (sections 8 and 13 of the above decree). Ratings may perform on board ship only such duties as their recognised rank entitles them to perform, and provided that they hold the appropriate certificates of competency (sections 6, 63 and 75 of the above regulations).

Article 4. Taking into account the length of compulsory training service at sea and the vocational training required for the delivery of the certificate of competency required for the performance of an officer's duties, although the minimum age is not prescribed by legislation, it cannot be less than 20 years of age for a mate, 22 or 23 years of age for a master, coastal, and 24 years of age for a master, ocean-going. A mate who has done a training period of two years at sea as deck officer, including one year on board an ocean-going vessel, may rise to the rank of master, ocean-going, if he has completed his studies at the Higher Naval School—Nautical Section—and has passed his examinations for the master's certificate, ocean-going. (Section 18 of the regulations.) A pupil at the naval school who has served at sea as a trainee for a minimum period of two years, including one on board a vessel exceeding 400 gross tons, and has passed his examination for the certificate of mate may hold this rank.

The rank of engineer first class may be obtained by a seafarer after two years at sea performing the duties of engineer second or third class (one year of which has been spent servicing engines of more than 1,000 h.p. rating), provided he has completed his studies at the Higher Naval School—Naval Engineering Section—and has passed his examination for the certificate of engineer first class (section 16 of the regulation to revise the regulations). An engineer third class who, after two years at sea performing the duties of engineer third class, passes his examination for the certificate of engineer second class, may rise to this rank (section 19 of the regulations).

The compulsory examinations for the above-mentioned certificates comprise oral examinations and both theoretical and practical written tests (section 26 of the regulations). The maritime and inland waterway navigation authority, in collaboration with the federal office of the transport and communications department, draws up the regulations, curricula and conditions for admission to the examinations, which are held by special committees made up of members of the maritime and inland waterway transport authority attached to the competent authorities of maritime areas (section 21 of the regulation to revise the regulations, and sections 27 and 29 of the regulations).

Article 5. Supervisory functions in this field are entrusted to the safety service of the harbour masters' offices and to the competent bodies of the Federation and the various republics responsible for the safety of navigation (sections 5 and 10 of the above basic Act). In addition to their regular duties, harbour masters' offices are responsible, through the intermediary of navigation safety inspectors, for the supervision

of ships' crews in matters pertaining to their vocational training and other conditions required for the various types of work and for the performance of their duties on board ships (section 24 of the Basic Act). Inspectors are empowered to question the persons concerned, hear witnesses, and verify ships' registers and documents and the certificates of competency of crew members (section 25 of the Basic Act). When an inspector finds that the legislative provisions are not applied (these provisions also cover the composition of crews), he orders the master of the ship to remedy the situation within a given time limit. If this order is not carried out by the date prescribed, and if the infringement is likely to threaten the safety of navigation or of persons on board, the inspector forbids the ship to proceed and confiscates the certificates of competency of the crew (section 28 of the Basic Act). The administrative bodies of the republics responsible for the safety of navigation ensure the application of the legal provisions in this field and also supervise the work of the inspection services.

Article 6. The legislation provides for fines of up to 20,000 dinars for the following cases: if a shipowner or his responsible agent engage as members of the crew any persons not holding the appropriate certificates of competency to perform specific duties on board; if the master permits any person not holding a certificate of competency for a specific duty to come on board and perform that duty; if the master of a ship permits any person not holding the appropriate certificate of competency to be engaged on board to perform specific duties, or permits a member of the ship's crew to perform duties without being in possession of the appropriate certificate of competency; if a person who is a member of the crew performs duties without having the appropriate certificate of competency (section 75, para. (a), of the regulation to revise the regulations).

Under the Labour Relations Act, the above cases involve disciplinary liability. A provision explicitly names the falsifying of documents or the giving of false information with the aim of misleading the economic organisation as a particularly serious violation of labour discipline.

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

ALGERIA (First Report)

Legislative Decree of 17 June 1938, as amended, respecting the reorganisation and unification of the seamen's insurance system (*Journal officiel de la République française (J.O.R.F.)*, 29 June 1938) (L.S. 1938—Fr. 8).

Act of 11 April 1941 to improve the seamen's pension scheme under the General Seamen's Welfare Fund (*J.O.R.F.*, 6 May 1941) (L.S. 1941—Fr. 3).

Ordinance No. 45-2050 of 8 September 1945 to validate the enactments promulgated since 18 June 1940 respecting the insurance against old age, accidents, sickness, invalidity and death of French seamen employed in merchant vessels, fishing vessels or pleasure boats, and to persons engaged in the catering and clerical departments on board vessels, and to amend the said enactments (*J.O.R.F.*, 9 Sep. 1945) (L.S. 1945—Fr. 13).

Decree No. 47-1304 of 15 July 1947 to bring the seamen's insurance scheme into harmony with the legislation on employment injuries and general social insurance (*J.O.R.F.*, 16 July 1947) (L.S. 1950—Fr. 9 D).

Act No. 48-1469 of 22 September 1948 to reform the pension scheme for French merchant seamen and fishermen (*J.O.R.F.*, 23 Sep. 1948) (L.S. 1948—Fr. 8).

Act No. 49-1606 of 20 December 1949 to amend section 3 of the Legislative Decree of 17 June 1938 (*J.O.R.F.*, 21 Dec. 1949).

Decree No. 52-297 of 28 February 1952 to bring the seamen's insurance scheme into harmony with the legislation on employment injuries and general social insurance (*ibid.*, 9 Mar. 1952) (L.S. 1952—Fr. 1).

Act No. 53-306 of 10 April 1953 concerning the institution of contributions towards the National Establishment for Disabled Seamen (*J.O.R.F.*, 11 Apr. 1953).

Act No. 53-1314 of 31 December 1953 to increase the total credits allocated to expenditure by the Ministry of Finance and Economic Affairs for 1954 (*ibid.*, 5 Jan. 1954).

Decree No. 56-162 of 28 January 1956 to bring the seamen's insurance scheme into harmony with the legislation on employment injuries and general social insurance (*ibid.*, 31 Jan. 1956).

Act No. 56-1327 of 29 December 1956 laying down financial legislation for 1957 (*ibid.*, 30 Dec. 1956).

Decree No. 59-158 of 7 January 1959 to bring the seamen's insurance scheme, together with the amendments under Act No. 58-1374 of 30 December 1958, into harmony with the legislation on employment injuries and general social insurance (*ibid.*, 10 Jan. 1959).

Decree No. 59-626 of 12 May 1959 relating to seamen's occupations and certain conditions of work on board ship (*ibid.*, 16 May 1959).

Decree No. 62-213 of 26 February 1962 relating to contribution rates to the General French Seamen's Welfare Fund (*ibid.*, 28 Feb. 1962).

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Decree No. 63-457 of 14 November 1963 to set up a Seamen's Social Welfare Establishment (*ibid.*, 19 Nov. 1963).

The Seamen's Social Welfare Establishment has been in operation since 1 May 1964.

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

58. Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	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
China	10. 12. 1964	Peru	4. 4. 1962
Cuba	20. 7. 1953	Sierra Leone	13. 6. 1961
Denmark	4. 6. 1955	Sweden	6. 1. 1939
France	9. 12. 1948	Switzerland	21. 4. 1960
Ghana	20. 5. 1957	Tanzania (Zanzibar)	22. 6. 1964
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

ALGERIA (First Report)

French Maritime Labour Code dated 13 December 1926, as amended.

Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

The above Code, which contains provisions applying the Convention to France, has been declared applicable to Algeria.

BYELORUSSIA

See under Convention No. 60.

GUATEMALA (First Report)

Constitution: Legislative Decree No. 8, which came into force on 10 April 1963.

Labour Code: Congressional Decree No. 1441, which came into force on 16 August 1961.

Labour Charter: Legislative Decree No. 1, which came into force on 2 April 1963.

International labour Conventions become national laws after the requirements connected with ratification are fulfilled.

Article 2, paragraph 2, of the Convention. No authorisation of the kind provided for has been given.

Article 4. The Ministry of Labour has given instructions to the general labour inspectorate to the effect that all ships to which the Convention applies must have the register mentioned by this Article.

The supervision of the legislation is the responsibility of the Ministry of Labour.

IRAQ

In reply to a request made in 1963 by the Committee of Experts the Government states that a new definition of the word "child" is given in the draft labour law. According to this definition a child is a person under 15 years of age, whose employment is strictly prohibited.

The employment certificate is issued by the official Medical Board.

Registers are kept on board ship and all members of the crew are recorded in them.

KENYA (First Report)

For legislation see under Convention No. 15.

Section 11 of the Act on the employment of women, young persons and children prohibits the employment of children under 15 years of age on any ship, except on a Native vessel, if the child is in the care of a relative who is a member of the crew and who is considered by an authorised officer to be a fit and proper person to have charge of the child.

Section 11 of the Act gives effect also to the provisions of Articles 3 and 6 (2) of the Convention.

According to section 13 of the Act, ships' masters must keep registers of persons under 18 years of age employed on board vessels.

NORWAY

See under Convention No. 7.

SIERRA LEONE

See under Convention No. 7.

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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:

Albania, Argentina, Belgium, Brazil, Bulgaria, Canada, Cuba, Ghana, Italy, Japan, Netherlands, New Zealand, Sierra Leone, Sweden, Switzerland, United States, Yugoslavia.

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

Ceylon, Denmark, France, Mexico, Nigeria, Ukraine, U.S.S.R.

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

This Convention came into force on 21 February 1941

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Norway	26. 8. 1938
Bulgaria	22. 7. 1960	Pakistan	26. 5. 1955
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
China	21. 2. 1940	Philippines	17. 11. 1960
Cuba	7. 9. 1954	Sierra Leone	15. 6. 1961
Ghana	20. 5. 1957	Tanzania:	
Iraq	5. 7. 1960	Tanganyika	30. 1. 1962
Italy	22. 10. 1952	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Ukraine	14. 9. 1956
Luxembourg	3. 3. 1958	U.S.S.R.	10. 8. 1956
Nigeria	16. 6. 1961	Uruguay	18. 3. 1954
New Zealand	8. 7. 1947		

BYELORUSSIA

See under Convention No. 60.

IRAQ

Article 1, paragraph 1, of the Convention. A new draft Labour Law will be in conformity with this Article.

Article 2, paragraph 1. The new draft Labour Law prohibits the employment of children under 15. Regulation No. 4 of 1961 will be amended accordingly.

Paragraph 2. In general, family undertakings employ only children of the same family.

Article 3. Training of children takes place only in technical schools under the supervision of the public authority.

Article 4. Section 48 of the Labour Law No. 1 of 1958 fulfills the conditions of this Article.

Article 5. The new draft Labour Law will comply with the requirements of this provision.

KENYA (First Report)

The Employment of Women, Young Persons and Children Act (Cap. 227).
The Industrial Training Act (Cap. 237).

Article 1, paragraph 1, of the Convention. The provisions of this Article are covered by section 2 of Cap. 227 which defines the term "industrial undertaking". This definition does not include the transformation and transmission of electricity but amendment of the Act to cover this is under consideration. The only business undertaking involved in these activities does not engage any young persons below the age of 16 years.

Paragraph 2. No special decisions have been taken on this. No difficulty has been experienced in applying these distinctions.

Article 2, paragraph 1. "Child" is defined in section 2 of Cap. 227 as any person who has not attained the age of 16 years and under section 4 (i) no child may be employed in any industrial undertaking. The exceptions in the case of apprentices and indentured learners of 15 years and over are referred to below.

Paragraph 2. Under section 3 of Cap. 227, children may be employed in undertakings in which only members of the same family are employed subject to the same safeguard as is contained in this Article.

There is no precise definition of "members of the same family" in use, but it usually covers the wife or wives and the unmarried children (but excluding adult male children) of the employer.

Article 3. Technical schools are excluded from the application of Cap. 227, provided that they are approved and supervised by the Ministry of Education.

Children employed in industrial undertakings under deeds of apprenticeship are excluded from the scope of the Act but under section 8 (i) of Cap. 237, no child under the age of 15 years may bind himself as an apprentice or indentured learner in any trade. Children and young people over this age may be taken on as apprentices or indentured learners only with the written permission of the Controller of Apprenticeship.

Article 4. Section 9 (i) of Cap. 227 requires that any employer who employs more than one young person in an industrial undertaking shall keep a register of such young persons, showing their age and the dates on which they enter or leave such employment.

Article 5, paragraph 1(a). Section 4 (i) of Cap. 227 stipulates that no one under 16 years may be employed in any industrial undertaking and section 5 (ii) that no one under 16 years may be employed on any machinery. Furthermore, section 5 (2) prohibits the employment of persons under 16 years of age in any open-cast or sub-surface workings entered by means of a shaft or adit.

The Minister may specify any other trade or undertaking in which a child under 16 years may not be employed. He is also empowered to make rules prohibiting the employment of children and young persons under 18 years of age in any specified occupation. None of these powers has been exercised.

Paragraph 1 (b). No special powers of this kind have been conferred.

PERU (First Report)

Act No. 2851 of 1918 concerning employment of women and young persons (*L.S.* 1919—Per. 1). Minors' Code: Act No. 13968 of 2 May 1962 (*El Peruano*, 7 and 8 May 1962).

Articles 1 and 2 of the Convention. Persons aged under 14 may not be employed, except those aged over 13 who have already had a primary education and have been found physically fit for employment. In respect of children aged between 13 and 14 maximum hours of work amount to six per day and 33 per week. Between the ages of 14 and 18, hours of work amount to eight per day and 45 per week.

Article 3. Section 4 of the above Act authorises children aged between 13 and 14 to work in orphanages where manual trades are taught, subject to a maximum of three hours per day.

Article 4. Section 46 of the above Code lays down that the authorities may inspect the conditions of work of young persons at any time.

Article 5. The Code lists occupations considered to be physically or morally dangerous. Young persons may not be employed in such occupations without medical authorisation by the Ministry of Labour and Indigenous Affairs. However, children's courts may authorise children aged under 14 to participate in cultural or artistic activities provided that these are not harmful to their health or their moral upbringing and are essential to their maintenance. Boys aged between 14 and 18 and girls up to the age of 21 also require such authorisation for employment in streets or in public

places. In certain cases the courts may also authorise children of school age to work, provided that such employment is compatible with regular school attendance.

SIERRA LEONE

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

Article 2, paragraph 1, of the Convention. The fixing of the apparent age of children is the responsibility of a judge of the Supreme Court.

Paragraph 2. The types of undertaking in which only the members of the same family are employed are mainly agricultural and commercial.

Article 4. Consideration is being given to amending the law to give effect to these provisions.

Article 5. The application of section 7 (*b*), paragraphs 2 and 3, of the Employers and Employed (Amendment) Act of 1962 is observed mostly in the case of indentured apprentices.

TANZANIA

Tanganyika

In reply to a request made by the Committee of Experts the Government supplies the following information. No other order than the employment of Children (Exempted Occupations) Order, 1957, was made under section 76 of the Employment Ordinance, 1955. The occupations listed in that order are predominantly of an agricultural nature. No specific form of registry has been prescribed under section 85 (1) of the Employment Ordinance, 1955.

U.S.S.R.

In reply to the direct request by the Committee of Experts in 1963 the Government states that systematic registration of young persons is now carried out in accordance with the basic regulations concerning calculation of work and wages in industrial undertakings. Young persons' individual records form a special subdivision in the staff filing systems.

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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:

China, Cuba, Ghana, Italy, New Zealand, Nigeria, Norway.

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

Albania, Bulgaria, Luxembourg, Philippines, Sierra Leone, Ukraine.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	New Zealand ¹	8. 7. 1947
Byelorussia	6. 11. 1956	Ukraine.	14. 9. 1956
Cuba	7. 9. 1954	U.S.S.R.	10. 8. 1956
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Luxembourg.	3. 3. 1958		

¹ Has denounced this Convention.

BYELORUSSIA

In reply to the request made by the Committee of Experts concerning registers of names and dates of birth (Article 7, clause (b), of the Convention) the Government states that this supervision is exercised under the basic provisions regulating the supervision of work and wage earners in industrial undertakings (of 10 February 1958) by means of individual forms kept in a special file in the personnel department of an undertaking, the forms for young persons being kept separately. These forms include details of age, sex, occupation, qualifications and length of service of the employee.

As regards the request made by the Committee of Experts respecting dangerous employment (Article 4, paragraph 2 (a), of the Convention) and duration of work and night work of children and young persons employed in the making of cinematographic films (Article 4, paragraphs 1 and 2 (b), of the Convention), the Government states that, under the order of the Central Committee of the Communist Party and the Council of Ministers of the U.S.S.R. of 8 August 1955, additional hours of work and night work are prohibited for persons under 18 years of age, and that furthermore, the duration of work for persons between the ages of 16 and 18 years is established at six hours per day by the decree of the Presidium of the Supreme Soviet of the U.S.S.R. of 16 May 1956. This legislation applies to all kinds of work and to all types of undertakings or establishments.

ITALY

Presidential Decree No. 272 of 9 March 1964, on the approval of the list of light jobs permitted to minors not less than 13 years old.

In reply to the direct request by the Committee of Experts the Government indicates that itinerant trading is governed by the law on public safety (Royal Decree No. 773 of 18 June 1931) which forbids giving administrative authorisation to "minors under 18 years of age able to engage in other occupations". In view of the heavy penalties provided for and in view of the fact that public safety measures are implemented by the appropriate services of the national and local police, it can be held that the provisions of the Convention are applied.

LUXEMBOURG

In reply to the direct request made by the Committee of Experts in 1963 the Government states that it has not provided for any special measures for the identification and supervision of young persons engaged in itinerant trading, since section 18, paragraph 2, of the draft law concerning the protection of children and young workers prohibits the employment of young persons under 18 years of age in such trades.

* * *

The report from *Cuba* 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:

Bulgaria, Ukraine, U.S.S.R.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mauritania	8. 11. 1963
Belgium	3. 10. 1951	Mexico	4. 7. 1941
Bulgaria	29. 12. 1949	Netherlands	2. 5. 1950
Burundi	11. 3. 1963	Peru	4. 4. 1962
Central African Republic	9. 6. 1964	Poland	17. 4. 1950
Congo (Leopoldville)	20. 9. 1960	Rwanda	18. 9. 1962
Finland	8. 4. 1947	Spain	24. 6. 1958
France	16. 12. 1950	Switzerland	23. 5. 1940
Federal Republic of Germany	14. 6. 1955	Tunisia	12. 1. 1959
Honduras	17. 11. 1964	Uruguay	18. 3. 1954
Hungary	8. 6. 1956		

ALGERIA (First Report)

Labour Code.

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

Decree of 9 August 1925 concerning special measures of protection and hygiene in the building industry and public works.

Order of 24 March 1950 concerning certain safety measures relating to hoisting machines other than elevators.

Order of 6 October 1958 concerning protection of women and minors in dangerous occupations.

Article 1 of the Convention. The above legislation applies the provisions of the Convention. The National Assembly, the President of the Republic and the Minister of Social Affairs can issue regulations giving them effect.

The first triennial report will be forwarded when the new Algerian labour legislation has been promulgated.

Article 2, paragraph 1. All industrial and commercial enterprises carrying out any kind of building work are subject to the above legislation.

Paragraph 2. No exemptions have been granted.

Article 3, clause (a). The internal regulations of any enterprise can prescribe general safety measures and bring them to the notice of the workers. An abstract of the above legislation must be displayed at the workplaces. Special regulations on various protective measures must also be posted up.

Clause (b). The head of the enterprise is the responsible person.

Clause (c). The penalties are fines imposed by the police-court; if the offence is repeated the court of summary jurisdiction will impose higher fines or order the closing down of the enterprise.

Article 4. Inspectors and supervisors of labour and manpower, under the authority of a district director, are responsible for the enforcement of the above legislation. The inspectors are highly qualified persons with special training and education.

Article 5. There are no exemptions.

Article 6. There are no exact statistics.

Article 7. The present legislation does not prescribe that supervision must be made by a competent and responsible person and that competent workers must con-

struct, take down or make changes in the scaffolds. The new labour legislation will include these provisions.

The scaffolds must be of sound material and of adequate strength; they must be constructed in such a way as to avoid displacement. The employer is the competent person responsible.

Article 8. Working platforms, gangways and stairways must have joined flooring; platforms and gangways must have a width of at least 60 cm. All platforms, working places and stairways must be fenced.

Article 9. All openings must be covered and guarded. For work on a roof (above 3 metres) protective measures must be taken to prevent the fall of persons (if not, safety belts must be used). Appropriate measures must be taken to prevent dangerous falls of material.

Article 10. The means of access must be adequately fenced and securely constructed. Ladders must be securely fixed and reach at least 1 metre above the highest point of the working place. Every workplace and means of access must be adequately lighted.

When work is performed at a distance of less than 3 metres from dangerous electrical equipment the employer must take the steps necessary to protect the workers.

Places of work must be arranged so as to protect the workers.

Article 11. Hoisting equipment must be tested before use, and it shall be adjusted, lubricated and kept in good order. The usual practice is not to permit overloading.

Article 12. Hoisting material must be thoroughly examined at least every 12 months. Chains, cables, slings, hooks, etc. must be inspected at least every 12 months, and after each time they have been out of use for a period.

Article 13. Hoisting material shall not be operated by persons who are unqualified or in bad health. Minimum age: 18 years.

Article 14. No cable must be loaded beyond one-sixth of its breaking strength. Every part of a hoisting machine must be plainly marked with the maximum working load and it must not be loaded beyond it.

Article 15. All dangerous parts of moving machinery must be adequately guarded. The hoisting machines must be provided with safeguards to prevent accidental fall of the load. Special instructions must show in detail how to avoid such falls.

Article 16. Personal protective equipment must be put at the disposal of the workers. The employer must provide this equipment and the workers must use it.

Article 17. For work involving a risk of drowning all necessary measures must be taken to avoid falls and to ensure the prompt rescue of a person in danger.

Article 18. At places of work employing more than ten persons adequate provision must be made for prompt first-aid treatment.

The Labour Inspectorate's services are responsible for the application of the above legislation.

The Labour Inspectorate has not given any information on difficulties encountered in its work. There is no information on court decisions. No observations from workers' and employers' organisations.

FINLAND

In reply to a direct request in 1963 the Government indicates that the comments by the Committee of Experts have been brought to the attention of the committee set up to prepare regulations giving effect to legislation on occupational safety; its proposals for changes in the building regulations may be ready at the end of 1965.

FRANCE

Order of 15 July 1963 determining safety measures with regard to the construction, use and inspection of wooden ladders normally used in building and public works occupations (*Journal officiel*, 31 July 1963).

Order of 13 December 1963 determining safety measures concerning the assembly, use and dismantling of scaffolds, platforms and gangways on building and public works sites (*ibid.*, 24 Dec. 1963).

Decree No. 62-1028 of 18 August 1962 amending Decree No. 47-1592 of 23 August 1947 laying down amended public administrative regulations with regard to special safety measures concerning hoisting appliances other than lifts and hoists (*ibid.*, 30 Aug. 1962).

Decree No. 62-1454 of 14 November 1962 laying down public administrative regulations for the enforcement of Book II of the Labour Code (Part II: Health and Safety of Workers in Undertakings Using Electric Current) (*ibid.*, 5 and 15 Dec. 1962).

The subcommittee responsible for drawing up draft regulations to replace the decree of 9 August 1925 has finished its work. It paid special attention to the observations by the Committee of Experts and to the model regulations appended to Recommendation No. 53. The draft prepared by this subcommittee was discussed and revised by the Industrial Safety Committee and then transmitted to the Council of State, which is examining it. It appears likely that the new public administrative regulations to replace the decree of 9 August 1925 may be published in the near future.

MEXICO

For the Government's reply to the observations by the Committee of Experts see *Report of the Committee* (1964), p. 669-670.

PERU (First Report)

Act No. 1378 of 20 January 1911.

Presidential Decree of 4 July 1913.

Ministerial Decision No. 480 of 20 March 1964.

Articles 1 to 3, 5 and 6 of the Convention. The Convention was ratified by Legislative Decision No. 14033 of 24 February 1962, and consequently the obligations deriving from it have been assumed.

Articles 7 to 17. All these Articles of the Convention are covered by section 25 of the above Presidential Decree.

Article 18. The above-mentioned Act holds the head of an enterprise responsible for accidents occurring in that enterprise. Section 13 lays down that the victim of a work accident must at once be given necessary attention.

The Ministry of Labour, through the General Directorate of Labour, is responsible for the application of the Convention.

The courts of law have given decisions relating to the provisions of the Convention.

There is no statistical information. The organisations of employers and workers have not made any observations with regard to the Convention.

SPAIN

For the application of the Convention in the African provinces see under Convention No. 1.

TUNISIA

In reply to a direct request made by the Committee of Experts in 1963 the Government indicates that it has been decided to amend Decree No. 62/129 of 18 April 1962 concerning safety provisions in the building industry so that it may be expressly laid

down that the employer must comply with the requirements of Parts I to III of the decree. An appropriate draft amendment has been submitted to the competent authorities.

* * *

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

Algeria, Belgium, Bulgaria, Finland, France, Federal Republic of Germany, Netherlands, Peru, Poland, Rwanda, Spain, Switzerland.

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

Congo (Leopoldville), Hungary, Mexico, Tunisia, 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	Netherlands	9. 3. 1940
Australia ¹	5. 9. 1939	New Zealand ¹	18. 1. 1940
Austria ^{1 2}	26. 11. 1958	Norway ³	29. 3. 1940
Burma ^{2 3}	24. 11. 1961	Republic of South Africa ^{1 2}	8. 8. 1939
Canada	6. 4. 1946	Sweden ³	21. 6. 1939
Ceylon ³	25. 8. 1952	Switzerland ^{2 3}	23. 5. 1940
Chile ³	10. 5. 1957	Syrian Arab Republic ^{2 3}	26. 7. 1960
Cuba	7. 9. 1954	Tanzania:	
Czechoslovakia	12. 6. 1950	Tanganyika ¹	19. 11. 1962
Denmark ³	22. 6. 1939	Zanzibar	22. 6. 1964
Finland ³	8. 4. 1947	United Arab Republic ^{2 3}	5. 10. 1940
France	28. 6. 1951	United Kingdom	26. 5. 1947
Federal Republic of Germany	22. 6. 1954	Uruguay	18. 3. 1954
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		
Mexico	16. 7. 1942		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

GUATEMALA

Article 1 of the Convention. Statistics are compiled on wages and hours of work by means of periodical surveys based on annual employers' reports and a census made in 1962.

Article 2. No part of the Convention has been excluded.

Article 4. The data obtained from the National Labour Census carried out through the Statistical Department are now being processed so that they may be presented properly tabulated.

Article 6. All cash payments and bonuses received by employees are included in the statistics supplied. Social security contributions are also included in the census figures and the amount of income tax payments will be known at the end of the first tax year.

Article 7. Cases where allowances in kind form a substantial part of the total remuneration of the wage earners employed will be investigated by means of surveys in 1965.

Article 8. When family allowances are known, the total amount of the workers' average earnings can be established.

Article 9. All the statistics on average income, earnings, wages etc. have been compiled on a daily basis.

Article 10. The statistics are compiled once a year.

Article 11. Statistical surveys carried out have always covered the entire country.

Article 12. The index numbers compiled show the wages earned by workers.

Article 13. Statistics of time rates and wages and of normal and extra hours of work have been compiled but have not been published owing to lack of authorisation and funds. Having made a representative selection of the principal manufacturing industries, the department of economic studies of the Bank of Guatemala concluded

that information supplied by the Department of Labour Statistics should be processed by electronic machines.

Article 14. Time rates and normal hours of work are fixed by collective agreement between employers and workers, since there are no minimum wages except in commerce.

Article 15. The census covered all occupations and trades so as to obtain information on current terminology and the occupational classification of each calling. In describing rates, the I.L.O. classification was used. There is a plan to make an exhaustive review of occupations with a view to drawing up a general index of occupations.

Article 17. The statistics also contain separate particulars classified by age and sex.

Article 19. The census should be taken every three years to enable comparative labour statistics to be compiled.

Article 20. In order to estimate effective money value of remuneration and benefits a special survey must be made of domestic service and some branches of agriculture in which this form of remuneration is most frequent.

Article 21. Index numbers showing the movement in rates of wages are compiled for each industry and comparability of the figures is ensured by utilising the same basis.

Article 22. The main concern of the Statistical Department has been to compile statistics on agricultural workers, particularly as regards wages. Information on agricultural activities is available at shorter intervals than those mentioned in this Article.

KENYA (First Report)

The Statistics Ordinance, 1961 (Cap. 112).

Statistics (Employment) Regulations, 1961, 1962, 1963.

The Economics and Statistics Division of the Treasury was established in July 1961 for the collation of statistics.

The Ministry of Labour has begun the collection of information relating to the wages and hours of work of all workers in the course of routine inspections of undertakings of all kinds. It is intended to publish statistical data derived from this information in the Ministry's annual reports in order to comply more fully with the provisions of the Convention.

TANZANIA

Tanganyika

The Statistics Ordinance (No. 33 of 1961).

Article 2 of the Convention. Information on average cash earnings is now obtained by means of the annual labour enumeration. Information on hours actually worked in the mining and manufacturing industries as distinct from normal hours of work is not obtainable at present.

Article 3. Under section 8 (1) (c) of the above ordinance, no report, extract or any other document containing particulars so arranged as to enable the identification of such particulars with any person, business or undertaking may be published, unless previous consent in writing has been obtained from the person concerned.

Article 4. Information concerning hours of work is obtained by officers in charge of field labour offices during the course of frequent inspections among employers. All other information is obtained from annual enumeration of employees carried out by the Central Statistical Bureau.

At the present stage of development it is not possible to obtain statistical information of the nature envisaged at more frequent intervals than by means of annual enumeration of employees. However, in connection with the Tanganyikan Development Plan, 1964-69, it is intended to establish quarterly employment trend series on a sample basis of the larger employing concerns.

* * *

The report from *Algeria* 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:

Guatemala, Kenya, Mexico, Tanzania (Tanganyika).

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	Sierra Leone	13. 6. 1961
Burundi	11. 3. 1963	Somalia (ex-British Somaliland)	18. 11. 1960
Cameroon (Western Cameroon)	3. 9. 1962	Tanzania:	
Congo (Leopoldville)	20. 9. 1960	Tanganyika	30. 1. 1962
Ghana	20. 5. 1957	Zanzibar	22. 6. 1964
Jamaica	26. 12. 1962	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom	24. 8. 1943
Malaysia	11. 11. 1957	Zambia	2. 12. 1964
New Zealand ¹	8. 7. 1947		
Nigeria	17. 10. 1960		
Rwanda	18. 9. 1962		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

CAMEROON

Western Cameroon (First Report)

See under Convention No. 50.

CONGO (LEOPOLDVILLE)

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

Article 5, paragraph 2, of the Convention. In practice, the contracting parties ensure that conditions of repatriation are fixed in writing, where relevant.

The Government intends to include this provision among regulations to be adopted under the draft legislative decree harmonising legal provisions with regard to hire of services.

Article 6, paragraph 4. This draft legislative decree provides that a worker may, at any time and without prior notice, denounce any written contract not covered by attestation; this the Government believes to be more favourable for the worker than the principle stated in this paragraph.

Paragraph 5. In order to put this Article into effect appropriate provisions are contained in the draft legislative decree mentioned above.

Article 10. The draft legislative decree provides for specific regulations concerning the transfer of any contract from one employer to another.

Article 12, paragraph 2. This is provided for in the draft legislative decree.

Article 13, paragraph 2. The same draft provides that the worker's family shall be repatriated at the employer's expense if the employee dies before completing the contract. However, the Government also lays down certain exceptions in the draft text. These exceptions would not be incompatible with the spirit of the Convention, which was adopted, in the Government's view, in order to ensure the protection of workers acting in good faith.

Paragraph 3. Broad effect will be given to this Convention under the draft legislative decree, except with regard to delay in departure due to negligence on the part of the worker, refusal by the worker to comply with the employer's instructions or *force majeure*.

Paragraph 5. If the employer fails to fulfil his obligations concerning repatriation these obligations will be met only by the public assistance service, due account being taken of the existing administrative organisation.

Article 14, clause (a). The draft legislative decree takes into consideration the observations by the Committee of Experts.

Article 15, paragraph 1. Provisions in this connection are contained in the draft legislative decree.

Paragraph 2. Ordinance No. 62/181 of 25 April 1958 specifies the technical conditions to be satisfied by vehicles used for transport of persons or goods.

Article 17, paragraph 1. A memorandum in French on the draft legislative decree concerning contracts for the hire of services has been drawn up for the use of labour inspectors and employers' and workers' organisations.

Paragraph 2. In all undertakings notices are printed in the languages of broad communication in use in the country.

GHANA

Article 4, paragraph 1, of the Convention. In reply to a direct request by the Committee of Experts the Government states that the new Labour Bill, which will give effect to this provision of the Convention, is still under consideration.

KENYA

In reply to a direct request by the Committee of Experts in 1963 the Government states that, owing to increased legislative commitment arising out of independence, it has not been possible to undertake a substantial revision of the Employment Act. A limited revision of the Act to ensure the fullest possible compliance with international labour Conventions has been put in hand. These amendments would affect Articles 12 and 13 of this Convention.

NIGERIA

In reply to a direct request by the Committee in 1964 the Government indicates that no standard form of contract has been approved under section 45 (7) of the Labour Code and that in practice contracts are individually attested. The question of the revocation of this provision will be given due consideration in the light of local conditions. None of the 6,064 complaints in the period 1961-62 concerning employment of Nigerian workers in Fernando Po and Rio Muni relate to the Convention.

RWANDA

In reply to a direct request by the Committee of Experts the Government states that new labour legislation will repeal provisions contrary to the Convention, especially to Article 6, paragraphs 4 and 5, Article 12, paragraph 2, and Article 14.

SIERRA LEONE

Article 19, paragraph 2 (a), of the Convention. In reply to a direct request made by the Committee of Experts the Government indicates that on the rare occasions on which workers are engaged in work in neighbouring territories every effort is made by the Labour Division officials to ensure that the terms of contract are not less favourable than the provisions of Articles 10 to 16 of the Convention.

SOMALIA

See under Convention No. 50.

TANZANIA

Tanganyika

Employment (Amendment) Ordinance, 1960.

Employment Ordinance (Amendment) Act, 1962.

UGANDA

Article 2, paragraph 1, of the Convention. The scope of application of the Employment Ordinance, which at present applies only to persons whose wages do not exceed 150 shillings per month, is likely to be considerably extended in the near future to cover all workers considered to be in need of protection.

ZAMBIA

Article 13, paragraph 2, of the Convention. In reply to an observation made by the Committee of Experts in 1963 the Government indicates that the introduction of the non-racial Employment Bill was delayed by other urgent legislative work. The Bill, which will implement the provisions of this paragraph, is included in the current legislative programme for introduction in the Legislative Assembly in the latter part of 1964.

Article 14. In reply to a direct request made by the Committee of Experts in 1963 the Government indicates that section 53 (2) of the Employment of Natives Ordinance, which incorporates the provisions of clause (d) of this Article, has never been applied in practice. Hence, there are no special contract forms in use for workers in respect of whom such exemptions have been 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:

Ghana, Kenya, Rwanda, Uganda, Zambia.

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

Malaysia (States of Malaya), New Zealand.

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	Somalia	18. 11. 1960
Ghana	20. 5. 1957	Tanzania:	
Guatemala	4. 8. 1961	Tanganyika	30. 1. 1962
Jamaica	26. 12. 1962	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Trinidad and Tobago	24. 5. 1963
Liberia	25. 5. 1962	Tunisia	17. 12. 1962
Malawi	22. 3. 1965	Uganda	4. 6. 1963
Malaysia	11. 11. 1957	United Kingdom ¹	24. 8. 1943
Morocco	27. 3. 1963	Zambia	2. 12. 1964
New Zealand ¹	8. 7. 1947		
Niger	23. 3. 1962		
Nigeria	17. 10. 1960		
Sierra Leone	13. 6. 1961		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

CAMEROON

Western Cameroon (First Report)

No penal sanctions exist for breach of contracts of employment.

GUATEMALA (First Report)

The labour legislation in force does not contain any penal sanctions for indigenous workers. The legislation applies to all persons who live in the Republic and has no restrictive provisions which may be applied only to the indigenous population.

MALAYSIA

Singapore (Voluntary Report)

Section 60 of the Post Office Ordinance provides that certain postal employees who withdraw from their duties without having given one month's notice in writing shall be liable to imprisonment for not more than one month and/or to a fine.

NIGER (First Report)

Labour Code, 1962.

There are no penal sanctions for breach of contract.

TUNISIA (First Report)

Tunisia has no dependent territory and no workers belonging to the dependent indigenous population of a territory dependent on the home territory or to the non-independent indigenous population of the metropolitan territory.

67. Hours of Work and Rest Periods (Road Transport) Convention, 1939

This Convention came into force on 18 March 1955

Countries	Ratification registered on	Countries	Ratification registered on
Central African Republic	9. 6. 1964	Peru	4. 4. 1962
Cuba	20. 7. 1953	Uruguay	18. 3. 1954

* * *

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

Cuba, Peru, Uruguay.

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

ALGERIA (First Report)

Decree of 7 December 1954 concerning the preservation of food.

Order of 20 July 1910 (table of equivalence of rations).

Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

The Convention is applied in the same way as in France. A training school for catering personnel operates at Hydra.

BULGARIA

In reply to a direct request made in 1963 by the Committee of Experts the Government indicates which are the competent authorities in connection with Article 2 of the Convention. Paragraph 27 of the Sanitary Regulations on Board Ship provides for supervision of ships by a doctor. All Bulgarian ships sailing out of the Black Sea have a doctor on board. In connection with the application of Article 2, clause (d), the Government states that the Ministry of Transport and Communications supervises the medical assistance provided to seafarers. One of the tasks of this assistance is to determine the best nutritional standards in relation to the climate. Research is carried out in connection with this point.

The employment of the staff of the sanitary service is regulated by the decree of 1951 concerning the establishment of the sanitary anti-epidemic inspection. The staff is composed mainly of doctors specialised in hygiene, who regularly follow advanced courses of study.

The regulations concerning the inspection provided for in Article 6 are contained in the Sanitary Regulations on Board Ship, 1962, and in the instructions concerning the activity of medical personnel on board ship.

The medical inspectors are entitled to make recommendations as provided for in Article 9, paragraph 1. The decree concerning medical inspections deals with the penalties which may be imposed in the cases indicated in Article 9, paragraph 2.

Vocational training courses, in conformity with Article 11, are organised under the supervision of the Ministry of Internal Trade and in consultation with the organisations concerned.

As for the application of Article 12, the medical authorities in the field of transport request the organisations and enterprises concerned to produce their foodstuffs in accordance with the most modern techniques.

FRANCE

In reply to a direct request the Government states that the vocational training school for seamen in Le Havre trains students in various specialities in the catering department. Courses last 36 weeks, and there are 34½ hours of lessons per week.

Information concerning food on board ship is collected by the navigation inspectors, who are charged with the supervision of the food provisions on board.

* * *

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

Italy, Norway, United Kingdom.

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

Argentina, Belgium, Canada, Ireland, Netherlands, Poland, Portugal.

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	Italy	22. 10. 1952
Belgium	5. 12. 1951	Netherlands	23. 2. 1951
Bulgaria	29. 12. 1949	Norway	6. 3. 1952
Canada	19. 3. 1951	Peru	4. 4. 1962
France	9. 12. 1948	Poland	13. 4. 1954
Ghana	18. 3. 1965	Portugal	13. 6. 1952
Greece	9. 10. 1963	United Kingdom	29. 7. 1949
Ireland	16. 6. 1951	Yugoslavia	6. 3. 1961

ALGERIA (First Report)

Order of 20 March 1961 concerning the issue of ship's cook certificates.

Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

The Convention is applied in the same way as in France.

PERU (First Report)

Because of the scarcity of cooks in Peru it has been necessary to make exceptions and to engage persons having practical experience as cooks in restaurants to serve on board ship. Before engagement, the cook must be registered as a seafarer and possess a seafarer's booklet.

No special school exists for cooks. Persons who are engaged to serve as cooks must produce certificates of competency, and during a round voyage they must prove, under the supervision of a chief steward, their knowledge of food values, the preparation of varied and properly balanced menus and the handling and storage of food on board ship. After they have proved their ability as cooks they are confirmed in their posts. The minimum probationary period is three months.

Certificates issued in other countries are considered valid if the holder is a Peruvian citizen, since as a rule Peruvian ships are manned only by Peruvians.

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

ALGERIA (First Report)

Act No. 1586 of 12 April 1941 governing the pension system for French seamen on board merchant ships, fishing vessels, or pleasure boats and for persons engaged in the catering and clerical departments on board vessels (*Journal officiel de la République française (J.O.R.F.)*, 6 May 1941 (*L.S.* 1941—Fr. 3).

Ordinance No. 45-2050 of 8 September 1945 to validate the enactments promulgated since 18 June 1940 respecting the insurance against old age, accidents, sickness, invalidity and death of French seamen employed in merchant vessels, fishing vessels or pleasure boats and of persons engaged in the catering and clerical departments on board vessels and to amend the said enactments (*J.O.R.F.*, 9 Sep. 1945) (*L.S.* 1945—Fr. 13).

Act No. 48-1469 of 22 September 1948 to reform the pension scheme for French merchant seamen and fishermen (*J.O.R.F.*, 23 Sep. 1948) (*L.S.* 1948—Fr. 8).

Act No. 50-1028 of 22 August 1950 to reform the pension scheme for French merchant seamen and fishermen (*J.O.R.F.*, 24 Aug. 1950) (*L.S.* 1950—Fr. 9).

Act No. 53-298 of 9 April 1953 validating the duration of a parliamentary term of office served by a seaman, with regard to entitlement under the seamen's retirement pension fund (*J.O.R.F.*, 10 Apr. 1953).

Act No. 53-306 of 10 April 1953 concerning the institution of contributions towards the National Establishment for Disabled Seamen (*ibid.*, 11 Apr. 1953).

Act No. 54-1313 of 31 December 1954 to increase the total of credits allocated to expenditure by the Ministry of Public Works, Transport and Tourism for 1955 (*ibid.*, 1 Jan. 1955).

Decree No. 55-57 of 3 January 1955 co-ordinating the metropolitan and Algerian schemes for old-age insurance for wage earners or assimilated grades (*ibid.*, 14 Jan. 1955).

Act No. 56-1327 of 29 December 1956 laying down financial legislation for 1957 (*ibid.*, 30 Dec. 1956).

Ordinance No. 58-1383 of 31 December 1958 amending certain provisions of the retirement scheme for merchant seamen (*ibid.*, 1 Jan. 1959).

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Decree No. 63-457 of 14 November 1963 to set up a Seamen's Social Welfare Establishment (*ibid.*, 19 Nov. 1963).

The Seamen's Social Welfare Establishment began to operate on 1 May 1964. The Establishment cannot provide any general indication regarding the manner in which the Convention is applied or concerning any difficulties encountered in the application of the Convention.

PERU (First Report)

Law No. 13640 of 21 April 1961 on workers' pensions (*El Peruano*, 22 Apr. 1961) (*L.S.* 1961—Peru 1).

Law No. 13724 of 18 November 1961 on social security for employees (*El Peruano*, 20 Nov. 1961) (*L.S.* 1961—Peru 3).

Law No. 15144, amending Laws Nos. 10624 and 12013, on pensions for employees by years of service (*El Peruano*, 23 Oct. 1964).

The Government states that, in accordance with the laws and regulations in force, seafarers are classified in two categories.

Employees are protected by the social security system for employees (Law No. 13724) and by the provisions of Law No. 15144. Workers are protected by the provisions of Law No. 13640 governing workers' pensions.

Pensionable age is 60. However, certain legal provisions grant pensions to employees, having worked before 1962, who have been in the same undertaking for 25 or 30 years.

Employees of the Peruvian Shipping Service are governed by the statute and register of the civil service and pensions.

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

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
China	10. 12. 1964	Portugal	13. 6. 1952
Finland	15. 5. 1956	Sweden	9. 1. 1962
France	9. 12. 1948	Uruguay	18. 3. 1954
Italy	22. 10. 1952		

ALGERIA (First Report)

French Maritime Labour Code of 13 December 1926, as amended.

Decree of 6 August 1960 establishing medical examination upon engagement and laying down regulations for supervision of the fitness of seamen for maritime occupations.

Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Decree No. 63-957 of 14 November 1963 set up the Seamen's Social Welfare Establishment; in addition, the protection of seamen and their families is ensured at Algiers by a social assistance department.

The applications of laws and regulations is the responsibility of physicians practising in the main ports, under agreement or special appointment.

PERU (First Report)

The authority competent to issue a medical certificate is the company's medical inspector, after an examination has been carried out by a service under the jurisdiction of the Ministry of Public Health.

The medical certificate is valid for a period of one year.

The medical inspector may also extend the validity of a medical certificate.

* * *

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

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

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
Ghana	18. 3. 1965	United States	9. 4. 1953
Ireland	21. 6. 1957	Yugoslavia	22. 12. 1961
Netherlands	14. 7. 1950		

ALGERIA (First Report)

Order of 29 March 1956 concerning the requirements for the issue of the able seaman's certificate. Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

The Convention is applied in the same way as in France.

YUGOSLAVIA

Decree respecting the crews of ships in the mercantile marine (*Službeni List*, No. 80/49).

Regulations respecting the qualifications required for, and the recognition of ranks held by, the members of the crews of vessels of the mercantile marine (*ibid.*, No. 42/58).

Regulation to revise the regulations respecting the qualifications required for, and the recognition of ranks held by, the members of the crews of vessels of the mercantile marine (*ibid.*, No. 52/60).

Regulation respecting seafarers' booklets (*ibid.*, No. 5/54).

Articles 1 and 2 of the Convention. No person may be engaged on any vessel of the mercantile marine as a member of the crew unless he holds a certificate of competency (sections 8 and 13 of the above decree). Ratings may perform only the duties for which they are recognised to be qualified, and on condition that they hold certificates of competency in respect of these duties (sections 6 and 63 of the above regulations). To become an able seaman, a rating must have served at sea as ordinary seaman for a minimum period of two years, of which one on board a ship of more than 50 gross tons, and must have obtained his A.B. certificate (section 9 of the above regulation to revise the regulations).

The examination for an A.B. certificate comprises an oral part and a practical part (section 26 of the regulations).

Article 3. There has been no recourse to the provisions of this Article.

Article 4. The maritime and inland waterway navigation authorities are empowered to recognise certificates of competency delivered abroad to ratings whose training and length of training service at sea fulfil the conditions required for the delivery of a certificate of competency in Yugoslavia. In such cases, additional examinations may be required if it is found that there is a difference between the training acquired abroad and that provided for by Yugoslav legislation for an equivalent type of work (section 38 of the regulation to revise the regulations).

Supervision of the application of the legislation and regulations in this field is entrusted to the competent bodies of the labour inspectorate, whose jurisdiction and functions are prescribed by the Basic Act respecting safety at sea (see under Convention No. 53).

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

ALGERIA (First Report)

Labour Code.

Decree of 14 December 1956 concerning the organisation of occupational medical services.

Order of 2 August 1957 concerning the organisation and operation of occupational medical services.

Article 1 of the Convention. The labour legislation by which the Convention is applied covers all employed persons, including children and young persons. The above decree states that the establishments listed in section 65, Book II, of the Labour Code, public and ministerial offices, establishments appertaining to the liberal professions, non-commercial companies, occupational associations, associations of any kind in which wage earners or salaried employers are employed, and transport undertakings are required to organise industrial medical services. These provisions do not apply to agriculture.

Article 2. Every worker is examined either before being engaged or during the period of probation by an industrial doctor. The results of the examination are entered on medical records.

Article 3. Workers under 18 years of age must be examined every three months. Provision is made for supplementary medical examinations on resumption of work after an occupational disease or repeated absences. The labour inspector may at any time require a medical examination of any worker under 16 years of age.

Article 4. All workers, including those over 21 years of age, must undergo medical examinations.

Article 5. The cost of the medical services is defrayed by the employer.

Article 6. The head of the undertaking is bound to take heed of the advice of the doctor, particularly as regards the transfer of workers from one post to another. In the event of difficulty, the labour inspector gives a decision after consulting the medical inspector of labour.

Article 7. Under the above order the employer is bound to keep the medical records and, where necessary, to make them available to the labour inspector or the medical inspector of labour.

The services of the labour inspectorate are responsible for seeing that the Convention is applied.

ITALY

For the reply to the observations of the Committee of Experts see *Report of the Committee* (1964), p. 670.

PHILIPPINES

The Ministry of Labour has the fullest powers in providing for the employment of physically handicapped workers. Their wages may not be less than 50 per cent. of the rate normally applying, and this relates to a period designated by the competent authority.

Any person aged under 18 must undergo medical examination before being employed in an industrial, commercial or agricultural undertaking.

Such examination must show the worker's physical and mental aptitude for the type of employment offered and the conditions in which his work is to be performed. As a result of such examination and where appropriate, the need for the child to undergo physical or occupational rehabilitation may be ascertained. If this is the case, the physician's observations are remitted to the regional labour administrator who refers the young person to the rehabilitation service designated, subject to written agreement by the parents or guardian. These services are the orthopaedic hospital, the Philippine Mental Health Association, the Office of Vocational Rehabilitation of the Social Welfare Administrator, and any other public or private bodies concerned.

UKRAINE

Decree No. 966 of the Council of Ministers, of 29 August 1962, lists laws and regulations concerning education, vocational training and possibilities of employment for young persons afflicted with deafness.

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The report from *Guatemala* 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:

Albania, Philippines.

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

ALGERIA (First Report)

See under Convention No. 77.

FRANCE

For the Government's reply to a request for information by the Committee of Experts see *Report of the Committee* (1964), p. 670.

The requirements with regard to identification, as stated in Article 7, paragraph 2, of the Convention, are fulfilled through application of the regulations governing the powers of the *gendarmerie* and the judicial police (section 8 of the Act of 27 November 1943) requiring every individual to bear an official document establishing his identity. In addition, every person in an itinerant occupation must carry with him a document containing the relevant indications concerning his identity. Young persons in itinerant occupations, either on their own account or on behalf of their parents, are therefore required to bear such a document. The provisions of the Labour Code concerning supervision and the regulations governing occupational medicine permit the identity of young persons engaging in an itinerant occupation to be checked, irrespective of the employer. At the same time, it can be confirmed that such young persons have been found fit to follow such an occupation after the prescribed medical examinations.

ITALY

See under Convention No. 77.

UKRAINE

See under Convention No. 77.

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

Albania, Guatemala.

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

ITALY

See under Convention No. 77.

PERU (First Report)

For legislation see under Convention No. 90.

Act No. 2851 of 23 November 1918 governs the employment of young people both in industry and in other activities, except those working under the supervision of their parents in domestic service and in agricultural work in which mechanical power is not used.

Under the above-mentioned Act only young persons over 18 years of age are allowed to work at night, provided that their physical fitness is duly certified.

See also under Convention No. 90.

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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:

Italy, Peru.

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

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Lebanon	26. 7. 1962
Argentina	17. 2. 1955	Luxembourg	3. 3. 1958
Austria	30. 4. 1949	Malawi	22. 3. 1965
Belgium	5. 4. 1957	Malaysia	1. 7. 1963
Brazil	25. 4. 1957	Mali	2. 3. 1964
Bulgaria	29. 12. 1949	Malta ¹	4. 1. 1965
Cameroon (Western Cameroon) ¹	3. 9. 1962	Mauritania	8. 11. 1963
Central African Republic	9. 6. 1964	Morocco	14. 3. 1958
Ceylon	3. 4. 1956	Netherlands	15. 9. 1951
China ¹	13. 2. 1962	New Zealand ¹	30. 11. 1959
Costa Rica	2. 6. 1960	Nigeria ¹	17. 10. 1960
Cuba	7. 9. 1954	Norway	5. 1. 1949
Cyprus ¹	23. 9. 1960	Pakistan	10. 10. 1953
Denmark	6. 8. 1958	Panama	3. 6. 1958
Dominican Republic	22. 9. 1953	Peru	1. 2. 1960
Finland	20. 1. 1950	Portugal	12. 2. 1962
France	16. 12. 1950	Senegal	22. 10. 1962
Federal Republic of Germany	14. 6. 1955	Sierra Leone ¹	13. 6. 1961
Ghana	2. 7. 1959	Spain	30. 5. 1960
Greece	16. 6. 1955	Sweden	25. 11. 1949
Guatemala	13. 2. 1952	Switzerland ¹	13. 7. 1949
Guinea	26. 3. 1959	Syrian Arab Republic	26. 7. 1960
Haiti	31. 3. 1952	Tanzania (Tanganyika) ¹	30. 1. 1962
India ¹	7. 4. 1949	Tunisia	15. 5. 1957
Iraq	13. 1. 1951	Turkey	5. 3. 1951
Ireland ¹	16. 6. 1951	Uganda ¹	4. 6. 1963
Israel	7. 6. 1955	United Arab Republic	11. 10. 1956
Italy	22. 10. 1952	United Kingdom ¹	28. 6. 1949
Jamaica ¹	26. 12. 1962	Viet-Nam	6. 1. 1964
Japan	20. 10. 1953	Yugoslavia	18. 8. 1955
Kenya	13. 1. 1964		
Kuwait	23. 11. 1964		

¹ Excluding Part II.

ALGERIA (First Report)

Labour Code (Books I and II).

Order of 5 March 1952 concerning the organisation of employment services.

Order of 2 August 1957 concerning the organisation and operation of occupational medical services.

Article 1 of the Convention. The above order of 1952 organises the labour inspectorate.

Article 2. All undertakings without exception are subject to supervision by the labour inspectorate. However, there is a special inspection service for mining and transport undertakings and for public works undertakings.

Article 3. Labour inspectors ensure the application of social legislation with regard to employment. Apart from their coercive powers they are considered as advisers for employers and workers. They inform the central authorities of any shortcomings in the law and do not perform any functions likely to be detrimental to their main activities.

Article 4. The labour inspectorate comes under the supervision of the Labour Directorate of the Ministry of Social Affairs.

Article 5. The labour inspectorate collaborates with other public authorities, and in particular the Fraud Prevention Service and the occupational safety authorities. It co-operates with employers and workers within several joint councils.

Article 6. The labour inspectors are public officials with the safeguard of stable employment and are independent of outside influence.

Article 7. The inspectors are recruited in accordance with their capacities. They go through a preliminary training course and acquire additional skill through experience.

Article 8. Women may become labour inspectors.

Article 9. An occupational medical inspector co-operates with the labour inspectorate. The same applies in the case of certain approved persons and authorities. Any category of expert or technician may be called upon to co-operate with the labour inspectorate.

Article 10. The present strength comprises three departmental inspectors, 14 inspectors and 35 supervisors. This strength will be augmented as new officials are recruited.

Article 11. The labour inspectorate has suitable premises accessible to all and official vehicles for use by its staff. All expenses incurred by inspectors during official travel are reimbursed.

Article 12. Inspectors have free access to workplaces subject to their supervision. They enjoy all the rights stated in this Article. They inform the employer or his representative of their presence.

Article 13. If an inspector decides that an installation or plant is dangerous he requires the employer to make alterations within a specified time limit. In the case of imminent danger the inspector requires measures to be taken with immediate executive force.

Article 14. Inspectors are informed of employment accidents; they are rarely informed of cases of occupational disease.

Article 15. The inspectors hold no interests in the undertakings under their supervision. They are liable to penalties if they reveal any manufacturing secret which may come to their knowledge in the course of their duties. They do not reveal the origin of any complaints made to them.

Article 16. All workplaces are inspected once a year, and several are inspected more frequently.

Article 17. In case of violation of social legislation penal action is taken. The inspectorate may also give warnings or advice.

Article 18. Severe penalties are imposed if a labour inspector is prevented from performing his duties. The same applies in the event of any physical threat to an inspector.

Article 19. Inspectors are required to provide monthly reports to the central authority.

Articles 20 and 21. The annual report provided for in these Articles will be prepared and communicated to the Office.

ARGENTINA

Law No. 103 of the Province of Rio Negro, of 30 September 1959, establishing the organisation of the Directorate of Labour of the Ministry of Social Affairs.

Legislative Decree No. 9983 of the Province of Cordoba, of 5 February 1958, amending the law of the Department of Labour.

Law No. 227 of the Province of Santa Cruz establishing the organisation of the Directorate of Labour.

Provision No. 51/64, of 12 August 1964.

In reply to the observation made in 1964 by the Committee of Experts the Government gives the following information.

The legal powers of the labour inspectorates in the provinces are similar to and concordant with national provisions.

On their visits inspectors advise employers and workers.

There is a system of preliminary training and there is also periodic training.

Inspectors may be either men or women; they are sufficient in number.

Inspectors are fully backed in their actions and may call upon the police for help.

CHINA (First Report)

Factory Act of 30 December 1932 and Factory Regulations of 30 December 1932 (*L.S.* 1932—Chin. 2 A, B).

Mines Act of 25 June 1936 (*Labour Laws and Regulations of the Republic of China*, 1961).

Article 1 of the Convention. There is a system of labour inspection in factories and mines.

Article 2. The transport industries and organisations are exempt from labour inspection.

Article 3. The functions of the system of labour inspection comply with the requirements of this Article.

Article 4. Labour inspection is under the authority of the Ministry of the Interior.

Article 5. The Taiwan Factory Mine Inspection Committee is composed of members elected from all interested organisations, as well as representatives from employers and workers.

Article 6. The inspection staff is composed of public officials, and hence is under the complete protection of the Government as such.

Article 7, paragraph 1. The recruitment of labour inspectors has been prescribed by national law with sole regard to their qualifications (as required by that law) for the performance of their duties.

Paragraph 2. The means of ascertaining such qualifications is determined by the Central Labour Executive Administration.

Paragraph 3. Labour inspectors are given training in both special clauses and in practical methods through on-the-job training.

Article 8. The inspection staff is not confined to either one of the sexes.

Article 9. In accordance with the requirements of section 5 of the Factory Act, the majority of the inspection staff is made up of technical experts.

Article 10. There are 27 members on the Taiwan Factory Mine Inspection Committee.

Article 11. That Committee has its headquarters in Taipei. Travel and incidental expenses of its staff members on duty are paid by the Government.

Article 12. According to section 6 of the Factory Inspection Act, the inspection staff must rely upon the decision of the Central Labour Executive Organisation in order to enter a given locale to inspect its factory and related workplaces. The inspection could be for a fixed period or for an indeterminate period. Section 9 of the same Act states that the inspector is empowered to interrogate the factory staff or the union members and can demand the production of any necessary documents, books, registers etc.

Article 13. When an incident occurs in a factory which corresponds to the description given in section 44 of the Act, the factory inspector must report immediately to the competent authority. Section 13 of the Act authorises the inspector to take

immediate steps to remedy defects observed in the plant, lay-out or working methods which may constitute a threat to the health or safety of the workers. If an order is disobeyed the inspector has the right to apply to the competent authority for the initiation of orders or measures of an executory and immediate nature.

Article 14. Notification of any accidents or disasters in mines or factories must be given by such enterprises to the Factory Mine Inspection Committee. Cases of occupational disease fall (for inspection purposes) under the jurisdiction of the Labour Insurance Organisation. To give further effect to this Article of the Convention the Taiwan Factory Mine Inspection Committee has been asked to study this problem.

Article 15. According to the regulations for government officials, public servants must guard all government secrets regardless of their nature, even after leaving the service. Public servants who profit by using their power, public funds or official secrets are punishable under the Penal Code, section 131. Public servants are also forbidden to accept gifts for duties performed.

Article 16. The dates for inspection are determined in accordance with the requirements of this Article.

Article 17. This Article corresponds to the law of the country.

Article 18. Any factory refusing inspection without adequate reason is fined not more than \$200. Refusal by factory staff or union officials to answer inquiries or to allow inspection shall be fined not more than \$100.

Articles 19 to 21. The Taiwan Factory Mine Inspection Committee has been requested to publish annual reports in accordance with Article 21.

CUBA

For the Government's reply to the observation by the Committee of Experts see *Report of the Committee* (1964), p. 671.

GUATEMALA

In reply to the observation made in 1964 the Government reports as follows.

Article 14 of the Convention. Means of applying this Article are being implemented.

Articles 20 and 21. The report will be sent to the I.L.O. as soon as it is published in the official journal.

HAITI

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

There are safeguards to protect the independence and job tenure of inspectors; these safeguards are implicit in their powers and training. The law might be strengthened on this point.

Sections 34 and 35 of the Labour Inspection Regulations require inspectors to have technical qualifications combined with an awareness of social problems, and also require the head of the labour inspectorate to pay special attention to the training of inspectors.

Section 497 of the Labour Code empowers an inspector to enter any establishment for which he is responsible at any time and without warning. This means that he can omit the courtesy call provided for in section 503 of the Code if he considers that such a call would impair the effectiveness of his supervision.

The annual report covering the work of the inspectorate during 1962-63 is attached to the report.

Employment injuries must be notified to the Haitian Social Insurance Institute under section 578 of the Labour Code. These notifications are usually forwarded to the labour inspectorate.

JAMAICA

Official Secrets Act, 1911 and 1920.

Minimum Wage Law (Cap. 252 of *The Revised Laws of Jamaica*, 1953).

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

Article 12, paragraph 1 (c) (i), of the Convention. Section 12 (1) and (2) of the Minimum Wage Law and section 3 of the Labour Officers (Powers) Law are interpreted to mean that any member of the inspectorate may interrogate a worker alone, or in the presence of witnesses. In fact, this is the practice.

Article 14. This is applied under section 20 of the Factories Law. In the Department of Mines no measures have yet been effected concerning the notification of occupational diseases.

Article 15, clause (c). This is applied under the above-mentioned Acts of 1911 and 1920 and General Order No. 66 of the Government. A public officer signs a declaration on appointment.

Articles 20 and 21. Copies of the most recent annual reports were forwarded with the report.

MALAYSIA

States of Malaya (First Report)

Labour Code, 1933 (unrepealed sections).

Penal Code.

Children and Young Persons Ordinance, No. 33 of 1947.

Wages Councils Ordinance, No. 41 of 1947.

Officials Secrets Ordinance, No. 15 of 1950.

Employees Provident Fund Ordinance, No. 21 of 1951.

Weekly Holidays Ordinance, No. 47 of 1950.

Workmen's Compensation Ordinance, No. 85 of 1952.

Machinery Ordinance, No. 18 of 1953.

Employment Information Ordinance, No. 33 of 1953.

Employment Ordinance, No. 38 of 1955.

Article 1 of the Convention. There is a system of labour inspection in industrial workplaces. This system does not as a rule cover government employees.

Article 2, paragraph 1. The system of labour inspection applies to all employees covered by the above-mentioned legislation.

Paragraph 2. This system covers mining and transport employees to the extent that the legislation mentioned above applies to them except as regards safety, working methods and connected matters, which are subject to special legislation administered by other departments.

Article 3, paragraph 1. The functions of the inspecting officers (Labour Officers) of the Department of Labour and Industrial Relations, in association, where necessary, with qualified specialists, cover all the requirements of this provision.

Paragraph 2. Labour Officers are not given further duties to an extent which would interfere with the effective discharge of their primary duties.

Article 4. The Labour Officers are placed under the supervision and control of the Commissioner for Labour, who is one of the heads of the Department of Labour and Industrial Relations in the Ministry of Labour.

Article 5. Arrangements exist to promote effective co-operation between the Labour Officers and (a) other government departments and institutions interested in similar activities, and (b) employers' and workers' organisations, both at national and undertaking levels.

Article 6. Labour Officers are permanent civil servants assured of stability of employment and independent of changes of government and of improper external influences.

Article 7, paragraphs 1 and 2. Recruitment of Labour Officers is carried out by the Public Services Commission, with sole regard to qualifications laid down in a prescribed scheme of service.

Paragraph 3. Labour Officers are given training, in both the theoretical and practical aspects of their work, in the department, in civil service training centres, and in courses overseas.

Article 8. Both men and women are eligible for appointment. There is at present one female Labour Officer.

Article 9. Labour Officers collaborate with officers of the Machinery Department, Mines Department, Ministry of Health, Central Electricity Board, etc.

Article 10. The number of Labour Officers has been determined taking into account the factors enumerated under this Article.

Article 11, paragraph 1, clause (a). There are 27 labour offices, suitably staffed and equipped, located in the main cities and accessible to persons covered by the legal provisions. Additional offices are being planned.

Clause (b). Where public transport facilities do not exist, land rovers and motor launches are provided at government expense. Officers are granted interest-free loans to enable them to purchase motor vehicles and are paid appropriate travelling allowances for the performance of their duties.

Article 12, paragraph 1, clauses (a) and (b). Labour Officers are empowered to enter, with or without previous notice, at any reasonable time of the day or night, any workplace which is liable to inspection, or which they have reason to believe is liable to inspection (sections 65 and 68 of the Employment Ordinance).

Clause (c). Labour Officers are empowered to carry out any examination or inquiry which they consider necessary to satisfy themselves that the legal provisions are being observed and to interrogate witnesses and to require the production of documents (section 67 of the Employment Ordinance). The removal of samples is generally allowed for statutory inquiry or action. Labour Officers enforce the posting of notices required under section 16 of the Wages Councils Ordinance, 1947, and sections 3 (2) and 7 (2) of the Weekly Holidays Ordinance, 1950.

Paragraph 2. Labour Officers normally notify the employer of their proposed visits, unless they consider that such notification may be prejudicial (section 66 of the Employment Ordinance).

Provisions concerning the right of making inquiries are also found in section 10 of the Weekly Holidays Ordinance, sections 30 and 31 of the Children and Young Persons Ordinance, section 18 of the Wages Councils Ordinance, and section 4 of the Employment Information Ordinance.

Article 13, paragraph 1. Labour Officers report, where appropriate, to officers of the Machinery Department of the Ministry of Labour, which carries out its own system of inspection, any defects observed in plant, layout or working methods which

may constitute a threat to the health or safety of the workers, in order that action may be taken by that department to remedy such defects.

Paragraphs 2 and 3. Inspectors of the Machinery Department have legal powers to require any defects to machinery to be remedied either within a specified time limit or immediately (section 14 of the Machinery Ordinance).

Article 14. Industrial accidents and cases of occupational diseases are required to be notified to the Commissioner for Labour or his officers (sections 5 and 13 of the Workmen's Compensation Ordinance).

Article 15, clause (a). All civil servants are prohibited from having any direct or indirect interests in any undertakings under their supervision.

Clause (b). Under sections 5 and 6 of the Official Secrets Ordinance, Labour Officers are prohibited, on pain of penalty, from divulging to any unauthorised person any information which they have obtained owing to their position in the civil service, including any manufacturing or commercial secrets or working processes. The prohibition applies even after the officer has left the service.

Clause (c). Labour Officers are administratively required to treat as absolutely confidential the source of any complaint and to make such surprise visits of inspections as are necessary.

Article 16. The aim is for all workplaces within the jurisdiction of the Labour Officers to be inspected thoroughly and as frequently as the staffing position in the department permits.

Article 17, paragraph 1. Under the legislation enforced by the Labour Officers, offenders are liable to prosecution without previous warning.

Paragraph 2. Labour Officers are permitted, at discretion, to give warning and advice instead of instituting prosecutions.

Article 18. Penalties for violation of the legal provisions enforceable by Labour Officers are laid down in the relevant legislation. Penalties are also laid down in the Penal Code for the offence of obstructing public servants in the performance of their duties.

Article 19, paragraph 1. Monthly reports are rendered to the Commissioner for Labour on the results of inspection activities of the Labour Officers.

Paragraph 2. The form of such reports is prescribed by the Commissioner for Labour.

Article 20, paragraph 1. The Ministry of Labour includes in its annual report a report by the Commissioner for Labour on the work of the inspection services under his control.

Paragraph 2. It is the aim to have such annual reports published as soon as possible after the end of the year.

Paragraph 3. Copies of the annual reports will be transmitted to the International Labour Office.

Article 21. The annual report will include all the information enumerated under this Article.

Articles 22 to 24. In so far as the provisions of the legislation mentioned in Article 2 apply to workers employed in commercial places, the system of labour inspection will also apply to commercial workplaces.

PORTUGAL (First Report)

Legislative Decree No. 27649 of 12 April 1937.

Legislative Decree No. 32659 of 9 February 1943 approving the code of discipline for civil servants.

Legislative Decree No. 37244 of 27 December 1948 regulating the services of the National Labour and Insurance Institute.

Legislative Decree No. 37245 of 27 December 1948 regulating the services of the Labour Inspectorate.
Decree No. 37268 of 31 December 1948 regulating the National Labour and Insurance Institute.

Decree No. 37747 of 30 January 1950 regulating the Labour Inspectorate.

Legislative Decree No. 43182 of 23 September 1960 making provisions concerning the Labour Inspectorate.

Decree No. 43637 of 2 May 1961 establishing labour inspection services in the overseas provinces.

Decree No. 44111 of 21 December 1961 setting up institutes of labour, insurance and social welfare in the overseas provinces and integrating the labour inspection services in the said institutes.

Legislative Decree No. 45369 of 22 November 1963 modifying the organisation of the Ministry of Corporations and State Insurance.

Rural Labour Code (sections 292 to 306).

Decrees of the Province of Cape Verde, Nos. 6945 and 6946 of 25 March and 11 April 1964.

Article 2 of the Convention. There are no exemptions.

Article 3. The labour inspectorate has the job of carrying out the functions provided for under this Article.

Article 4. The labour inspectorate, which is part of the Ministry of Corporations and State Insurance in metropolitan Portugal, is directed by a Chief Inspector. Overseas, the labour inspection services are responsible to the Governor.

Article 5. The forms of collaboration required by this Article are provided by legislation.

Article 6. The members of the labour inspectorate staff enjoy the status of civil servants and have stable employment unaffected by any outside influence or by the consequences of any change in government.

Article 7. The report describes in detail the staff's composition, the qualifications required for each post and the types of training provided.

Article 8. The admission of women to the service is not excluded.

Article 9. In metropolitan Portugal, the inspectorate staff includes doctors and engineers; overseas, the collaboration of experts is provided for.

Articles 10 and 11. The territorial and material organisation of labour inspection services is described in detail.

Article 12. This Article is implemented by sections 8 to 16 of Legislative Decree No. 37245 and by sections 6 and 7 of Decree No. 43637.

Article 13. The inspectorate staff has the powers laid down by this Article.

Article 14. Industrial accidents and occupational sickness are reported to the labour inspectorate.

Article 15. The rules laid down by this Article are contained in the national laws and regulations.

Article 16. Establishments are generally inspected at least once a year.

Articles 17 and 18. Penalties are provided for in a number of laws.

Articles 19 to 21. The reports to which these Articles refer have already been drawn up.

Articles 22 to 24. The system of labour inspection also applies to commercial establishments.

* * *

The report from *Malaysia (Singapore)* 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:

Cameroon (Western Cameroon), Malaysia (Sarawak).

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).

CONGO (LEOPOLDVILLE)

Legislative Order No. 250 of 25 October 1963 on collective labour agreements.

Legislative Order No. 122 of 1 May 1964 regulating collective labour relations.

CYPRUS

Constitution of 1960.

Article 1 of the Convention. As soon as the Trade Unions Law is amended—in 1965, it is hoped—ratification of Conventions No. 87 and No. 98 will become possible.

Article 2. Section 21 (2) of the Constitution provides: "Every person has the right to freedom of association with others, including the right to form and to join trade unions . . . no person shall be compelled to join any association or to continue to be a member thereof."

Article 4. In addition to the Labour Advisory Board, other official bodies exist where employers and workers are represented or consulted in regard to the protection of workers or the application of labour legislation: these are the Social Insurance Advisory Board, the Committee of Management of the Pneumoconiosis Compensation Fund, and the Apprenticeship Board.

Moreover, since the signing of the Basic Agreement in November 1962, which lays down specific procedures for joint consultation, the negotiation of collective agreements and the settlement of disputes and grievances, i.e. consultation in all the spheres of labour relations, have become prevailing features.

MAURITANIA

For legislation see under Convention No. 3.

In virtue of section 55 of Book I of the Labour Code, trade unions are free to negotiate and conclude collective agreements.

Trade unions are represented on the National Labour Board and on the Health and Safety Committee of Experts, which must be consulted before any laws or regulations affecting workers or employers can be passed.

Disputes between workers and employers, whether individual or collective, come under Book IV of the Labour Code. Regardless of the nature of the dispute, an attempt may always be made by the workers' delegates, assisted by their trade union, to reach a direct settlement with the management. If this fails, the individual dispute may be submitted directly to the labour court. However, the parties are entitled to apply to the labour inspectorate to seek an out-of-court settlement. This is the method used in 99 per cent. of the cases and in 90 per cent. of these the disputes are settled in

this way. The labour court first seeks an out-of-court settlement and only if this fails does it proceed to hear the dispute. If the questions raised in a dispute relate to laws or regulations or to provisions of a collective agreement of broad scope, the labour inspectorate intervenes to ensure that they are strictly applied.

If no preliminary attempt is made to reach a settlement at the level of the undertaking or if such an attempt is unsuccessful, every collective dispute must be notified to the labour inspectorate which, at the conciliation stage, proceeds to look for a solution acceptable to both parties. Should it fail, the Minister of Labour appoints an expert or a panel of three experts for the purpose of mediation. If the recommendation of the experts is not accepted by one or both of the parties, the dispute may be brought by the Minister of Labour before an arbitration board composed of judges. This court's award is not binding upon the parties, who may, if they reject it, resort to all the means at their disposal, including strike or lockout.

The Ministry of Labour is responsible for the handling of all labour problems. There are sections of the labour inspectorate in all localities where such problems may arise.

Employers and workers are closely associated with the methods of settling disputes. At the level of the labour inspectorate, each party is entitled to the assistance of its workers' or employers' association. The president of the labour court is assisted by two employer assessors and two worker assessors. These assessors are appointed by the Minister of Labour on the recommendation of the occupational organisations. As regards collective disputes, the list of experts is drawn up on the advice of the National Labour Board, on which occupational organisations are equitably represented.

SOMALIA

In reply to a direct request by the Committee of Experts the Government states that the Labour Code (which has been in force since 1 January 1959 in the territory formerly under United Nations administration) has been extended since 31 May 1964 to cover the entire country. Measures to bring the Code up to date and enforce its provisions are now in process of being approved.

No change has taken place in the position as regards the application of the Convention.

TOGO

Constitution of 5 May 1963 (*Journal officiel*, 12 May 1963).

Section 13, paragraph 1, of the Constitution guarantees freedom of association to all citizens under the conditions established by law.

* * *

The report from *Cyprus* 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:

Cameroon (Eastern Cameroon), Dahomey.

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).

CHAD

The workers' organisations have urged on a number of occasions that the labour inspectorate should be strengthened. The Government takes the view that the measures taken along these lines since 1961 ensure that the Convention is applied in the most appropriate way, having regard to the national budget.

* * *

The report from *Congo (Leopoldville)* supplies information on the practical effect given to the Convention.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

Countries	Ratification registered on	Countries	Ratification registered on
Guatemala	13. 2. 1952	Uganda	4. 6. 1963
Jamaica	26. 12. 1962	United Kingdom ¹	27. 3. 1950
Kenya	13. 1. 1964	Zambia	2. 12. 1964
Malawi	22. 3. 1965		
Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964		
Sierra Leone	13. 6. 1961		
Tanzania:			
Tanganyika:	30. 1. 1962		
Zanzibar	22. 6. 1964		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

KENYA

See under Convention No. 64.

MALAWI (First Report)

African Employment Ordinance (Cap. 85 of *The Laws of Nyasaland*) (L.S. 1954—Ny. 1).

The Convention is applied without modification. No exclusions have been made by virtue of Article 2 of the Convention. Provisions concerning maximum periods of service correspond to those laid down in Article 3, paragraphs 2 and 3.

TANZANIA

Tanganyika

Employment Ordinance (Amendment) Act, 1962.

UGANDA

In reply to a direct request by the Committee of Experts the Government states that section 16 of the Employment Ordinance is due to be amended so as to reduce the period of service under written contracts in conformity with Article 3, paragraph 2, of the Convention. In practice, written contracts are never entered into for longer than 12 months. There are no contracts for employment involving long and expensive journeys, so the need for special provisions does not arise.

ZAMBIA

Employment of Natives (Amendment) Ordinance (No. 10) of 1963.

Article 2, paragraph 2, of the Convention. By virtue of a provision of the above-mentioned ordinance the Minister of Labour and Mines may, where he is satisfied that adequate agreements or arrangements exist between employers and workers for the protection of the rights of workers, exempt such workers and employers from the operation of the ordinance.

Article 3. The maximum period of service for a written contract under the above-mentioned ordinance is two years if the worker is not accompanied by his family or three years if he is so accompanied, where the cost of transporting him to the place of employment exceeds one month's or one ticket's pay. Where the cost of such transportation does not exceed those sums, the respective periods are one year and two years.

* * *

The report from *Kenya* 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:

Guatemala, Malaysia (Sarawak, Singapore), Sierra Leone.

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
Bolivia	4. 1. 1965	Malagasy Republic	1. 11. 1960
Bulgaria	8. 6. 1959	Mali	22. 9. 1960
Burma	4. 3. 1955	Malta	4. 1. 1965
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

ALGERIA (First Report)

Labour Code: Act of 25 February 1927 (Book III, Title I, Chapters I, II and V) (*L.S.* 1927—Fr. 3).
 Act No. 56-416 of 27 April 1956 to ensure freedom of association and the protection of the right to
 organise (*L.S.* 1956—Fr. 1).

Trade unions may be freely organised. There are no special provisions relating to the formation of organisations by certain categories of workers such as the police force, civil servants or public employees.

The by-laws of trade unions, together with the names of their leaders, must be registered at the town hall of the locality or at the prefecture.

The legislation contains no provisions with respect to the suspension or dissolution of trade unions.

It recognises the right of trade unions to form federations and confederations, which enjoy the same rights as the unions themselves.

Trade unions enjoy legal status. Acquisition of such status is not subject to any conditions.

The guarantees provided for in the Convention apply to members of the police force.

ARGENTINA

In reply to the request made by the Committee of Experts in 1963 the Government makes the following statement.

It is quite clear from the text and the spirit of Law No. 14455 that the term "workers" applies only to persons in a relationship of dependence, excluding those not in such a relationship. In this sense ministerial resolution No. 727/64 denied trade union status to a group of professional architects, since they were independent workers.

Employers' associations are not covered by Law No. 14455. They are governed by common law and have all rights, once they have fulfilled certain conditions and been granted legal personality by the executive.

Sections 11 and 12 of this law do not in any way affect freedom of election. These standards only provide for the fulfilment of certain minimum conditions by the directors of a professional association or the persons who have trade union responsibilities.

As regards the former, they must be of age, have carried on the occupation for at least two years and fulfil other conditions provided for in the statutes. Furthermore, half the directive and representative posts must be held by Argentines. As regards the latter, they must be of age, carry on the occupation and have been elected in accordance with the statutes. These requirements are not incompatible with the right to free election of trade union representatives, since they refer only to questions of form.

The distinction established by Law No. 14455 between trade union organisations recognised as trade unions and those which are merely registered is based on the rights and obligations of each. The association of workers most representative of the occupation has a right to recognition as a trade union, and thus exclusive right to undertake various activities. It is inaccurate to say that entities which are only registered are without occupational representation, since section 15 of Law No. 14455 allows them "to petition in defence of occupational interests" and "to defend and represent before the State and the employers their occupational interests when there is no association recognised as a trade union in the same occupation". These associations are not deprived of the right of assembly and, in view of the absence of express prohibition, they are allowed under paragraph 8 of section 15 of the above-mentioned law to work towards their ends by all activities which are not prohibited. The requirement of a permit to hold public meetings is a mere formality, which in no way alters the right.

Intervention in trade unions under Decree No. 906/59 was a means that the executive had to adopt to put an end to subversive activities taking place within the unions and which were alien to their aims. Amongst considerations justifying such measures it was indicated that "it is not possible for the authorities to put up with activities on the part of leaders who, taking advantage of their position in unions, have tried to reproduce totalitarian methods in this country to promote social disintegration and the annihilation of democratic institutions". Decree No. 4311/59, for its part, was based on events "which are an attempt against the security of the State, through violence, prejudicing the property of the State and security of persons . . .".

These measures were based on provisions of the Penal Code, since the events which gave rise to them came into the category of political crimes.

Guarantees of the free exercise by workers of their trade union activities are fully respected and the right to strike is granted by the Constitution. Although the decrees mentioned continue in force, no use is made of them in practice.

BYELORUSSIA

The Government declares that, as stated in previous reports, legislation and practice are in full conformity with the Convention.

The Government adds that in the speeches of Byelorussian Government representatives at the 46th Session of the International Labour Conference and in the Committee on the Application of Conventions and Recommendations at the 43rd, 45th and 46th Sessions, exhaustive explanations were given and material provided as regards legislation giving effect to the Convention.

The Government also states that the observations made by the Committee of Experts in 1964, as is evident from their text, are only repetitions of previous questions to which answers have already been given in the above-mentioned speeches by Government representatives and that in accordance with the procedure adopted at the 47th Session of the Conference (see *Report of the Committee* (1963), paragraph 26, p. 516) and endorsed at the 48th Session (see *Report of the Committee* (1964), paragraph 23, p. 650) there is no need to give additional information.

CAMEROON

Eastern Cameroon

In reply to the observations made by the Committee of Experts concerning Ordinance No. 62/OF/24, whereby persons who have ceased to engage in their occupation cannot hold office in a trade union representing that occupation, the Government states that its purpose was to protect workers against political interference and adds that it has not yet made use of these provisions of the ordinance.

In reply to the direct requests made by the Committee the Government has supplied the following information. No meeting organised by employers' or workers' organisations in their own premises or in hired premises has been prohibited; no trade union premises or meeting places have been closed down even temporarily; no persons have been placed under house arrest for taking part in strikes; and no persons or property have been subject to requisition. The state of emergency in both the Cameroons has been extended for a further six months.

Western Cameroon (First Report)

Trade Unions Ordinance, Cap. 200 of *The Revised Laws of Nigeria*, 1958.

This ordinance remains in force by virtue of section 53 of the Constitution of 1961.

Article 2 of the Convention. The only conditions which must be fulfilled are those connected with the registration of trade unions in accordance with the above ordinance. These conditions are not, and are not intended to be, restrictive. They are for the protection of the members themselves, many of whom may be illiterate.

In addition to members of the armed forces and the police there is a loss on membership of trade unions by those employed in the Prisons Department.

Article 3. The ordinance requires that the rules of every registered trade union must contain provisions in respect of the several matters mentioned in the first schedule to the ordinance.

These provisions are calculated to ensure that the rules are sufficiently comprehensive and so framed as to safeguard the interests of members. There is no restriction on the objects which may be pursued.

Article 4. Under the provisions of the ordinance a trade union must be dissolved if the Registrar refuses to register the union or subsequently cancels a registration. The circumstances in which a certificate of registration may be refused or cancelled are set out in the ordinance. Sections 13, 16, 17, 18 are relevant.

Article 5. There are no restrictions on affiliation with international organisations.

Article 6. Section 23 of the ordinance allows the amalgamation of any two or more trade unions with or without any dissolution or division of the funds of such trade unions or either or any of them. Such amalgamation must be registered by the Registrar. There are no restrictions on federations or confederations in which individual unions retain their separate identity and autonomy.

Article 7. The acquisition of legal personality by a trade union depends on registration, which is compulsory. The conditions for registration are in no way onerous and do not limit freedom of association.

Article 8. Measures of a general character which may affect the holding of meetings in public places are those concerned with the security of the State. In certain circumstances it may be necessary for an organisation to obtain prior approval for a meeting in a public place.

Article 9. Members of the armed forces, police and prison officers are precluded from membership of trade unions. They are subject to regulations which safeguard their interests within their own organisations.

CENTRAL AFRICAN REPUBLIC

Labour Code: Act No. 61-221 of 2 June 1961 (sections 5 to 33).

Order No. 1155/DPLC/4 of 25 March 1957 promulgating Act No. 56-416 of 27 April 1956 protecting freedom of association and the right to organise.

In reply to the Committee of Experts' observation the Government states as follows.

The Constitution, which has just been revised by the National Assembly, states that international Conventions which have been duly ratified have the same binding force as national laws.

The formation of trade unions is regulated by sections 5 to 16 of the above mentioned Code.

Section 10 (1) of the Code, mentioned by the Committee of Experts, was designed solely to ensure that the unions did not have to cope with outsiders who would hinder their operations. The Government adds, however, that section 10 has been revised in the draft Code which is due to be submitted to the National Assembly in 1965.

Similarly, in the Government's view, section 22 of the Code does not conflict with Article 3 of the Convention because it leaves the unions free to select their representatives, the only requirement being that the latter must belong to the occupation concerned. In order to bring national legislation into line with the Convention it is planned to amend section 22 by deleting the word "compulsorily".

The right of assembly is still regulated by the Public Meetings Act of 20 April 1961 (No. 61-214). Act No. 61-253 of 15 January 1962, which is mentioned by the Committee of Experts, refers to the communes and to the local unions in the communes, but does not apply to occupational trade unions.

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

Act No. 61-232 of 2 June 1961, implementing the Civil Service Regulations, stipulates (section 14): "Civil servants shall have the right to form trade unions. Such trade unions may sue or be sued in any court." In the case of government employees other than civil servants, the right of association is regulated by the Labour Code. Judges are entitled to form trade unions in the same way as civil servants. Details of the right of association of civil servants and judges are given in Title II of the Labour Code.

Section 6 of the Code, which requires foreign workers to live in the Central African Republic for two years before possessing the right to organise, has been

amended in the new draft Code so as to bring it into line with Article 2 of the Convention. This draft is due to be submitted to the first session of the National Assembly in March 1965.

Section 7 of the Code states that the civil courts may order a trade union to be dissolved. Act No. 60-170 of 12 December 1960, which allowed trade unions to be dissolved by administrative order, no longer applies to them.

No provision is made for suspension of the legal personality of trade unions in the event of a request for changes in their by-laws, by either the public prosecutor or a labour inspector in accordance with the penultimate paragraph of section 7 of the Code.

CONGO (BRAZZAVILLE)

Overseas Labour Code: 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).

Labour Code of the Republic of the Congo: Act No. 10-64 of 25 June 1964 (sections 181 to 207).

Under the Labour Code persons carrying on the same trade, similar crafts or allied trades associated in the preparation of specific products, or the same profession, are free to form trade unions. Every worker or employer is free to join the trade union of his choice within his own trade or profession.

Trade union officials must be Congolese nationals or, if they are foreigners, must have resided in the Congo for not less than five years.

The sole function of trade unions is the study and defence of economic, industrial, commercial and agricultural interests.

A union may be dissolved either voluntarily or by court order.

National legislation contains no provision dealing with the international affiliation of trade unions, but in practice they are at liberty to join the international organisations of their own choosing.

Trade unions are legal entities.

Members of the police are covered by the safeguards required by the Convention. They do not, however, possess the right to strike and are paid a monthly allowance in compensation.

COSTA RICA (First Report)

Constitution.

Labour Code: Act No. 2 of 27 August 1943 (*La Gaceta*, Year LXV, No. 192, 29 Aug. 1943, p. 1169) (L.S. 1943—C.R. 1).

Article 2 of the Convention. Section 273 of the Labour Code recognises the rights of employers and workers to form unions without prior authorisation and thereby implements the right of association granted under the Constitution. Within 30 days of the establishment of a trade union, the procedure for registration with a view to acquisition of legal personality must be initiated. A union of workers requires a minimum of 20 members and a union of employers not less than five. Public officials enjoy the same rights and prerogatives as other workers with regard to freedom of association.

Article 3. In order to be officially approved, the rules of a trade union must conform to the conditions laid down in section 275 of the Code. The principal activities of trade unions are specified in section 270 of the Code.

Article 4. Dissolution of trade unions is covered by sections 281 and 282 of the Code. Legislation provides no possibility of dissolving a trade union by administrative authority.

Article 5. Two or more trade unions may form federations which themselves may form confederations. All trade union organisations are entitled to become affiliated to international organisations of workers or employers (section 288 of the Code).

Article 6. The provisions of the Code with regard to the establishment, operation and dissolution of trade unions apply similarly to federations and confederations. The only exception concerns the legal term of office of the executive committee.

Article 7. The conditions for trade unions, federations and confederations to be considered as legally established and to acquire legal personality are laid down in section 274 of the Code. Application for registration must be accompanied by the acts of constitution and the rules approved by the constituent assembly and must be submitted to the trade union office of the Ministry of Labour. If these documents are in accordance with legal requirements the organisation is entered in the appropriate registers. If not, any shortcomings in the rules are pointed out for the purpose of correction or for appeal to be made to the Minister.

Article 8. General provisions govern freedom of association and of assembly, and these apply to trade union organisations. The right of association is protected under section 25 of the Constitution and the right of assembly under section 26, which states that meetings in private premises do not require prior authorisation. Meetings held in public places are subject to the provisions of the law. The Associations Act (No. 218 of 1939) also applies to trade unions in its relevant sections. The provisions of the Penal and Police Codes concerning crimes and offences against public order, national security and constitutional order are applicable to the trade unions.

Article 9. A standing army is prohibited in Costa Rica. There are only police forces, to which the Labour Code does not apply except for certain of its provisions.

CUBA

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

During the present period under study no exclusion has been made under paragraph (*h*) of section 17 of Law No. 962 of 1961.

As has been stated, it is considered that there is no incompatibility or disharmony between the general provision contained in paragraph (*a*) of section 43 of the above law and the provisions of paragraph 2 of Article 3 of the Convention. It cannot be said that the drafting of the section just mentioned is lacking in precision and could in practice lead to an arbitrary exercise of the administrative powers provided for, and which might, as the Committee seems to fear, result in possible intervention by the Government in trade union activities. The exact wording of section 43 states that the legal obligations imposed by it are conditioned to a very definite purpose, which is laid down in its initial paragraph which reads "in order to facilitate the carrying out of this law". Furthermore, in a wider sense, the legal obligations to which persons or legal entities are normally subject, to supply certain information to the legitimate authorities of a country (evident from a comparative study of administrative, fiscal, and procedural legislation) has not generally been interpreted as infringing their individual rights as guaranteed by the political charters of the various states, nor as interfering with their lawful activities. It is re-emphasised that in practice the application of the above precept has not given rise to difficulties with trade union organisations.

During the period under study no inspections or investigations of trade union organisations have been carried out as provided for by section 42 of the law in question. Normally, in the absence of an express legal provision governing the matter, it is the statutes of each trade union, or its internal administrative regulations, that in each case lay down the requirements and conditions to which its members, governing bodies and assemblies must be subject, for the exercise of certain rights and duties. In the concrete case under discussion, on the exercise of the right of petition granted to members, reference would have to be made in each case to the statutes or regulations of the trade union body concerned.

The Government forwarded authenticated copies of the texts of resolutions No. 6853 of 26 September 1961 and No. 5620 of 18 August 1962, requested by the Committee.

DAHOMÉY

Constitution (section 9).

Overseas Labour Code: Act No. 52-1322 dated 15 December 1952 (sections 3 to 27) (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541) (*L.S.* 1952—Fr. 5).

In reply to the observation by the Committee of Experts the Government states that immediately after the change of government on 28 October 1963 the organisation which had been dissolved was given permission to re-establish itself, which it did on 4 April 1964.

Requirements as to substance and form governing the establishment of trade unions are laid down in sections 4 to 9 of the Overseas Labour Code. Section 18 of Act No. 59-21 of 31 August 1959 allows civil servants to form trade unions.

Sections 3 to 5 of the Code lay down conditions concerning trade union by-laws and the objectives they may lawfully pursue.

Trade unions may be dissolved voluntarily, by law or by court order; in no circumstances may they be dissolved by administrative order (section 11 of the Code). These regulations also apply to organisations of civil servants.

Trade unions may form federations of any type (section 24 of the Code). Such federations are subject to the same requirements as individual trade unions (section 25 of the Code).

Trade unions possess civil and legal personality (sections 12 to 19 of the Code).

The safeguards of the Convention apply to members of the police and armed forces.

GABON

In reply to the direct request of the Committee of Experts made in 1963 the Government furnishes the following explanations.

On point 1 the Government indicates that the condition that, to become a trade union leader a person must have a minimum of six months of professional activity, provided for by section 6 of the Labour Code, is considered fulfilled once and for all when the interested party justifies it at any point in his career.

As regards point 2 on the effect of section 210 of the Code on the exercise of the right to strike, the Government emphasises that ignorance of the provisions of the Code concerning strikes is not a penal offence, but only a civil one (breaking of the labour contract if the employer feels he should do so). Secondly, the Government points out that the final point of the procedure is the decision of the higher court given on the appeal of one of the parties. Once the court has handed down its decision, the strike can be started according to the provisions of the law. In practice it is exceptional for collective labour disputes to be submitted to legal procedures of conciliation and arbitration. "Strikes often take place suddenly, and except in the case of grave disturbances, they are not punished by a breaking of labour contracts."

On point 3 the Government indicates that the Head of State could conceivably suspend a trade union if it abandoned occupational for political activities and seriously upset public order. Dissolution, however, takes place only through legal proceedings in the courts.

Under point 4, following the observation made by the Committee of Experts, the Government indicates that a decision has been taken to apply the provisions of sections 24 and 25 of the Code to federations and confederations.

Replying to point 5 of the experts' request, the Government points out that occupational unions can meet freely, without previous authorisation, on condition that the common law regulations on processions and gatherings on the public highway are complied with.

Finally, as regards point 6 the Government declares that the provisions of Title II of the Code apply to civil servants.

GAMBIA

Trade Union (Amendment) Ordinance, 1964.

In reply to a direct request the Government makes the following statement.

Section 20 (2) of the principal ordinance has been amended by section 4 of the above ordinance of 1964, so as to read as follows: "The Registrar General, upon receipt of the application, shall cause a notice of the same to be published in the Gazette. Upon the expiration of the three months from the date of the publication of such notice, the Registrar General, after considering any objections which may have been brought to his notice, and upon being satisfied that the trade union has complied with the regulations respecting registration in force under this ordinance, shall, subject to the provisions of section 21 of this ordinance, register such trade union and such rules."

There are no rules which apply to the establishment and functioning of federations and confederations in the Gambia. If there were such organisations the component members would be trade unions under the ordinance and would enjoy the immunities granted by it.

As a result of the general strike in Bathurst in January 1961, which was accompanied by disturbances, about 28 trade union officials and members were fined or given terms of imprisonment.

No amendment has been made to section 25 of the Trade Union Ordinance because it is felt that trade union members are not sufficiently advanced to manage their own affairs. Instead, the principal ordinance is amended by inserting therein immediately after section 25 a new section 25A which stipulates the powers of the Registrar General relating to trade union accounts.

FEDERAL REPUBLIC OF GERMANY

Act concerning associations dated 5 August 1964 (*Bundesgesetzblatt*, I, p. 593).

In reply to a direct request in 1963 the Government states that legislation with regard to associations has been amended. In connection with the requirement concerning dissolution in Article 4 of the Convention, the above Act reflects the particular wish to comply with the standards laid down in the Convention. Paragraph 16 of the Act provides for special procedure under which the courts having competence in administrative matters intervene in matters affecting the dissolution of associations when such associations are protected by this Convention.

GUATEMALA

In reply to observations made by the Committee of Experts the Government states that the limitations pointed out to it by the Committee which existed in section 222, paragraph (a), of the Labour Code were removed by Legislative Decree No. 45, which came into force on 18 June 1963, and permits the re-election of trade union leaders.

The Ministry of Labour and Social Security is of the opinion that paragraphs (a) and (b) of section 211 of the Labour Code are not at variance with Article 3 of the Convention, since they refer to the control which public authority must maintain in the exercise of its functions over any trade union.

As regards section 226, paragraph (a), it should be pointed out that its provisions have never been resorted to, since the Government in fact guarantees freedom of association.

There is no statute yet for state employees but the Government is studying a new draft.

IRELAND

In reply to a direct request of the Committee of Experts about the position of civil servants the Government states that it would appear that the Committee may be under a misunderstanding in their reference to legislation in connection with the scheme of conciliation and arbitration for the civil service. This scheme has been confirmed judicially to be a contract between the Minister for Finance and the civil service staff associations. Under the terms of the contract, (a) major questions affecting the staff concerned which cannot be settled by agreement are subject to independent arbitration and (b) associations are precluded from having recourse to public agitation or political action, as such alternative methods of seeking to advance claims are incompatible with participation in the operation of the machinery made available under the contract.

ISRAEL

Criminal Procedure (Arrest and Searchers) Ordinance, 1924.

Israel Police Headquarters, Investigation Department Orders, No. 91.

In reply to a direct request of the Committee of Experts in 1963 the Government states as follows.

The above-mentioned order, issued on 11 November 1962, limits police entry to the places of assembly of workers' and employers' organisations to the circumstances in which, according to section 18 of the above ordinance of 1924, a police officer may enter and search without warrant, i.e. (a) if he has reason to believe that an offence punishable with death or penal servitude is being committed, or has recently been committed, on the premises; (b) if the occupier of the premises calls in the assistance of the police; (c) if any person upon the premises calls in the assistance of the police and there is reason to believe that an offence is being committed on the premises; (d) in pursuit of a person evading arrest or escaping from lawful custody.

On 26 October 1964 a Bill on associations, intended to replace the Ottoman Law, was introduced by the Government to the Knesset. The Bill contains a chapter on workers' and employers' organisations drafted in full conformity with the provisions of the Convention and its Article No. 4.

Since the establishment of the State, no newspaper or periodical, to be published or printed by a workers' or employers' organisation, has been refused permission by the Ministry of the Interior.

ITALY

In reply to the direct request made by the Committee of Experts in 1963 the Government supplies the following particulars.

The term "not strictly trade union activities" refers to those activities which are illegal by their nature, i.e. only those which lead to ends that are prohibited or punishable by criminal law.

There is no specific procedure for declaring an association to be illegal in nature. The curbing of activities regarded as illegal falls to the courts and the police as part of their normal functions.

IVORY COAST

For legislation see under Convention No. 3.

In reply to the direct request made by the Committee of Experts in 1963 the Government gives the following particulars. The powers established by Act No. 59-231 of 7 November 1959 appertain to the President of the Republic under the Constitution, Act No. 60-356 of 3 November 1960 (section 19); they form part of the emergency measures that he may take only after having consulted the President of a legally called National Assembly. These powers have never been used in practice. No regulations for the application of Act No. 59-231 have been issued.

Moreover, the Government states that the Labour Code of 1964 retains the provisions of the Overseas Labour Code of 1952 and Act No. 56-146 of 27 April 1956 guaranteeing freedom of association and protection of the right to organise.

KUWAIT (First Report)

Labour (Private Sector) Law of 1964.

In this new modified law, Chapter 13 states in a clear way the right to organise and freedom of association.

The Convention will be sent in accordance with section 70 of the Constitution to the National Assembly for legislative action.

LUXEMBOURG

Penal Code (sections 322 and 326).

In reply to the various points contained in the direct request by the Committee of Experts the Government states that it has taken no action aimed at restricting the right of association or assembly of foreign workers.

With regard to the right of unions to acquire property and to go to law, the Government provides the following indications. Trade unions acquire property through non-profit-making associations or co-operative societies composed of the main leaders of the unions. Since non-profit-making associations and co-operatives formed in accordance with statutory requirements constitute bodies corporate, trade unions which have formed such associations or societies may take legal action with regard to the purposes laid down in their articles of association.

The law does not provide for any restrictive clause concerning state employees. Together with all other workers such persons come under sections 11 and 26 of the Constitution and the Act of 11 May 1936.

Collective disputes arising between officials and public employees on the one hand and the public authorities on the other hand are dealt with by means of direct negotiation between the associations of officials and public employees and the public authorities. Workers employed by the State and the larger municipalities are covered by collective agreements. The National Conciliation Office deals with matters giving rise to litigation.

No action has been brought against any trade union on the basis of sections 322 and 326 of the Penal Code.

MALTA

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

It does not seem that the Trade Unions and Trade Disputes Ordinance as it stands can give rise to interference by the public authorities in the running of trade unions. The functions of the Registrar are defined clearly; interference on his part would be beyond his powers. That there is no such interference is witnessed by the healthy trade union movement in Malta.

Confederations, whether of employers or employees, cannot as such take industrial action. They can co-ordinate policy but it is up to the trade unions themselves singly or collectively to take action. In the circumstance the objection raised by the Committee of Experts does not seem valid.

Both remarks raised will, however, be studied more closely.

MAURITANIA

Labour Code: Act No. 63-023 of 23 January 1963 (Book III) (*L.S.* 1963—Mau. 1).

Act No. 61-130 of 1 July 1961 laying down general regulations with regard to the civil service.

In order to be properly constituted a trade union must have: (a) rules approved by the majority of its constituent assembly, which must comprise not less than 20 members unless an exception is authorised by the Minister of Labour; (b) an executive elected by the constituent assembly and composed solely of members of the union having the right of legally representing the union. All occupational associations are governed by the same legislative provisions. The right of association of civil servants is recognised under section 16 of the above Act of 1961.

Trade unions are entitled to draw up their rules in complete freedom. Only the information generally required in such circumstances is compulsory (Book III, section 8). The rules must be deposited with the authorities.

The functions of occupational unions are to study and defend economic, industrial, commercial and agricultural interests. The unions are free to choose the methods they see fit to use in pursuing these objectives. The suspension or dissolution of a union may be considered only in cases of deliberate violation of its rules or of the Constitution.

No restriction is placed on the right of a union to join a national or international federation of unions. Federations are governed by the same provisions as those applying to unions (Book III, section 22), except those of section 6, which forbids civil servants to belong to an occupational association whose members include persons employed in the private sector.

Acquisition of legal personality is not subject to any conditions; if a trade union is legally constituted such personality is automatically acquired.

Although the members of the armed forces do not enjoy the right of association, members of the police may form unions.

In reply to the direct request by the Committee in 1963 the Government states that Act No. 63-023 establishing a Labour Code does not reproduce the provision of Act No. 61-033, which it repeals, prohibiting political objectives for trade unions. The purpose of trade unions is now defined in general terms as the "study and defence of economic, industrial, commercial and agricultural interests", which means that the trade unions may use whatever methods they see fit.

The provisions of section 7 of Act No. 61-033 are reproduced in section 7 of the Labour Code. The Government considers it would be both paradoxical and ineffective for a trade union relating to a particular occupation to be directed by a person engaged in a different occupation, and that the provisions of section 7 of the Code are not incompatible with Article 3 of the Convention.

Referring to point three in the direct request the Government states that the concept of "electoral capacity" is not reproduced in the new legislation.

No rigid requirements are laid down concerning the Minister's decision as to submission of a collective dispute to arbitration. However, section 40 of Book IV of the Code provides that the Minister's decision should be taken in the light of circumstances and the repercussions of the dispute on the economic and social life of the nation.

MEXICO

Federal Act of 1963 concerning state employees (*Diario oficial*, 28 Dec. 1963).

In reply to an observation by the Committee of Experts the Government states that the Statute for Workers in the Service of the Authorities of the Union has been superseded by the Federal Act mentioned above, which was promulgated on 27 December 1963. This Act, which was adopted by virtue of section 123 (b) of the Constitution, is more explicit regarding the existence of a single trade union in each occupational branch, but does not prevent workers from forming organisations of their own choosing since, as section 68 of the Act makes plain, a number of groups can exist at the same time and each one can claim that it is the representative trade union.

Legislation is concerned not with the recognition of trade unions or their regulations but with their registration. When section 68 of the above Federal Act speaks of recognition, it means that the Federal Conciliation and Arbitration Tribunal, in deciding which of the groups or associations claiming to be the representative union has majority status, will register it as such. In other words, what is recognised is that a particular association has a majority of members.

It is a matter not of preventing the existence of more than one trade union in the same occupational branch but of having to register the largest association or the most representative trade union; this is something which the international trade union movement has always vigorously fought for and its advantages are that the idea of representativeness is determined by democratic criteria in accordance with the number of members and that this is done not by the State but by a national tribunal as provided for in the Constitution: the Federal Conciliation and Arbitration Tribunal, which is composed of representatives of the federal Government and the workers and a jointly appointed referee.

In Mexico the workers, including those employed by the State, do not require any prior authorisation to set up any associations they may desire. There is complete freedom of association although, like every form of freedom, it is also subject to certain rules in the interests of the maintenance of law and order. The legislation concerning public employees is designed to make the trade unions more representative and democratic by requiring that they should represent the majority of workers in each occupational branch.

The Government maintains its view that the principle of non-re-election in trade unions of state employees is compatible with Article 3 of the Convention. Trade unions of public employees are entitled to draw up their statutes and administrative regulations, to elect their representatives freely and to organise their own representation; no authority intervenes with a view to restricting this right.

The principle of non-re-election safeguards the freedom of association of public employees not only vis-à-vis the State but also in case one or more leaders attempt to extend their term of office unduly: in other words the reason is partly social and partly juridical in character.

Section 78 of the above-mentioned Federal Act gives trade unions a right which, like all rights, is optional: that they can join the Federation of Trade Unions of State Employees.

These trade unions of public employees are fully entitled to form federations and confederations with similar unions; that is to say, those subject to the same legal requirements. This facilitates application of the legislation covering all workers employed by the State and enforces the fact that the Federation of Trade Unions of State Employees is the only central body recognised by the State, and is in accordance with the principle of recognition of the most representative association, since the Act requires that the Federation should be governed by the same provisions as those applying to individual trade unions.

The Federation of Trade Unions of State Employees, in common with almost all national trade unions, federations and confederations, is a member of the Workers' Unity Bloc.

The acquisition of legal personality by trade unions of public employees does not limit the application of Articles 2 to 4 of the Convention, since workers do not need prior authorisation in order to constitute such unions; they draw up their own statutes, hold free elections of representatives and are in no way subject to dissolution or suspension by the authorities.

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

The government of the state of Coahuila has stated that there is no statute governing the employment of its officials.

The promised dispatch of copies of the Act of 1 January 1938 by the government of the state of Durango has not yet been made.

Receipt is also expected of the report requested from the government of Chiapas concerning the trade union rights of that government's officials. With regard to the state of Puebla, the Act governing relations between the state and its servants as published in the official journal of that government on 18 December 1956 does not deal with the rights of association of its officials.

Section 123, paragraph A, clause XVI of the Constitution, and sections 232 to 258 and 277 of the Federal Labour Act govern the right of association of employees other than public officials.

With regard to employees in a position of confidence, section 9 of the Constitution authorises the fullest freedom of association.

NETHERLANDS

In reply to the observations made by the Committee of Experts in 1963 the Government states that the Bill to amend the Act of 1855, having been submitted to the Council of State, was laid before the States General on 13 March 1963.

NIGER

In reply to the direct request made by the Committee of Experts in 1963 the Government states that no occupational organisation has availed itself of the right to affiliate with international workers' organisations.

NIGERIA

In reply to a request made by the Committee of Experts in 1964 the Government has supplied the following information.

The exercise on the revision of the Trade Union Act is still proceeding. Some delay in the completion of this work has been caused by the time taken in consultations

with the various governments in the Federation and with employers' and workers' organisations. Consideration will be given to the possible amendment of section 6 of the first schedule to the Act, to remove any doubt as to the right to organise of casual and seasonal workers.

The reason underlying the restriction of the right to organise of persons in the Civil Aviation Fire and Guard Service is that the service has been reconstituted into a disciplined force because of the character and nature of the duties involved.

NORWAY

In reply to a direct request by the Committee of Experts the Government states that the Act of 18 July 1958 on public service disputes has no provisions about how trade unions of civil servants which are not qualified to negotiate under the Act may represent and defend the interests of their members.

The Government also states that even if an organisation is not qualified to negotiate under the Act it may still have the opportunity to communicate with the authorities and discuss the interests of its members. Recommendations concerning such negotiations will in general be accepted. On the other hand, such an organisation cannot be party to any agreement dealing with rates of pay and working conditions.

PARAGUAY (First Report)

Labour Code: Law No. 729 of 31 August 1961 (*L.S.* 1961—Par. 1).

Freedom of association of workers and employers without distinction of sex or nationality, and without need for previous authorisation, is guaranteed by section 281 of the Labour Code.

Articles 1 to 6 of the Convention. The conditions of form and substance which must be observed by workers' and employers' organisations wishing to constitute themselves into unions are governed by sections 286 to 313 of the Labour Code in Chapters II to VI of the Third Book, Title I, "The Trade Union Organisations of Employers and Workers".

Article 7. The acquisition of legal personality by workers' and employers' organisations and their federations and confederations is not compulsory. It is sufficient that they be inscribed and registered in order to acquire union personality for all legal purposes, in accordance with section 298 of the Code mentioned above.

Article 8. Legal measures which can be applied to an employers' or workers' union in the event of infraction of the provisions of section 302 of the Code are set out in the respective legislation, according to whether the matter is penal, administrative, etc.

Article 9. The armed forces and the police are not subject to the provisions of the Code but to their respective organic laws.

Article 11. The free exercise of the right to organise is guaranteed by sections 281 to 285 of the Code.

PERU

In reply to a direct request made by the Committee of Experts in 1963 the Government states that civil employees of the State are governed by special arrangements laid down in the civil service regulations and schedule of grades, Act No. 11377, which provides for a scheme for the protection of salaried employees and officials in government departments and lays down, according to the nature of the work, recompense for maximum daily hours of work, job security, leave, loss of employment,

retirement and pension fund, sick leave, special bonuses and grants and the right of association for the purpose of cultural, sporting, welfare or co-operative activities.

This legislation is now being amended, however, the Government having placed before Congress the preliminary draft of a Civil Service Act, which has been prepared with the collaboration of representatives of the National State Civil Servants' Association.

The stipulation in section 11 of Presidential Decree No. 009 of 3 May 1961 that an application for the registration of a trade union must be accompanied by a copy of its constitution, "signed by more than 50 per cent. of the employees at the workplace or in the industry", arises from the need to prescribe a level which will guarantee that a union is truly representative of the workers, this being achieved by the measure in question, in conformity with section 50 of the Labour Code, the main activity of trade unions being to submit claims and engage in collective bargaining, for which it is necessary to represent the majority.

With respect to the Presidential Decree of 23 March 1936, it should be pointed out that sections 117 et seq., respecting the "recognition and supervision of associations", have been revoked by Presidential Decree No. 009.

In answer to the observation regarding the ban on trade unions "engaging officially in political activities", it is pointed out that section 6 of Presidential Decree No. 009 is applied in a manner in keeping with paragraphs 5 and 6 of the resolution on the independence of the trade union movement adopted by the International Labour Conference on 26 June 1962.

In reply to the observation made in paragraph 5 concerning the minimum number of trade unions and federations for forming federations and confederations, it should be borne in mind that section 23 of the same Presidential Decree takes into account the average number of organisations existing for each branch of activity.

PHILIPPINES

In reply to an observation and a direct request made by the Committee of Experts the Government states as follows.

With respect to the proposed Bill to amend Act No. 875, Congress has not yet adopted the necessary measures to bring the legislation into conformity with the provisions of the Convention.

With respect to the last statement of the Committee's general remarks of 1959, it may be stated that the "certain measure of guarantee against (such) interference" is the Government's present policy of investigating a labour organisation's financial activities and examining its books of accounts and other financial records only upon request or complaint of its members.

The Supreme Court's decision on the question of the constitutionality of Republic Act No. 1942 has not yet been handed down. Enclosed is a copy of this Act.

RUMANIA

In reply to the questions asked by the Committee of Experts the Government states as follows.

Regarding the question as to whether national legislation empowers the administrative authorities to dissolve or suspend a trade union: statutory and voluntary dissolution is regulated by the provisions of Chapter VIII (sections 38 to 40) of Act No. 52/1945 respecting trade unions.

As for judicial dissolution, this is governed by the provisions of section 45, paragraph (1) (c) and paragraph 2 of Decree No. 31/1954 concerning individuals and legal entities. Section 45, paragraph 1 (c), stipulates that public organisations (trade unions) shall be dissolved if "their objectives or the means used to achieve these

objectives have become contrary to the law or to the rules of socialist conduct, or if they seek to attain objectives other than their declared objectives". Paragraph 2 of the same section stipulates that in such cases dissolution "shall be ordered by the competent body".

Decree No. 31/1954 contains the general regulations governing legal entities. According to section 45, paragraph 2, of this decree, the sole competent body is the law court (tribunal).

Statutory dissolution and voluntary dissolution are the only kinds provided for by the Trade Union Act (No. 52/1945).

The present regulations governing legal entities make no provision whatsoever for the possibility of suspending trade unions.

The second point on which additional information was requested was whether two trade unions of different occupational categories may be grouped together in a trade union organisation at a higher level.

Section 46 of Act No. 52/1945 stipulates that "two or more trade unions of the same occupational category may join together to form a federation. Two or more trade union federations may join together to join a confederation . . .".

This text shows that two trade unions of different occupational categories may join together at confederation level by the means of trade union federations.

In practice, however, the trade union movement interprets trade unions of the same "occupational category" as meaning not trade unions grouping employees of the same category but those grouping workers and officials of different categories who work in units which are part of the same branch of activity.

It must be pointed out that in Rumania there are no trade union "confederations" or "federations". Under section 19 of the Rules of the Trade Unions, it is the Central Council of Trade Unions which constitutes "the sole higher directive organ of the trade unions of the People's Republic of Rumania, between two congresses . . .".

SIERRA LEONE

In reply to a direct request made by the Committee of Experts the Government states that in practice civil service staff associations have the same protection as trade unions except that, owing to the nature of civil service appointments, all civil servants are forbidden to take active part in national politics, i.e. they are not expected to make platform speeches or carry on propaganda in favour of one political party or the other. They are free to join political parties.

The Government adds that there is no law precluding civil servants from joining trade unions, but because of the opportunity that exists for joint consultation in the Whitley Council, they are able to take part in responsible negotiation and express and ventilate their grievances without fear of victimisation. There is also no legal restriction on civil servants in regard to strike action, but by tradition they do not resort to strike action apparently because of the highly developed and satisfactory system of joint consultation which they enjoy and the realisation that, under the circumstance, it is unnecessary to force acceptance of their demands by strike action. On the very rare occasions on which civil servants have gone on strike, this has been among the pensionable artisan class who are members of general trade unions. Such artisans have usually not been penalised at all or have suffered no worse penalty than that meted out to non-established trade unionists who took part in the strike. For example, the circumstances may justify loss of pay for the period of the strike by all the strikers.

SWEDEN

In reply to the direct request by the Committee of Experts in 1963 the Government states that the organisation S.A.C., which is alleged not to be representative of

the municipal firemen and which has consequently been refused the right to negotiate with the authorities a collective agreement on the status of municipal firemen different from that concluded with other organisations, has less than 30 members out of a total of some 2,500 municipal firemen in the whole of Sweden.

SYRIAN ARAB REPUBLIC (First Report)

Legislative Decree No. 31 of 29 February 1964, on trade union organisation (*L.S.* 1964—Syr. 1).

Article 2 of the Convention. The fundamental conditions for the constitution of a workers' organisation are as follows: under paragraph 3 of section 2 of the above decree, the occupation must be among those mentioned in the Ministerial Decree which determines the occupations whose members are entitled to constitute a trade union; founder members actually exercising the occupation must number at least 25 and they must fulfil the following conditions: (a) be of Syrian or Arab nationality, a national of one of the States of the Arab League; (b) exercise that occupation in any capacity on the date of the trade union's foundation within the territorial limits of the union; (c) be at least 18 years of age.

Moreover, employers' organisations are authorised by Law No. 279 of 1946 promulgated before the ratification of the present Convention. As the result of the promulgation of the Labour Code (Law No. 91 of 1959), the provisions of the 1946 law have been repealed, though the attributions of employers' organisations have been maintained.

The said organisations have continued to carry out their activities within the limits of the rules governing them without this running contrary to the stipulations of the new law.

At the present time a new law on employers' organisations is being drafted. Its purpose will be to replace the legal provisions now repealed and it will be based on the present Convention.

Having fulfilled the fundamental and formal conditions, organisations acquire legal status.

The above provisions apply also to all workers' organisations, including those of public officials and the staff of public enterprises. Architects, engineers, doctors, pharmacists and lawyers in the service of the State or of private enterprises come under the provisions of the Labour Code. However, they are not entitled to exercise their professions unless affiliated to their respective trade unions, and to these the provisions of the Labour Code do not apply.

In the civil service regulations there is no mention of the setting up of organisations by certain special categories of workers. These regulations, however, do authorise the setting up of unions and associations by public officials. Moreover, Presidential Decree No. 187 of 5 June 1960 instituted a union for the teaching profession, membership of which is compulsory for all workers in the profession, whether teachers or administrators, in the service of the State or of a private enterprise.

Article 3. Sections 7, 10 and 30 of Legislative Decree No. 31 of 1964 guarantee to workers' organisations the freedom to draw up their own statutes and elect their representatives. In conformity with section 10, the Ministry of Social Affairs and Labour has drawn up a model statute which organisations may use as a basis.

Article 4. The statute of employers' organisations lays down that public authorities are entitled to dissolve any organisation or attach it to another.

Section 23 of Legislative Decree No. 31 limited the dissolution of organisations on account of infringement of laws to a decision by the court and on request of the Minister or the Council of the General Union, which must approve the decision by a two-thirds majority only after having taken the measures stipulated in section 23.

Article 5. In conformity with the provisions of section 58 of the Law No. 279 of 1946 (repealed by the Labour Code), regional federations of unions were set up in the *Mohafazats*, and a general federation of employers' unions; these organisations still continue their activities within the scope of their own regulations and in conformity with the spirit of the new law.

Employees' unions are authorised by Legislative Decree No. 31, which drew up their regulations and the conditions of their creation; sections 40 and 49 of this decree authorise the institution of the General Union of Workers' Trade Unions.

Legislation in no way prohibits the affiliation of confederations to international organisations of workers and employers. The General Union of Trade Unions in Syria is, for example, a member of the Union of Arab Trade Unions.

Article 6. Under section 61 of the repealed Law No. 279 of 1946, which sanctions the setting up of employers' organisations, employers' and workers' unions enjoy the same rights and prerogatives as those accorded so far to other trade unions, even though the law has been repealed. This will be taken into account in the formulation of new regulations envisaged for employers' organisations.

By virtue of section 58 of the Legislative Decree No. 31, the General Union and the Vocational Union are subject to the same stipulations as those provided for trade unions, except for the regulations which provide for the organisation of each of them or other special provisions.

Article 7. Employers' organisations and unions acquire legal status on fulfilling the conditions set out in sections 23 to 26, 28 and 29 of the law of 1946.

Trade unions and federations acquire legal status after submitting the documents mentioned in section 7 of Legislative Decree No. 31.

Article 8. Workers' and employers' organisations are sanctioned by the legislation governing companies, associations and public meetings and by general laws on state security and states of emergency. They are also subject to penal law and other codes in so far as legislation on freedom of association is not prejudicial to the guarantees accorded to those organisations. Any infringement of the law committed by any organisation can cause the Ministry to request the competent court of law to pronounce its dissolution (section 23 of Legislative Decree No. 31).

Article 9. Legislation formally prohibits members of the armed forces, the police and officials of the Ministry of Defence from joining any organisation.

TOGO

Constitution of 5 May 1963 (*Journal officiel*, 12 May 1963).

The Constitution of 5 May 1963 retains the provisions contained in section 8, paragraph 1, of the 1961 Constitution and stipulates in section 18, paragraphs 4 and 5, that workers are entitled to join trade unions and to defend their rights through trade union action and that all workers, through their delegates, shall participate in determining their working conditions.

TUNISIA

In reply to a direct request made by the Committee of Experts in 1963 regarding the application of the decree of 6 August 1936 to public trade union meetings, the Government states that trade union meetings may be freely held provided that the authorities are notified thereof two days in advance. Since the country's independence, the implementation of this decree has never hindered public trade union meetings.

UKRAINE

The Government states that on 18 July 1963 the Supreme Council of the Ukrainian S.S.R. adopted a new Civil Code for the Republic; this came into operation on 1 January 1964. Accordingly, the Ukrainian Civil Code of 1922 ceased to be effective, including its section 18, which was the subject of a question by the Committee of Experts. Section 39 of the new Code provides that "public organisations which have legal personality shall cease their activities for the reasons given in their constitutions".

The Government adds that, as for the legislation dealing with the activities of public organisations, mention may be made of those provisions of the Code which deal with the position of legal entities, including public bodies. Section 24 of the Code mentions public bodies in the list of legal entities. Section 28 deals with the structure of legal entities and states that public organisations whose structure is not regulated by legislation are to be organised in accordance with their constitutions. Cessation of activity by public organisations which have legal personality is dealt with in section 39 of the Code.

Finally, the Government states that detailed explanations have been given on several occasions regarding the application of Conventions Nos. 11, 87 and 98 in the Ukrainian S.S.R. and that it is not considered appropriate to repeat those explanations here. Moreover, the Government will in future act in accordance with the unanimous recommendation of the 47th Session of the International Labour Conference to the effect that it is not necessary to renew the discussion and to ask for additional information on the application of the Conventions on trade union rights in a number of Socialist countries, including the Ukrainian S.S.R. The Government expects the Committee of Experts to follow that recommendation.

UNITED KINGDOM

Trade Union (Amalgamations, etc.) Act 1964.

In reply to a direct request of the Committee of Experts as to whether comparable immunities similar to those provided for by the Conspiracy and Protection of Property Act are afforded to seamen and apprentices to the sea service, the Government states that the present position is that, although merchant seamen are excluded from the provisions of the Conspiracy and Protection of Property Act, 1875, the Merchant Shipping Acts contain a balanced code setting out the rights and obligations of employers, masters and seamen. It is not practicable to recognise a right for seamen to withdraw their labour while a ship is at sea or is not secure. However, industrial arrangements in the United Kingdom provide in certain circumstances for seamen to leave the ship by giving requisite notice. There is nothing in the Acts which would prevent such arrangements. Moreover, although seamen are excluded from the 1875 Act, it is arguable whether seafarers' unions are similarly excluded.

U.S.S.R.

The Government declares that during the period under examination the Convention has continued to be fully applied in the U.S.S.R. and that legislation has not been modified in any way. Reference is made to the detailed explanations and information given on several occasions on the legislation which ensures the application of the Convention in the U.S.S.R. The Government adds that full explanations were also given relating to the observations of the Committee of Experts on the Application of Conventions and Recommendations, and that the Committee on the Application of

Conventions and Recommendations of the 47th Session of the Conference decided that it was not necessary "to ask for further information" (*Report of the Committee* (1963), paragraph 26, p. 516). Furthermore, the Government declares that the observations of the Committee of Experts are essentially a repetition of previous observations and that the Committee on the Application of Conventions and Recommendations of the 48th Session of the Conference in 1964 confirmed its decision of 1963 by deciding to adopt the same procedure as in 1963 (*Report of the Committee* (1964), paragraph 23, p. 650).

* * *

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, Philippines, Sweden, United Kingdom.

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

Albania, Austria, Belgium, Bulgaria, Chad, Denmark, Finland, France, Hungary, Jamaica, Liberia, Malagasy Republic, Peru, Poland, Upper Volta, 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	Kenya	13. 1. 1964
Argentina	24. 9. 1956	Libya	20. 6. 1962
Australia	24. 12. 1949	Luxembourg	3. 3. 1958
Belgium	16. 3. 1953	Malaysia (Singapore)	3. 3. 1964
Brazil	25. 4. 1957	Malta	4. 1. 1965
Bulgaria ¹	29. 12. 1949	Netherlands	7. 3. 1950
Canada	24. 8. 1950	New Zealand	3. 12. 1949
Central African Republic	9. 6. 1964	Nigeria	16. 6. 1961
Costa Rica	2. 6. 1960	Norway	4. 7. 1949
Cuba	29. 4. 1952	Peru	6. 4. 1962
Cyprus	23. 9. 1960	Philippines	29. 12. 1953
Czechoslovakia	12. 6. 1950	Sierra Leone	13. 6. 1961
Dominican Republic	22. 9. 1953	Spain	30. 5. 1960
Ethiopia	4. 6. 1963	Sweden	25. 11. 1949
France	15. 10. 1952	Switzerland	19. 1. 1952
Federal Republic of Germany	22. 6. 1954	Syrian Arab Republic	26. 7. 1960
Ghana	4. 4. 1961	Tanzania (Tanganyika)	30. 1. 1962
Greece	16. 6. 1955	Turkey	14. 7. 1950
Guatemala	13. 2. 1952	United Arab Republic	3. 7. 1954
India	24. 6. 1959	United Kingdom	10. 8. 1949
Iraq	22. 6. 1951	Venezuela	16. 11. 1964
Israel	21. 8. 1959	Yugoslavia	23. 7. 1958
Italy	22. 10. 1952		
Japan	20. 10. 1953		

¹ Has denounced this Convention.

BELGIUM

Royal Order of 20 December 1963 on employment and unemployment (*Moniteur Belge*, 18 Jan. 1964).

Order of 8 May 1964 on specialised national consultative committees.

Order of 1 June 1964 on specialised regional consultative committees.

Royal Order of 8 June 1964 bringing into force certain sections of the Act of 25 April 1963 on the management of public, social security and provident institutions.

Article 4 of the Convention. Under the terms of section 20 of the Royal Order of 20 December 1963, the Minister for Employment and Labour can set up specialised regional consultative committees for certain occupations and a specialised regional consultative committee for youth at each regional bureau of the National Employment Office.

Article 6. A type of progressive assistance laid down in detail in section 55 of the Royal Order of 20 December 1963 was substituted for the regressive rates provided under the Royal Order of 25 February 1961 concerning the contribution by the National Employment Office to the remuneration of unemployed workers difficult to place.

Article 9. The Royal Order of 8 June 1964 brings into force section 18 of the Act of 1963. This section stipulates that, with the exception of the person responsible for the day-to-day management and, where appropriate, of his deputy, the staff shall be appointed, promoted and dismissed by the management committee in conformity with the rules of the personnel statute.

COSTA RICA (First Report)

Labour Code: Act No. 2 of 27 August 1943 (*La Gaceta*, Year LXV, No. 192, 29 Aug. 1943, p. 1169) (L.S. 1943—C.R.1).

Act No. 1860 to establish the Ministry of Labour and Social Welfare, dated 21 April 1955, as amended by Act No. 3095 of 18 February 1963.

Rules of the National Employment Service: Decree No. 11 of 31 August 1960 (*La Gaceta*, No. 201, 7 Sep. 1960, p. 3217) (L.S. 1960—C.R.1).

Section 121, paragraph 4, and section 124 of the Constitution give the force of law to ratified Conventions.

Articles 2 and 3 of the Convention. Section 8 of the above decree deals with the creation of regional offices.

Article 4. An advisory committee has been set up on the national level, and advisory subcommittees may be established on the regional level, comprising three workers', three employers' and three government delegates (sections 9 and 10 of the decree).

Article 5. As the advisory committee has only recently been created it has not yet defined the employment policy to be followed in the immediate future.

Article 6. Sections 75 to 81 inclusive of the Act mentioned above specify the functions of the employment office: to study the country's labour requirements, supervise the distribution of labour, facilitate the mobility of workers and direct available workers to vacant posts.

Article 7. Section 75 (2) of the Act defines the duties of the employment office as in the provisions of this Article.

Article 8. The office for social development and apprenticeship deals with the ever-present problem of training minors. The general inspectorate of labour ensures the application of the provisions of Chapter VII, Title II of the Labour Code.

Article 9, paragraph 1. The staff of the employment office of the department, which is also responsible for the national labour service, is included in the category of persons to whom the Civil Service Rules grant the right to stability of employment.

Paragraph 2. Recruiting and selection of personnel is governed by the provisions of section 15 of the Civil Service Rules.

Paragraph 4. Staff members attend national and international seminars to receive academic training.

Article 10. Section 6 of the above decree reiterates that the widest collaboration is expected from employers and workers in the utilisation of the new services at their disposal.

Article 11. This Article is not applicable because no private placement offices exist.

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts the Government indicates that representatives of the managing organs of enterprises or corresponding branches also take part in the meetings of the committees established under paragraph 34 of Act 65/1960 and in practice their number corresponds in principle to the sense of the provision laid down in Article 4, paragraph 3, of the Convention.

GUATEMALA

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee* (1964), p. 674.

KENYA

See under Convention No. 2.

MALAYSIA

Singapore

The reorganisation of the employment office foreshadowed in the Government's previous reports has not yet taken place.

Article 6 of the Convention. Applicants for employment are interviewed by the staff of the employment exchange to ascertain whether they meet with the requirements of employers. At present there is no provision for evaluating their vocational capacity by way of trade tests, etc., or for helping them to obtain vocational guidance or vocational training or retraining.

PERU (First Report)

Legislative Decree No. 14273 of 23 December 1962 establishing the Employment and Human Resources Service.

The above-mentioned Service carries out all the functions normally performed by a service of this type. For budgetary reasons it has not been extended to cover the whole country, but operates only in Lima and Callao, with employment market information bureaux in Trujillo, Arequipa and Huancayo.

SIERRA LEONE

In reply to the observations made by the Committee of Experts the Government indicates that steps have been taken to set up a national employment advisory service committee, which it is expected will start functioning before the end of 1964.

* * *

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

Belgium, Costa Rica, Czechoslovakia, Guatemala, Kenya, Malaysia (Singapore), Peru, Sierra Leone.

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	Malawi	22. 3. 1965
Austria	5. 10. 1950	Malta	4. 1. 1965
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	Portugal	2. 6. 1964
Czechoslovakia	12. 6. 1950	Rumania	28. 5. 1957
Dominican Republic	22. 9. 1953	Rwanda	18. 9. 1962
France	21. 9. 1953	Senegal	22. 10. 1962
Ghana	2. 7. 1959	Republic of South Africa	2. 3. 1950
Greece	27. 4. 1959	Spain	24. 6. 1958
Guatemala	13. 2. 1952	Switzerland	6. 5. 1950
India	27. 2. 1950	Syrian Arab Republic	1. 12. 1949
Ireland	14. 1. 1952	Tunisia	15. 5. 1957
Italy	22. 10. 1952	United Arab Republic	26. 7. 1960
Kuwait	21. 9. 1961	Uruguay	18. 3. 1954
Lebanon	26. 7. 1962	Yugoslavia	20. 6. 1956
Libya	20. 6. 1962	Zambia	22. 2. 1965
Luxembourg	3. 3. 1958		

AUSTRIA

For the answer of the Government to the observations of the Committee of Experts see *Report of the Committee* (1964), p. 675.

The Austrian Chamber of Labour has once more drawn attention to the need for harmonisation of national legislation with the provisions of the Convention. Meanwhile, it considers that the control carried out by the labour inspectorate to enforce observance of the prohibition of night work for women should be strengthened.

COLOMBIA

In reply to an observation by the Committee of Experts the Government indicates that, since the draft Labour Code is still pending before the House of Representatives, it submitted in November 1964 a draft Bill consisting of a small number of sections, one of which provides that women, irrespective of age, shall not be employed at night in any industrial undertaking except in undertakings in which only the members of the same family are employed.

PHILIPPINES

For the Government's reply to the observation made by the Committee of Experts in 1964 see *Report of the Committee* (1964) (Convention 90), p. 676.

The Government now states that the Bill amending the Women and Children Labour Law designed to bring the legislation into conformity with the provisions of Articles 2 and 5, paragraph 1, of the Convention was not passed by Congress at its last session.

* * *

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

Algeria, Austria, Congo (Leopoldville), Philippines, Uruguay.

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

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

ARGENTINA

In reply to a request and observations made by the Committee of Experts the Government states that during a recent study of all the problems concerning the harmonisation of national legislation with ratified Conventions, the present Convention—which is fully applied in practice—received special attention in this connection.

CONGO (LEOPOLDVILLE)

In reply to a direct request made by the Committee of Experts in 1964 the Government states that no amendments have yet been made to bring the decree of 14 March 1957 into line with the provisions of the Convention. Account will however be taken of the Committee's observations on the occasion of the revision of the decree.

ITALY

See under Convention No. 77.

PERU (First Report)

Act No. 2851 of 1918 (*L.S.* 1919—Per. 1).

Decree dated 25 June 1921.

Minors' Code: Act No. 13968 of 2 May 1962 (*El Peruano*, 7 and 8 May 1962).

Article 1 of the Convention. The above-mentioned laws and regulations govern the working conditions of all young persons employed by other persons.

Article 2. Section 39 of the above Code defines night work in the case of young persons under the age of 18 as work performed between 7 p.m. and 7 a.m. A nightly rest must be taken between 10 p.m. and 7 a.m. Section 41 forbids the employment of young persons under the age of 21 in jobs which might impair their physical or moral development. Night work by minors must be authorised by a juvenile court (section 48).

Article 3. Night work by minors is permitted only in cultural or artistic activities, and provided it is necessary for their support and does not constitute a physical or moral danger.

Article 6. The labour authorities can inspect places of work (section 46 of the Code) and, in the event of a breach of the law, a juvenile court may require the employer to take a young person off his job immediately.

Enforcement of the laws and regulations governing the employment of young persons is the responsibility of the Women's and Young Workers' Division of the General Directorate of Labour in Lima and the regional labour inspectorates in the provinces.

* * *

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

Argentina, Italy, Philippines, Ukraine.

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

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Ghana	18. 3. 1965
Belgium	30. 8. 1962	Ireland	21. 7. 1952
Brazil	8. 6. 1954	Netherlands	17. 6. 1958
Costa Rica	2. 6. 1960	Norway	29. 6. 1950
Cuba	29. 4. 1952	Poland	13. 4. 1954
Denmark	30. 9. 1950	Portugal	29. 7. 1952
Finland	22. 12. 1951	Sweden	18. 7. 1950
France	26. 10. 1951	United Kingdom	6. 8. 1953

ALGERIA (First Report)

Law of 6 January 1954 concerning safety of life at sea and accommodation on board trading, fishing and pleasure vessels.

Decree 54-1232 of 7 December 1954 concerning accommodation and hygiene on board trading, fishing and pleasure vessels.

Act 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

The Convention is applied in the same way as in France.

BELGIUM (First Report)

Act of 20 August 1962 relating to the ratification of the Convention (*Moniteur belge*, 12 Oct. 1962).

Royal Decree of 12 December 1957 to regulate the maritime inspectorate (Annex XVI: Provisions concerning crew accommodation) (*ibid.*, 20 Dec. 1957, p. 9082).

The regulations apply as far as practicable to vessels of between 200 and 500 tons.

Certain provisions of the Convention, of little importance, have not been reproduced in the regulations, since the ship-owners' and seafarers' organisations have agreed that the standards of comfort and hygiene of crew accommodation, as laid down in the regulations, are in line with those of the Convention.

In connection with Article 3, legislation is enforced by the maritime inspectorate, by consuls and by marine surveyors from classification societies.

Any person concerned may make complaints as regards crew accommodation.

The maritime inspectorate may prescribe the temperature to be maintained in crew accommodation.

As regards Article 18, the maritime inspectorate may order changes in crew accommodation when a ship is under the Belgian flag and important modifications of structure are being made to it.

COSTA RICA (First Report)

Taking into account the fact that the Convention does not apply to vessels of less than 500 tons, nor to vessels primarily propelled by sail, nor to fishing vessels, it does not have any practical effect in Costa Rica, where no vessels of the type covered by the Convention are registered.

According to sections 121 (4) and 124 of the Constitution, ratified Conventions have the same effect as laws.

* * *

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

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	Kenya	13. 1. 1964
Austria	10. 11. 1951	Malaysia (Sabah, Sarawak, Singapore)	3. 3. 1964
Belgium	13. 10. 1952	Mauritania	8. 11. 1963
Bulgaria	7. 11. 1955	Morocco	20. 9. 1956
Burundi	11. 3. 1963	Netherlands	20. 5. 1952
Cameroon:		Nigeria	17. 10. 1960
Eastern Cameroon	29. 1. 1963	Philippines	29. 12. 1953
Western Cameroon	3. 9. 1962	Rwanda	18. 9. 1962
Central African Republic	9. 6. 1964	Sierra Leone	15. 6. 1961
Congo (Leopoldville)	30. 9. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Costa Rica	2. 6. 1960	Syrian Arab Republic	7. 6. 1957
Cuba	29. 4. 1952	Tanzania:	
Cyprus	23. 9. 1960	Tanganyika	30. 1. 1962
Denmark	15. 8. 1955	Zanzibar	22. 6. 1964
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		
Jamaica	26. 12. 1962		

ALGERIA (First Report)

Labour Code.

Decrees of 10 April 1937 on conditions of work under public contracts made in the name of the State, of the *départements*, of communes and of public welfare establishments.

Article 1 of the Convention. The above decrees apply the stipulations of the Convention to contracts made by the State, *départements*, communes and public welfare establishments.

Article 2. Section 1 of each of the decrees stipulates that entrepreneurs are bound to respect the conditions for tenders for public contract in the clauses of which is mentioned the obligation to pay workers normal wages equal in the case of each occupation to the current rate in the locality or region where the work is carried out. Working conditions may not be inferior to the general level provided by employers in the same occupation or the same industry. The conditions for tenders for public work or supply contracts made in the name of the State, *départements* or communes must contain clauses concerning the notification of public labour exchanges about the opening of worksites, the payment of workers at a normal rate and an assurance that personnel shall enjoy the conditions fixed either by collective convention or by usage. The conditions must be made known to tenderers and are fixed by the decrees of 10 April 1937. The tenderers are referred to these so that they may be fully acquainted with the clauses.

Article 3. The provisions of the Labour Code concerning the health of workers are applicable to work carried out under public contract made by the State, *départements* or communes. Moreover, sections 65 to 70 of Volume II of the Labour Code and the decrees of 10 July 1913 and 13 August 1913 lay down general provisions with regard to the health and safety of workers.

Article 4. The schedules of normal and current wage rates are posted on work sites and in workshops where the work is being carried out (sections 3 of the decrees of 10 April 1937). The prefect, the competent administrative authorities and the labour inspectors are responsible in their respective fields for ensuring that the provisions of the Convention are observed. Sections 4 of the same decrees stipulate that the employer shall post a notice in worksites and workshops indicating the branch of the administration or the service for which the work is being carried out. The regulations that cover all establishments (section 22 (a) of Volume I of the Code) also inform workers of their working conditions. Section 44 (b) of Volume I of the Code makes it obligatory for all employers to keep a pay ledger indicating the duration of work carried out and the wages paid to the persons concerned.

Article 5. Sections 5 of the decrees provide that when repeated infringements of the working conditions are shown to have been committed by the entrepreneur, the Minister may decide to exclude him either definitively or for a given period from the contracts of his department. Sections 4 of the same decrees stipulate that if the contracting administration notes a difference between the wages paid to workers and the determined current wages, it shall directly compensate the workers concerned by means of sums deducted from the amount due to the entrepreneur and from his security deposit.

KENYA

Article 2, paragraph 3, of the Convention. The Government has issued instructions to all central government departments, departments of the East African common service organisation, regional administrations and local government authorities to ensure that their contracts include a clause which makes clear that any contractor or sub-contractor who fails to observe the terms of fair wages clauses in any respect (not only in respect of non-payment of wages) shall be penalised by the withholding of further public contracts.

MALAYSIA

Sarawak

Article 1, paragraph 2, of the Convention. No contracts are exempted from the application of this Convention.

Paragraph 5. "Clerks of work" are exempted from the application of the Convention.

Singapore

Article 5 of the Convention. Upon an order being issued against a contractor in respect of wages due to a workman, the Commissioner can make a prohibitory order on the public authority to withhold payment to the contractor and pay the said sum to the Commissioner for Labour, who would in turn transfer the due wages to the workers concerned.

PHILIPPINES

The draft contract for public works incorporates existing legislation in respect of employment practices, working hours, wage rates, protection of wages and compensation for sickness, injury or death.

* * *

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

Algeria, Costa Rica, Guatemala, Philippines.

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	7. 1. 1957	Malagasy Republic	1. 11. 1960
Algeria	19. 10. 1962	Malaysia:	
Argentina	24. 9. 1956	States of Malaya	17. 11. 1961
Austria	10. 11. 1951	Sabah, Sarawak	3. 3. 1964
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	7. 11. 1955	Malta	4. 1. 1965
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	Tanzania:	
France	15. 10. 1952	Tanganyika	30. 1. 1962
Gabon	14. 10. 1960	Zanzibar:	22. 6. 1964
Greece	16. 6. 1955	Togo	7. 6. 1960
Guatemala	13. 2. 1952	Tunisia	28. 5. 1958
Guinea	21. 1. 1959	Turkey	29. 3. 1961
Honduras	20. 6. 1960	Uganda	4. 6. 1963
Hungary	8. 6. 1956	Ukraine	4. 8. 1961
Iraq	12. 5. 1960	U.S.S.R.	4. 5. 1961
Israel	12. 1. 1959	United Arab Republic	26. 7. 1960
Italy	22. 10. 1952	United Kingdom	24. 9. 1951
Ivory Coast	21. 11. 1960	Upper Volta	21. 11. 1960
Libya	20. 6. 1962	Uruguay	18. 3. 1954

ALGERIA (First Report)

Labour Code (Book I).

Civil Code.

Commercial Code.

Article 1 of the Convention. By wages is meant all remuneration of an employed person.

Article 2. The Convention applies to all remunerated persons without exception.

Article 3. In accordance with section 43 of the Labour Code wages are payable only in coin or in fiduciary issue accepted as legal tender. Payment by cheque or money order is allowed if it constitutes normal practice among the parties.

Article 4. Payment in kind of accessory elements of wages is permitted, in accordance with custom. Allowances in kind must be for the personal use of the worker and his family. The value of such allowances is fixed at the time when the employment agreement is signed.

Article 5. Wages are payable directly to the worker concerned. Non-emancipated minors must have written authorisation from their father or their guardian.

Article 6. Employees enjoy complete freedom with regard to the use of their wages. Employers may not oblige them to spend their wages in specified stores (section 75, Book I, of the Labour Code).

Article 7. Sections 75 and 76 of the Labour Code make it unlawful to attach stores to industrial or commercial undertakings for the sale of goods to workers.

Article 8. The only deductions authorised from wages are in respect of advances on payment and social security contributions. Advances may not be repaid through deductions in excess of one-tenth of wages (section 51). Workers are informed of the conditions and limits applying to such deductions. Section 22 (b), Book I, of the Labour Code lays down provisions concerning fines.

Social security contributions and any fines imposed are indicated in the payment slip.

Article 9. No deductions are authorised other than those stated above.

Article 10. Section 60 (a) and the following sections of the Labour Code lay down conditions for attachment and assignment of wages. Section 61 limits the amount which may be attached or assigned, in order to protect the maintenance of the worker and his family.

Article 11. Wages constitute a privileged debt of the fourth degree for remuneration of the last six months. The non-attachable portion of the last wage due is covered by special privilege.

Article 12. Wage earners are paid twice per month in industry and commerce. Salaried employees are paid once per month, commission due to travellers and representatives being settled not less than once per quarter. Upon termination of an employment agreement all wages due must be paid immediately.

Article 13. Wages must be paid on a working day. They must be paid within the workplace and not in a tavern or a store for the sale of merchandise except in the case of the persons normally working there.

Article 14. Employees are informed of the wage rate at the time of signing their employment agreement. They must be given a payment slip indicating the constituent elements of wages.

Article 15. Action will be taken to make known legislation putting the provisions of this Convention into effect. Sanctions are laid down to ensure observance of the provisions. The payment book provided for under section 44 of the Labour Code is available to labour inspectors and contains the same details as those on the payment slips.

CHINA (First Report)

Factory Act promulgated 30 October 1929, as amended.

Regulations governing the enforcement of the Factory Act promulgated 16 December 1930 as revised on 10 December 1963.

Instruction NL 92535 issued 22 June 1956 by the Ministry of the Interior.

Article 1 of the Convention. The term "wages" has a broad meaning, as indicated in the above-mentioned instruction, which provides that "the wages for the overtime worked shall be between one-third to two-thirds over the normal hourly rate and this additional amount shall include payment in kind and other allowances".

Article 2. Consultations are being held by the Government with the interested employers' and workers' organisations concerning the scope of the Convention. Considering that the draft Labour Code is now under revision the Government wishes to reserve the right provided by paragraph 2 of this Article of the Convention. Further indication will be given in the next annual report regarding the categories of persons to be excluded from the application of all or any of the provisions of the Convention.

Article 3. Section 21 of the above-mentioned Act provides that "wages shall be paid by employers to workers in the legal tender of the locality in question".

Articles 4 to 7. It is intended to include all these provisions in the draft Labour Code now under revision.

Article 8. Section 25 of the Act prohibits an employer from withholding any part of a worker's wages as security for payment of fines in case of breach of contract or of damages.

Articles 9 to 11. It is intended to include all these provisions in the draft Labour Code now under revision.

Article 12, paragraph 1. Section 22 of the Act provides that "wages shall be paid regularly, at least twice a month; the wages for piece work shall be paid in the same manner". Section 11 of the above-mentioned regulations lays down that "the employer shall announce beforehand the number of pay days in each month and their dates".

Paragraph 2. It is intended to include this provision in the draft Labour Code under revision.

Articles 13 to 15. It is intended to include all these provisions in the draft Labour Code under revision.

CONGO (BRAZZAVILLE)

Labour Code: Act No. 10/64 of 25 June 1964.

PHILIPPINES

The Republic Act No. 2610 of 16 July 1959 provides that during periods of short supply or of unreasonable price levels particular commodities should be subject to price controls deemed essential to the public interest, under executive order of the President upon certification of the National Economic Council.

SENEGAL

Act No. 63-22 of 7 March 1963 amending the Constitution.

Labour Code: Act No. 61-34 of 15 June 1961.

Decree No. 57-471 of 8 April 1957 amending Decree No. 55-972 of 16 July 1955.

UPPER VOLTA

Labour Code: Act No. 26-62-AN of 7 July 1962.

Decree No. 271/PRES/AST of 31 December 1959.

General Order No. 2309/IGTLS/AOF of 31 March 1953.

Order No. 302/ITLS/HV of 22 May 1953.

Orders Nos. 9 to 11/PRES/AST of 13 January 1960.

* * *

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

Algeria, China, Congo (Brazzaville), Philippines, Upper Volta.

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

Guatemala, Malaysia (Sarawak).

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.

COSTA RICA (First Report)

Labour Code: Act No. 2 of 27 August 1943 (*La Gaceta*, Year LXV, No. 192, 29 Aug. 1943, p. 1169) (*L.S.* 1943—C.R.1).

Act establishing the Ministry of Labour and Social Welfare, No. 1860 of 21 April 1955 as amended by Act No. 3095 of 18 February 1963.

Section 121, paragraph 4, and section 124 of the Constitution give force of law to ratified Conventions.

Article 3 of the Convention. Under section 80 of the above-mentioned Act of 1955 fee-charging placement offices are prohibited. Undertakings may recruit workers directly or through the employment service.

Article 4. This Article is not applicable, since fee-charging placement offices are prohibited.

Article 5, paragraph 1. The Ministry of Labour and Social Welfare has authorised, as an exceptional measure, the operation of a placement office for domestic staff seeking employment in the United States (New York and Boston). This office may not demand any fee except from the employer.

The employment office of the Ministry checks and approves each individual employment contract.

Paragraph 2. The placement office is required to submit a complete operating programme to the employment office of the Ministry. The Ministry then decides whether to authorise such operations. Once authorisation is given, the placement office signs an agreement with the Ministry laying down detailed arrangements with regard to employment, transport and repatriation of workers having a contract for employment abroad.

Sections 3, 41, 42 and 44 of the Labour Code put into effect the provisions of this Article.

Article 6. The complete programme which the placement office is required to submit to the employment office of the Ministry must contain the total cost of the service and the payment required.

Authorisation by the Ministry is valid for a specified period only and may be extended by a further decision of the same Ministry.

Article 7. The labour inspectors attached to the Ministry enforce labour legislation. Their functions are laid down in sections 88 ff. of the above-mentioned Act and apply the provisions of this Article.

Article 8. Section 612 of the Labour Code applies the provisions of this Article.

* * *

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, Guatemala.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	New Zealand ³	10. 11. 1950
Belgium	27. 7. 1953	Nigeria ²	17. 10. 1960
Cameroon (Western Cameroon) ²	3. 9. 1962	Norway	17. 2. 1955
Cuba	29. 4. 1952	Tanzania (Zanzibar) ²	22. 6. 1964
Cyprus ²	23. 9. 1960	Trinidad and Tobago ²	24. 5. 1963
France ¹	29. 3. 1954	United Kingdom ⁴	22. 1. 1951
Federal Republic of Germany	22. 6. 1959	Upper Volta	9. 6. 1961
Guatemala	13. 2. 1952	Uruguay	18. 3. 1954
Israel	30. 3. 1953	Zambia ²	2. 12. 1964
Italy	22. 10. 1952		
Jamaica ²	26. 12. 1962		
Malawi	22. 3. 1965		
Malaysia (Sabah)	3. 3. 1964		
Netherlands	20. 5. 1952		

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.

ALGERIA (First Report)

Ordinance of 2 November 1945 respecting the conditions of entry and residence of aliens in France (applicable to Algeria by virtue of section 36) (*Journal officiel de la République française*, 4 Nov. 1945, p. 7725).

Decree No. 46-1574 of 30 June 1946 regulating the conditions of entry and residence of aliens in France (applicable to Algeria by virtue of section 13) (*ibid.*, 2 July 1946, p. 5920).

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963, p. 18).

Decree No. 63-153 of 25 April 1963 respecting supervision of employment and the placement of workers (*ibid.*, 3 May 1963, p. 407).

Article 1 of the Convention. Temporary difficulties have so far prevented the Government from furnishing the information requested; however, it will be supplied as soon as the services concerned are in a position to do so.

Article 2. A service will probably be set up as soon as circumstances permit.

Articles 3 to 5. Endeavours will be made to adopt all necessary measures as soon as possible.

Article 6. Aliens are on an equal footing with nationals with respect to the matters mentioned in this Article.

Article 7. Collaboration of the national services with those of other countries will be ensured to the extent that international agreements are reached. The services of the National Manpower Office collaborate with other competent ministries for the purpose of authorising residence and issuing work cards. The operations of the public employment services do not involve any expenses for migrant workers.

Article 9. Transfers of money are limited to 80 per cent. of the monthly earnings of married workers and to 50 per cent. of the earnings of unmarried workers. The total amount of his wage may be taken out of the country by the worker when he leaves on his annual holiday.

Article 10. Negotiations are under way, with the French Government in particular.

Article 11. Work permits for up to 50 days in the year are issued to members of the liberal professions or artistes. At present frontier workers—especially from Morocco and Tunisia—can work in Algeria only if they hold valid passports.

ANNEX I.

Article 3. There are no private employment offices.

Article 5. Negotiations are under way—especially with the French Government—for which the regional directorate of labour and manpower is the competent authority.

Article 6. A joint reception centre with all these services is to be set up in Algiers.

Article 7. With respect to emigration, this problem is now being examined; as regards immigration, the validity of the contracts of employment is checked by the foreign manpower service of the National Manpower Office.

ANNEX III.

Article 2. The only restrictions concern the transfer of migrants' funds (see under Article 9 of the Convention).

BELGIUM

Article 4 of the Convention. The State participates in the cost of travel if the migrant worker's family comprises not less than three dependent children.

Article 8. A foreign worker's wife and dependent children may obtain an employment permit subject to the same conditions as the worker himself.

FEDERAL REPUBLIC OF GERMANY

Agreement between the Federal Republic of Germany and Switzerland dated 4 May 1962 concerning the abolition of necessity for passports and visas.

Agreement between the Federal Republic of Germany and Morocco dated 21 May 1964 concerning temporary employment of Moroccan workers in the coal industry.

Agreement between the Federal Republic of Germany and South Korea: exchange of letters dated 7 and 16 December 1963 concerning employment of Koreans in coal mines.

Agreement between the Federal Republic of Germany and Portugal dated 17 May 1964 concerning employment of Portuguese workers.

Federal Act of 14 April 1964 abolishing the Family Allowance Fund set up under the Act of 18 July 1961.

Ordinance of 15 February 1964 concerning replacement of passports by travel permits and the abolition of necessity for passports and visas.

Regulation No. 38/64 of the European Economic Community dated 25 March 1964, which came into force on 1 May 1964.

Article 2 of the Convention. The Federal Press and Information Office provides information for foreign workers in German and other languages.

Article 6. Under the Housing Construction Act migrant workers and their families enjoy the same treatment as nationals with regard to housing.

ANNEX I.

Article 6. The considerable increase in the number of foreign workers temporarily employed has made it necessary to develop social assistance and welfare measures.

GUATEMALA

Constitution: Legislative Decree No. 8 which came into force on 10 April 1963.

Labour Code: Congressional Decree No. 1441 which came into force on 16 August 1961.

On the basis of the conclusions reached at the 48th Session of the International Labour Conference the Government confirms its intention to take the necessary measures to give effect to Article 8 of the Convention.

ITALY

Regulation No. 38 of the European Economic Community concerning free circulation of workers within the Community came into force on 1 May 1964 and replaced Regulation No. 15.

No bilateral agreement regarding emigration was concluded between 1962 and 1964.

NETHERLANDS

Agreement of 22 November 1963 between the Netherlands and Portugal concerning recruitment and placement of Portuguese workers.

Agreement of 19 August 1964 between the Netherlands and Turkey concerning recruitment and placement of Turkish workers.

Administrative arrangement of 9 June 1964 between the Netherlands and Malta concerning placement of workers.

Act of 20 February 1964 laying down regulations with regard to employment of foreigners.

UNITED KINGDOM

The Aliens (Foreign Representatives) Direction (1963) provides for exceptions to the application of the provisions of the Aliens Order (1953) in the case of certain nationalities.

UPPER VOLTA (First Report)

Labour Code: Act No. 26-62-AN of 7 July 1962.

Decree No. 195-PRES-LAN of 23 May 1961 to promulgate Act No. 20-61-AN of 9 May 1961 ratifying the Convention of 9 March 1960 respecting the conditions of engagement of workers of the Upper Volta in the Ivory Coast.

Article 1 of the Convention. In respect of this Article, the Government refers to the Convention of 9 March 1960 with the Ivory Coast, mentioned above.

Article 2. The Labour Service, responsible for the employment and supervision of workers, regularly collects offers of and requests for employment, as well as information on the utilisation and distribution of the labour force.

Article 3. To avoid misleading propaganda relating to emigration and immigration, the Convention with the Ivory Coast stipulates that the recruitment and engagement of workers shall be effected by the official services of the two countries. Moreover, section 184 of the Labour Code lays down that only the labour services may negotiate the engagement of workers for employment outside the territory without the express authorisation of the Ministry of Labour.

Article 4. Sections 7 and 8 of the above-mentioned Convention, which relate to transport and lodging, contain provisions to facilitate the departure, journey and reception of migrants for employment.

Article 5. The Convention stipulates that before a labour contract is signed, the Labour Service ensures that a worker is examined by an approved doctor; workers and members of their families must be vaccinated against smallpox and yellow fever. Workers also undergo a full medical examination at the time they are repatriated.

Article 6. Section 90 of the Labour Code provides that for equal work, vocational qualifications and output, there shall be equal pay for all workers without distinction of origin, sex, age or status. In the draft bilateral agreements being negotiated with Mali, Guinea and Senegal, provision is made that there shall be no discrimination in respect of social security, taxes and dues, etc. Similar provisions are in the Convention with the Ivory Coast.

Article 7. Under section 2 of the Convention with the Ivory Coast, recruitment and engagement of Upper Volta workers is handled by the Labour Service of the

Upper Volta in liaison with its Ivory Coast counterpart; the recruitment and engagement of migrants for employment are effected at no cost to themselves.

Article 8. No provisions have been enacted in this matter.

Article 9. Under the above-mentioned Convention, a migrant worker employed in the Ivory Coast may pay into the Savings Fund of the Upper Volta a part of his earnings not exceeding 1,000 francs per month.

Article 10. In view of the extent of emigration to the Ivory Coast, a Convention was concluded with that country on 9 March 1960.

Article 11. It has not been necessary to define the term "migrant for employment", as it is already defined by custom, usage and jurisprudence. There are at present no frontier workers in the Upper Volta.

ANNEXE II.

Article 1. The Convention of 9 March 1960 applies to migrants for employment recruited pursuant to agreements respecting collective emigration concluded under the supervision of both Governments.

Article 2. Although that Convention does not define the terms "introduction" and "placing", their meaning is the same as that specified in this Article.

Article 3. The operations of recruitment, introduction and placing are regulated by the Labour Code and by the Convention of 9 March 1960. Private employment agencies are not authorised. However, under section 185 of the Labour Code, the Minister of Labour may, by decree, authorise trade unions to undertake operations of placement.

Article 4. The services rendered by the public employment services are entirely free.

Article 5. During the period covered by the report there was no collective transport of migrants in transit through the Upper Volta.

Article 6. Before his departure the worker receives a copy of the contract of employment stating the conditions of work and, in particular, the remuneration. This contract is drawn up by the Labour Service. As the conditions of life and work in the Ivory Coast are well known, it has not been thought necessary to state them in writing.

Article 7. The administrative formalities of the Labour Service are very simple; as this service is staffed by civil servants, it has not been necessary to provide an interpretation service. The Convention with the Ivory Coast makes provision for any necessary assistance to, and for the safeguarding of the welfare of, migrants and members of their families authorised to accompany them.

Article 8. The Labour Service is responsible for carrying out in advance all operations in connection with the employment of migrant workers.

Article 9. The Convention with the Ivory Coast contains no provisions respecting the measures prescribed by this Article.

Articles 10 and 11. Not applicable. The Upper Volta is a country of emigration.

Article 12. Under the Convention with the Ivory Coast the Labour Service is responsible for supervising contracts of employment in order to ensure that the contractual obligations of the employer are fulfilled.

Article 13. Neither the Convention of 1960 nor the Labour Code provides for penalties for persons promoting clandestine or illegal immigration.

ZAMBIA (First Report)

Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, dated 27 December 1963.
Immigration Act, 1954, as amended in 1963 (Act No. 16).

Aliens (Registration and Status) Act, 1954, as amended by Government Notices Nos. 27, 102, 141 and 142 of 1964.

Deportation Act, 1954, as amended by Government Notices Nos. 27, 102, 141 and 157 of 1964. Immigration Regulations, 1962, as amended by Government Notice No. 265 of 1963.

Exchange Control Act, 1954, (No. 27).

Currency and Exchange Control (Temporary) Act, 1961, as amended by the Exchange Control (Modification and Adaptation) Regulations, 1963, and the Currency and Exchange Control (Temporary) (Modification and Adaptation) Regulations, 1963.

Employment of Natives Ordinance, Cap. 171, as amended by Ordinance No. 10 of 1963.

Articles 1 and 2 of the Convention. The information and employment services operate free of charge in urban centres and certain rural centres.

Article 3. The information and broadcasting departments correct any misleading information to migrant workers.

Article 4. African workers recruited for work in other countries are protected by the appropriate authorities which provide them with free transport and everything necessary for their welfare during the journey. These measures do not apply to non-African workers.

Article 5. African workers must be medically examined by a government medical officer before departure to another country. In certain cases such examination is repeated upon their arrival in another country.

Immigrants must be physically and mentally fit and must be in possession of a currently valid radiologist's certificate to show that they do not suffer from pulmonary tuberculosis. The Government provides migrants for employment with free medical facilities, and workers leaving for or returning from the gold mines in the Republic of South Africa are covered by special health provisions.

Article 6. There is no discrimination as between migrants and nationals on any of the grounds mentioned.

Article 7. The necessary contacts are established with neighbouring territories; government employment services operate free of charge to all sections of the community.

Article 8. No immigrant who has been admitted as a permanent resident is required to leave solely because he is unable to follow his occupation by reason of illness or injury contracted or sustained after his entry. Any person with less than two years' residence may be returned to his country of origin if he becomes a charge on public funds. The competent authority is the Ministry of Home Affairs.

Article 9. Migrant workers may transfer part of their wages and savings, subject to the temporary currency restrictions.

Article 10. No agreements are at present in force.

* * *

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

Cuba, Cyprus, France, Federal Republic of Germany, Israel, New Zealand, Norway.

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

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Japan	20. 10. 1953
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	24. 9. 1956	Liberia	25. 5. 1962
Austria	10. 11. 1951	Libya	20. 6. 1962
Belgium	10. 12. 1953	Luxembourg	3. 3. 1958
Brazil	18. 11. 1952	Malawi	22. 3. 1965
Bulgaria	8. 6. 1959	Malaysia	5. 6. 1961
Byelorussia	6. 11. 1956	Mali	2. 3. 1964
Cameroon:		Malta	4. 1. 1965
Eastern Cameroon	29. 1. 1963	Morocco	20. 5. 1957
Western Cameroon	3. 9. 1962	Niger	23. 3. 1962
Central African Republic	9. 6. 1964	Nigeria	17. 10. 1960
Chad	8. 6. 1961	Norway	17. 2. 1955
China	11. 10. 1962	Pakistan	26. 5. 1952
Costa Rica	2. 6. 1960	Peru	13. 3. 1964
Cuba	29. 4. 1952	Philippines	29. 12. 1953
Czechoslovakia	21. 1. 1964	Poland	25. 2. 1957
Denmark	15. 8. 1955	Portugal	1. 7. 1964
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	Tanzania:	
Ghana	2. 7. 1959	Tanganyika	30. 1. 1962
Greece	30. 3. 1962	Zanzibar	22. 6. 1964
Guatemala	13. 2. 1952	Trinidad and Tobago	24. 5. 1963
Guinea	26. 3. 1959	Tunisia	15. 5. 1957
Haiti	12. 4. 1957	Turkey	23. 1. 1952
Honduras	27. 6. 1956	Uganda	4. 6. 1963
Hungary	6. 6. 1957	Ukraine	14. 9. 1956
Iceland	15. 7. 1952	U.S.S.R.	10. 8. 1956
Indonesia	15. 7. 1957	United Arab Republic	3. 7. 1954
Iraq	27. 11. 1962	United Kingdom	30. 6. 1950
Ireland	4. 6. 1955	Upper Volta	16. 4. 1962
Israel	28. 1. 1957	Uruguay	18. 3. 1954
Italy	13. 5. 1958	Viet-Nam	6. 1. 1964
Ivory Coast	5. 5. 1961	Yugoslavia	23. 7. 1958
Jamaica	26. 12. 1962		

ALGERIA (First Report)

Labour Code (Books I and III).

Order of 26 July 1943 to reorganise the Labour Advisory Board.

Act of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes (*L.S.* 1950—Fr. 6).

Decree No. 64-221 of 6 August 1964 respecting the composition of the High Commission for Collective Agreements.

Under Book III, section 1, of the Labour Code, no employer may take account of trade union membership or the pursuit of trade union activities in reaching any decisions on such matters as recruitment, management and distribution of work, voca-

tional training, promotion, remuneration, the award of social benefits, disciplinary action and dismissal. Any action taken by an employer in contravention of these provisions is deemed to be improper and may give rise to compensation for damages.

Trade unions are protected against acts designed to promote the establishment of workers' organisations under the domination of an employer or an employers' organisation. Among the duties of the Labour Advisory Board is the supervision of the application of labour laws and regulations (order of 26 July 1943).

The above-mentioned Act fixes the scope of the agreements that may be concluded between employers and workers; these limits are very flexible and encourage the broadest possible development and use of methods of collective negotiation.

Civil servants, the police and the armed forces are not covered by the Convention. The rules that apply to these categories of persons are laid down in the regulations of their respective organisations.

ARGENTINA

Decree No. 7589 of 19 June 1959 concerning renewal of collective agreements by state undertakings.

In reply to a direct request by the Committee of Experts the Government states that the fact that the management of the state-run ship repair yards is authorised to establish salary and wage scales does not prevent the staff from being able to bargain collectively with regard to conditions of work. If this power were to be prohibited specific provisions would have to be adopted such as do not exist at present. According to the above decree state undertakings must observe certain requirements in concluding collective agreements, which implies that, subject to certain formalities, they are fully authorised to negotiate collective agreements.

AUSTRIA

The body legally representing the interests of employees, the Austrian Chamber of Workers, states that in March 1950 the Austrian Confederation of Trade Unions (affiliate the Trade Union of Land and Forestry Workers) requested to be empowered to conclude collective agreements for the province of Tirol. This request was subsequently rejected on several occasions by the Central Conciliation Board set up under the government of Tirol. None of these negative decisions has been upheld by the higher courts; on the contrary, the first decision was quashed by the Constitutional Court and the other three by the Administrative Court. The Central Conciliation Board has ignored the decisions of the higher courts and as a result the Austrian Confederation of Trade Unions remains unable to conclude collective agreements for agricultural and forestry workers in Tirol.

New proceedings have been instituted before the Central Conciliation Board of Tirol regarding recognition of the competence of Austrian trade unions to conclude collective agreements and, in view of the grounds on which the Administrative Tribunal's decision on the same case was based, it seems likely that the Central Conciliation Board of Tirol will give a favourable decision on the request of the Austrian Confederation of Trade Unions.

BELGIUM

Act of 28 January 1963 to amend the Act of 20 September 1948 for the organisation of the economic life of the country and the Act of 10 June 1952 respecting the health and safety of workers and the cleanliness of places of work (*Moniteur Belge*, 8 Feb. 1963).

Royal Order of 31 January 1963 to amend the Regent's Order of 13 June 1949 concerning works councils (*idem*).

Royal Order of 31 January 1963 to amend the Regent's Order of 13 July 1949 concerning the election of delegates to works councils (*idem*).

Royal Order of 31 January 1963 to amend the Regent's Order of 23 November 1949 to determine the electoral conditions for the constitution of works councils and the procedure for the preparation of electoral lists (*idem*).

BRAZIL

In reply to a direct request by the Committee of Experts the Government maintains its position that those provisions of the legislation that prohibit employees of the State and of semi-official or autonomous or semi-public bodies from joining trade unions are perfectly compatible with the letter and with the spirit of Article 6 of the Convention.

The term "public servants", as used in the Article in question and considered in conjunction with Articles 1 and 2, should be interpreted and applied with the flexibility which is essential in dealing with the Conventions adopted by the International Labour Conference, this being all the more necessary because divergencies of structure exist from country to country in the relationship between the State and its employees.

If it is correct that, as stated in a previous report of the Government, all those employed by the State on work of a non-industrial nature, whether in centralised public administration, in decentralised public administration, in autonomous or semi-public bodies, are subject to the same regulations as regards their rights and obligations, irrespective of their administrative status, then there is no doubt that all of them—and not merely the former, since all are undoubtedly equal in law—are "public servants" in the sense of Article 6.

To complete the information requested by the Committee of Experts the Government points out that workers in electricity, gas, water, telegraph, telephone, broadcasting, civil aviation and allied services operated under concession or licence enjoy the right to organise without restriction, since they do not come under the prohibition in section 566 of the Labour Code.

CAMEROON

Eastern Cameroon

Labour Code of 15 December 1952.

In accordance with section 4 of the Code, trade unions may be formed freely and are recognised as bodies corporate. Collective agreements are required to contain provisions concerning workers' freedom of opinion and free exercise of trade union rights (section 74). Staff delegates have special protection (section 167).

Among the criteria applied in determining the representative character of trade unions, independence is listed second (section 73).

Collective agreements are concluded by joint committees comprising an equal number of representatives of the trade unions and the employers (Chap. IV). All regulations adopted under the provisions of the Code are submitted in advance to the Advisory Labour Committee, a joint body whose members are appointed by the most representative organisations of the employers and the workers.

The provisions of the Convention apply to members of the police but not to members of the armed forces.

Western Cameroon

Trade Disputes (Arbitration and Inquiry) Ordinance, Nigeria, 1958, cap. 201.

Article 1 of the Convention. Although there is no specific legislative provision, strong pressure would be brought to bear on any employer known or suspected to practise discrimination against trade union members.

Article 2. In practice trade unions are organised in such a way that the problem does not arise.

Articles 3 and 4. The legal framework established by the above-mentioned ordinance for dealing with trade disputes presupposes machinery for voluntary negotiation between employers and workers' organisations. This provides a powerful stimulus for the promotion of collective bargaining machinery.

Article 5. The guarantees provided in the Convention are not extended to members of the armed forces or the police.

CHAD (First Report)

Overseas Labour Code: Act No. 52-1322 of 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1952, No. 298, p. 11541); corrections: *ibid.*, 29 Jan. 1953, No. 25, p. 853) (*L.S.* 1952—Fr. 5) (sections 3 to 28, 42, and 68 to 86).

The provisions of the Convention continue to be applied by the above Code, in particular by sections 3 to 28, 42, and 68 to 86.

The draft Labour and Social Insurance Code, to be submitted to the National Assembly before the end of 1964, contains, *inter alia*, the following provisions:

"No employer shall take account of trade union membership or the pursuit of trade union activities in reaching any decision on such matters as recruitment, the management and distribution of work, vocational training, advancement, promotion, remuneration, the award of social benefits and disciplinary measures.

"No head of an undertaking or any of his representatives shall exert any form of pressure either for or against any trade union organisation whatsoever."

Any action taken by an employer in contravention of these provisions is deemed to be improper and may give rise to compensation for damages.

In practice, protection of trade union rights and activities is strengthened by the provisions included on the subject in all collective agreements, and in particular the important collective agreement concluded by undertakings in the building industry, public works and related industries on 6 February 1962, which ensures effective protection of trade union rights and activities (sections 7 to 9). In a more general way, the Joint Good Offices Committee stresses, with the approval of the Government, the willingness of occupational organisations to examine with an open mind any difficulties that may arise in employment relations not directly concerned with performance under an individual contract.

Employers' and workers' organisations have freely reached various agreements on conditions of work, especially at meetings of the National Labour Advisory Board with respect to fixing the guaranteed minimum inter-occupational wage (Decree No. 426 of 14 February 1964) and of joint committees with respect to fixing wage scales in the various industries (building, public works, commerce, banking, the bicycle and motor-cycle industry, the automobile industry, water and electricity, the hotel industry and the public sector).

COSTA RICA (First Report)

Constitution.

Labour Code: Act No. 2 of 27 August 1943 (*La Gaceta*, Year LXV, No. 192, 29 Aug. 1943, p. 1169) (*L.S.* 1943—C.R. 1).

Act establishing the Ministry of Labour and Social Welfare, No. 1860 of 21 April 1955, as amended by Act No. 3095 of 18 February 1963.

Article 1 of the Convention. Workers are protected against acts of anti-trade union discrimination under sections 25 and 60 of the Constitution and sections 58 (*f*), 70 (*c*), 261 and 262 of the above-mentioned Code. These provisions safeguard free-

dom of association and protect the right to join or to abstain from joining a union and to remain a member of a union or to leave it without interference with the individual's free decision.

Article 2. Both the trade union office of the Ministry of Labour and Social Welfare and the members of the labour inspectorate ensure that there is appropriate protection against interference by one organisation in the affairs of another.

Article 3. This Article is applied through the trade union office, which is responsible for promoting and supervising trade union organisations in accordance with section 47 of the above-mentioned Act. In this connection it is required to carry out a trade union education programme for the benefit both of workers and of employers.

Article 4. The application of this Article is the responsibility of the trade union supervision and administrative conciliation office and the trade union office, as laid down in sections 39 (b), (c), (d) and (f) and 49 (c) of the above Act. The Labour Code also contains broad provisions regarding collective bargaining.

Article 5. Members of the police force are not considered as state employees and the Labour Code is not applied to them except in the case of certain sections.

CUBA

In reply to the observation and request of the Committee of Experts made in 1964 the Government supplies the following information.

As regards the reply to the observation see under Convention No. 87.

Law No. 1022 of 27 April 1962 applies equally to all workers whether employed by the State, private or mixed undertakings. No exceptions have been made to Resolution 16782 of 23 August 1960. However, any of its provisions at variance with the provisions of Law No. 1022 are tacitly waived, in accordance with the second of the final clauses of that law.

There have been no cases of suspension of a collective agreement under the provisions of Law No. 1022.

The intervention of the Ministry of Labour in the negotiation of a collective agreement, in accordance with section 36 of Law No. 1022, occurs, only when the parties have exhausted all the steps and phases of conciliation laid down in sections 34 and 35 of this law. The intervention of the Ministry in the circumstances provided for in section 36 is according to the principles of conciliation, equity and social justice set out in section 41. The aim of ministerial intervention is to obtain final agreement to the instrument being negotiated.

Strikes and lockouts have no sense or reason in a Socialist system. The guarantees to the workers represented by the exercise of political power and the public ownership of the chief means of production tend to make such things impossible.

DENMARK

A copy of the new Rules of Negotiation, 6 June 1964, is attached to the report.

FINLAND

The Government refers to a complaint submitted by the Finnish Trade Union Federation to the Committee on Freedom of Association and later withdrawn by the same organisation. The Committee on Freedom of Association recommended in its 73rd Report, paragraphs 13 to 29, that the Governing Body should decide that there was no ground for it to pursue the examination of the case. At its 159th Session the Governing Body adopted the recommendation of the Committee.

GABON (First Report)

For legislation see under Convention No. 10.

Article 1 of the Convention. In its first section the Constitution proclaims that no one may be discriminated against in work by reason of sex, origin, beliefs or opinions.

Section 40 of the Labour Code lays down that dismissals arising out of the opinions of the worker, his union activity, his membership or non-membership of a given union are improper.

Collective agreements must contain provisions concerning the free exercise of the right of association and the freedom of opinion of workers: in practice, the employment of workers does not depend on any discrimination of a trade union nature.

Articles 2 and 3. Legislation, practice deriving from the French tradition of trade unionism, respect for union pluralism, and the affiliation of the workers' unions to international confederations such as the I.F.C.T.U. and the I.C.F.T.U., prevent interference of the type condemned by Article 2.

Article 4. In application of the provisions of Chapter IV of the Code, the normal procedure for determining employment conditions in the various branches is by means of collective agreements. It is only in the absence of such collective agreements that employment conditions (notably wage differentials, length of notice) can be fixed by regulation. The only regulation of this kind is that concerning domestic servants (orders of 31 July 1958 and 28 August 1961): fundamental activities are covered by collective agreements.

Article 5. Because of the nature of their calling, members of the armed forces cannot form trade unions.

GAMBIA

For legislation see under Convention No. 87.

In reply to a direct request of the Committee of Experts the Government states that the principal ordinance is amended by the Trade Union (Amendment) Ordinance, by the addition of section 32 which provides the following for the protection of workers against acts of anti-union discrimination in respect of their employment.

"(1). No employer shall make it a condition of employment of any workman that that workman shall neither be nor become a member of a trade union or other organisation representing workmen in any trade or industry and any such condition in any contract of employment entered into before or after this ordinance comes into operation shall be void.

"(2). Nothing contained in any law shall prohibit any workman from being or becoming a member of any trade union or organisation as aforesaid, or subject him to any penalty by reason of his membership of any such trade union or organisation.

"(3). Any employer who contravenes the provisions of subsection (1) of this section shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

"(4). The term 'employer' for the purposes of this section shall include any person representing any employer who has authority to engage and discharge workmen on behalf of such employer."

FEDERAL REPUBLIC OF GERMANY

In reply to a request made by the Committee of Experts in 1963 the Government supplies the following information.

The principle that there shall be no discrimination against an applicant for employment by reason of his trade union affiliation is laid down in section 9, paragraph 3, of the Constitution and in section 51 of the law on the constitution of enterprises.

This section 51, under which the employer and the works council shall see to it that there is no discrimination against persons on account of their trade union activity or beliefs, must be understood, in conjunction with section 61 of the same Act (consultation of works council regarding engagement of personnel), as meaning a general prohibition of discrimination, so that refusal to engage a worker because he is a trade union member is unlawful. Similar provision is made in sections 56, 70 and 71 of the Act concerning staff representation.

Such protective rules are however subject to the risk, which can hardly be eliminated, that it may often be difficult to prove the intention of "placing other persons at a disadvantage". This difficulty probably occurs not only in the Federal Republic of Germany but also elsewhere.

The Government adds that the German Confederation of Employers' Associations states that it knows of no case in which an applicant for a job has been placed at a disadvantage on account of being a trade union member—indeed (the Union adds) as a rule the employer does not even know whether an applicant belongs to a union or not.

GHANA

In reply to observations and direct requests of the Committee of Experts the Government states that amendment to certain sections of the Industrial Relations Act, 1958, (as amended) is being considered.

GUATEMALA

Freedom of association for economic defence and social betterment is guaranteed by the State, by the Labour Charter and the Labour Code. Special mention should be made of section 209 of the Code.

As regards reprisals and discrimination, sections 10 and 12 of the Code set out workers' rights. Section 12 declares null and void any act or provision which implies the renunciation, limitation or surrender of a worker's rights. Section 272 lays down the penalties imposable in case of non-observance of the above provisions. Section 51 of Code obliges employers to accept collective negotiation.

The Labour Charter reaffirms freedom of association in Guatemala.

HAITI

The Government provides the following answers to the direct requests by the Committee of Experts. There are no special legal provisions concerning state employees, who are covered by the same provisions as apply to workers in commerce and industry. The relevant legislation is due to be supplemented with a view to making the safeguards clearer. Apart from sections 260, 263 and 265 of the Labour Code there is no provision for protection against acts of interference mentioned in the Convention.

INDONESIA

In answer to the direct request made by the Committee of Experts in 1963 the Government states that the Industrial Relations Service, which as a government agency is competent to register trade unions, has not the machinery to investigate, prior to a registration, whether a trade union has been established through its worker members' free will or has been promoted by their employers. A registration of a trade union is usually made on the assumption that it has been established by the worker members themselves.

The Government adds that also after registration the Industrial Relations Service cannot make this kind of investigation, for it lacks the machinery for this purpose, but public opinion and the competition and jealousies between trade unions can prevent this kind of practice and it is safely assumed for the time being that the influence of employers in the establishment of trade unions is non-existent.

IRAQ (First Report)

Labour Code: No. 1/1958 (*L.S.* 1961—Iraq 1 B), as amended (*L.S.* 1963—Iraq 1).

Regulation No. 38/1958 concerning duties and rights of trade unions.

Regulation No. 39/1958 concerning model basic rules of trade unions.

Article 1 of the Convention. This is applied through section 145 of the above Code.

Article 2. There is no provision of this kind of law.

Articles 3 and 4. No action has been taken in this respect.

Article 5. The Convention does not cover members of the police and the armed forces.

Application of this Convention is supervised by a group of labour inspectors who visit trade unions and examine their books.

ITALY

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

The fact that workers are engaged through placement offices ensures that no act of discrimination can affect employment. The placement offices operate in accordance with legal requirements and treat applicants on a completely equal footing without regard to political, social or trade union considerations.

All trade union activities undertaken by a worker during employment are protected not only by the Constitution, which solemnly asserts the principle of freedom of association, but also by other general legal provisions and collective agreements which lay down that workers may engage in trade union activities within the framework of the undertaking.

Dismissal of a worker on the grounds of trade union membership or activities would be in conflict with the confederal agreements of 1950 and 1953 providing that no dismissal—whether individual or collective—may be made except in accordance with the procedure laid down by them. Any violation of these agreements, which became legally binding in 1959, would result in prosecution.

The Government further states that the “Workers’ Statute” at present in process of drafting will clarify the existing provisions concerning workers’ trade union rights.

JAPAN

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

The developments made since the submission of the previous report concerning the Bills to amend the Public Corporation and National Enterprise Labour Relations Law and the Local Public Enterprise Labour Relations Law in connection with the proposed ratification of Convention No. 87, including the abrogation of section 4, paragraph 3, of the former law and section 5, paragraph 3, of the latter law are as follows.

On 2 March 1963 the Cabinet submitted to the 43rd ordinary session of the Diet Bills to amend these two laws, etc., which were of the same contents as those submitted to the 40th Diet session, as well as a Bill for the ratification of Convention No. 87. On 14 June of the same year a Special Committee on the International Labour Convention No. 87 and Related Matters was established at the House of Representatives and the House of Councillors, with a view to deliberating on the proposals related to the ratification of the Convention. Although there was a good deal of discussion, the debate was not completed before the end of the session and the proposals related to the ratification of the Convention were not approved.

On 17 October 1963 the Cabinet submitted to the 44th extraordinary session of the Diet a Bill for the ratification of the Convention No. 87 and Bills to amend the two laws, etc., which were of the same contents as those submitted to the previous Diet session. During this session also, a Special Committee on the International Labour Convention No. 87 and Related Matters was established at the House of Representatives on 17 October and at the House of Councillors on 18 October. However, as the House of Representatives was dissolved on 23 October the same year, bringing the Diet session to a close, the proposals related to the ratification of the Convention were not approved.

On 20 December 1963 the Cabinet submitted to the 46th ordinary session of the Diet a Bill for the ratification of the Convention No. 87 and Bills to amend the two laws, etc., which were of the same contents as those submitted to the 44th Diet session. During the session a Special Committee on the International Labour Convention No. 87 and Related Matters was established at the House of Representatives on 23 April 1964 and at the House of Councillors on 24 April 1964, with a view to making deliberations on the proposals related to the ratification of the Convention. The House of Representatives' Special Committee made detailed and enthusiastic deliberations in a total of 17 sittings on and after 27 April, but the proposals related to the ratification of the Convention failed to be approved during that session.

KENYA

In reply to the Committee of Experts' requests the Government states that section 2 of the Trade Unions Act adequately covers the matter of interference by either employers or unions. In fact the trade unions and employers are so organised that there is no need for legislation against acts of anti-union discrimination and against interference in the establishment and functioning of employee and employer organisations.

Prior to the formation and organisation of trade unions, "employees' associations" and "employees' organisations" were formed. With the development of the trade union movement over the years these have all been absorbed in appropriate trade unions and none are in existence today nor have any existed for some years. The question of such associations or organisations being formed or controlled by employers does not arise; and in any case they would be unlikely to be registered by the Registrar, who has adequate powers under sections 4 and 16 of the Trade Unions Act.

LUXEMBOURG

In reply to a direct request by the Committee the Government states that workers' organisations are protected against all forms of interference by section 4 of the Act of 11 May 1936 guaranteeing freedom of association, and that there has been no attempt

at any act of interference such as are referred to in Article 2, paragraph 2, of the Convention. The Government further refers to the text of the draft Bill concerning collective agreements proposed by the special committee of the Chamber of Deputies, and it appends this text to its report.

MALAYSIA

States of Malaya

In reply to the direct request by the Committee of Experts, asking whether under section 12 (2) (c) and 15 (1) (b) (iv) of the Trade Union Ordinance, 1959, the Registrar of Trade Unions may refuse registration to a trade union or cancel its registration where the union is allegedly under the domination of an employer, the Government states that it is the view of the Registrar that he has no authority to do so.

On the other hand, concerning anti-trade union discrimination, the Ministry of Labour is now giving close consideration to the matters concerned and consultations with the National Joint Labour Advisory Council, in which employers' and workers' organisations are represented at the national level, are taking place to consider, *inter alia*, what additional administrative or other measures can be adopted which will in effect further strengthen safeguards against anti-trade union discrimination. Further information will be given in the next report.

MOROCCO

In reply to a direct request made by the Committee of Experts in 1963 the Government refers to a complaint by the International Metalworkers' Federation which was submitted to the Committee on Freedom of Association as Case No. 359. In its 74th Report (paragraphs 11 to 24) the Committee on Freedom of Association, considering that the complainants had failed to prove that the measures taken by the authorities constituted interference with the free exercise of trade union rights, recommended the Governing Body to decide that the case did not call for further examination.

NIGER (First Report)

Labour Code: Act No. 62-12 of 13 July 1962.

Decree No. 61-123/MI of 1 July 1960.

Articles 1 and 2 of the Convention. These are applied through section 4 of the Labour Code.

Article 3. The right to organise may be defended before the administrative authorities or the courts.

Article 4. This is applied under sections 67 to 85 of the Labour Code.

Article 5. The guarantees laid down under the Convention apply to members of the police.

RUMANIA

The Trade Union Act, No. 52 of 1945.

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

Article 1 of the Convention. Under the above-mentioned Act no one may be obliged to join a trade union or to relinquish trade union membership against his will (section 2, paragraph 2); "whosoever is found guilty of restricting enjoyment of the right to freedom of association, within the meaning of this Act, by the use of violence

or threats, by refusal to employ or by dismissal, or by proffering gifts or promises, thus preventing or obliging one or more persons to join a trade union or to relinquish trade union membership, shall be punishable by fine or imprisonment" (section 43). As civic right is involved, section 232 of the Penal Code is applicable.

Section 21, paragraph 2, of the Labour Code concerns the termination of work contracts of employees who are members of works committees in undertakings or institutions, or of committees established to settle labour disputes (the favourable opinion of the appropriate committee is required).

Section 121 of the Labour Code states: "Committees established to settle labour disputes are attached to the units of the socialist sector. They are composed of three members, appointed for one year; one by the management of the unit, another by the trade union committee of the undertaking or institution, and the third jointly by the management and the trade union committee . . .".

Section 97 of the Labour Code states: "the units shall give all necessary support to trade union activities; they shall make furniture, heating and lighting available free of charge to works committees of undertakings or institutions."

Section 99, paragraph 1, of the Labour Code stipulates that "the managements shall inform the appropriate trade union committees of all appointments and engagements they intend to make".

Article 3. Respect for the right to organise, as provided for in the above texts, is ensured by the supervision of the judicial bodies, the bodies representing the Public Prosecutor's Office and the State Committee for Labour and Wage Questions.

Article 4. The right of trade unions to conclude collective agreements with undertakings is provided for by the Labour Code (sections 3 and 5 to 11).

Article 5. Soldiers and militiamen are not employed persons within the meaning of the Labour Code and are thus not members of trade unions.

Article 6. Public servants engaged in the administration of the State are employed persons within the meaning of the Labour Code; they are subject to the same juridical régimes as other employed persons and enjoy the same rights to establish and join trade unions.

SENEGAL (First Report)

Act No. 63-22 of 7 March 1963 to revise the Constitution (section 79) (*Journal officiel*, 11 Mar. 1963, p. 357).

Labour Code: Act No. 61-34 of 15 June 1961 (sections 29, 79 et seq. and 85 (1)) (*ibid.*, 3 July 1961, p. 1015) (*L.S.* 1962—Sen. 2 (B)).

Act No. 56-416 of 27 April 1956 respecting freedom of association and protection of the right to organise (*Journal officiel de l'Afrique occidentale française*, 16 June 1956, p. 1114).

Article 79 of the Act to revise the Constitution provides that "duly ratified or approved treaties or agreements, on application, override the laws". In virtue of this constitutional provision, the Convention therefore overrides the national laws or regulations on this subject.

It is unlawful for any employer to take into consideration trade union membership or the pursuit of trade union activities in reaching any decision on such matters as recruitment, the management and distribution of work, vocational training, promotion, remuneration, the award of social benefits, disciplinary action and dismissal. Any head of an establishment, director or manager contravening these provisions is liable to a fine of not less than 2,000 and not more than 12,000 francs, or, in the event of a repetition of the offence, not less than 12,000 and not more than 120,000 francs.

Under section 29 of the Labour Code, heads of undertakings and their representatives, as well as employers' organisations, may not exert any form of pressure either

for or against any trade union organisation whatsoever. Since they are entitled to go to law, workers' organisations may exercise all the rights to which a plaintiff is entitled with respect to acts which inflict direct or indirect moral or material injury on them, especially in the case of interference derogating from the principle of freedom of association.

Workers' and employers' occupational organisations are completely free to negotiate collective agreements. In practice, most industries are covered by collective agreements freely negotiated between occupational organisations.

The police are entitled to unionise. However, since they are subject to special regulations, they are not allowed to negotiate. Members of the armed forces are not entitled either to organise or to negotiate.

It falls to the labour and social security services to ensure that the above-mentioned provisions are observed. It is the duty of labour inspectors or supervisors to visit all establishments at least once a year.

SYRIAN ARAB REPUBLIC

Law No. 91 of 1959.

Legislative Decree No. 31 of 29 February 1964.

Since national laws and regulations guarantee the right to organise as the basis of relations between workers and employers, any contract making the employment of a worker conditional on his not joining a trade union or on his ceasing to belong to a trade union would be contrary to the Labour Code.

Section 14 of the above-mentioned law provides that any person seeking employment must obtain a registration certificate issued by a labour exchange. Ministerial instructions drawn up with regard to this question show clearly that the application for work and the issue of a registration certificate involve no restriction or condition contrary to freedom of association.

Under section 231 of the law, any employer or his agent or representative who dismisses a worker or acts in any way detrimental to him on account of his trade union membership, or who compels him to disaffiliate himself from a trade union or to undertake electoral activity, will be liable to a minimum fine of 200 or a maximum fine of 1,000 Syrian pounds. Moreover section 19 of Legislative Decree No. 49 prohibits the Dismissal Committee to dismiss a worker if it is proved that such disciplinary measure is taken as a result of one of the reasons mentioned above.

Workers' unions are covered by the stipulations of Legislative Decree No. 31 of 1964. Employers' organisations are subject to their own rules as approved in conformity with Law No. 279 of 1946. The above-mentioned legislative decree and the special rules guarantee workers' and employers' organisations adequate protection against all mutual interference, whether in their formation, their running or their administration.

The Labour Code restricts the right to join workers' organisations to workers alone. Equally, the special regulations for employers' organisations prohibit any worker from joining. From the legal point of view employers' and workers' organisations are therefore strictly separate in their formation, running and administration. It has thus been made impossible for employers to dominate workers' organisations, even indirectly.

Section 117 of the legislative decree authorises financial subsidies on condition that the general union of the organisations and the Ministry of Social Affairs give their approval; this condition is intended to obviate the possibility of interference.

Law No. 91 authorises and co-ordinates the widest use of voluntary negotiation procedures and the conclusion of collective conventions between workers' organisations and employers or their organisations.

However, the number of collective conventions is extremely limited. This is due to the fact that all social problems are satisfactorily solved by the stipulations of the laws in force. While under section 92 it is obligatory, on the one hand, to register all collective labour contracts for them to have executive force and, on the other, to notify within 30 days the approval or refusal to register a collective contract, in the latter case, because the reasons for refusal are given, the purpose of such provisions is simply to furnish material proof to the administrative tribunal enabling it to carry out an investigation into the juridical aspects and to reach a decision on this basis. The tribunal is independent, has all the necessary safeguards and has the final say.

The report indicates that by sections 92 and 93, the legislative authorities, by requiring that collective conventions should be submitted for the approval of the competent administrative authority, intend that in this way they should be subject to the effective regulation, that their conformity with the laws and regulations in force should be ensured. Moreover, the obligation on the part of the authorities to give to representatives of interested organisations their reasons for refusing to register an agreement has the purpose of compelling these representatives to correct the defects in the agreement resulting from infringements of the laws and regulations in force and, in particular, of the Labour Code.

The approval of, or the refusal to register, an agreement applies to all its provisions, since it is envisaged as an indivisible entity. There have never been any cases of partial approval or refusal.

The provisions of the present Convention do not apply to members of the police force or of the armed forces.

With regard to the observation of the Committee on Article 6 of the Convention, the Government indicates that section 2 of Legislative Decree No. 31 stipulates that all members of staff of state, private, public and nationalised establishments and enterprises, institutions which have a legal status and are independent, are entitled to organise or join one of the trade unions established in conformity with the stipulations of that legislative decree. Members of staff of the Ministry of National Defence and all organs, administrative bodies and establishments attached to it, are excluded. Section 4 of the same legislative decree confirms the right of any trade union to undertake negotiations and conclude collective conventions with employers' organisations.

TANZANIA

Tanganyika

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

The Trade Unions (Collection of Union Dues) Regulations, 1962.

The National Union of Tanganyika Workers (Establishment) Act, 1964 (No. 18 of 1964).

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

Article 1 of the Convention. A large number of collective agreements contain recognition clauses which provide for the carrying out of legitimate trade union activities by members within an establishment.

Section 6 of Act No. 18 of 1964, mentioned above, makes provision for the establishment of a union shop.

Section 6 (2) provides that where this section is applied to any employer and to any persons employed by him: (a) every person employed by that employer who is not a member of the new union shall, within two months after the making of an order under sub-section (1), or of his commencing such employment, whichever is the later, join the new union and shall thereafter during such employment maintain his membership of the union; (b) the employer shall cease to employ any person who, not being a member of the new union, fails to join the new union within two months after the making of the order, or of his commencing employment, whichever is the later.

Government Paper No. 1 of 1964, concerning the establishment of workers' committees and conciliation boards, outlines the Government's proposals in relation to such workers' committees and conciliation boards. It is proposed that workers' committees should be established in every concern employing ten or more adult workers. The functions of the workers' committees will include, *inter alia*, to confirm any case of dismissal or termination of employment of any worker which appears justified. The Government Paper also proposes to establish conciliation boards which will hear appeals from decisions made by workers' committees on such matters as termination of employment, summary dismissals, disciplinary measures and the interpretation or application of collective agreements.

Apart from the statutory provision of section 14A of the Employment Ordinance, it is difficult to see how more effective safeguards can be provided against acts of anti-union discrimination than those constituted by the establishment of the National Union of Tanganyika Workers and the intention to create workers' committees at the place of employment carrying out the functions described in the preceding subparagraph.

Article 2. Labour management relations are based on mutual recognition of workers' and employers' organisations. The establishment of the National Union of Tanganyika Workers precludes the possibility of any acts of interference of the nature envisaged in paragraph 2 of this Article.

TURKEY

Act No. 274 of 15 July 1963 concerning trade unions (*L.S.* 1963—Tur. 1).

Act No. 275 of 15 July 1963 on collective labour agreements, strike and lockout (*L.S.* 1963—Tur. 2).

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

Act No. 274 respecting trade unions has been adopted by the Grand National Assembly and put into force. This law completely repeals the old Act No. 5018 respecting workers' and employers' trade unions and federations of trade unions. Among the various new provisions in this Act are the elimination of the discrimination which formerly existed between manual and intellectual workers and the granting of the right to organise trade unions to all employees, except public servants.

Because of the special position of public servants it is envisaged that their right to organise trade unions should be secured under a separate law. Necessary preparations on this subject have also been started.

As regards the right to negotiate collective agreements, to strike and to lock out, a draft Bill concerning labour agreements, strikes and lockouts has been adopted by the Grand National Assembly and put into force (Law no. 275). This law has brought to industrial relations a new system suited to present needs.

UGANDA

Constitution, section 27.

Trade Unions (Amendment) Act, 1964.

Prisons Ordinance, 1958.

Article 1. This is partially applied by section 55 of the Trade Unions Ordinance. Experience has shown that the section as at present worded does not provide protection in respect of acts mentioned in paragraph 2 (*b*) of this Article and consideration is being given to an amendment to the ordinance which will ensure that adequate protection exists.

Article 2. The powers given to the Registrar of Trade Unions under the Trade Unions Ordinance are considered to provide adequate protection.

Article 3. The Trade Unions Ordinance is considered to provide adequate safeguards.

Article 4. Every encouragement and advice is given by the Government through the Labour Department to both workers or their respective organisations and employers to set up machinery for voluntary negotiation. There are now joint industrial councils for the principal industries and collective agreements have been negotiated for a large number of smaller industries and a number of individual undertakings.

Article 5. Sub-section (2) of section 1 of the Trade Unions Ordinance, created by the Public Service (Negotiating Machinery) Act, 1963, and amended by the above-mentioned Amendment Act, excludes from the scope of the ordinance members of the armed forces and members of any police force established by the Constitution or Act of Parliament. Section 20 of the Prisons Ordinance, 1958, prohibits prison officers from being members of trade unions but does not prevent them joining a prison officers' staff association approved by government.

UNITED KINGDOM

In reply to an observation of the Committee of Experts the Government states that on 9 April 1963 the Minister of Labour appointed Lord Cameron to inquire into the complaint made by the National Union of Bank Employees on 12 March 1962 to the Committee on Freedom of Association. A copy of Lord Cameron's report was sent to the I.L.O. on 11 December 1963 and the report was considered by the Committee at the meeting held on the occasion of the 159th Session of the Governing Body. Their observations were set out in the 76th Report of the Committee. Copies of this report were received by the Ministry and a reply was sent to the Director-General on 28 July 1964. The report makes mention in paragraph 271 (*d*) of the suggestions made by Lord Cameron for the improvement of industrial relations in the banking industry and the action being taken on those suggestions by the Ministry of Labour. This action is continuing and the Committee will be informed of developments.

UPPER VOLTA (First Report)

Labour Code: 26/62-AN of 7 July 1962 (*Journal officiel*, 18 Aug. 1962, No. 33, *IIbis*, special number, p. 823).

General Order No. 8437 IGTLs/A.O.F. of 19 November 1953 laying down conditions under which collective agreements are deposited, published and translated, and conditions in which adhesion to these agreements takes place.

Order No. 623 ITLS/H.V. of 19 September 1953 laying down methods of consultation for professional organisations and all interested parties for the extension or withdrawal of extension of collective agreements.

Law No. 50/60-AN of 25 July 1960 defining the status of temporary employees of public authorities and establishments of the Republic of Upper Volta (Chapter IV: Exercise of the right of association).

Article 1 of the Convention. Section 4 of the Labour Code provides that persons exercising the same profession, similar or connected professions in the production of given products, or the same liberal profession, can freely set up a professional association.

Every worker or employer can freely join a union of his choice within the framework of his profession.

Employers are forbidden to take into consideration membership of a union or exercise of union activities when deciding on hiring, organisation and sharing out of

work, technical training, promotion, remuneration, granting of social benefits, disciplinary measures and sacking.

Employers are forbidden to deduct union fees from wages of their employees and to pay them in instead of the latter. Heads of undertakings or their representatives must not use any means of pressure in favour of or against any professional association. Any measure taken by the employer contrary to the provisions laid down in the preceding paragraphs will be considered improper and give rise to payment of damages.

These provisions are compulsory.

Section 17 of Law No. 50/60-AN stipulates that during the whole period of his employment the temporary agent is in the service of the national community and of the Government which that community has chosen according to the Constitution.

The provisions of sections 14 to 21 of Law No. 22 of 20 October 1959 on the general status of public service, as well as the provisions of subsequent texts on its application, are applicable to him during the same period.

Workers' and employers' organisations are protected against all acts of interference from each other by the provisions of the first paragraph of section 4 of the Labour Code already mentioned and of section 5 of the same Code which regulate the deposit of the constitution of a trade union, the publication of the names of its leaders, and the possible changes in its constitution or management.

Article 4. Section II of Chapter IV of the Labour Code defines the conditions in which the field of application of certain collective agreements can be extended to the whole of a branch of activity.

Article 5. The armed forces are not considered as subject to the application of this Convention. The police is mainly made up of civil servants.

* * *

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

Brazil, Haiti, Ireland, Israel, Ivory Coast, Rumania, Turkey.

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

Albania, Bulgaria, Byelorussia, France, Honduras, Hungary, Jamaica, Liberia, Nigeria, Norway, Philippines, Poland, Sierra Leone, Sweden, Tunisia, Ukraine, U.S.S.R., Uruguay, Zambia.

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	Malawi	22. 3. 1965
Austria	29. 10. 1953	Mexico	23. 8. 1952
Brazil	25. 4. 1957	Morocco	14. 10. 1960
Central African Republic	9. 6. 1964	Netherlands	11. 6. 1954
Ceylon	5. 4. 1954	New Zealand	1. 7. 1952
Costa Rica	2. 6. 1960	Paraguay	24. 6. 1964
Cuba	13. 1. 1954	Peru	1. 2. 1960
Czechoslovakia	21. 1. 1964	Philippines	29. 12. 1953
France	29. 3. 1954	Senegal	22. 10. 1962
Gabon	13. 6. 1961	Sierra Leone	13. 6. 1961
Federal Republic of Germany	25. 2. 1954	Tunisia	12. 1. 1959
Guatemala	4. 8. 1961	United Kingdom	9. 6. 1953
Ivory Coast	5. 5. 1961	Uruguay	18. 3. 1954

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Order of 9 July 1964 concerning remuneration in the socialist sector (under workers' management).

Order of 15 June 1964 aligning agricultural wage zones II and III with zone I.

The guaranteed inter-occupational minimum wage applies in agriculture only to workers in an employment relationship similar to those in commerce and industry.

With regard to actual agricultural workers in the private sector, the guaranteed inter-occupational minimum wage has been adapted in the form of a uniform daily rate, the guaranteed agricultural minimum wage, equivalent to five-sixths of the inter-occupational rate.

Skilled agricultural workers in the socialist sector (under workers' management) are covered by the order of 9 July 1964. The order of 15 June 1964 aligns zones II and III with zone I.

Agricultural workers' wages are payable not less than twice per month and salaries are payable not less than once per month. All agricultural employers are required to hand all employees, at the time of each wage payment, a payment slip indicating, *inter alia*, the period and the number of working days covered by payment and the total of remuneration. The same details must be reproduced in a payment book.

Supervision of the application of agricultural social legislation is the responsibility of inspectors and supervisors of the relevant legislation.

GAMBIA

The "objects" of the constitution of the Joint Industrial Council have been amended so as to exclude employees on contracts which provide pension rights and/or scales of salaries which provide for annual increments.

GUATEMALA (First Report)

Article 1 of the Convention. See under Convention No. 26.

Article 2. Section 90 of the Labour Code provides that agricultural workers employed in agricultural or stock-raising establishments may be paid not more than

30 per cent. of the total amount of their wages in the form of food or other similar articles.

Articles 3 and 4. See under Convention No. 26.

IVORY COAST

In reply to a direct request made by the Committee of Experts in 1964 the Government indicates the following.

Article 2 of the Convention. Because of the nature of the agricultural benefits conferred by section 5 of Order No. 4807 of 20 July 1953 it is difficult to attribute to them a value, as required by the Convention.

Article 3, paragraph 3. The Labour Advisory Committee gives its opinion on inter-trade minimum wage and minimum wage by category in the absence of collective agreements.

The distribution of seats in the Labour Advisory Committee in equal numbers between members of the most representative employers' and workers' organisations was fixed by Order No. 18 of 15 September 1959.

* * *

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

Algeria, Brazil, France, Gabon, Guatemala, Ivory Coast, Mexico, Morocco, Uruguay.

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

Austria, Cuba, Federal Republic of Germany, Netherlands, New Zealand, Philippines, Sierra Leone, Spain, Tunisia, United Kingdom.

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Iceland	17. 2. 1958
Algeria	19. 10. 1962	India	25. 9. 1958
Argentina	24. 9. 1956	Indonesia	11. 8. 1958
Austria	29. 10. 1953	Iraq	28. 8. 1963
Belgium	23. 5. 1952	Italy	8. 6. 1956
Brazil	25. 4. 1957	Ivory Coast	5. 5. 1961
Bulgaria	7. 11. 1955	Libya	20. 6. 1962
Byelorussia	21. 8. 1956	Malagasy Republic	10. 8. 1962
Central African Republic	9. 6. 1964	Malawi	22. 3. 1965
China	1. 5. 1958	Mexico	23. 8. 1952
Colombia	7. 6. 1963	Norway	24. 9. 1959
Costa Rica	2. 6. 1960	Panama	3. 6. 1958
Cuba	13. 1. 1954	Paraguay	24. 6. 1964
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
Hungary	8. 6. 1956		

ALGERIA (First Report)

Labour Code (Book I, section 31 (g)).

Article 1, clause (a), of the Convention. The term "remuneration" applies to the basic wage as well as to any additional emoluments.

Clause (b). Section 12 of the Constitution establishes equal rights and duties for all citizens.

Article 2. The guaranteed minimum inter-occupational wage, fixed by the Government, applies to all workers regardless of sex.

During collective negotiations, government representatives have always succeeded in preventing discrimination of any kind. Moreover, section 31 (g) of Book I of the Labour Code establishes that collective agreements must specify the ways and means by which the principle of equal remuneration for work of equal value is to be applied.

Article 3. Scales of differential rates, established by collective agreements, are based on objective appraisals of jobs.

Article 4. Government representatives are present whenever collective agreements are concluded and in this connection collaborate with employers' and workers' organisations in applying the principle of equal remuneration.

ARGENTINA

In reply to the direct request made by the Committee of Experts the Government states that Act No. 16459, which provides for the establishing of the sliding scale minimum living wage, makes no distinction between male and female workers.

Decree No. 5072 of 16 July 1964 has established in the Ministry of Labour and Social Security a women's department and an advisory committee for questions concerning women workers.

AUSTRIA

In reply to a direct request made by the Committee of Experts the Government states that following its observations the parties to collective agreements in a number of cases have applied the principle of equal pay for equal work, both materially and formally, when concluding new contracts. This was the case with the collective agreements respecting the chemical industry concluded during August 1960. There have been modifications in the categories of employees made in collective agreements since November 1963 in order to eliminate the possibility of any contradictory interpretation. As regards the collective agreements of 10 August 1960, the question of whether there was any contradiction between the clauses cited by the Committee of Experts and the infraction of the principle of equal pay, will be decided by the Labour Court in the case of a complaint.

The decision of the Austrian Federation of Trade Unions to recognise the principle of equal pay for equal work as its policy is binding on all unions, and they try to put it into effect when negotiating new collective agreements.

BELGIUM

Further progress has been made towards equality of remuneration of men and women workers. The report contains a detailed review of the changes in wage differentials brought about by decisions of joint committees in various sectors during the period. Equality of remuneration has been achieved for wage earners in the glass industry (except two sectors), the lower levels in the chemical industry and the paper and cardboard industry, and for salaried employees at the upper levels in the metal manufacturing industry, in export and shipping firms, and in insurance companies. Wage differentials in the minimum rates of men and women workers in corresponding grades have been reduced to 5 per cent. or less for salaried employees in multiple food shops, the chemical industry, the steel industry, and workers in large shops. They have been reduced to 10 per cent. for wage earners in the mining and cement industries, bottle and sheet glass works, the furniture and woodworking trades, the tobacco industry, agriculture and horticulture. Differentials in wage rates have been reduced to 20 per cent. in the clothing trade, to between 10 and 15 per cent. in metal construction, to between 10 and 20 per cent. in the food and leather industries, and to 15 per cent. in the fur trade.

BRAZIL

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

The principle of equal pay, as well as being endorsed by legislation (in the Constitution and in the Labour Code), is put into practice by decrees which periodically fix minimum wage rates applicable to all categories of workers without distinction of sex. Furthermore, no discrimination is allowed in collective agreements and individual contracts.

Section 461 of the Labour Code lays down criteria for evaluating work of equal value. The report gives as examples certain court decisions on how to interpret these criteria.

CHINA

In reply to a direct request made by the Committee of Experts the Government states that factors such as education, technique, experience, and the degree of hardship involved in the work are the main elements in wage determination in farming, industry, commerce, etc.

By the end of August 1964 various undertakings, comprising 64 units with approximately 35,060 job positions, had applied the regulations for the fixation of salaries based on job classification, which had been adopted on an experimental basis in 1962.

The malpractice of different differential wage rates for men and women has long been abolished.

The Government has supplied a copy of the collective agreement between the Taiwan Pineapple Company and the labour union.

CUBA

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

The evaluation committees established by Resolution No. 5798 of 27 August 1962 of the Ministry of Labour do not carry out job evaluations but merely determine the capabilities of candidates for vacancies. Legal disputes concerning the application of statutory equal pay provisions would be decided by the bodies for the administration of labour law set up by Act No. 1022 of 1962.

The Government hopes to be able to supply with future reports specimen copies of collective agreements fixing remuneration in industries in which women workers are currently employed.

FEDERAL REPUBLIC OF GERMANY

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

With regard to workers in agriculture, an examination of all the collective agreements rates reveals that, except in Hesse, wage rates are fixed according to the type of work and not according to sex. The union representing the workers in Hesse intends to provide for the removal of this differential based on sex on the conclusion of the next collective agreement.

Lower wages are paid to women in the leather industry, but this will be changed on the next conclusion of a collective agreement.

The study group created to stimulate the parties to collective agreements to intensify their efforts on the question of equal pay for work of equal value encountered great difficulties in the beginning; however, on account of the progress made through collective agreements in the various sectors of the economy, the Government proposes not to call further on this group for the time being but will continue to follow developments closely.

From 1961 to 1963 wage rates laid down by collective agreements in industry and public services increased by 18.7 per cent. in respect of work mainly performed by women, whereas the increase for work principally done by men was 13.8 per cent.

GUATEMALA (First Report)

Constitution: Legislative Decree No. 8, which came into force on 10 April 1963.
Labour Charter: Legislative Decree No. 1, which came into force on 2 April 1963.
Labour Code: Decree No. 1441, which came into force on 5 May 1961.

Section 5 (2) of the Labour Charter guarantees equal remuneration for men and women workers.

No measures have been enacted to establish machinery for fixing wage rates, as this is deemed to be unnecessary.

HAITI

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

No decision has been taken by the State Secretary for Labour and Social Welfare during this period for the fixing of minimum salaries in accordance with section 39 of the Annexé to the Labour Code.

When fixing minimum wages the higher wages council takes into consideration the following factors: objective evaluation of tasks on the basis of work to be done, productivity, cost of living, capacity for payment of undertakings.

INDIA

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

The central and state governments have generally been fixing equal wages for men and women workers, except in cases where the output of women workers is demonstrably less than that of male workers; for example during the period 1962-64 the central Government fixed equal remuneration rates for men and women in 39 cases. In Rajasthan equal minimum wages apply in ten scheduled employments. While revising minimum wages some state governments have removed differentials based on sex, for example in cotton ginning and pressing in Maharashtra. The wages boards for the iron ore mining and limestone and dolomite mining industries have recommended a uniform rate of interim relief for all workers.

Wage differentials between men and women workers exist in agricultural employment in Kutch and Rajasthan, unskilled employment in the cashew nut industry in Kerala, road construction, building operations and stone crushing in Kerala and Delhi, and in certain scheduled employments in Andhra Pradesh, Mysore, Madhya Pradesh and Maharashtra, the tea industry in Punjab, certain employments in Goa, Daman and Diu, and two central government undertakings (Kanpur sugar farm and construction work for Heavy Electricals Limited).

Appended to the report are copies of several notifications issued by the central and state governments which have established equal wages for men and women employed in clerical, skilled and semi-skilled employments, on the basis of classification of jobs into different categories and grades. In respect of unskilled employment differential wage rates were fixed in a number of cases on the recommendation of technical committees appointed by the appropriate governments because output of women workers was found to be less than that of men or the work of male and female workers was not identical.

A job classification survey has been initiated by Praga Tools Limited and wages in the Heavy Electricals (India) Limited have been fixed in accordance with job classifications. Several government departments and corporations have initiated or are proposing to carry out job evaluation surveys for the rationalisation of the wage structure. Qualifications and trade tests for various trades and grades have also been prescribed.

INDONESIA

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

Publicity about the ratification of the Convention, its contents and comments on it, were given through the state gazette and through all information media existing in Indonesia. Women workers may claim implementation of the principle of equal pay for equal work through the local offices of the Industrial Relations Service.

The need for job evaluation is continually occurring and in banking, research has been undertaken by private specialists to advise management. National discussions by economists and occupational associations concerned with prices, wages and taxes have been held and the establishment of a national wage board has been proposed, with emphasis on the study of minimum wage and occupational-geographical differentials.

ITALY

The Government provides the following information in reply to the observations made by the Committee of Experts.

When it passed legislation making the provisions of collective agreements legally binding in accordance with Act No. 741 of 1959, the Government took into consideration the opinion stated by the National Economic and Labour Council that the legislative decrees concerned should in principle contain only provisions corresponding to those in existing collective agreements. However, under section 5 of Act No. 741 any clause contrary to provisions having force of law is declared null and void. Consequently, the courts ruled out of order a clause in the interconfederation agreement of 5 February 1960 providing for lower wages for women workers as contrary to the principle of equal pay contained in section 37 of the Constitution. At present, following expiry of the delegation of powers provided for in that Act, the Government cannot take any further action in this regard.

Since 1960 numerous collective agreements providing for equal pay have been concluded and cover over 2 million workers. In 1963 such agreements were concluded in particular for workers in the engineering industry, breweries, factories producing vermouth, aperitifs, sparkling wines, liqueurs and syrups, various branches of the food industry, the national electricity company, firms producing wines, and vinegar works.

In the agricultural sector the interconfederation agreement of 25 July 1961 concerning application of equal remuneration provides for the elimination of differences in wage rates between men and women workers as of 1 July 1963.

In the commercial sector the agreement dated 18 December 1963 provides for equal minimum wages from July 1964.

With regard to state-run services (in particular public monopolies) Act No. 143 of 28 March 1962 amended Act No. 90 of 5 March 1961, in order to eliminate any discrimination between men and women workers by establishing a new classification based on the different jobs and the degree of occupational training required, without distinction as to sex.

IVORY COAST

For legislation see under Convention No. 3.

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

The term "wage" in section 80 of the Labour Code is to be understood as including any additional emoluments paid directly or indirectly, in cash or in kind, to the worker, in accordance with Article 1 of the Convention.

All collective agreements provide for a joint rating committee entrusted with settling any claims made by the workers regarding the classification of their jobs in the occupational scale. The committee reaches a decision which is based either on data

at its disposal or supplied at its request by the parties concerned, or on the results of vocational training tests which it may require the worker to take. Outside the case of collective agreements, in other words, when minimum wages are to be fixed by decree for the various occupational categories of an industry not covered or not mentioned by a collective agreement, the view of the labour advisory board, a joint body which reaches and formulates recommendations by majority vote, is taken into account prior to issuing the decree fixing the minimum wages for the various categories.

MALAGASY REPUBLIC (First Report)

Labour Code: Ordinance No. 60-119 of 1 October 1960 (*Journal officiel*, 8 Oct. 1960) (*L. S.* 1960—Mad. 1).

Some employers pay women wages on a level below that payable to men having the same degree of skill and even below the official minimum wage in certain cases. Such cases were still frequent a few years ago but have now almost disappeared thanks to the activities of the labour inspectors and supervisors.

NORWAY

In reply to the direct request made by the Committee of Experts in 1963 the Government states that in accordance with the salary revision of 1962 between the Business Banks Employers' Association and the Savings Banks Employers' Association on the one side, and the Norwegian National Union of Bank Employees on the other, equal remuneration was introduced for members of these organisations.

By the salary revision of 1963 between the Commercial Employers' Association and the Norwegian National Union of Commercial and Office Employees, remaining differences between rates for men and rates for women for all wage categories were to be adjusted by one half on 1 October 1964 and the remainder on 1 October 1965. For the equivalent categories under the agreement by the Norwegian Employers' Confederation and the Co-operative Tariff Association, equal remuneration should be effected by 1 October 1965 also.

According to information received from the various organisations the placing of the different types of work in wage categories in the various industries, trades and businesses has now been practically accomplished. Objective appraisal of work is used in the case of a few "key positions" and in cases where agreement about placing has not been arrived at.

The Council for Equal Remuneration has concentrated on the publication of information concerning conditions of employment (wages, jobs and qualifications) for women in various aspects of working life. In May 1964 the Council undertook an analysis of wage development for female office employees in industrial firms (1961-63). In 1963 it discussed with the respective organisations the question of the admittance of girls to trade schools which give technical instruction in industrial subjects.

The report also sets out information received from the Norwegian Employers' Confederation and the Norwegian Federation of Trade Unions indicating in greater detail the measures taken to establish wage categories by reference to the work to be performed, and to effect the gradual elimination of sex differentials so as to achieve the full application of the equal pay principle by 1967.

PHILIPPINES

Department Order No. 4 (1964).

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

After the acquisition of the data and figures from the survey on the principle of equal pay and job classification and methods of objective appraisal, carried out by the Bureau of Women and Minors, there will be better justification for any further legislation on the subject treated in this Convention.

A wage board to report on the establishment of minimum wages for workers in the sugar industry was established in 1962, and in 1964 a minimum wage for agricultural and non-agricultural workers in this industry was established by the Secretary of Labour on the recommendation of the board.

As regards the two other wage boards, the first one was in the rubber industry and was more of a time-fixing wage board and the other was merely a plan to create a wage board for the jeep driving industry which did not materialise due to inadequate finances.

SWEDEN (First Report)

There is no legislation on wages in Sweden and almost all workers are covered by collective agreements, most of which are concluded without government interference.

Articles 2 to 4 of the Convention. In a number of collective agreements within industry proper the principle of equal remuneration has been fully implemented. In a few important collective agreements which contain special rates for male and female workers in 1964 the principle of equal pay for equal work is to be applied in 1965.

In the building industry, agreements for the period 29 March 1964 to 2 April 1966 contain special time rates for "male workers and female building cleaners", and in agriculture and gardening different wage rates are paid to male and female workers.

As from 1 December 1964 collective agreements in commerce and storage contained one common wage table for men and women, and as from 1965 the different wage rates paid to stewards and stewardesses in the Scandinavian Airlines System will be abolished. The principle of equal remuneration is applied in hotels and restaurants.

In the private sector, therefore, there is a trend towards gradual levelling out of wages for men and women. The Swedish Employers' Confederation and the Swedish Confederation of Trade Unions in a central agreement concluded in 1960 accepted the principle of equal remuneration for work of equal value; this required affiliated unions during a transitional period of five years to change their collective agreements so that uniform group denominations should be substituted for the words "men" and "women". In some cases the transitional period was prolonged beyond the limit of five years. The joint committee set up by the Swedish Employers' Confederation, the Swedish Union of Clerical and Technical Employees in Industry and the Swedish Foremen's Association in 1962 to study the implementation of the equal pay principle concluded that there were no wage differences between men and women based on collective agreements covering salaried employees within industry.

In the government and municipal wage regulations there are no distinctions made between the posts held by men and by women. Collective agreements to which the Government is a party provide for the abolition of wage differentials between men and women over a period of five years in accordance with the agreement of 1960 between the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions.

SYRIAN ARAB REPUBLIC

In reply to the direct request made by the Committee of Experts the Government states that, in accordance with Ministerial Instruction No. B/I/6450 of 1961, the principle of equal remuneration is observed in fixing minimum wage rates, and refers to the minimum wage orders supplied with the report on Convention No. 26. The Civil

Service Regulations fix rates of remuneration by grade and step, irrespective of sex; copies of the relevant salary tables are appended to the report. At present there are no collective agreements fixing rates of remuneration.

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

Belgium, Brazil, Byelorussia, China, Federal Republic of Germany, Haiti, India, Indonesia, Italy, Ivory Coast, Norway, Peru, Syrian Arab Republic, Ukraine, Yugoslavia.

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

Albania, Argentina, Bulgaria, Czechoslovakia, France, Gabon, Hungary, Mexico, Poland, U.S.S.R.

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	Morocco	14. 10. 1960
Austria	14. 6. 1954	Netherlands	27. 11. 1958
Belgium	20. 3. 1954	New Zealand	24. 7. 1953
Brazil	25. 4. 1957	Norway	30. 9. 1954
Central African Republic	9. 6. 1964	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	Tanzania (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

ALGERIA (First Report)

Act No. 62-157 of 31 December 1962 to renew the legislation in force at that date in the territory (*Journal officiel*, 11 Jan. 1963).

Act No. 56-332 of 27 March 1956 to amend the scheme for annual holidays with pay (*Journal officiel de la République française*, No. 78, 31 March 1956).

The above Act of 1956 established a general scheme applicable to agricultural occupations.

A worker who during the reference year has accomplished a period of service with one employer equivalent to a minimum of one month's effective work is entitled to a holiday of one-and-a-half working days per month of service.

An additional holiday is granted to workers with at least 20 years' service, at the rate respectively of two, four and six working days after 20, 25 and 30 years of service in an establishment. Provision is also made for additional holidays for employed women under the age of 21 years who have children.

The following interruptions of work are considered as periods of effective work for the purposes of calculating entitlement to holidays: the paid holiday taken during the reference year, maternity leave and, subject to a limitation of one year, periods of incapacity for work resulting from an occupational disease or an industrial accident. Service in the armed forces also counts as effective work.

A holiday not exceeding 12 working days must be continuous. Longer holidays may be divided, but one of the periods must be of not less than 12 working days.

The holiday remuneration must not be less than the remuneration which the employee would have received if he had continued at work; it amounts to one-sixteenth of the total remuneration received during the reference period. Workers under the age of 18 receive one-twelfth of their total remuneration.

An employee who leaves his employment before taking the whole of the annual leave due to him is entitled to a compensatory payment.

The payment of remuneration for paid holidays and of compensation is attested to by a payment slip, and the items on this slip are recorded in the wages book or in a special holiday register.

Inspectors and supervisors of social legislation for agriculture are empowered to record violations of the provisions of regulations governing holidays with pay.

GUATEMALA (First Report)

Constitution: Legislative Decree No. 8, which came into force on 10 April 1963.

Labour Code: Decree No. 1441, which came into force on 5 May 1961.

Decree No. 584 of 29 February 1956 respecting workers in the service of the State (*El Guatemalteco*, 29 Feb. 1956).

Article 2 of the Convention. The provisions of the Code that relate to holidays with pay are applicable to agriculture. Agricultural workers are entitled to ten days or six, depending on whether their undertaking employs more or less than 500 workers (section 130 of the Code). Those employed by the State may have up to 20 days' holiday (section 3 (VII) of Decree No. 584). These standards may be improved upon by collective agreements.

The labour authorities often consult the employers' and workers' organisations directly.

Article 3. The Labour Code prescribes the minimum number of days of annual paid leave. An employee is entitled to leave after a year's continuous service, provided that he has worked for not less than 150 days in the course of that year (section 131 of the Code).

Article 4. The Convention is applied to all workers throughout the country.

Article 5. A cash payment in lieu is permissible only in the event of dismissal, voluntary departure, death or other similar contingencies.

Article 6. The law is silent in this respect. At all events it does not forbid the dividing up of leave. In practice a worker is sometimes obliged to split his leave into two or three periods to meet the needs of his employer, which are often conditioned by the very nature of agricultural work.

Article 7. Holiday pay is calculated on the basis of the average regular and additional wages received during the previous three months.

Article 9. See under Article 5.

Article 10. The general labour inspectorate supervises all branches of production.

Article 11. Instructions have been given to the Labour Statistics Department to prepare the statistics requested. The Government declares, however, that the Convention is applied to all agricultural workers.

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

POLAND

Code of Obligations of 1933, as amended (*Dziennik Ustaw*, No. 82, text 598 of 1933 and No. 54, text 492 of 1934).

In reply to an observation made by the Committee of Experts the Government indicates that the annual holidays of agricultural workers employed by private persons are ensured by section 465 of the above Code. The length of the holiday exceeds the minimum prescribed in the Code and is based on the collective agreement applying to agriculture.

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The report from the *Malagasy Republic* refers to the information previously supplied.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Ratification registered on	
Belgium ¹	26. 11. 1959	¹ Has accepted the provisions of Parts II to X.
Denmark ²	15. 8. 1955	² Has accepted the provisions of Parts II, IV to VI and IX.
Federal Republic of Germany ¹	21. 2. 1958	³ Has accepted the provisions of Parts II to VI and VIII to X.
Greece ³	16. 6. 1955	⁴ Has accepted the provisions of Parts V, VII and IX.
Iceland ⁴	20. 2. 1961	⁵ Has accepted the provisions of Parts V, VI and X.
Israel ⁵	16. 12. 1955	⁶ Has accepted the provisions of Parts V, VII and VIII.
Italy ⁶	8. 6. 1956	⁷ Has accepted the provisions of Parts V, VII and VIII.
Luxembourg ¹	31. 8. 1964	⁸ Has accepted the provisions of Parts II, III, V, VI and VIII to X.
Mexico ⁷	12. 10. 1961	⁹ Has accepted the provisions of Parts II to VII.
Netherlands ¹	11. 10. 1962	¹⁰ Has accepted the provisions of Parts II, III, V, VIII and IX.
Norway ⁸	30. 9. 1954	¹¹ Has accepted the provisions of Parts VI to VIII.
Peru ⁹	23. 8. 1961	¹² Has accepted the provisions of Parts II to IV and VI to VIII.
Senegal ¹⁰	22. 10. 1962	¹³ Has accepted the provisions of Parts II to V, VII and X.
Sweden ¹¹	12. 8. 1953	¹⁴ Has accepted the provisions of Parts II to VI, VIII and X.
United Kingdom ¹²	27. 4. 1954	
Yugoslavia ¹³	20. 12. 1954	

BELGIUM

Among the changes made in legislation and regulation, mention should be made of the Act of 9 August 1963 instituting a compulsory sickness insurance scheme, as amended by the Acts of 24 December 1963 and 6 July 1964, and which came into force on 1 January 1964.

PART II. MEDICAL CARE
 PART III. SICKNESS BENEFIT
 PART VIII. MATERNITY BENEFIT
 PART IX. INVALIDITY BENEFIT

Article 10, paragraph 2, of the Convention. A change has been made in the legislation that was in force up to 1 January 1964 in respect of the share paid by the insurance towards the cost of medical benefits; this share is now calculated on the basis of the fees and prices scheduled by the agreements governing financial and administrative relations between beneficiaries and insurance carriers on one hand, and doctors, pharmacists, dentists, hospitals, midwives, physiotherapists and suppliers of prosthetic and other appliances on the other.

The conditions for reimbursement are as follows. Normal medical care is reimbursed at 75 per cent. of the standard fees except for widows, pensioners and persons in receipt of long-term incapacity benefits and disablement benefits and their dependants, who are reimbursed 100 per cent. of their expenses.

For confinement attention, treatment requiring the services of a specialist or that required in vocational retraining, prosthesis, and *les maladies sociales* (mental diseases, tuberculosis, cancer, poliomyelitis and congenital disease or malformation), when the treatment has been provided by specialists, the contribution by the insurance is 100 per cent. of the standard fees and prices.

With regard to pharmaceutical benefits, the beneficiary's share is established at 25 per cent. of the average cost of reimbursable made-up prescriptions; for the financial year 1964 it is fixed at 12 Belgian francs; pensioners, orphans, widows and persons in receipt of extended incapacity benefits or disablement benefits pay nothing. It is

also fixed at 25 per cent. of the average cost of reimbursable patent medicines; this contribution is at present fixed at 22 francs. For certain patent medicines no contribution is required from pensioners, orphans, widows and persons in receipt of extended incapacity benefits or disablement benefits.

The contribution of the insurance in case of hospitalisation for observation and treatment is prescribed by the Hospitals Act of 23 December 1963. This Act makes it compulsory for all hospitals to have a standard accounting system which shows the cost of each service. A comparative examination of these various services should make it possible to establish the normal cost of hospital care in respect of each type of service. Patients hospitalised in public wards may be charged this fixed price and no other. In the case of insured persons covered by social security, 75 per cent. of this charge, averaged out for all hospital services, will be borne by the insurance and 25 per cent. by the budget of the Ministry of Public Health and Families.

Articles 12, 18, 52, 58 and 69. Health benefits are not given to insured persons and members of their families who are not actually resident in Belgian territory or when the health care has been provided outside the national territory (without prejudice to authorised exemptions, multi-lateral or bi-lateral social security agreements and European arrangements).

They are also withheld in the case of injuries resulting from an accident occurring in connection with a physical exercise performed during a sporting competition or exhibition for which the organiser charges an admission fee, and for which the participants receive remuneration in any form whatsoever; when the injuries result from a serious mistake made by the beneficiary; for such time as the beneficiary does not comply with the supervisory measures imposed upon him; and for such time as the beneficiary is in prison or is interned in an institution for the protection of the community, or placed in a beggars' or vagrants' home.

In the event of an injury covered by common law or other legislation, insurance benefits are not additional to the compensation payable under the other legislation in so far as this compensation amounts to the same sum as that provided for by the sickness insurance; the insurance thus covers that part of the injury for which compensation is not effectively paid.

Sickness benefits are suspended in the same circumstances as those specified in respect of health benefits.

Furthermore, they are not due in respect of the days for which remuneration is payable under the law or regulations; days of incapacity for work which occur during an annual holiday period, when that incapacity commences during this period; and days for which payment is made under legislation governing contracts of employment or work.

The maternity benefit is suspended in the same circumstances as those specified in respect of the sickness benefit.

The disablement benefit is suspended in the same circumstances as those specified in respect of the sickness benefit.

Article 49, paragraph 2. Insured persons and beneficiaries may claim the same conditions of reimbursement for health care, including hospitalisation and surgery for pregnancy, confinement and the consequences thereof, as for any other illness or disease.

PART IV. UNEMPLOYMENT BENEFIT

In reply to the question asked by the Committee of Experts in connection with notorious misconduct the Government states that notorious misconduct is established when facts give grounds for concluding that the behaviour of an unemployed person is shocking to public opinion and when these facts show that the misconduct is well

known (drunkenness, theft, resistance to the police, etc.). The facts may originate either in court convictions, or reports by the gendarmerie, the police or local authorities, or in common repute, etc. It should be pointed out that this information was already furnished in the report covering the period July 1961-June 1962.

The suspension of entitlement resulting from misconduct is annulled when the spouse of the person who is the subject of the suspension is authorised by a justice of the peace, in application of certain provisions of the Civil Code or of social security legislation, to receive in his or her stead the unemployment benefits to which that person is entitled.

As regards unemployment resulting directly or indirectly from a strike, it should be pointed out that legislation makes no provision for any formal and definitive suspension of entitlement to unemployment benefits, neither when the unemployment is the direct result of a strike, nor when it is the indirect result. The legislation merely provides for the intervention of the executive board of the National Employment Office in order that this body may verify the truly involuntary nature of the unemployment of workers who apply for unemployment benefits as the result of a work stoppage brought about by circumstances directly or indirectly related to a strike occurring either in one or more enterprises or in a sector of an enterprise other than that in which they are employed.

The executive board of the National Employment Office has not laid down any official criteria to determine whether unemployment resulting directly or indirectly from a strike should be considered as voluntary or involuntary. Only the factual elements which give rise to the unemployment are taken into consideration in deciding, in each particular case, either collective or individual, whether the unemployment is involuntary or not. It is generally established by these facts that the workers in question bear no responsibility for the stoppage of work which has resulted from certain external elements, and these workers are also generally held to be involuntarily unemployed.

Below are listed a few examples of work stoppages resulting from strikes which the board has habitually considered to be independent of the will of the workers, thus permitting the latter to be regarded as involuntarily unemployed: work was stopped in an enterprise for lack of electricity as a result of a strike in an electricity generating station; work was suspended in a construction enterprise because of lack of cement due to production having ceased owing to a strike in the cement works; workers were unable to reach their work because of a railway strike; workers were unable to work because of the presence of strike pickets who prevented them from entering the factories, with the aim, among other things, of provoking an extension of the strike.

It is recalled that all unfavourable decisions that may be taken by the board in the field in question, as well as any other decision withholding rights from an unemployed person or restricting the scope of these rights, are subject to recourse and appeal to the jurisdictional committees competent to settle disputes relating to unemployment.

As regards the situation of a worker dismissed for just reasons having regard to his attitude, a series of decisions taken in individual cases by the Appeal Committee on Unemployment Questions was annexed to the report from which it is clear, judging from the facts which gave rise to the termination of the contract, that it was in reality the workers' unjustified attitude that led to just dismissal.

PART VI. EMPLOYMENT INJURY BENEFIT

The Social Security Committee of the Chamber of Representatives is at present examining a draft Act intended, in particular, to make insurance against employment injury accidents compulsory.

DENMARK

PART II.

Act No. 101 of 20 March 1963 to amend the Act respecting public sickness insurance.

PARTS V AND IX

Acts No. 99 of 20 March 1963, No. 244 of 7 June 1963, No. 404 of 18 December 1963 and No. 195 of 4 June 1964 to amend the Act respecting invalidity and national pensions.

PART VI

Acts No. 403 of 18 December 1963 and No. 165 of 27 March 1964 to amend the Accident Insurance Act.

In reply to requests from the Committee of Experts the Government gives the following information.

PART IV. UNEMPLOYMENT BENEFIT

Article 22 of the Convention. According to the survey of member contributions and benefit rates of state-recognised unemployment insurance funds, all but one, the Domestic Workers' Fund, comply with the standards laid down in this Article respecting the amount of benefit. It adds that a committee has been set up to consider a revision of the law on unemployment insurance, including the amount of benefit, and that the Ministry of Labour intends to call the attention of that committee to the fact that the rates of benefits of all individual funds should be such as to comply with the provisions of this Article.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 33. In reply to a request for information by the Committee of Experts the Government states that the law is so formulated as to cover all workers and employees. Statistical information cannot be given as the Statistical Department is not making any surveys of total labour force. Attention is drawn to sections 19 and 51 of the Accident Insurance Act, under which an injured person is entitled to employment injury benefits irrespective of whether the employer has fulfilled the obligation to insure or whether the obligation to insure exists because of the size of the undertaking. In such cases the benefits shall be paid by the employer himself or by a recognised accident insurance company.

Article 34. In reply to a request for information by the Committee of Experts the Government states that no regulations have been issued regarding the medical care to be provided under sections 20 and 21 of the Accident Insurance Act. The administration of the Act is the responsibility of the Directorate of Accident Insurance, to which medical experts are available. Thus the Directorate decides on what benefit an injured person may be entitled to, having regard to the consequences of the accident, including what forms of medical care may be required in the individual case. The injured person may make an appeal against the decision of the Directorate.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. In reply to a request for information by the Committee of Experts the Government refers to the observations made by it in previous reports respecting the interpretation of this Article in relation to legislation concerning old-age and invalidity pensions. According to these observations, the Government cannot agree with the views of the Committee of Experts respecting the application of this Article.

PART XIII. COMMON PROVISIONS

Article 69, clause (f). In reply to a request for information in respect of the application of this clause in relation to the Danish unemployment insurance legislation, the Government repeats its affirmation in previous reports that the third paragraph of section 17 (1) of the Unemployment Insurance Act is applied only in case of self-inflicted termination of employment, and consequently, in the opinion of the Government, it is in conformity with the Convention. It further states that 117 cases of

termination of employment resulting in loss of right to benefit, under the provisions referred to above, were reported to the Labour Directorate in 1963-64. Only three cases were referred to the Board of Appeal (on which both workers and employers are represented), which agreed to the extinction of the right of benefit in these cases. The Government is of the opinion that the fact that the right to appeal has been utilised in so few cases indicates that the provision concerned is only applied in cases where there can be no doubt about the justification of the intervention.

Clause (i). In relation to unemployment insurance legislation, the Government has transmitted the regulations issued under paragraph 1 of section 17 (1) of the Employment Exchanges and Unemployment Insurance Act.

FEDERAL REPUBLIC OF GERMANY

The Accident Insurance Reorganisation Act of 30 April 1963 (*Bundesgesetzblatt I* No. 23, 9 May 1963, p. 241).

The Federal Act respecting family allowances of 14 April 1964 (*ibid.*, No. 18, 18 Apr. 1964, p. 265).

The Fifth Pension Adjustment Act of 21 December 1962, adjusting pensions paid under statutory pension insurance schemes on the occasion of the modification of the general basis of calculation for the year 1962 (*ibid.*, No. 54, 29 Dec. 1962, p. 764).

The Sixth Pension Adjustment Act of 21 December 1963, adjusting pensions paid under statutory pension insurance schemes and cash benefits paid under statutory accident insurance schemes (*Bundesarbeitsblatt*, No. 1, Jan. 1964, p. 6).

PART V. OLD-AGE BENEFITS

Under the Fifth Pension Adjustment Act, pensions in payment by virtue of the workers', employers' and miners' pensions schemes were increased by 6.6 per cent. as from 1 January 1963. The increase made in these pensions as from 1 January 1964 by the Sixth Pension Adjustment Act amounted to 8.2 per cent.

PART VI. EMPLOYMENT INJURY BENEFIT

The Act to reorganise accident insurance includes the following provisions: in establishments employing more than 20 workers, safety officers must be designated; that every year the employers' liability societies must send to the Federal Government a report on accident prevention; and that, in special cases, employers' liability societies may compensate a disease not included in the official list, provided that the other conditions for it being recognised as a disease resulting from employment are fulfilled, because of the progress of science. Survivors' pensions have been considerably increased. The new Act has greatly increased the possibility of a pension being paid alternatively in the form of a capital sum. Pensions in payment under the accident insurance scheme are to be adjusted, as also are pension insurances, to changes in wages and average earnings. The first increase effected as from 1 January 1964 under the Sixth Pension Adjustment Act was 9 per cent.

PART VII. FAMILY ALLOWANCES

Under the Federal Act respecting family allowances, the financing of these allowances devolves exclusively on the federal budget as from 1 July 1964; this Act has also increased allowances paid to families with three children or more, with retroactive effect from 1 January 1964.

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

Article 12 of the Convention. The Federal Government has placed before the Federal Parliament a draft Act to reorganise entitlement to sickness insurance. Section 192 of the draft seeks to make hospitalisation a compulsory benefit when it is required in order to discover or treat a disease.

The Federal Government has committed itself to do everything in its power to insist on the adoption of this proposal without modification when the question is discussed by the legislative bodies.

Article 69, clause (i). The Committee of Experts' interpretation of this clause, that only persons employed by an undertaking where a trade dispute exists may be excluded from entitlement to unemployment benefits, would be correct only if the clause specifically stated that the trade dispute must have occurred at the place of employment of the persons concerned; this not being the case, any such restrictive interpretation is unjustified. By using the adjective "direct" to qualify the term "result", the clause excludes only cases of unemployment due to reasons other than a trade dispute. When work stops in an undertaking because it depends on the supply of certain products by another undertaking where a dispute exists, the only reason for the resulting unemployment is the dispute.

The above interpretation is supported by the unpredictable character of unemployment due to trade disputes, by the financial implication which a dispute in a key industry might have on the resources of an unemployment insurance system, and by the necessity for this system to observe an attitude of neutrality in disputes between employers and workers.

Under this clause the national legislature may freely determine whether, and to what extent, repercussions of trade disputes shall be covered by the unemployment insurance. The Federal Parliament has expressed its conviction that legislation is in conformity with the Convention on this point, and the Federal Government ratified Part IV of the Convention because it was convinced that Article 69, clause (i), did not limit the possibility of suspending benefits to cases of unemployment in undertakings where a trade dispute exists.

ICELAND (First Report)

The Social Security Act (No. 24) of 29 March 1956 as amended by Acts No. 13 of 31 March 1960, No. 86 of 28 December 1960, No. 95 of 8 December 1961, and No. 89 of 17 December 1962. Regulation No. 226 of 29 December 1961 concerning amounts of contributions to the Pensions Insurance Scheme for the year 1962. Regulation No. 228 of 29 December 1962 concerning amounts of contributions to the Pension Insurance Scheme for the year 1963.

PART V. OLD-AGE BENEFIT

Article 26 of the Convention. The right to old age pension is acquired at the age of 67. Recourse is not had to paragraph 3 of this Article.

Article 27. Recourse is had to clause (c). Any Icelandic national resident in Iceland is entitled to an old-age pension.

Article 28. Until 31 December 1962 there were two cost-of-living areas, the old-age pension being 25 per cent. lower in area 2 than in area 1. However, as from 1 January 1963 this difference was abolished.

A member of the Unskilled Workers' Union in Reykjavik is selected as the typical ordinary labourer. In recent years the wage rates of such a worker have been followed by unskilled workers' unions and employers in all parts of the country.

The yearly wage is calculated on the basis of the hourly wage according to agreement between workers' unions and employers' organisations, a year's work being calculated as 2,304 working hours (48 hours a week) plus 6 per cent. for holidays. The hourly wage was 24.80 kronur on 1 July 1962 and 28.00 kronur at 30 June 1963 and a year's wage on the time basis (1 July 1962 to 30 June 1963) was 61,995 kronur. Owing to considerable overtime work the actual yearly wage has been higher than the standard wage thus calculated.

For the time basis selected the rate of old-age pension for a married couple, both entitled to a pension, amounted to 32,824 kronur a year in cost-of-living area 1 and 28,721 kronur a year in cost-of-living area 2. No qualifying period was required for these benefits. The benefit expressed as a percentage of the standard wage was consequently 52.9 in area 1 and 46.3 in area 2.

Adjustment of benefits is not made automatically but requires legislative measures. In recent years such measures have been taken each time the general level of wages and salaries has substantially changed, the general principle being to follow adjustments made to salaries by public employers. Thus, in December 1962 the old-age pension was increased by 7 per cent. as from 1 June 1962. At the same time the division of the country into two cost-of-living areas was abolished as from 1 January 1963, which meant $33\frac{1}{3}$ per cent. increase of the pensions in the former area 2. In December 1963 the pensions were increased by 15 per cent. as from 1 July 1963. The following changes were reported for the period under review:

Period 1 July 1962 to 30 June 1963	Cost-of-living index	Index of money wages, (Kronur per hour)	Benefit for standard beneficiary (Kronur per year)	
			Average per beneficiary	Rate in the capital
A. 1 July 1962	129	24.80	20 770	32 824
B. 1 July 1963	143	28.00	26 909	37 748
C. Percentage A/B	90.2	88.60	77.2	87.0

Article 29. The right to old-age pension is not conditional on payment of contributions or fulfilment of a qualifying period.

Article 30. The pensioner loses his right to old-age pension if he takes up residence outside Iceland. Maintenance in a hospital or an institution replaces the pension. The pension is suspended if a pensioner is serving a sentence of imprisonment. A person who fraudulently draws a pension may have to refund double the amount fraudulently received.

PART VII. FAMILY BENEFIT

Article 40. All residents are covered by the family allowances scheme. General family allowances are granted to parents for each child under 16 years of age fully supported by them. However, if special children's allowances are paid in respect of a child, general family allowances are not payable. General family allowances are not payable if the father is not living with the family, in which case the mother is entitled to advance payment of maintenance allowances.

Article 41. Recourse is had to clause (c) of this Article.

Article 42. Recourse is had to clause (a) of this Article. During the period 1 July 1962 to 30 June 1963 the rate of family allowances amounted to 3,077 kronur a year per child.

Article 43. There is no qualifying period.

Article 44. Recourse is had to clause (b) of this Article.

As stated under Article 28 above, the standard wage for the period under review amounted to 61,995 kronur. The total amount of family allowances paid during the period amounted to 182,000,000 kronur. The total number of children of all residents, which is 67,800, multiplied by the standard wage equals 4,203,261,000. The total value of the benefits is 4.3 per cent. of the latter figure.

Article 45. The right to family allowances is forfeited if the person concerned takes up residence outside Iceland. A person drawing family allowances fraudulently may have to refund double the amount fraudulently received.

PART IX. INVALIDITY BENEFIT

Article 54. Invalidity pensions are payable to persons aged 16 to 66 whose earning capacity is reduced to one-fourth or less of what mentally and physically normal persons in the same district and of similar training normally earn. If the earn-

ing capacity is between one-half and one-fourth, subsistence allowances may be granted.

Article 55. Recourse is had to clause (c) of this Article. Invalidity pensions are payable irrespective of the means of the persons concerned.

Article 56. As for old-age pensions (see under Article 28 above), there were two cost-of-living areas until 31 December 1962, the invalidity pension being 25 per cent. lower in area 2 than in area 1. As from 1 January 1963 this division was abolished. The annual rates of benefit on 1 January 1963 were:

for a married couple, both disabled	32,824 kronur
for others	18,236 kronur
for a child's supplement if the father is disabled	8,521 kronur.

For the time basis the rate of benefit for a standard beneficiary (married, with wife who does not receive a pension) amounted to 35,278 kronur in cost-of-living area 1, and 30,868 kronur in area 2. The standard wage increased by general family allowances amounted to 68,149 kronur for the same period. The benefits expressed in percentage of standard wage plus family allowances was consequently 51.8 per cent. in cost-of-living area 1 and 45.3 per cent. in area 2.

As for old-age pensions, the invalidity pension (but not children's supplements) was increased by 7 per cent. as from 1 June 1962. The abolition of the two cost-of-living areas as from 1 January 1963 which meant a $33\frac{1}{3}$ per cent. increase in pensions and children's supplements in former area 2. In December 1963 the pensions and children's supplements were increased by 15 per cent. as from 1 July 1963. The following changes were reported for the period under review:

Period 1 July 1962 to 30 June 1963	Cost-of-living index	Index of money wages (Kronur per hour)	Benefit for standard beneficiary (Kronur per Year)	
			Average per beneficiary	Rate in the capital
A. 1 July 1962	129	24.80	22 022	35 278
B. 1 July 1963	143	28.00	27 630	40 570
C. Percentage A/B	90.2	88.60	79.7	87.0

Article 57. The right to invalidity pension is not conditional on payment of contributions or fulfilment of a qualifying period.

Article 58. At the age of 67 the invalidity pension is replaced by an old-age pension of the same amount. The invalidity pension is suspended if the person concerned takes up residence outside Iceland. Maintenance in a hospital or an institution replaces the pension. The pension is suspended if the pensioner is serving a sentence of imprisonment. A person who fraudulently draws a pension may have to refund double the amount fraudulently received. The benefit in respect of the pensioner himself is not payable if the invalidity is due to abuse of alcohol or narcotics or to other causes where the insured person is responsible through negligence or culpable imprudence. The same applies if the person concerned refuses to make use of the medical or rehabilitation facilities placed at his disposal.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Equality of treatment of nationals and non-nationals is subject to the existence of bilateral and multilateral agreements or international conventions which

have been ratified by the Government. A multilateral agreement has been concluded with Denmark, Finland, Norway and Sweden. After ratification of the present Convention residents of other nationalities have been treated in the same way.

PART XIII. COMMON PROVISIONS

Article 70. In the event of a dispute concerning benefit other than questions concerning the degree of invalidity, the Social Security Council, which is the governing body of the State Social Security Institution, gives a decision. Claimants have the right to appeal to civil courts. The degree of invalidity is determined by the chief insurance doctor.

Article 71. The old-age benefits, family benefits and invalidity benefits are included in the pension insurance scheme. The family benefits are financed entirely by the State, whereas for the financing of the other branches of the scheme the contributions are divided between four groups in the following proportions: 32 per cent. by insured persons, 14 per cent. by employers, 36 per cent. by the central Government and 18 per cent. by local government.

The resources allocated to the ratified Parts of the Convention amounted to the following for the year 1962 (in thousands of kronur):

Part of Convention ratified	Resources allocated (A)	Contributions borne by insured persons (B)
Part V. Old-age benefit . . .	210,742	66,044
Part VII. Family benefit . . .	181,645	1,465
Part IX. Invalidity benefit . .	63,335	19,785
Total . . .	455,722	87,294

Column (B) was 19 per cent. of column (A).

Up to 31 December 1962 there were two cost-of-living areas for the rates of benefit and the rates of contributions. The old-age and invalidity pensions in cost-of-living area 2 were 25 per cent. lower than in area 1, and the contribution rates were 22 per cent. lower in area 2 than in area 1.

The question of financial equilibrium arises for one year at a time and each year the budget is published for the following year.

Article 72. Representatives of the insured persons do not participate in the management of the Social Insurance Scheme.

PART XIV. MISCELLANEOUS PROVISIONS

Article 77. Recourse is not had to paragraph 2 of this Article.

ITALY

Act No. 1338 of 12 August 1962 increasing pensions for compulsory invalidity, old-age and survivors' insurance.

Act No. 1339 of 12 August 1962 increasing pensions for the special compulsory invalidity, old-age and survivors' insurance scheme for craftsmen and members of their families.

Act No. 9 of 9 January 1963 raising the minimum pensions and reorganising rules applicable to insurance with regard to farmers, tenant-farmers and share-croppers.

Act No. 50 of 3 February 1963 amending section 10 of Act No. 5 of 3 January 1960 relative to the lowering of the age-limit entitling workers in mines, quarries and peateries to pensions.

NETHERLANDS (First Report)

PARTS II AND VIII

- Decree of the Secretary-General to the Ministry of Social Affairs dated 1 August 1941 respecting the sickness insurance fund scheme (Sick Funds Decree) as last amended (*Staatsblad*, No. S 804).
- Second Decree of the Secretary-General to the Ministry of Social Affairs, issued in application of the Sick Funds Decree on 16 October 1941, as last amended (*ibid.*, No. S 809).
- Third Decree of the Secretary-General to the Ministry of Social Affairs, issued in application of the Sick Funds Decree on 15 November 1941, as last amended (*ibid.*, No. S 812).

PARTS III AND VIII

- Act of 5 June 1913 governing sickness insurance for workers (Sickness Act), as last amended (*ibid.*, No. 204) (*L.S.* 1952—Neth. 3).

PART IV

- Unemployment Insurance Act of 9 September 1949, as last amended (*Staatsblad*, No. J 423) (*L.S.* 1953—Neth. 1).

PART V

- Act of 31 May 1956 respecting a general old-age insurance scheme (General Old-Age Act), as last amended (*Staatsblad*, No. 261) (*L.S.* 1956—Neth. 2).
- Act of 5 June 1913 respecting the insurance of workers against the pecuniary consequences of invalidity and old age (Invalidity Act), as last amended (*Staatsblad*, No. 205) (*L.S.* 1923—Neth. 6).
- Act of 21 April 1933 respecting the insurance of miners against the pecuniary consequences of invalidity and old age (Invalidity (Miners) Act), as last amended (*Staatsblad*, No. 181) (*L.S.* 1933—Neth. 2).

PART VI

- Act of 2 January 1901 respecting the insurance of workers against the pecuniary consequences of accidents in specified industries (Accidents Act, 1921), as last amended (*Staatsblad*, No. 1) (*L.S.* 1921—Neth. 1).
- Act of 20 May 1922 respecting the insurance of persons employed in agricultural occupations against the pecuniary consequences of accidents with which they meet in connection with their employment (Accidents (Agriculture and Horticulture) Act, 1922), as last amended (*Staatsblad*, No. 365) (*L.S.* 1922—Neth. 2).

PART VII

- Act of 26 April 1962 laying down legislative rules for a general compulsory children's allowances insurance scheme, applicable to the whole population (General Children's Allowances Act), as last amended (*Staatsblad* No. 160) (*L.S.* 1962—Neth. 2A).
- Act of 23 December 1939 laying down legislative rules for a children's allowances insurance scheme for employed persons (Children's Allowances (Employed Persons) Act), as last amended (*Staatsblad* No. 806) (*L.S.* 1962—Neth. 2B).
- Act of 14 June 1951 laying down legislative rules for a family allowances scheme for self-employed persons (Children's Allowances (Self-Employed Persons of Small Means) Act), as last amended (*Staatsblad*, No. 212) (*L.S.* 1962—Neth. 2C).

PART IX

- Act of 5 June 1913 respecting the insurance of workers against the pecuniary consequences of invalidity and old age (Invalidity Act), as last amended (*Staatsblad*, No. 205) (*L.S.* 1923—Neth. 6).
- Act of 19 December 1962 laying down interim rules to govern the recipients of invalidity pensions (Interim Rules (Invalidity Pensions) Act), as last amended (*Staatsblad*, No. 534).
- Act of 21 April 1933 respecting the insurance of miners against the pecuniary consequences of invalidity and old age (Invalidity (Miners) Act), as last amended (*ibid.*, No. 181) (*L.S.* 1933—Neth. 2).

PART X

Act of 9 April 1959 respecting a general widows' and orphans' insurance scheme (General Widows and Orphans Act), as last amended (*Staatsblad* No. 139) (*L.S.* 1959—Neth. 3).

Act of 5 June 1913 respecting the insurance of workers against the pecuniary consequences of invalidity and old age (Invalidity Act), as last amended (*Staatsblad*, No. 205) (*L.S.* 1923—Neth. 6).

Act of 21 April 1933 respecting the insurance of miners against the pecuniary consequences of invalidity and old age (Invalidity (Miners) Act), as last amended (*Staatsblad*, No. 181) (*L.S.* 1933—Neth. 2).

PART I. GENERAL PROVISIONS

Articles 1 to 6 of the Convention. The Netherlands has accepted all the obligations deriving from Parts II to X without having recourse to the provisions of Articles 3 and 6.

PART II. MEDICAL CARE

Article 9. Recourse is had to clause (a) of this Article.

In 1962 the number of employees protected was 2,912,000 out of a total of 3,595,000, a proportion of 81 per cent.

The wife and children of an insured person, if dependent on him and forming part of his household, are insured free of charge, it being understood that the children are entitled to insurance up to the age of 16 years, or 27 years if they are continuing their studies or are disabled.

Article 10. In case of a morbid condition the benefit includes: general practitioner care, including domiciliary visiting; specialist care at hospitals, and consultations; the essential pharmaceutical supplies as prescribed by general medical practitioners, dentists or specialists; and hospitalisation, in so far as it is deemed necessary from a medical viewpoint.

In case of pregnancy and confinement and their consequences the benefit includes pre-natal, confinement and post-natal care by a midwife or, where necessary, by a medical practitioner; and hospitalisation where necessary.

The beneficiary does not share in the cost of the medical care received.

The purpose of the benefits afforded under the sickness insurance scheme is to restore, maintain or improve the health of the persons protected.

Both insured persons and non-insured persons may avail themselves of the general health services. They are encouraged to do so as far as possible.

Article 11. No qualifying period is required for entitlement to medical care.

Article 12. No time limit is placed on the provision of medical care, with the exception of hospitalisation, which may not last for more than 365 days in any one case (sickness allowance is payable for a maximum of 52 weeks).

PART III. SICKNESS BENEFIT

Article 15. Recourse is had to clause (a) of this Article.

In 1962 the number of employees protected was 2,442,000 out of a total of 3,595,000, a proportion of 68 per cent.

Article 16. Benefit is calculated in the manner prescribed in Article 65.

The sickness allowance is equal to 80 per cent. of the insured person's daily wage. The daily wage is deemed to be the average wage received per day during the 13 calendar or pay weeks preceding the incapacity for work by a worker in the same category in the same undertaking or a similar undertaking, in the same district or a neighbouring district.

A ceiling of 27 florins is imposed in accordance with Article 65, paragraph 3.

The amount of benefit payable during the basic period to a standard beneficiary is 90.72 florins. The amount of family allowances payable during employment for a period equal to the basic period is 12.24 florins.

The amount of benefit and family allowances payable in the event of sickness is equal to 81.9 per cent. of the amount of the standard wage and of the family allowances payable during employment.

Article 17. No qualifying period is required for entitlement to benefit.

Article 18. The duration of benefit is limited in each case of sickness to 52 weeks in a period of 18 months. Benefit is not payable for the first three days of suspension of earnings.

The sickness allowance may be suspended—

- (a) during any period when the insured person is in receipt of a periodical payment or provisional pension under a statutory accident insurance scheme on the ground of total invalidity;
- (b) in respect of any days on which the insured person is maintained in a hospital or institution otherwise than under an agreement made by him, he is entitled to one-third of the sickness benefit which would otherwise have been payable, provided that, in the opinion of the insurance carrier, he is not a breadwinner. The body at whose expense he is being maintained receives a reimbursement amounting to two-thirds of the sickness benefit; if the costs amount to less than two-thirds of the sickness benefit, the difference is paid to the insured person;
- (c) if the insured person is not registered with a sick fund authorised under the Sick Funds Decree (medical care);
- (d) if the insured person's illness has been brought about deliberately;
- (e) in respect of any period during which he is an inmate of a prison, a state labour institution, a reformatory or a probationary school, or is in the care of an association, endowed institution or charitable society;
- (f) the managing committee of the insurance carrier has power to refuse payment of sickness benefit wholly or in part—
 - (1) if incapacity for work existed at the date on which insurance commenced;
 - (2) if incapacity for work through sickness is connected with any conduct of the insured person punishable as a misdemeanour or if he is known to lead an immoral life and the sickness is caused by his immoral conduct;
 - (3) if incapacity for work is the result of an illness which originated in a brawl or affray in which the insured person took part of his own free will;
 - (4) if the insured person fails to seek medical assistance within a reasonable time, if he fails to remain under treatment for the entire duration of the illness, or if he fails to comply with the instructions of the medical practitioner in attendance;
 - (5) if the insured person is guilty of conduct during his incapacity for work which hinders his recovery or if on being admitted to a hospital or institution he conducts himself improperly therein;
 - (6) if the insured person fails without valid reason to comply with a request made under the Sickness Act by the managing committee of the insurance carrier to appear or furnish particulars, or if the medical examination by a medical practitioner appointed by the aforementioned managing committee cannot through the fault of the insured person be carried out;

- (7) if the insured person fails to give notification of his illness within the specified time limit or fails to obey the supervision rules laid down by the managing committee of the insurance carrier; in the former case sickness benefit may be refused in respect of the days preceding the third day after the day on which notification of illness is received;
- (8) if the insured person has reached the age of 70 years and it cannot be proved that he has done at least 60 days' paid work during the six months last preceding incapacity for work.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. In principle unemployment benefit is payable to every employee who involuntarily becomes wholly or partially unemployed, whether in consequence of dismissal from his employment or not.

Article 21. Recourse is had to clause (a) of this Article.

In 1962 the number of employees protected was 2,418,000 out of a total of 3,595,000, a proportion of 67 per cent.

Article 22. Unemployment benefit is calculated in the manner prescribed in Article 65.

Benefit is 80 per cent. of the daily wage for a married man, a married woman who is the breadwinner, or an unmarried breadwinner, whether male or female; 70 per cent. of the daily wage for a single person of 18 years of age or over who is not a breadwinner and is not living with his parents; 60 per cent. of the daily wage for other employees.

The daily wage is deemed to be the average wage that the employee could earn in a day during the contingency if he were able to exercise his normal occupation.

A ceiling of 27 florins is imposed in accordance with Article 65, paragraph 3.

The amount of benefit payable during the basic period to a standard beneficiary is 90.72 florins. The amount of family allowances is 12.24 florins.

The sum of benefit and family allowances payable in the event of unemployment is equal to 81.9 per cent. of the sum of the standard wage and family allowances payable during employment.

The situation for female breadwinners is the same.

For women who are not breadwinners the total benefit is equal to 70 per cent. of the total standard wage.

Article 23. The payment of unemployment benefit is subject to the completion of a qualifying period.

Article 24. The waiting allowance is payable for not more than 48 days (eight weeks) in any one benefit year. Unemployment benefit is payable for a maximum of 126 days (21 weeks) per benefit year or, if the insured person has already drawn a waiting allowance during the benefit year in question, for a maximum of 78 days (13 weeks).

There is no waiting period.

No unemployment benefit is payable—

- (a) to an employee who does anything which results or may result in loss to the insurance carrier;
- (b) to an employee who during a period of unemployment fails to register as an applicant for work with the public placement authority, in conformity with the rules to be issued by the Minister of Social Affairs and Public Health and subject to the exceptions laid down therein;
- (c) to an employee who without sufficient reason fails to report at the office of the public placement authority when called upon to do so under the Unemployment Act or the provisions laid down for administering and giving effect to the Act;

(d) to an employee—

- (1) who without sufficient reason fails to co-operate in a medical or psychological examination or test of his working capacity which is considered necessary in his case;
- (2) who without sufficient reason fails to take part in training or instruction which is considered necessary in his case or takes part therein but fails to co-operate sufficiently in obtaining favourable results;
- (3) whose unemployment or continued unemployment must be attributed to his failure to make sufficient effort to obtain employment;
- (4) who refuses suitable employment;
- (5) who through his own misconduct or behaviour fails to obtain work or loses the post obtained;

(e) to an employee who is unemployed as a result of a strike or lockout, unless the managing committee of the insurance carrier decides otherwise;

(f) to an employee whose physical or mental condition makes him incapable or all but incapable of employment;

(g) to an employee who is on annual leave;

(h) to an employee who is permanently or temporarily resident abroad;

(i) to an employee who is performing military service;

(j) to an employee who is serving any sentence of confinement;

(k) in respect of the employee's normal rest day or days (at least one day per week being deemed to be a rest day);

(l) in respect of a national or generally recognised Christian holiday, or a religious holiday which is generally observed as such at the place where the employee normally works, except where any of the said holidays falls within a period of involuntary unemployment and does not coincide with a rest day as specified in (k).

PART V. OLD-AGE BENEFIT

Article 26. The retirement age is fixed at 65 years.

Article 27. Recourse is had to clause (b) of this Article.

In 1962 the number of protected persons belonging to the economically active population was 4,480,000, the total number of residents being 11,890,000—a proportion of 38 per cent.

Article 28. Benefit is calculated in the manner prescribed in Article 66 of the Convention.

The amount of the wage of the typical labourer selected is 101.20 florins per week (standard wage).

The amount of benefit payable during the basic period is 52.96 florins.

The benefit for a standard beneficiary is 52.33 per cent. of the standard wage.

For a woman employee the amount of benefit payable during the basic period is 34.04 florins, the benefit being equal to 33.53 per cent. of the standard wage.

Old-age pension rates are revised to take account of the wage index. During the period under consideration the index rose from 157 to 198. As for the amount of benefit payable to a standard beneficiary, it was increased from 2,154 florins to 2,754 florins.

Article 29. Entitlement to an old-age pension is not conditional upon a minimum period of contribution. The amount of benefit is normally based on a contribu-

tion period of 50 years. Where the contribution period is shorter, the amount of benefit is reduced by 2 per cent. for every year in which contributions were not paid or in which the pensioner was not insured.

Article 30. The law makes no provision for the suspension of the old-age benefit.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 32. The national legislation prescribes no minimum degree of loss of earning capacity that would give rise to the benefits stipulated in Articles 34 and 36. Recourse is not had to the provisions contained in the last sentence of clause (d) of this Article.

Article 33. Recourse is had to clause (a) of this Article.

In 1962 the number of employees insured was 2,920,000 out of a total of 3,595,000, a proportion of 81 per cent.

Article 34. Benefits include medical and surgical treatment by specialists (including hospitalisation); medical and surgical supplies and dressings; and such prosthetic appliances as are necessary to restore, maintain or improve working capacity, or as help to improve conditions of life for totally disabled persons.

Beneficiaries do not share in the cost of benefits received.

Medical and surgical treatment is supervised by the insurance carrier through the medical supervisor.

Article 35. The bodies responsible for administering the compulsory industrial accident insurance scheme co-operate with the National Labour Office with a view to the re-establishment of handicapped persons in suitable work.

Article 36. The benefit referred to in paragraph 1 of this Article is calculated in the manner prescribed in Article 65.

Incapacity for Work. The periodical payment in respect of incapacity for work is equal to 80 per cent. of the insured person's daily wage. A ceiling of 27 florins is imposed in accordance with Article 65, paragraph 3.

The amount of the wage of the skilled manual male employee selected is 113.35 florins per week.

The amount of benefit payable during the basic period is 90.72 florins.

The amount of family allowances payable during employment for a period equal to the basic period is 12.24 florins.

The sum of benefit and family allowances is equal to 81.9 per cent. of the sum of the standard wage and family allowances payable during employment.

For women employees the amount of benefit payable during the basic period is 80 per cent. of the standard wage.

Total loss of earning capacity. The periodical payment in respect of total loss of earning capacity or corresponding loss of faculty is equal to 80 per cent. of the daily wage for the first 312 days, after which it drops to 70 per cent.; in the event of partial incapacity, a part of these percentages is payable proportionate to the degree of incapacity.

A ceiling of 27 florins is imposed.

The amount of the wage of the skilled manual male employee selected is 113.35 florins per week.

In respect of the first 312 days the regulations are the same as for incapacity for work.

For the days thereafter the amount of benefit payable in the event of total incapacity during the basic period is 79.14 florins.

The amount of family allowances payable during a period equal to the basic period is 12.24 florins.

The sum of benefit and family allowances is equal to 72.8 per cent. of the sum of the standard wage and family allowances payable during employment.

In the case of women employees the percentages payable respectively during the first 312 days and during the subsequent period are 80 and 70 per cent.

The amounts of the periodical payments are adjusted to take account of rises in wages by means of special Acts. During the period under consideration the index rose from 157 to 198.

The rate of benefit was increased by 7.5 per cent. as from 1 September 1962 and by 17 per cent. as from 1 January 1964.

Survivor's pension. This benefit is equivalent, in the case of a widow, to 30 per cent. of the deceased's wage; in the case of each child, to 15 per cent. (or 20 per cent. if the child is or becomes a full orphan) of the daily wage of the deceased.

The amount of the wage of the skilled manual male employee selected is 113.35 florins per week.

The amount of benefit payable during the basic period is 67.86 florins.

The amount of family allowances payable during a period equal to the basic period is 12.24 florins.

The sum of benefit and family allowances amounts to 63.9 per cent. of the sum of the standard wage and family allowances payable during employment.

In the case of women employees benefit is equal to 30 per cent. of the standard wage.

The benefit payable in the event of partial incapacity is a part of the pension payable in the event of total incapacity proportionate to the loss of working capacity.

Where the loss of earning capacity is equal to 15 per cent. or under, the periodical payments may, at the request of the beneficiary, be commuted for a lump sum. Where the loss of earning capacity is equal to 30 per cent. or under, the periodical payments may be commuted for a lump sum if the beneficiary makes an uninterrupted stay of more than a year outside the kingdom and contiguous areas.

Article 37. Any protected person who was employed in the territory of the kingdom at the time of accident or of contracting an occupational disease is entitled to the benefits in kind and in cash specified in Articles 34 and 36.

The widow and children of a person who was employed in the territory at the time of accident or of contracting an occupational disease are entitled to the periodical payments stipulated in Article 36 without any condition as to residence.

Article 38. The benefits in cash and in kind specified in Articles 34 and 36 are granted throughout the contingency.

A waiting period is provided for in cases of short-term incapacity. If by the third day following the accident the insured person is not yet fit to perform his normal work, benefit is payable to him back-dated to the day following the accident.

Provisions for the suspension of benefit cover the following cases.

- (a) Neither an insured person who has wilfully caused an accident nor his surviving relatives are entitled to any compensation;
- (b) if an accident which befalls an insured person is attributable to his drunkenness, the periodical payment is reduced by one-half;
- (c) if the accident resulting in the death of a person was caused by one of his surviving relatives, either wilfully or through drunkenness, that relative has no claim to a pension;
- (d) if an insured person fails to carry out the instructions of his medical practitioner or to comply with the administrative formalities, the managing committee of the insurance carrier may declare that the said person's right to accident compensation has been wholly or partly forfeited;

- (e) any person sentenced to imprisonment for three months, to detention for three months, to be placed in a reformatory school for three months, to be placed in a state labour institution, or to any heavier penalty, ceases to receive benefit for the period during which he undergoes such penalty or evades the carrying out of the sentence by flight. A minor placed at the disposal of the Government likewise ceases to receive benefit for the period during which he is in a state educational institution or evades by flight the carrying out of the order for his being placed in such an institution.

PART VII. FAMILY BENEFIT

Article 40. To be eligible for benefit the persons protected must be responsible for the maintenance of at least three children, who must fulfil certain conditions.

Article 41. Recourse is had to clause (b) of this Article.

In 1962 the number of employees protected was 3,465,000, the total number of residents was 11,890,000—a proportion of 29 per cent.

Article 42. Recourse is had to clause (a) of this Article.

Article 43. No qualifying period is required.

Article 44. Recourse is had to clause (b) of this Article.

The amount of the wage of the typical labourer selected is 101.20 florins per week.

The total value of the benefits granted in accordance with Article 42 to the persons protected is 1,131 million florins.

The total number of children of all residents is 3,969,000.

The proportion of the total value of benefits granted in cash and in kind to the wage of an unskilled labourer multiplied by the total number of children of all residents is 5.4 per cent.

Article 45. Benefit is granted throughout the contingency.

If, however, an insured person does not take reasonable steps to furnish the information required to determine whether or not he is entitled to family benefit, the insurance carrier for the children's allowances scheme may declare that his right to benefit has been wholly or partly forfeited.

PART VIII. MATERNITY BENEFIT

Article 48. Recourse is had to clause (a) of this Article.

Maternity benefit is provided under the sickness insurance scheme.

The wives of men in the classes of persons protected are entitled to the medical benefits stipulated in Article 49.

Article 49. The sickness insurance fund scheme makes provision for all forms of pre-natal, post-natal and confinement care either by a midwife or, in case of necessity, by a medical practitioner. Hospitalisation is allowed for where necessary.

The medical care afforded is designed to restore, maintain or improve the health of the persons insured.

The women protected are encouraged to avail themselves of the general health services placed at their disposal.

Article 50. Benefit is calculated in the manner prescribed in Article 65.

The amount of benefit is equal to 100 per cent. of the daily wage during the first 12 weeks and 80 per cent. during any subsequent period, up to a total maximum of 52 weeks.

Article 51. Benefit may be refused if the insured woman became pregnant before the date on which insurance commenced, or if confinement occurs within six months of the date on which insurance commenced.

Benefit is not withheld if during the period of pregnancy the insurance has not been interrupted for more than 50 working days.

Article 52. The medical benefits stipulated in Article 49 are granted throughout the contingency.

The periodical payments stipulated in Article 50 are granted for six weeks before and not less than six weeks after confinement.

The national legislation requires or authorises a period of abstention from work of eight weeks.

Maternity benefit may be suspended in the same circumstances as sickness benefit (see under Article 18).

PART IX. INVALIDITY BENEFIT

Article 54. The degree of invalidity prescribed by the national legislation as giving rise to the benefits provided in accordance with Article 56 is 55 per cent.

Article 55. Recourse is had to clause (a) of this Article.

In 1962 the number of employees protected was 2,958,000 and the total number of employees was 3,595,000—a proportion of 82 per cent.

Article 56. Benefit is calculated in the manner prescribed in Article 66.

The amount of the wage of the typical labourer selected is 101.20 florins per week.

The amount of benefit granted during the basic period in cases where the degree of invalidity is 80 per cent. or over is 88.85 florins.

The amount of family allowances payable during a period equal to the basic period is 12.24 florins.

The sum of benefit (where the degree of invalidity is 80 per cent. or over) and family allowances payable during the contingency is 89.11 per cent. of the sum of the standard wage and family allowances payable during employment.

In the case of women employees the percentage in question is 87.8 per cent. of the standard wage.

Pension rates are revised to take account of the wage index. During the period under consideration the index rose by 78.3 per cent., while the amount of benefit payable to a standard beneficiary the degree of whose invalidity was 80 per cent. or over was increased by 84.9 per cent.

Article 57. No qualifying period is required.

Article 58. Benefit is payable until the recipient reaches retirement age.

Benefit may be refused if the cause of the invalidity is connected with the commission by the insured person of a misdemeanour, or his participation in such misdemeanour or an attempt by him to commit the same, in consequence of which he has been convicted without suspension of sentence.

An insured person who wilfully disables himself or causes himself to be disabled is not entitled to an invalidity pension.

Invalidity benefit may be suspended if an insured person fails to carry out the instructions given him.

PART X. SURVIVORS' BENEFIT

Article 60. Recourse is had to the provisions contained in the last half of paragraph 1.

Recourse is not had to the provisions of paragraph 2.

Article 61. Recourse is had to clause (b) of this Article.

In 1962 the number of persons belonging to the economically active population was 4,480,000 and the total number of residents was 11,890,000—a proportion of 38 per cent.

Article 62. Benefit is calculated in the manner prescribed in Article 66.

The amount of the wage of the typical labourer selected is 101.20 florins per week.

The amount of benefit payable during the basic period to a widow with two dependent children is 56 florins.

The amount of family allowances payable during a period equal to the basic period is 12.24 florins.

The sum of the widow's pension and family allowances is 66.16 per cent. of the sum of the standard wage and family allowances received by the deceased.

In the case of a widow with no children the percentage in question is 38.66 per cent. of the standard wage.

Pension rates are revised to take account of the wage index. During the period under consideration the index rose by 78.3 per cent., while the amount of benefit payable to a standard beneficiary was increased by 82.5 per cent.

Article 63. No qualifying period or minimum period of contribution is required for entitlement to benefit. It suffices for the deceased spouse to have been insured at the time of death.

Article 64. A widow's pension is payable until the widow reaches the age of entitlement to an old-age pension (65 years).

A widow is not entitled to a widow's pension if her husband died as a result of her wilful act or complicity.

The insurance carrier has power to refuse to pay or to continue to pay a pension if the widow claiming the pension on the ground of invalidity refuses without a valid reason to undergo a medical examination that has been requested by the insurance carrier.

If a widow remarries, her entitlement to a widow's pension ceases and she is granted a lump-sum benefit equal to the annual amount of her last pension.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Generally speaking, social insurance legislation confers the same rights on foreign residents as on national residents.

In the case of transitional schemes special provision has been made for non-nationals.

PART XIII. COMMON PROVISIONS

Article 70. Every claimant of benefit has a right of appeal against the decision of the insurance carrier in case of refusal of the benefit or complaint as to its quality or quantity.

Article 71. The various branches of social insurance are financed out of sums withheld from the wages or income of insured persons. In some branches the full contribution is payable by the insured person, in others it is payable by the employer, while in yet others the employee and the employer each pays part of the contribution. In some cases the public authorities pay a share.

The total of the financial resources allocated in 1963 to the protection of employees and their wives and children amounted to 4,146.5 million florins.

Since some branches cover the entire population, without any distinction being made between employees and self-employed persons, it is not possible to calculate the percentage requested under point 4 of the form.

The State accepts full responsibility for the provision of benefits by the competent bodies.

The necessary actuarial studies and calculations concerning the financial equilibrium are made periodically.

Article 72. Representatives of the persons protected participate in the management of the schemes concerned.

PERU

Act No. 8433 of 12 August 1936 respecting compulsory social insurance (*L.S.* 1936—Peru 2).

Act No. 13640 of 21 April 1961 to institute a retirement pension scheme for workers (*El Peruano*, 22 Apr. 1961) (*L.S.* 1961—Peru 1A).

Presidential Decree No. 013 of 7 August 1961 to approve administrative regulations under Act No. 13640 (*El Peruano*, 21 Aug. 1961) (*L.S.* 1961—Peru 1B).

Act No. 13724 of 18 November 1961 to institute a social insurance scheme for salaried employees (*El Peruano*, 20 Nov. 1961) (*L.S.* 1961—Peru 3A).

Presidential Decree of 11 July 1962 to promulgate an Act for the amendment of Act No. 13724 (*L.S.* 1961—Peru 3B).

PART II. MEDICAL CARE

This Part is taken care of by the above-mentioned Act No. 8433, which instituted an insurance scheme for workers. The scheme covers the contingency of sickness, and persons insured under it are entitled to general and specialised medical care, including surgical treatment. Coverage is extended to all persons of either sex under the age of 60 years who habitually work for an employer (whether such employer is an individual or a body corporate). Also covered are homeworkers, those performing work of a domestic nature in commercial and industrial establishments, contractors, sub-contractors and agents who perform part of the work themselves and do not employ more than two assistants, and piece workers in the textile industry. Insurance is also compulsory for *yanaconas* and farm hands who grow cotton and rice on less than four *fanegas* (1 *fanega* equals approximately 1.59 acre).

The following benefits are provided under the social insurance scheme: general and specialised medical attendance (including surgical treatment), dental care (but not dental appliances), hospitalisation and pharmaceutical supplies.

PART III. SICKNESS BENEFIT

The social insurance funds both for wage earners and for salaried employees provide for the payment of cash sickness benefit. Wage earners are entitled to a cash allowance equal to 70 per cent. of the wage as from the third day of sickness. The allowance is reduced to 35 per cent. if the sick person is in hospital and has no spouse, children or relatives in the ascending line dependent on him. The wage earners' sickness insurance scheme also provides a maternity allowance equal to 70 per cent. of the average daily wage, payable for 36 days before and 36 days after childbirth, as well as a nursing allowance equal to 30 per cent. of the wage, payable for eight months as from the date of childbirth.

Sick benefit is due only to insured persons who have paid at least four weekly insurance contributions during the 60 days immediately preceding the sickness. It may not be granted for more than 26 weeks, though this period may be extended to 52 weeks in certain circumstances.

The salaried employees' social insurance fund pays sickness benefit as from the thirty-first day of incapacity due to illness or accident. It may be paid for 11 consecutive months, but not for more than 18 months in a total of 36 months. The rate of benefit is one-thirtieth of 70 per cent. of the monthly salary. The employer is obliged to pay the full salary during the first 30 days of incapacity. Insured persons in hospital with no dependants receive an allowance equal to one-thirtieth of 70 per cent. of the basic monthly salary up to the minimum insurable monthly salary, plus one-third of the daily sickness allowance corresponding to any earnings above that minimum, up to the basic insurable monthly salary.

PART V. OLD-AGE BENEFIT

Under Act No. 13640 of 21 April 1961 every worker over 60 years of age who has completed a total of 30 years' service is entitled to a retirement pension. The workers' retirement pension fund is administered by the National Workers' Social Insurance Fund, and its revenue is derived from contributions amounting to 2 per cent. of the amount appearing on the workers' pay slips, payable by the employer; 2 per cent. of the wages, payable by the workers; 20 per cent. of the contributions referred to in section 7 (a) of Act No. 8433 (contributions from insured persons, employers and the State to the workers' social insurance scheme), and the full amount of any fines imposed under this Act.

The maximum amount of the retirement pension is 80 per cent. of the average monthly remuneration received during the last year of employment, but only if the person entitled has 1,560 weekly contributions to his credit. An insured person who, having reached the age of 60 years, has failed to complete the total number of contributions indicated above is entitled, for every group of 52 weekly contributions paid up, to one-thirtieth of the total amount of the pension.

The social insurance scheme for salaried employees provides for old-age pensions and old-age grants (Presidential Decree of 11 July 1962: addendum to Act No. 13724). An insured person is entitled to a pension on reaching the age of 60 years in the case of a man, or 55 years in the case of a woman, on condition that he or she can furnish evidence of having completed 180 months of insurance; the old-age grant is payable once only, and is awarded to insured persons who have been insured for six months during the last 36 calendar months preceding the month in which the contingency occurs and who consequently do not fulfil the requirements as to periods of insurance prescribed for entitlement to the corresponding pensions. The contingency is deemed to have occurred when an insured man reaches the age of 60 and an insured woman the age of 55.

PART VIII. MATERNITY BENEFIT

Both the wage earners' and the salaried employees' social insurance funds provide for hospitalisation and surgical treatment during pregnancy, childbirth and delivery (see comments in respect of Part II), as well as cash maternity benefit (see under Part III) for wage earners and salaried employees respectively.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Apart from the provisions of Act No. 14460 of 24 April 1963 and Act No. 14570 of 19 July 1963 limiting the proportion of aliens who may be employed in an undertaking to 20 per cent., no distinction is made between nationals and non-nationals in the application of the provisions cited earlier.

The Convention has the force of law in virtue of Legislative Resolution No. 13284 of 15 December 1959.

The enforcement of the social security laws is the responsibility of the labour authorities (General Directorate of Labour), which handle all matters connected therewith. The Workers' Social Insurance Fund and the administrators of the salaried employees' social insurance scheme supervise the application of the provisions applying to them.

SWEDEN (First Report in respect of Parts II, III and VIII)

PART II, PART III AND PART VIII

Public Insurance Act No. 381 of 25 May 1962 (*L.S.* 1962—Swe. 1).

Royal Ordinance No. 519 of 6 June 1954 respecting free or subsidised pharmaceutical supplies, as subsequently amended, most recently by Ordinance No. 405 of 25 May 1962.

Royal Notification No. 520 of 4 June 1954, giving the list of free pharmaceutical supplies, as subsequently amended.

PART IV

Royal Ordinance No. 495 of 4 June 1964 to amend Ordinance No. 629 of 14 December 1956 respecting recognised unemployment funds.

PART VI

Act No. 408 of 25 May 1962 to amend Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

PART VII

Act No. 119 of 6 May 1964 to amend section 1 of Act No. 529 of 26 July 1947 respecting ordinary children's allowances.

PART II. MEDICAL CARE

Article 9 of the Convention. Public sickness insurance is general and compulsory. It covers practically the whole population. Children under 16 years are covered without being members. Its scope in 1963 is shown by the following data:

Number of inhabitants	7 626 978
Number of compulsorily insured members	5 889 735
Number of children under 16 years	1 730 872
Percentage of insured persons to total number of inhabitants	99.9

Article 10. All insured persons receive reimbursement of the costs of care by a medical practitioner, of some dental care, of transportation, of hospitalisation and of free or rebated pharmaceutical supplies. Hospitalisation costs are usually refunded up to an amount corresponding to the charge for a bed in a general ward of a local hospital, at present 5 crowns a day. (In Sweden, the cost of hospitalisation is met mainly from taxes. The average cost of care in a municipal general hospital in 1962 was 96.63 crowns per day). Reimbursement for medical care amounts to three-quarters of the cost or, if exceeding the rates laid down in a special schedule issued for this purpose, to three-quarters of these rates. Transportation is reimbursed at the rate of three-quarters of the cost exceeding 5 or 4 crowns, depending on the region. Pharmaceutical supplies in the case of 15 specified protracted and serious diseases are provided free of charge. Other pharmaceuticals listed as to be sold by pharmacists as well as others not so listed which contain "first class" poison are provided at reduced prices, usually half of the amount of the price which exceeds 3 crowns.

Prenatal and postnatal care is provided free of charge in mother and child-care centres. The insurance pays the cost of a bed in the general ward of a maternity institution and also the cost of travel, to the same extent as in case of sickness. If the confinement is at home, assistance by a midwife is free, but should a medical practitioner have to be called, the insurance fund pays the charge to the same extent as in case of sickness, i.e. three-quarters of the charge. Confinements at home are reported to be extremely rare, at present 0.3 per cent. of the total number, and no doubt a medical practitioner is called in only some of these cases.

Article 11. There is no qualifying period for the benefits provided in Article 10 in respect of sickness or confinement. The same applies to free or rebated pharmaceuticals.

Article 12. Medical care and hospitalisation is provided without limit of time. However, for a person who has attained the age of 67 or who has started at an earlier age to draw an old-age pension or a full invalidity pension under the general pension scheme, the reimbursement for cost of hospitalisation is limited to 180 days.

PART III. SICKNESS BENEFIT

Article 15. The compulsory insurance for cash sickness benefits covers members of the scheme whose occupational earnings amount to at least 1,800 crowns a year as well as certain female members whose occupational earnings are less than 1,800 crowns (mainly those classified as "housewives").

The following data relates to coverage on 31 December 1963:

Number of inhabitants	7 626 978
Number of persons insured for sickness allowance:	
(a) with incomes exceeding 1,800 crowns	3 593 239
(b) "housewives"	1 057 850
Percentage of insured persons for sickness allowance with respect to total number of inhabitants	61.0

Article 16. The cash benefits consist of a basic allowance of 5 crowns a day and supplementary allowance graduated by class of earnings and ranging from 1 crown a day for earnings between 2,600 and 3,400 crowns a year to 23 crowns a day for earnings of 21,000 crowns a year or more. In addition, children's supplements are payable at the rate of 1 crown a day for one or two children under 16 years, 2 crowns for three or four children and 3 crowns a day for 5 or more children under 16 years. In case of hospitalisation, the sickness allowance is reduced by 5 crowns, but not by more than half the sickness allowance.

If the sickness causes a reduction of working capacity of at least 50 per cent., half the sickness allowance and half the children's supplements are payable.

As a typical example of the case of any skilled manual male employee the following data apply to a fitter and turner in the manufacture of machinery. According to the statistics of the Swedish Engineering Industry Association, the average hourly wages of such a worker, including annual holiday pay and allowances for work on public holidays but not overtime pay, amounted in the fourth quarter of 1963 to 8.81 crowns. Assuming 2,100 hours a year, the annual wage amounts to 18,501 crowns and the daily wage to 50.69 crowns. By adding family allowances for two children (3.01 crowns per calendar day), an amount of 53.70 crowns a day is obtained. The daily rate of sickness allowance for the above worker amounts to 25 crowns, children's supplement to 1 crown and general family allowances to 3.01 crowns, making a total of 29.01, or 54 per cent. of the standard wage.

Article 17. No qualifying period is applied under the sickness insurance scheme.

Article 18. The sickness allowance is not paid for the first three days' sickness. It is paid for as long as the sickness causes at least 50 per cent. loss of working capacity. However, a person who has attained 67 years, or has started to draw old-age pension under the general pension scheme, will not receive sickness allowance for more than a total of 180 days.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. In reply to an observation made by the Committee of Experts the Government states that by Ordinance No. 495 of 4 June 1964 new provisions have come into force as from 1 September 1964 according to which the benefits cannot be fixed at a lower rate than what is required under this Convention.

Article 24. In reply to an observation made by the Committee of Experts the Government states that according to the new provisions referred to above, a waiting period of five days is laid down for all the unemployment funds.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 34. In reply to a request for information made by the Committee of Experts the Government states that the committee (referred to in previous reports) set up in 1961 to review the employment injury insurance scheme will not be able to submit its findings until some time in 1965 at the earliest. Until this occurs and the Government has examined the committee's proposals, no information can be provided on the point raised by the Committee of Experts.

PART VIII. MATERNITY BENEFIT

Article 48. Maternity insurance covers all women who are compulsorily insured under sickness insurance, i.e. practically all women in the country.

Article 49. As the prescribed medical benefits are provided in the form of those set out in Article 10, reference is made to the entry above under that Article.

Article 50. The cash benefits consist of a basic allowance at the rate of 900 crowns in respect of a single birth, increased in case of multiple birth by 450 crowns in respect of each additional child, payable in respect of all women insured under the scheme. Gainfully employed women who are insured for supplementary sickness allowances are entitled to supplementary maternity allowance at the same rates as the supplementary sickness allowance as set out under Article 16 above.

The standard wage amounts to 50.69 crowns a day and the daily maternity allowance (basic plus supplementary) amounts to 25 crowns a day, or 49.3 per cent. of the standard wage.

Article 51. In order to receive supplementary maternity allowance, a gainfully occupied woman must have been insured for supplementary sickness allowance under the Public Insurance Act for at least 270 days before confinement.

Article 52. The supplementary maternity allowance is payable for the period during which the woman is absent uninterruptedly from her occupation because of the confinement, but not more than 180 days.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Foreign nationals, resident and census-registered in Sweden, are compulsorily insured as members of a public insurance fund and are entitled to the medical care and cash benefits in case of sickness and maternity, on the same conditions as Swedish nationals, as prescribed by the Convention.

PART XIII. COMMON PROVISIONS

Article 69. In reply to a request for information made by the Committee of Experts in respect of the application of clause (i) of this Article, the Government has submitted copies of the provisions issued by the supervisory authority (the Employment Market Board) for the application of section 37 of Ordinance No. 495 of 4 June 1964.

UNITED KINGDOM

See under Convention No. 35.

* * *

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

Belgium, Denmark, Federal Republic of Germany, Iceland, Israel, Italy, Netherlands, Norway, Peru, Sweden, United Kingdom.

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	6. 11. 1956	Ukraine.	14. 9. 1956
Cuba	7. 9. 1954	U.S.S.R.	10. 8. 1956
Ecuador	5. 2. 1962	Uruguay	18. 3. 1954
Hungary	8. 6. 1956	Yugoslavia	30. 4. 1955

BYELORUSSIA

Act of 15 July 1964 respecting pensions and other benefits paid to members of collective farms.

In reply to the requests made by the Committee of Experts in recent years the Government states as follows.

Article 1 of the Convention. Women workers who are members of collective farms enjoy the same maternity protection as other women workers. Under sections 18 and 19 of the above Act they are entitled to 112 days of maternity leave, and to the same allowances as women wage earners.

With regard to the other categories of women workers (seasonal workers, workers in forestry and in retail commercial establishments), the provisions applicable to them in respect of maternity protection are contained in the Labour Code, in the Order of the Supreme Soviet Presidium of 26 March 1956 and in the Ordinance of the Council of Ministers dated 13 October 1956.

Article 6. Workers may be dismissed on the proposal of the management of an undertaking, but only in cases prescribed by the Labour Code and after authorisation from the competent trade union committee; for the dismissal of a pregnant woman worker the consent of the labour inspector is also required. The new Penal Code imposes penalties of up to one year's corrective labour on persons who dismiss or refuse to employ a woman because she is pregnant or nursing her child. Other measures of protection are also prescribed: for example, during her maternity leave granted by law, and for three months following this leave, a woman is entitled to keep her job, and her absence is considered as effective working time for the purposes of calculating seniority and promotion. The same applies when a woman is transferred to another job because of her pregnancy or because she has a child of less than 1 year of age, or if she leaves her work because of her confinement and takes other work during the year following it.

CUBA

In reply to the request made by the Committee of Experts in 1964 the Government states as follows.

Article 4, paragraph 1, of the Convention. Act No. 1100 of 27 March 1963 respecting social security stipulates that a woman worker who is pregnant is entitled to a period of maternity leave, the total duration of which corresponds to that prescribed by the Convention. It further provides that the duration of both prenatal and postnatal leave periods shall in no circumstances be less than six weeks each. In addition, under section 22 of this Act, benefits in kind and cash benefits are granted throughout the whole maternity period; in practice, they are extended beyond the

period of maternity leave. Section 24 of the Act in question covers accidents arising out of pregnancy and occurring before the woman commences her maternity leave. The Government adds that in its opinion, the provisions of the Act give effect to the provisions of the Convention.

Paragraph 3. Cuba has enough specialised medical personnel, as well as public hospitals and clinics recognised by the insurance scheme in force; in practice, these guarantee the freedom of choice prescribed by the Convention.

Paragraph 6. The maximum limit of 8 pesos per day prescribed by national legislation for maternity benefit fully covers two-thirds of the woman's earnings, having regard to the wage scales in force and the economic and social conditions prevailing in the country. Women workers also receive the benefits in kind prescribed by the Act.

With regard to Legislative Decree No. 781 of 28 December 1934, the Government states that it was abrogated by section 29 of the Act of 15 December 1937; provisions in the latter that were contrary to Act No. 1100 of 1963 have in their turn been abrogated.

HUNGARY

In reply to the request made by the Committee of Experts concerning the application of Article 6 to women employed in domestic service the Government again refers to the difficulties it is encountering in the practical application of these provisions, and requests information on the way in which this problem has been solved by other countries which have ratified the Convention.

UKRAINE

Act of 15 July 1964 respecting pensions and other benefits paid to members of collective farms, which came into force on 1 January 1965 (*Vedomosti*, 1964, No. 30, p. 414).

In reply to requests made by the Committee of Experts in recent years the Government states as follows.

Article 1 of the Convention. Part III of the above Act (sections 18 and 19) stipulates that women members of collective farms are entitled to the same maternity leave and benefits as other women workers. As regards the letter of the Minister of Public Health and the Minister of Agriculture, dated 1 October 1956, respecting maternity protection granted to women members of collective farms, this has no compulsory force, but the question has now been settled by the Act of 15 July 1964.

With regard to the other categories of women workers (seasonal workers, women employed in forestry, silviculture, etc.) the special regulations enacted for them do not provide for any exceptions to the maternity protection clauses of the Labour Code. The most important of these special regulations are: the Order of the Council of Commissars of the People of the U.S.S.R., dated 4 June 1926 respecting conditions of work in seasonal employment; that of 14 January 1924 respecting conditions of work of temporary workers and employees, and that of 7 March 1933 respecting conditions of work in forestry and silviculture. Since no exceptions are provided for, the provisions of the Code, including section 132 respecting maternity leave, also apply to the women workers referred to. Moreover, section 2 of the order respecting state insurance benefits stipulates that these benefits are to be granted to all categories of women workers. The same is true of section 175 of the Labour Code, which deals with social security, and which makes no distinction between the various categories of workers.

Article 6. The Government states that the dismissal of a woman during her absence on maternity leave is prohibited.

U.S.S.R.

Act of 15 July 1964 respecting pensions and other benefits paid to members of collective farms (*Vedomosti*, No. 29, 18 July 1964, p. 340).

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

Article 1 of the Convention. Under the above Act, members of collective farms now enjoy the same maternity benefits as other women workers. Sections 18 and 19 of this Act provide for a maternity leave of 112 days, prolonged in the case of a difficult confinement, and also for a pregnancy and confinement allowance. The rate of this allowance is equivalent to two-thirds of the wage but may rise to 100 per cent. of it, depending on the number of years worked, the output, the age of the woman, etc. The Act provides for the creation of a special social security fund which will be maintained by deductions from collective farm incomes and by state subsidies. Since 1 January 1965 allowances have been paid out of this fund with no deductions whatsoever from the individual incomes of the members of collective farms.

With regard to the other categories of women workers referred to in the request by the Committee of Experts (seasonal workers, workers in forestry and silviculture, in retail commercial establishments etc.), the Government states that they enjoy the protection prescribed by the Convention on the same basis as other women workers, under section 122 of the Constitution and the various other appropriate legislative texts.

Article 6. The Government refers to the information furnished in earlier reports, according to which section 139 of the Penal Code of 1961 prohibits the dismissal of a woman because she is pregnant or nursing her child.

URUGUAY

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

Article 4, paragraphs 1 and 3, of the Convention. A new draft Act has been drawn up by the Central Council for Family Allowances. In particular, this draft aims at extending the payment of medical benefits to all women workers receiving cash benefits under Act No. 12572 of 1958, and thus eliminates the income limit set by the family allowances scheme for the granting of medical care.

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
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
Cuba	15. 8. 1957	Nigeria	25. 10. 1962
Dominican Republic	10. 2. 1958	Portugal	12. 4. 1960
Iran	13. 4. 1959	El Salvador	18. 11. 1958
Liberia	25. 5. 1962	Syrian Arab Republic	7. 6. 1957
Libya	20. 6. 1962	Thailand	29. 7. 1964
Malawi	22. 3. 1965	Tunisia	18. 12. 1962
Morocco	27. 3. 1963	United Arab Republic	18. 12. 1958
New Zealand	28. 6. 1956		

NIGER (First Report)

See under Convention No. 65.

NIGERIA (First Report)

Labour Code Act (*The Laws of the Federation of Nigeria and Lagos*, 1958, Vol. III) (L.S. 1946—Nig. 1A and B).

No statutory provisions permit penal sanctions. The only remedy for any breach of contract lies in civil proceedings.

TUNISIA (First Report)

See under Convention No. 65.

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

Cuba, El Salvador.

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	Liberia	25. 5. 1962
Argentina	18. 1. 1960	Libya	13. 6. 1961
Australia	7. 6. 1960	Luxembourg	24. 7. 1964
Austria	5. 3. 1958	Malaysia	13. 10. 1958
Belgium	23. 1. 1961	Mali	28. 5. 1962
Burundi	11. 3. 1963	Malta	4. 1. 1965
Cameroon (Western Cameroon)	3. 9. 1962	Mexico	1. 6. 1959
Canada	14. 7. 1959	Netherlands	18. 2. 1959
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria	17. 10. 1960
China	31. 3. 1959	Norway	14. 4. 1958
Colombia	7. 6. 1963	Pakistan	15. 2. 1960
Costa Rica	4. 5. 1959	Peru	6. 12. 1960
Cuba	2. 6. 1958	Philippines	17. 11. 1960
Cyprus	23. 9. 1960	Poland	30. 7. 1958
Dahomey	22. 5. 1961	Portugal	23. 11. 1959
Denmark	17. 1. 1958	Rwanda	18. 9. 1962
Dominican Republic	23. 6. 1958	El Salvador	18. 11. 1958
Ecuador	5. 2. 1962	Senegal	28. 7. 1961
Finland	27. 5. 1960	Sierra Leone	13. 6. 1961
Gabon	29. 5. 1961	Somalia:	
Federal Republic of Germany	22. 6. 1959	ex-British Somaliland	18. 11. 1960
Ghana	15. 12. 1958	ex-Trust Territory	8. 12. 1961
Greece	30. 3. 1962	Sweden	2. 6. 1958
Guatemala	9. 12. 1959	Switzerland	18. 7. 1958
Guinea	11. 7. 1961	Syrian Arab Republic	23. 10. 1958
Haiti	4. 3. 1958	Tanzania:	
Honduras	4. 8. 1958	Tanganyika	30. 1. 1962
Iceland	29. 11. 1960	Zanzibar	22. 6. 1964
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
Jordan	31. 3. 1958	Venezuela	16. 11. 1964
Kenya	13. 1. 1964	Zambia	22. 2. 1965
Kuwait	21. 9. 1961		

CHAD

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

The wording of section 65 of Order No. 2272 of 1955, under which persons who have been detained, accused or charged and similar persons (meaning those caught in the act or found drunk in the street, etc) are exempted from the obligation to work does not lend itself to any ambiguous interpretation.

No persons have ever been employed in penal camps or placed at the disposal of the public services under sections 6 and 63 of the order of 18 August 1955.

No persons have been convicted of vagrancy under sections 269 to 271 of the Penal Code.

See also under Convention No. 29.

GABON (First Report)

Constitution of 1961 (*Journal officiel*, 25 July 1961).

Labour Code: Act No. 88-61 of 4 January 1962 (*ibid.*, 1 Mar. 1962) (*L.S.* 1962—Gab.1).

The legislation does not contain any provisions contrary to the Convention. The only penalty which may be imposed for participation in illegal strikes is termination of contract without compensation. Persons may be obliged to perform labour only in cases of *force majeure* as defined in section 2 (3) of the Labour Code.

IRAQ

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

Translations are being prepared of certain legislative texts requested by the Committee. The Press Law, 1933; the Tribal, Civil and Criminal Disputes Regulation, 1918; and the law for the maintenance of public order during strikes, 1932, have been repealed. The laws concerning public officials, 1939, and associations, 1922, have been replaced respectively by Act No. 24 of 1960 and Act No. 1 of 1960 (as amended by Act No. 34 of 1961).

The Committee's comments on certain provisions which lay down disciplinary penalties have been referred to the appropriate departments for consideration.

Detained persons are not required to perform any labour.

Information on the practical application of certain provisions of the Baghdad Penal Code and of the Act of 1959 on public meetings and demonstrations is not available.

IVORY COAST (First Report)

Forced or compulsory labour may not be imposed for any of the purposes prohibited by the Convention.

See also under Convention No. 29.

KENYA

See under Convention No. 29.

MALAYSIA

States of Malaya

In reply to a direct request by the Committee of Experts the Government indicates that the various matters raised by the Committee in its request of 1963 are still under consideration by it.

NIGER (First Report)

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel*, Special Number, 25 Aug. 1962).

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

Decree No. 63-103 of 15 June 1963 to organise penitentiary establishments (*ibid.*, 1 July 1963).

Section 2 of the Labour Code prohibits forced or compulsory labour absolutely. Act No. 62-10 permits the use of conscripts on work of national interest or in the operation of undertakings of national interest. This provision has never been applied in practice.

The National Union of Workers of the Niger has transmitted to the Government a resolution in which it protests against the I.L.O.'s interpretation of forced labour, and emphasises that in Niger there is only voluntary and spontaneous mobilisation of the population.

PERU (First Report)

Constitution of 1933 (*Constitución, códigos y leyes del Perú*, Gil, 1942).

Penal Code (*ibid.*).

Section 55 of the Constitution prohibits forced labour, and the national legislation is in conformity with the Convention.

PORTUGAL

Legislative Decree No. 45179 of 5 August 1963 to establish a new system for the cultivation and marketing of overseas cotton (*Diário do Governo*, 1st Series, No. 183, 5 August 1963).

Decree No. 45550 of 30 January 1964 to approve regulations concerning the production and marketing of cotton (*ibid.*, 30 January 1964).

Legislative Decree No. 45610 of 12 March 1964 to amend various sections of Legislative Decree No. 26643 concerning the reorganisation of prison services (*ibid.*, No. 61, 12 March 1964).

Angola.

Governor-General's Decision of 23 May 1964 concerning recruitment in the district of Luanda (*Boletim Oficial*, 1st Series, No. 21, 23 May 1964).

Mozambique.

Order No. 17797 of 9 May 1964 concerning the marketing and processing of cotton (*ibid.*, No. 19 (Supplement), 9 May 1964).

In reply to observations by the Committee of Experts arising out of recommendations of the Commission appointed to examine the complaint by Ghana concerning the observance of the Convention by Portugal, the Government supplies the following information.

Paragraphs 730 and 736 of the Commission's report. Regulations under the Rural Labour Code have been constantly issued since the Code came into force. A document containing circulars issued for the above purpose, by the Labour, Social Security and Social Welfare Institute of Angola, is attached to the report. No confidential circulars are used to issue regulations under labour legislation, or to modify existing statutory provisions.

Paragraph 735. Legislative Decree No. 24 of 9 May 1961 was issued to meet an emergency, which still subsisted in 1962 before the Rural Labour Code came into force, when it was revoked on 1 October 1962. The Volunteer Corps is a public body and, as such, when having to recruit workers, is subject to the general law (section 161 of the Rural Labour Code).

Paragraph 738. On 31 December 1963 the total work force of the Diamond Company of Angola was 29,073; of these 28,560 were rural workers and only 9,092 had written contracts. Of the company's present work force, 19,442 come from the company's area of operations, 5,000 being considered to be semi-skilled. The administrative and other established authorities abstain from direct or indirect interference in the recruitment of workers. There has been no need for the Government to take any step to correct this situation, which has resulted from observance of the law. The Diamond Company recruits employees in its own way, in competition with other recruiters from any part of the province. A decision was issued by the Governor-General of Angola on 13 July 1963 and was subsequently published in the official bulletin of 23 May 1964 to make this clear. Tables showing the composition and remuneration of the com-

pany's labour force are appended to the report. The company has gradually increased its personnel by engaging workers without contracts, and has also increased wages. In April 1964 a minimum daily wage of 10 escudos was established by the company; in addition all workers must receive food, lodging, medical care and clothing. The fact that the company is gradually coming to have more casual than contract workers is no doubt due to its policy of improving conditions of work and wages.

Paragraph 741. Public services may recruit rural workers only on the conditions laid down in sections 161 to 163 of the Rural Labour Code. The public services do not generally use recruited workers, except the ports and railways. There are strict instructions to reduce still further the number of recruited workers and to use voluntary labour. It is expected that this objective will be reached shortly; the main difficulty is in the areas traversed by the Luanda and Moçâmedes railways, where the population has become markedly sparser.

Paragraph 744. The constitution of the Angola Independent Road Board was approved in 1962, but its rules of operation have not yet been published. The Board, with highly mechanised services employing skilled labour, uses hardly any rural workers, none of whom are recruited.

Paragraph 749. From 1962 to 1964 the Cassequel Agricultural Company was the subject of three inspections by the Angola Labour, Social Security and Social Welfare Institute. No indications were found of the past or present existence of compulsory labour. The few defects found were corrected by the management as soon as it had been informed of them. Of the company's 5,125 workers at present, only 2,439 were recruited. The number of recruited workers is decreasing every year.

Paragraph 750. The above-mentioned Legislative Decree No. 45179 of 1963 provides for the termination of all existing cotton concessions by 31 August 1966. In Angola no kind of concession, monopoly or interference in cotton cultivation any longer exists. In Mozambique nine of the eleven former cotton concessionaries have applied for termination of their concessions; as the two others account for not more than 10 per cent. of the province's cotton production, the concessionary régime may be considered as effectively extinct in Mozambique.

Regulations for cotton growing and marketing have been approved by the above-mentioned Decree No. 45550 of 1964. They provide, *inter alia*, for the derestriction of purchase of raw cotton; adoption of a system of public bidding for purchase of raw cotton on the basis of a minimum price fixed by the provincial government; separation of cotton-marketing from ginning and pressing, ginneries being obliged to gin, at a rate of payment fixed by the provincial government, all cotton brought to them by cotton merchants, individual producers or associations of producers, or the cotton institutes. Cotton institutes may buy cotton if there are no purchasers in a particular region (so as to guarantee minimum prices); and farmers or associations of farmers may export their cotton fibre. In Mozambique these regulations have been supplemented by the above-mentioned Order No. 17797 of 1964.

Section 12 of Legislative Decree No. 45179, referred to by the Committee of Experts, is intended only to maintain the economic and industrial balance by preventing the construction of mills in regions that are already equipped. The object of section 5 of the decree is to enable the cotton institute to eliminate speculators and adventurers from the cotton trade. It is not necessary, either in law or in practice, to possess a ginning mill in order to be able to buy cotton or trade in it. The mills are obliged to gin all cotton brought to them for this purpose. The producer can always have his cotton ginned on his own account, as many have already done with the help of the institute, which allows them credit to pay the charge for ginning and to meet export costs: furthermore, if they do this, they are exempt from the tax payable by

merchants. Producers thus have complete freedom to produce and to trade in cotton under regulations drafted with this object in view.

Paragraph 752. Between August 1963 and the present, no convictions of vagrancy in Angola have been notified to the labour institute of that province. As regards Mozambique, the application of penal sanctions for vagrancy is a matter for the ordinary courts, and no private or public undertaking can benefit therefrom; any sentences for this offence are served in reformatories or special penal settlements.

Paragraph 754. The report contains statistics concerning the activities of the labour inspectorates in Angola and Mozambique. In Angola in 1963 recruiting licences were granted permitting the recruitment of 132,962 workers directly by undertakings and of 106,632 workers by professional recruiters; the number actually recruited was 97,193. In Portuguese Guinea the labour inspection services have been in operation since January 1964; the regulations which will govern the labour institute and its subordinate services are being drafted.

Paragraphs 762 and 763. In Angola a solution of the problem of free employment services is expected shortly; the provincial labour institute is working hard with this object. A table showing the work done by the public employment service of the Mozambique labour institute since its establishment is appended to the report. In Portuguese Guinea there is a municipal unemployment registration service in Bissau; a separate free public employment service only recently began to operate, with a staff of three.

In reply to a direct request by the Committee of Experts regarding other aspects of the application of the Convention the Government supplies the following information.

New texts of sections 26, 261 to 264 and 266 of the Prisons Reform Act were issued by Legislative Decree No. 45610 of 1964. It is no longer lawful to require work of persons in preventive detention (a power never in fact used). The same applies to persons detained for offences against state security (political prisoners) under section 141 of Legislative Decree No. 26643. Labour in prisons has never been intended for any of the purposes set out in the Convention. Even where prisoners are required by law to work, in practice work in prison is always voluntary; the prisoners are the first to ask for it, because it reduces the suffering caused by loss of liberty.

Security measures involving loss of liberty imposed for offences against state security as defined in section 7 of Legislative Decree No. 40950 of 12 March 1956 (political offences) are carried out in the special establishments mentioned in sections 140 and 142 of Legislative Decree No. 26643; such prisoners are not obliged to work (section 141).

Although there is statutory provision for the possibility of prison sentences in case of infringement of labour laws (Legislative Decree No. 23870 of 18 May 1934) and of the right of association (Legislative Decree No. 39660 of 20 May 1964), there have been no convictions for offences of that kind, at least since 13 July 1959—the date of the decree to ratify the Convention. As regards persons under police supervision, the obligation to work has never been imposed on persons convicted of any of the offences in question.

SENEGAL (First Report)

Constitution of 7 March 1963 (*Journal officiel*, 11 Mar. 1963).

Labour Code: Act No. 61-34 of 15 June 1961 (*ibid.*, 3 July 1961) (*L.S.* 1962—Sen. 2 B).

There are no forms of forced or compulsory labour for any of the purposes mentioned in the Convention. Section 3 of the Labour Code prohibits forced labour.

SIERRA LEONE

In reply to a direct request by the Committee of Experts the Government states that it has noted the comments by the Committee on sections 221 and 225 (1) (b), (c) and (e) of the United Kingdom Merchant Shipping Act, 1894, and on the Summary Conviction Offences Ordinance (Cap. 37), the Protectorate Vagrancy Ordinance (Cap. 64) and the Tribal Authorities Ordinance (Cap. 61) and is taking necessary action to review the provisions in question in the light of the requirements of Article 1, clauses (c), (d) and (e), of the Convention.

The Government also supplies information on the practical application of certain ordinances as requested by the Committee.

* * *

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

Niger, Portugal, Sierra Leone.

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

Guatemala, El Salvador.

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		

BULGARIA

Labour Code (*Izvestiya*, No. 91, 13 Nov. 1951) (*L.S.* 1951—Bul. 2).

Ordinance of 5 March 1958 on the duration of work and rest of workers and employees (*ibid.*, No. 21, 14 Mar. 1958, p. 1) (*L.S.* 1958—Bul. 3).

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

Article 3 of the Convention. The declaration referred to in paragraph 2 of this Article will be communicated by the Government.

Article 6. National legislation does not prohibit workers from observing religious holidays and rites.

Article 8, paragraph 1. All cases in which additional hours may be authorised under section 46 (*a*) of the Labour Code are provided for in the Convention.

Article 11, clause (a). Sections 34 and 47 of the Ordinance of 5 March 1958, and section 51 of the Labour Code stipulate the exceptions to normal weekly rest schemes and to the normal hours of work.

COSTA RICA (First Report)

Constitution dated 7 November 1949.

Labour Code: Act No. 2 of 27 August 1943, as amended by Act No. 859 of 2 May 1947.

Article 1 of the Convention. The provisions of the Convention are applied by section 59 of the Constitution and section 152 of the Labour Code.

Articles 2 and 3. These provisions state the principle that "All workers shall be entitled to one complete day of rest after six consecutive days of work", making no distinction in respect of employment, category or seniority of workers.

Article 4, paragraph 1. Not applicable.

Paragraph 2. No questions of this nature have arisen.

Article 5. The labour inspectors do not deal with persons for whom dependent family members work, since it is considered that such family members are co-proprietors rather than employees.

Article 6. Office workers generally enjoy a weekly rest period of 36 consecutive hours whereas commercial employees are entitled in most cases to the minimum period

laid down under the Convention. As a general rule this rest period is granted on Sundays, which is devoted to religious services by the Catholic Church, which is that of the majority of Costa Ricans.

Article 7. No action of this sort has been taken.

Article 8. Labour legislation provides for exemption in cases of activities of obvious public or social value; the employer of workers engaged in such activities which preclude the possibility of taking the weekly rest period on Sundays may apply to the Ministry of Labour and Social Welfare for authorisation to grant rest periods on a monthly cumulative basis (section 152 of the Labour Code).

Article 10. The labour inspectors enforce the labour laws; if they decide that specific undertakings are not granting the rest period covered by this Convention and laid down in sections 59 of the Constitution and 152 of the Labour Code, they require the employer to pay double time for that day and add a warning that any repetition will result in a report to the labour courts with a view to imposition of the penalty laid down in section 612 of the Code.

Article 12. Section 19 of the Labour Code states this principle as follows: "The employment agreement requires compliance with its provisions and acceptance of the consequences in accordance with good faith, equity, usage, custom and law."

Through the labour inspectors, the Government ensures that the Convention is properly applied. Owing to the strictly confidential nature of warnings by the labour inspectorate with a view to application of the Convention, it is not possible to provide extracts from inspectors' reports.

CUBA

Decree No. 2513 of 19 October 1933 (*Gaceta Oficial*, 4 Nov. 1933, p. 5935) (*L.S.* 1933—Cuba 4). Resolution No. 5974 of the Ministry of Labour, dated 14 September 1962 (*Gaceta Oficial*, 17 Sep. 1962, p. 11547).

In reply to a request made by the Committee of Experts in 1964 the Government communicates the following information.

Article 2 of the Convention. The national laws on weekly rest apply independently of the legislation on the closing of establishments and of the premises on which these establishments are situated.

The categories of persons excluded from the field of application of the above-mentioned decree are those who share in the profits, ordinarily carry out the functions of management and responsibility, and cannot be considered as wage earners, although they are covered by the provisions governing weekly rest.

Article 3, paragraph 2. The Government has taken note of the suggestion made in respect of the declaration provided for in this paragraph.

Articles 7 and 11. The authorisation which, in conformity with section V, paragraph 2, of the above-mentioned decree of 1933, is granted to enterprises providing a public service which by its nature is required to operate without interruption for a duration exceeding that of the legally established working day, is aimed at enabling them to organise a special timetable of working hours, but the rest to which each worker is entitled is guaranteed by limiting the total monthly number of working hours.

The provisions which guarantee certain categories of workers a weekly rest are established for each separate case and these constitute the special weekly rest schemes.

DENMARK

Ministry of Finance Circular of 30 January 1961 concerning the working time rules, etc. of civil servants.

Regulations No. 252 of 7 August 1964 on occupational safety, health and welfare of employees in local government.

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

Article 1 of the Convention. With regard to the weekly rest of employees in local government, reference is made to the above regulations.

Articles 7 and 8. The provisions in collective agreements that regulate weekly hours of work and restriction of overtime without compensatory rest periods will always ensure compensatory rest periods to workers and employees.

In connection with the forthcoming revision of the legislation, it is proposed to delete section 16 (2) of Act No. 227 of 11 June 1954, under which messengers are exempt from the provision concerning compensatory rest periods.

GHANA

In reply to an observation of the Committee of Experts the Government indicates that the new draft labour law which will give effect to the Convention has not yet been adopted.

GUATEMALA

In reply to a direct request by the Committee of Experts in 1963 the Government has transmitted the text of Presidential Decree No. 584 ensuring the right to a weekly rest for persons employed in public administration.

HAITI

In reply to a request made by the Committee of Experts in 1963 the Government furnishes the following information.

Article 2 of the Convention. The legal provisions which guarantee the application of this Article concerning the weekly rest of public service officials and employees are contained in sections 316 and 317 of the Labour Code.

As regards officials and workers in the customs, immigration and other services mentioned in section 320 of the Code, the practice is to arrange for rest on a roster basis, or to grant a compensatory rest when the weekly rest cannot be taken regularly.

Article 7, paragraph 2. An addition to the present legislation is required in order to guarantee the compensatory rest of public employees.

Article 11. In practice, the special weekly rest schemes established by the General Directorate of Labour do not affect employees in commerce and offices, but apply to seasonal workers (section 117 of the Code) and household employees (section 324).

IRAQ

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

Article 2 of the Convention. The provisions of this Article are extended to workers whose remuneration consists of a share of the profits. The new draft labour law examines this matter.

Article 5, clause (a). The weekly rest is granted to all employees in establishments which employ persons other than the members of the employer's family, in accordance with this Article.

Article 8, paragraph 3. The provisions of this Article are being dealt with in the new draft Labour Law.

ISRAEL

In reply to a direct request made by the Committee of Experts in 1964 the Government supplies the following information.

Article 2 of the Convention. As to state officials, it is submitted that those who, by their functions, have to work even beyond regular hours are, by nature of their work, not employed in establishments, institutions and administrative services in which the persons employed are engaged mainly in office work, etc., as stipulated in clause (b).

With regard to persons employed in work which, by its nature and conditions, does not permit the employer to supervise hours of work or rest, it is also submitted that they are not covered by this clause of the Convention for the same reasons as mentioned above.

As to trading establishments (clause (a)), such persons are generally considered as self-employed.

All employees in Israel enjoy a weekly rest on Saturdays, including those in public transport (railways, ports, airports).

Articles 7, 8 and 11. No general or special authorisation has yet been granted under section 12 of the Act of 15 May 1951 in respect to employees covered by the Convention.

Consequently the question of compensatory rest does not arise, but where such authorisation has been granted in industry, agriculture or personal services the duration of the compensatory rest is at least equivalent to 24 hours for each period of seven days.

Compensatory rest is not withheld when the worker receives an increased wage for hours worked on the weekly rest day.

Article 9. Wages are a result of free and collective bargaining. The system of weekly rest was established long before the Convention was adopted.

KUWAIT

In reply to a request made by the Committee of Experts in 1964 the Government supplies the following information.

Article 2 of the Convention. In practice, all categories of workers whether under written contract or engaged for a period not exceeding six months have a minimum period of 24 hours weekly rest.

See also under Convention No. 1.

Article 6, paragraphs 2 and 4. In practice, facilities are given to all minorities.

Article 7, paragraphs 1, 3 and 4. When the nature of work in some undertakings may not permit workers to have a weekly rest on a specific day, a shift system is followed with the approval of employers' and workers' organisations.

Article 8. Workers under temporary exemptions from weekly rest are entitled to compensatory rest.

Article 9. The adoption of the Labour Law has no important effect on the income of workers.

Article 11. Lists of categories of persons and types of establishments subject to special weekly rest schemes are being prepared and will be communicated to the I.L.O.

SYRIAN ARAB REPUBLIC

Decision No. 459 respecting the exemption of certain occupations from the provisions governing weekly closing.

Decision No. 94 of 31 January 1962 respecting public holidays.

Decision No. 134 of 9 June 1960.

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

Article 3 of the Convention. The establishments enumerated in this Article are subject to the legislative provisions governing weekly rest. No comment is necessary.

Article 7. The workers referred to in section 123, paragraphs 2 and 3, of the Labour Code are in practice granted the weekly rest period.

Article 8. Temporary exemptions from the provisions of the Labour Code governing weekly rest (section 120) must be authorised by the ministerial services. Under section 121, such exemptions are compensated by an indemnity in cash.

TUNISIA

In reply to a request made by the Committee of Experts in 1963 the Government furnishes the following information.

Article 2 of the Convention. Although there is no legislation providing for the weekly rest of state officials, their entitlement to this rest is based on long-standing custom from which there has never been any deviation.

Article 7. Apart from the granting of weekly rest on a roster basis under section 3.3 of the Decree of 20 April 1921, no other permanent exception has been authorised.

Articles 8 and 13. When the Labour Code is promulgated in the near future the divergencies between the national legislation and these Articles will be eliminated.

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

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	Malawi	22. 3. 1965
Belgium	19. 11. 1958	Mexico	1. 6. 1959
Bolivia	12. 1. 1965	Pakistan	15. 2. 1960
China	11. 10. 1962	Peru	6. 12. 1960
Costa Rica	4. 5. 1959	Portugal	22. 11. 1960
Cuba	2. 6. 1958	El Salvador	18. 11. 1958
Dominican Republic	23. 6. 1958	Syrian Arab Republic	14. 1. 1959
Ghana	15. 12. 1958	Tunisia	18. 12. 1962
Haiti	4. 3. 1958	United Arab Republic	14. 1. 1959
India	29. 9. 1958		

ARGENTINA

In reply to a request made by the Committee of Experts the Government states that each of the provisions of the Convention is covered by the principles enshrined in the Constitution and the legislation in force. It is not possible to furnish the detailed information requested, since it is the governments of the provincial states who are responsible for the specific application of the standards laid down in the Convention. Nevertheless, in order to comply with the Committee's request, the National Government has distributed copies of the Convention and has ordered the relevant information to be communicated to it.

CHINA (First Report)

Programme for the improvement of the administration of the highland regions of the province of Taiwan, promulgated by the Provincial Government of Taiwan on 3 September 1963.

Basic plan for the implementation of the above-mentioned programme, promulgated by the Provincial Government of Taiwan on 30 October 1963.

Article 1 of the Convention. The Convention applies to the indigenous populations of the highland regions of the centre and east coast of the island of Taiwan, and to those of the island of Lanyu.

Article 2. Pursuant to the principle set forth in the Constitution, the Government constantly strives to promote the economic, social and cultural development of the populations in question, so as to adapt them to new conditions of life. In 1963 the provincial government of Taiwan adopted a special programme for the improvement of the administration of the highland regions. This programme provides for political, administrative, economic, financial, cultural, social and medical measures aimed at raising the standard of living of these populations and enabling them to integrate into the national community. A development plan whose implementation is entrusted both to the provincial administration and to the authorities of the county (*Hsein*) or the village, has been drawn up on an annual basis. For its part, the Co-ordinating Committee for Rural Development furnishes aid by popularising knowledge of agricultural matters and providing health services; it also promotes the formation of farmers' associations.

Article 3. The populations concerned enjoy all the rights and advantages provided for by the legislation for all citizens. The lands which they traditionally use are reserved for them.

Article 4. The Government respects the traditional culture and beliefs of these populations. However, appropriate measures have been taken to encourage the voluntary abandonment of certain customs and habits considered as harmful to society; at the same time there has been an extension of schooling and specialised training.

Article 5. The populations of the highland regions elect their own village chiefs. Their representatives occupy 30 seats in the county councils and two seats in the Provincial Assembly. In this way they are able to co-operate with and assist the Government in applying the above-mentioned measures. Up to the present no difficulties have occurred in this connection. Members of these populations are also employed in teaching, the police and health services, after appropriate training.

Article 6. The measures taken (economic development of these regions; in particular: agricultural development; creation of vocational training centres and schools; land development; campaigns for the improvement of the way of life, etc.) are aimed at furthering the development of education and improving the conditions of life and work of the populations concerned.

Articles 7 to 10. National legislation is applicable to the rights, duties and misdemeanours of these populations. However, their customs and institutions are respected in so far as they are not incompatible with the national legal system.

Article 11. The area of the lands traditionally used by the highland populations has been evaluated at 1,528,400 hectares; they are today called "reserved lands". The plots are apportioned by the users themselves according to tribal customs, but they do not have the right of ownership over the land, which remains government property, and on which no tax is levied.

Article 12. The Government respects the voluntary migrations of these populations. In certain cases, where it is in their interest (because their dwelling place is too isolated or is situated in regions lacking in arable land or water), they are persuaded to move to other regions where they are provided with all facilities for re-settlement: land, subsidies, sanitation facilities, administrative and social services, etc. The same facilities are granted to populations who have been moved as a result of the implementation of economic development programmes (such as the Wan Dah Dam Project).

Article 13. As the indigenous populations only have the usufruct of the land they cultivate, they can neither cede, give, mortgage or sell it. Moreover, special measures have been taken to prevent the exploitation of these lands by persons who are not members of these populations. Such persons are expelled and if necessary legal proceedings are taken against them. Penalties are imposed on indigenous persons who dispose of their lands without prior authorisation.

Article 14. The agrarian programme applies to the whole population of the country. In its implementation, however, account has been taken of the customs traditionally observed by the highland populations in the cultivation of their land, and of the consequences which may ensue from this type of cultivation. Provision is made for farmers to own their plots after ten years of continuous exploitation. During this period they will be given assistance and advice on soil conservation, water storage, improving cultivation-methods, developing agricultural credit, obtaining seeds, etc. They will also be exempted from taxes for a certain number of years. Farmers' associations have already been created in 17 villages to organise the production and sale of agricultural products. Similar associations will be established in 1965 in 13 other villages.

Article 15. No discrimination is practised in respect of recruiting and conditions of employment of workers from the highland regions. The Government has enacted

special regulations to protect the unskilled workers in the factories and mines situated in the regions in question.

Articles 16 to 18. In addition to the admission of certain members of the population concerned to various occupational education programmes at the expense of the Government, specialised occupational training courses have been organised in the following fields: domestic economy, sewing, embroidery, wood and bamboo work, agricultural construction and techniques.

Article 19. Members of the populations concerned employed in the administration, in education or as workers are covered by the social security schemes in force.

Article 20. In the highland regions 30 medical centres (one in each village) and 168 health units are at the disposal of the populations concerned. Each centre has two doctors and two nurses or midwives. The health unit comprises a midwife and a medical assistant. In order further to strengthen the medical services adapted to the needs of these populations, 57 doctors born in the highland regions have been trained at government expense in two special sessions organised by the Kaohsiung Medical College.

Article 21. In order to ensure that the highland populations receive the same education at all levels and on an equal footing with the rest of the community, the Government has established in these regions 164 primary schools and two agricultural schools. In addition, scholarships, subsidies and other facilities are granted to pupils originating from these regions who wish to go to public or private secondary schools, occupational training schools, teachers' training schools or universities.

Article 22. Various measures adapted to their needs, and based on the results of research, have been taken to raise the social and cultural levels of the populations concerned: creation of additional classes in the primary schools for teaching the national language and elements of rural handicrafts; sanitary education courses and campaigns aimed at improving health conditions.

Article 23. Given the diversity of local dialects and the absence of a written language, the teaching of Mandarin Chinese is general in the schools and in the special classes for adults given in the villages by a staff of specialists.

Article 24. The national compulsory primary education programme for children from 6 to 12 years of age is carried out in the 164 primary schools established in the highland regions.

Article 25. The school civic education and sociology programmes as well as the national policy seek to encourage fraternisation among the various ethnic groups of the national community. The less favoured sections of the population are given positive assistance to aid them to improve their standards of living.

Article 26. The Government organises propaganda campaigns and meetings in the villages to make known to these populations their rights and duties as citizens. Documents are in the national language, which serves as a link, since there is no written vernacular language.

Article 27. The Minister of the Interior of the Central Government and the government of the Province of Taiwan are the competent authorities for the application of the provisions of the Convention.

GHANA

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

Articles 4, 5, 8 and 13 of the Convention. The additional information requested is being collected and will be submitted in a supplementary report.

Article 10. The Government has taken note of the view of the Committee of Experts on the application of this Article.

Articles 21 and 22. The technical institutes mentioned in the previous report were those provided for the regions covered by the Convention. There are, however, three technical institutes in the Western Region and one each in the Eastern, Ashanti, Central, Volta and Accra Regions.

Article 26. The information disseminated by radio is given in Dagbani, Hausa and Twi, which are the most commonly spoken vernaculars among the peoples concerned.

INDIA

Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order 1962.

The report incorporates under the relevant Articles (12; 15, paragraph 1; 18; 21; and 23) information supplied in reply to a direct request by the Committee of Experts.

Article 1 of the Convention. According to the 1961 census, the size of the populations concerned is estimated at 29.8 million.

In the new Union Territory of Dadra and Nagar Haveli, which constituted a part of the former Portuguese possessions, 88 per cent. of the inhabitants consists of members of the populations concerned.

Article 2. In almost all the states, ministers have been appointed in charge of tribal welfare. Most of them are members of the populations concerned.

Article 4. Tribal research institutes have been established in nine states.

Article 5. Section 334 of the Constitution, whereby seats were allotted to the populations concerned in the central and state Parliaments for ten years, has been amended to provide for continued representation for an additional ten years. On the basis of the 1961 census, 33 of the 490 elective seats in the central Parliament and 227 of the 3,238 seats in the state Parliaments were reserved for the populations concerned. A three-tier system of local government (Panchayati Raj) including, in some cases, members of the populations concerned, has been established in all the states except four, for purposes of development and local administration.

Article 12. The Conference of State Ministers in Charge of the Welfare of Backward Classes (New Delhi, 26-27 July 1962) decided that satisfactory rehabilitation arrangements, resettlement and employment of displaced persons should be made for members of the populations concerned who are removed from their lands because of the implementation of public or private projects. More recently, the Government has decided that highest priority in such rehabilitation measures should be given to training of members of the populations concerned in various crafts and occupations.

Article 14. Under the Third Five-Year Plan, an allocation has been granted in the state sector for the improvement of agricultural practices among the populations concerned in 18 states or Union Territories, to develop pilot farms, undertake minor irrigation work, improve livestock, grant additional land, etc.

Article 15. Special protection is afforded to members of the populations concerned in matters of recruitment and conditions of employment only in the public sector. In the private sector, companies are free to formulate their own employment policies. However, following a recommendation made by the Conference of State Ministers mentioned under Article 12, steps are being taken by the Government to provide members of the populations concerned with the necessary technical training

to enable them to be absorbed in the industrial labour force. Two state governments have given instructions for recruiting tribal candidates wherever possible for employment including skilled work.

Article 16. In the matter of vocational training, members of the populations concerned not only enjoy the same opportunities as other citizens but also have certain additional facilities. At the request of the Ministry of Education, specific measures are taken for them in all technical and other educational institutions throughout the country: 20 per cent. of all seats are reserved for them and admission requirements are relaxed to enable them to qualify for enrolment. A certain number of places are reserved to members of the populations concerned in various technical training institutes dependent on several ministries.

Article 18. Training-cum-production centres, while specially meant for members of the populations concerned, nevertheless admit a small percentage of non-tribals, wherever possible, to facilitate assimilation of the populations concerned with the rest of the community.

A report made by the Scheduled Areas and Scheduled Tribes Commission in 1961 has led certain state governments to take action to prevent members of the populations concerned from reverting to their traditional cultivation after completion of their training. Thus co-operatives are being formed in certain states and given assistance for the purchase of tools and equipment, while in others financial help is offered on an individual basis up to 500 rupees, partly as subsidy and partly as interest-free loans.

Article 21. High priority has been assigned to the implementation of educational schemes for members of the populations concerned. Targets proposed under the Third Five-Year Plan in 16 states or Union Territories include the opening of *ashram* schools, the construction and maintenance of school buildings and hostels, awards of scholarships and stipends, grants to schools, the provision of free education, and the training of teachers. Courses are given in adult education in four states, the medium of instruction being either Hindi or the local language.

Articles 22 to 25. Basic teaching provided through the residential *ashram* schools has proved to be suitable for the advancement of education among members of the populations concerned. These schools also serve as cultural centres for the creation of a new outlook among the populations concerned. Such schools now exist in nine states but it is intended to create additional ones in other states during the Third Five-Year Plan.

Article 27. A Department of Social Security has been established with responsibility, *inter alia*, for the welfare of members of the populations concerned. The Office of the Commissioner for Scheduled Castes and Scheduled Tribes and the post of Director of Backward Classes Welfare, which is in charge of the evaluation of development schemes for the welfare of the populations concerned, are both under the administrative control of this Department.

Several non-official organisations are also rendering various social services to the population concerned. A total allocation of 12,500,000 rupees has been made by the Government under the Third Five-Year Plan as grants-in-aid to seven such organisations engaged in specific schemes in more than one state; a portion of this will be spent on the welfare of the populations concerned.

MEXICO

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

Article 2 of the Convention. The National Indian Institute has promoted educational activities through its own programme and through those of some of its national co-ordinating centres, by building primary schools and providing occupational training to members of tribal organisations and through literacy campaigns.

Article 5. The safeguards of civil liberties established by the Federal Constitution are not widely applied, for practical rather than legal reasons. Civic institutions will be improved as tribal groups come to be incorporated in the Mexican social pattern.

Article 8. The Tarahumara Supreme Council is an example of an organisation of social control of an indigenous nature.

Article 9. Violation of safeguards laid down under the Constitution is punishable under sections 364, part II, and 365, part I, of the Penal Code.

PORTUGAL

Legislative Decree No. 31027 of 5 May 1941 to regulate the status of missionaries.

Legislative Decree No. 42944 of 28 May 1960 on primary education programmes.

Legislative Order No. 2286 of 25 September 1962 on primary education in force in the Province of Mozambique.

Decree No. 45521 of 31 December 1963 setting up commune councils.

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

Article 1 of the Convention. The groups of populations living under customary law in Mozambique numbered around 6 million inhabitants in 1960.

Article 5. The composition of commune councils and the work assigned to them meet the requirements of this Article.

Articles 7 and 8. Customary law continues to be recognised for rural populations living in *regedorias*.

Articles 11 to 14. The law guarantees the occupation of land by the inhabitants of the *regedorias*. They may register or transfer their property rights at registry offices.

Articles 16 to 18. At present there exist in the Province of Mozambique 13 technical schools attended by 7,700 pupils of various races.

Articles 22 to 26. The type of teaching known as "adaptation," specially developed for the indigenous population and for which Portuguese Catholic missions are responsible, has the purpose of providing a reasonable knowledge of Portuguese and such general knowledge as will help towards integration into the national community. This purpose is also laid down in the rules on primary education in force in the Province of Mozambique. Moreover, a general primary education programme will be introduced during the 1964/65 school year.

Article 27. The institutions responsible for administering the programmes concerning the matters covered by the Convention are the provincial directorates of the services of civil administration, health and assistance, and education; the institutes of labour, insurance and social services; and the catholic missions.

SYRIAN ARAB REPUBLIC (First Report)

Presidential Decree No. 1508 of 1958 to ratify the Indigenous and Tribal Populations Convention, 1957 (No. 107).

Legislative Decree No. 133 of 29 October 1952 respecting compulsory labour (*L.S.* 1952—Syr. 2).

Act No. 135 of 1955 to replace the certificates of indigence by health cards.

Act No. 96 of 1958 respecting social insurance.

Agrarian Reform Act No. 161 of 27 September 1958 (*Al-jarida al-rasmiya*, 27 Sep. 1958).

Legislative Decree No. 166 of 28 September 1958 to repeal the Act respecting the tribes in the Syrian province.

Under section 56 of the Provisional Constitution of Syria the ratification of a Convention gives the force of national law to its provisions.

Article 1 of the Convention. The Convention applies to the tribal and semi-tribal populations of the country which number approximately 210,000 nomads and 130,000 semi-nomads.

Article 2. The above-mentioned Legislative Decree No. 166 of 1958 brought the tribes in Syria under the same laws and regulations as town-dwellers. With regard to social, economic and cultural development, the Government has drawn up a draft Act embodying the principles set forth in the information document presented by the expert from Syria at the Technical Meeting on Problems of Nomadism and Sedentarisation (I.L.O., Geneva, 6-17 April 1964).

Article 3. Bedouin institutions and traditions are respected in so far as they are not incompatible with the objectives of integration programmes. The State has not deemed it necessary to adopt special measures on their behalf, since the national laws protect the persons, goods and labour of these populations.

Article 4. The cultural values of the Bedouins are very similar to those of the sedentary populations and the same religious beliefs predominate in both communities. However, a measure of fanatic solidarity is to be found among the former because of the rigours of their way of life.

Article 5. The populations concerned and their representatives collaborate in the planning of integration programmes; moreover, the Government offers them the possibility of exercising their sense of initiative on an equal footing with the rest of the national community. Today the nomad is emancipating himself from the age-old authority of his chiefs; for this, all he needs to do is to enter his name on the civil register, take out an identity card and do his military service.

Article 6. As the steppe can only be used as pasture land, it is to be protected and regulated by an Act which will be promulgated in the near future.

Article 7. The customs of the tribal and semi-tribal populations are respected where they are not incompatible with the national legal system. But these populations are in the process of renouncing the majority of their traditions as a result of the social evolution which has changed their customs and which is a consequence of their constant contacts with the sedentary populations.

Article 8. As regards penal matters, the Bedouins are subject to the provisions of national law and appear before the courts of common law. Any agreement concluded between the parties for the payment of the blood price (*diya*) for crimes covers only civil liability. However, the courts which have to pronounce judgement take into account this material compensation and are lenient in their sentences.

Article 9. Under section 29 of Legislative Decree No. 133 of 1952, persons charged with the exaction of compulsory personal services are punishable by a fine of from 100 to 1,000 Syrian pounds and by a term of imprisonment ranging from one month to one year, or either of these penalties.

Article 10. Since the repeal of the Act on the status of tribal populations, the latter are subject to general legislation like other citizens. However, certain tribal chiefs continue to impose a tribute (*khousa*) on persons who place themselves under their protection and this has led the Government to co-operate with the Bedouins and the most evolved chiefs in order to combat these abuses.

Article 11. The semi-nomadic populations have acquired the right of private ownership of the lands which they occupy, by virtue of an Act entitling any person who exploits land in Syrian territory to acquire this land against payment of a nominal price. The form of ownership which predominates is private ownership. The large properties of the Djézirah region which are exploited by the tribal chiefs are shortly to be distributed in application of the Agrarian Reform Act.

Article 12. The right of individual ownership is guaranteed by the Constitution and by national legislation. The populations concerned can be removed from their lands only for the reasons listed in this Article but, in practice, such cases are very rare. However, as the pasture lands are unsuitable for crop growing, sedentarisation of the Bedouins can be achieved only on other lands not far from their customary territory.

Article 13. The populations concerned are subject to national legislation in the methods of transmission of ownership, use of land and protection of the rights of ownership.

Article 14. Measures have been adopted to ensure that agrarian reform is applied to the Bedouin chiefs who hold large areas of land on behalf of their tribes. The new small landowners will compulsorily be members of agricultural co-operatives established with the technical and financial assistance of the State.

Article 15. With regard to recruitment and conditions of employment, Bedouins are treated on an equal footing with the rest of the population and enjoy the protection granted by the Labour Code to other workers. But because the level of their occupational skills is generally low, their recruitment is limited except for work not requiring occupational skills.

Article 16. The remoteness of the centres of learning puts a brake on the extension of vocational training. For this reason the Government is making plans to create vocational training centres for shepherds, stockbreeders, etc.

Article 17. The programme referred to above is aimed at raising the level of cultural development and vocational skill of the Bedouin populations.

Article 18. The Bedouins have neither handicrafts nor rural industries. The above-mentioned programme is aimed at raising their standard of living through agriculture and industry.

Article 19. Bedouins employed in industrial enterprises are covered by the Act of 1958 on social insurance. The remainder, like the rest of the population, are subject to the provisions of the Act of 1955 on health cards.

Article 20. There is no administrative body especially competent to deal with health measures for the populations concerned, but they have access to the national health services on the same footing as other citizens. In addition, medical centres have been set up for them at Shadadah, Gabal-el-Arab, Dhamir, Tadmour and Houran.

Article 21. Bedouins are ensured the possibility of acquiring an education at all levels on an equal footing with the rest of the population. Education is free and a number of Bedouin young men have done university studies. With the aim of encouraging the Bedouins to take advantage of education, the State has granted them certain facilities concerning the age of admission to primary, preparatory and secondary schools. The schools which were specially designed for the nomad milieu ceased their activities after the promulgation of the Legislative Decree of 1958, and the Government has built primary schools near the habitual places of residence and camps of the nomads.

Article 22. No special educational curricula have been originated for the Bedouins, who follow the same courses as other students.

Article 23. The mother tongue of the populations referred to by the Convention is the Arab language, which is the official language of the country.

Article 24. No difference exists between the Bedouins and the rest of the population in this field, and the curricula of the schools help the Bedouins to integrate into the life of the nation.

Article 25. The populations concerned are an integral part of the national community and their way of life in no way places them lower than the rest of the population.

Article 26. No special measures have been taken to give effect to the provisions of this Article, but the Bedouins benefit on an equal footing with other citizens from the general programmes applied in this domain, in particular radio broadcasts.

Article 27. No special administration has been created to be responsible for questions of concern to the Bedouins, nor are there institutions charged with the application of the programmes provided for by this Convention. Each department and ministry (education, agriculture, interior, labour, etc.) is responsible for the implementation of the measures falling within its competence.

TUNISIA (First Report)

There are no tribal or semi-tribal populations in Tunisia coming within the scope of the Convention.

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

China, India, Portugal, Syrian Arab Republic.

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

Argentina, Belgium, Cuba, Haiti, Peru.

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	Malta	4. 1. 1965
Greece	9. 10. 1963	Mexico	11. 9. 1961
Guatemala	28. 11. 1960	Tanzania (Tanganyika)	26. 11. 1962
Honduras	20. 6. 1960	Tunisia	26. 10. 1959
Ireland	17. 6. 1961	United Kingdom	18. 2. 1964

GUATEMALA (First Report)

Article 1 of the Convention. Cases of doubt as to whether a person is to be considered a seafarer or not have not occurred.

Article 2. No passports have been issued to special groups of seafarers. There are no regulations concerning identity documents for seafarers, but they exist concerning articles of agreement of seafarers. Identity documents, however, can be issued upon request to the competent authority.

Article 4. There is no model form of identity document for seafarers.

Article 6. The cases envisaged in this Article have not occurred.

TANZANIA

Tanganyika (First Report)

The provisions of the Convention are applied by administrative regulations.

Article 2 of the Convention. Seafarers are issued with a seaman's identity book, which conforms with the requirements of Article 4. Seafarers may be issued with a national passport in which the quality of seafarer is clearly indicated, but in this case the identity book is withdrawn. No identity book is issued to seafarers who are not citizens of Tanzania. A travel document may be issued to them in certain limited cases.

Articles 3 and 4. A copy of the identity book is attached to the report. No consultation with shipowners' and seafarers' organisations concerning the form and content of the book has been considered necessary.

Article 5. The book is valid for so long as the holder remains in seagoing employment.

Article 6. The owner or agent concerned is required to notify the principal immigration officer of the seafarer's arrival, with all the necessary details.

The principal immigration officer is responsible for the issue of the identity book and for all matters connected with it.

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The report from *Ireland* 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:

Mexico, Tunisia.

110. Plantations Convention, 1958

This Convention came into force on 22 January 1960

Countries	Ratification registered on	Countries	Ratification registered on
Brazil ¹	1. 3. 1965	Liberia	22. 7. 1959
Cuba	30. 12. 1958	Mexico	20. 6. 1960
Guatemala	4. 8. 1961		
Ivory Coast	5. 5. 1961		

¹ Excluding Parts II and III.

CUBA (First Report)

Constitution of 7 February 1959 (*Gaceta Oficial*, 7 Feb. 1959, Extraordinary issue, Year LVII, Vol. III, No. 13).

Act No. 40 of 22 March 1935 respecting annual leave with pay (*L.S.* 1935—Cuba 4).

Decree No. 798 of 13 April 1938: employment contracts regulations (*Legislación Social de Cuba*, Havana, 1940, p. 18).

Decree No. 1435 of 28 May 1953 respecting weekly rest with pay.

Act No. 723 of 22 January 1960 to introduce a system of medical social service for post-graduates (*Gaceta Oficial*, 1 Feb. 1960, No. 21, section 1, p. 2353).

Act No. 919 of 31 December 1960 to establish a social dental service (*ibid.*, 4 Jan. 1961, No. 2, section 1, p. 77).

Act No. 962 of 1 August 1961 respecting industrial associations (*L.S.* 1961—Cuba 1).

Act No. 1021 of 27 April 1962 establishing the Ministry of Labour (*Gaceta Oficial*, 4 May 1962, No. 86, section 1, p. 5377).

Act No. 1022 of 27 April 1962 respecting the administration of justice in labour matters (*ibid.*, p. 5384) (*L.S.* 1962—Cuba 1).

Act No. 1100 of 27 March 1963 respecting social security (*Gaceta Oficial*, 4 Apr. 1963, No. 65, p. 3473).

PART I. GENERAL PROVISIONS

Article 1, paragraph 1, of the Convention. In Cuba there are plantations of sugarcane, tobacco, coffee, cocoa, bananas, cotton, pineapple, citrus, pita, rice and other crops.

Paragraph 2. No decisions have been taken in accordance with this paragraph.

Article 2. Under section 20 of the Constitution of 1959 any form of discrimination is deemed to be a punishable offence.

Article 3. The Convention has been ratified in respect of all its Parts.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

Articles 5 to 19. Section 76 of the Constitution prohibits the bringing in of contract labourers and any form of immigration which tends to worsen conditions of employment. In view of this, no provisions have been enacted in respect of the matters dealt with in this Part of the Convention.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION OF PENAL SANCTIONS

Article 20. The legislation does not prescribe the maximum period of service which may be stipulated in a contract of employment. Contracts may be for a definite or for an indefinite period, and may be revoked for legitimate reasons or by mutual agreement.

Articles 21 to 23. Labour legislation does not allow penal sanctions to be imposed on any worker for breach of his contract of employment.

PART IV. WAGES

Article 24. Section 5 (*d*) of the above-mentioned Act No. 1021 empowers the Ministry of Labour to regulate the fixing of wages to fit in with national economic plans. The functions of the Wages Department of the Ministry include the drawing up of scales of wages and other forms of remuneration for labour suited to the prevailing situation of the national economy.

Article 25. The arrangements made for supervision and inspection in regard to wages come under the general system of inspection introduced by the Ministry of Labour in pursuance of section 5 (*b*) of Act No. 1021 of 1962. In addition a watchful eye is kept by the trade unions. To recover unpaid wages, workers may submit a claim to the complaints committee at their place of work in accordance with section 7 (*b*) of Act No. 1022 respecting the administration of justice in labour matters.

The time limit for claiming unpaid wages is six months from the date in respect of which the claim is made.

Article 26. Section 47 of the 1938 regulations stipulates that the part of the wages payable in money must be paid in legal tender. Payment in the form of promissory notes, vouchers or metal tokens or in any other form token for legal tender is punishable by a fine.

Article 27. Sections 41, 43 and 45 of the employment contracts regulations authorise payment in kind (housing, food, laundry and club dues) of up to 40 per cent. of the wage.

Article 30. Works stores and other similar services are provided purely for the convenience of agricultural workers. As an example one may mention the "people's stores" established in rural areas to supply the workers with their needs on a non-profit-making basis.

Article 31. Section 63 of the Constitution allows no deductions from wages other than those authorised by law. A limit is placed by law on the amount of such deductions.

The workers are informed of the measures taken in this respect through the publication of the laws in the official gazette and through the informational activities of the publicity department of the National Union of Agricultural Workers.

Article 33. Section 64 of the Constitution and section 46 of the employment contracts regulations fix the regular intervals at which wages should be paid.

Upon termination of his contract a worker is entitled to seek recovery of any wages owing to him through the complaints committee at his place of work.

Article 34. Under section 30 of the employment contracts regulations it is compulsory to state the amount of remuneration in the contract.

PART V. ANNUAL HOLIDAYS WITH PAY

Articles 36 to 42. See the information supplied with respect to the application of the Holidays with Pay (Agriculture) Convention, 1952 (No. 101).¹

PART VI. WEEKLY REST

Article 43. Section 66 of the Constitution fixes the maximum hours of work at eight per day and 44 hours per week, which is deemed to be equivalent to 48 for the

¹ I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (1), International Labour Conference, 40th Session, Geneva, 1957, pp. 209-210.

purpose of wages. Workers are entitled to a weekly rest period of more than 24 consecutive hours.

Article 44. Section 66 of the Constitution exempts from the provisions concerning hours of work industries which on account of their nature must carry on work without interruption at particular seasons of the year.

Article 45. Arrangements of the kind described in this Article may be made under collective agreements as provided for in section 31 of Act No. 1022 of 1962.

PART VII. MATERNITY PROTECTION

Article 47. A woman is entitled to 12 weeks' maternity leave, at least six of which must be after the birth. This period must be extended if circumstances call for it. No qualifying period of employment is required.

Under section 24 of Act No. 1100 of 1963, a woman is entitled to sickness benefit if an accident occurs arising out of pregnancy.

The maximum duration of maternity leave in the event of illness arising out of pregnancy is 26 weeks, extendable by the same amount.

Furthermore, section 68 of the Constitution lays down that during the three months immediately preceding her confinement a pregnant woman may not be required to perform work entailing considerable physical effort.

Article 48. The Act prescribes the rates of cash benefit, calculable in accordance with the procedure laid down in its section 12, and at the same time ensures that the benefit will be sufficient for the full and healthy maintenance of mother and child by fixing a minimum amount in section 9.

Article 49. Under section 25 a woman worker is entitled to interrupt her work for one hour a day or for two periods of half an hour each, without loss of wages, during the first year after childbirth.

Article 50. Section 68 of the Constitution states that the law shall lay down regulations for the protection of women wage-earning employees in case of maternity, and that a pregnant woman may not be dismissed from her employment.

PART VIII. WORKMEN'S COMPENSATION

Article 51. Plantation workers, along with all other workers, are protected in regard to employment injury by Act No. 1100 of 1963.

Article 52. This Act is applicable both to nationals and aliens.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Article 54. Section 37 of the Constitution stipulates that all inhabitants of the country shall have the right to meet together peacefully and to associate for all lawful purposes in accordance with the law.

In the agricultural sector there are the National Union of Agricultural Workers, to which all agricultural workers belong, and the National Association of Small Farmers, of which all small farmers are members.

Article 55. Act No. 1022, respecting the administration of justice in labour matters, lays down a simple procedure for the handling of complaints and claims through the complaints committees in places of employment. An appeal lies against the decisions of these committees to appeals boards at the municipal level, and against the decisions of the latter to the Review Board of the Ministry of Labour.

Article 56. Under Act No. 1022, a review board has been set up attached to the Ministry of Labour and presided over by that minister. The Minister is competent to issue rulings in respect of labour disputes and social matters.

Article 57. The membership and composition of the bodies for the administration of justice in labour matters is set forth in sections 5, 16 and 19 of the Act.

Article 58. Section 6 of Act No. 962 of 1961 prohibits employers from taking reprisals against workers on account of their trade union activities, and declares that the State guarantees full freedom of association by the appropriate means.

Article 59. The trade union structure established by this Act of 1961 makes it impossible for employers to interfere in workers' organisations.

Under section 16 every employer is bound to grant time off from work to his workers to enable them to discharge trade union duties. The wages of persons in receipt of such time off are payable by the trade union, not by the employer.

Articles 60 and 61. Section 31 of Act No. 1022 of 1962 affords workers and undertakings the right to conclude collective agreements. Under section 9 of Act No. 962 of 1961 industrial associations are entitled to propose, negotiate and enter into general collective agreements with employers.

PART X. FREEDOM OF ASSOCIATION

Article 62. Section 69 of the Constitution of 1959, as amended by the Constitutional Reform Act of 1 August 1961, grants to all workers the right of association. Act No. 962 of 1961 accords this right to all workers with the exception of those listed in its section 17, and lays down conditions for the establishment of industrial associations.

Article 63. Sections 38 and 39 of Act No. 962 of 1961 contain provisions concerning the conditions governing the statutes of industrial associations, while section 40 lays down the qualifications that must be possessed by their officials.

Article 64. Sections 44 to 46 of Act No. 962 deal with the winding up of industrial associations.

Articles 65 and 66. The trade unions are empowered to establish a Central Trade Union Council of Cuban Workers and to appoint its members (section 11 of Act No. 962), and may affiliate with organisations of an international character (section 13).

Article 67. Under section 34, industrial associations acquire juridical personality by virtue of their registration at the Ministry of Labour.

PART XI. LABOUR INSPECTION

Article 71. There is no special system of inspection for plantations. Under Act No. 1021 of 27 April 1962, labour protection and labour procedure departments were established to whom the labour inspectors must report.

The trade unions also exercise supervisory functions.

Article 72. Inspectors are given general and specialised training, both theoretical and practical.

Article 73. All workers, including plantation workers, are afforded every facility for communicating freely with the inspectors.

Article 74. Inspectors have no duties other than those provided for in this Article of the Convention.

Article 75. In practice, the labour inspectors co-operate with all bodies responsible for the enforcement of the law, and likewise the inspectors in other services co-operate with the Ministry of Labour inspectors.

Section 7 of Act No. 962 of 1961 guarantees that there will be collaboration between inspectors and workers and their organisations.

Article 76. Labour inspectors have no special status, but are covered by the general provisions applicable to public officials.

Certain conditions have to be complied with as to nationality, age, aptitude or suitability for the job, integrity in the performance of duties and faithful observance of the laws of the country.

Article 77. Inspectors have offices equipped for the most efficient service. They may use the transport facilities provided for the Ministry of Labour or, if none are available, those offered by the national transport service, their expenses in such cases being reimbursed.

Article 78. When carrying out their functions inspectors carry a document stating the purpose of their mission and vesting in them the powers listed in this Article of the Convention.

Article 79. Under Cuban law inspectors are bound by the same obligations as those listed in this Article of the Convention. Complaints and reports of breaches of the law do not have to be treated as confidential, however. Workers may submit them without fear of reprisals, from which they are protected by law.

Article 80. Industrial accidents and cases of occupational disease are notifiable to the complaints committees and not to the labour inspectors. However, if such an accident or case of disease is brought about through a breach of the statutory provisions relating to the protection, health or safety of workers, the competent authorities at the Ministry of Labour are informed.

Article 81. The inspectors carry out inspections in collaboration with the workers' organisations.

Articles 82 and 83. Section 40 of Act No. 1022 of 1962 and the Social Defence Code prescribe penalties for violations of the labour laws.

Article 84. Sections 13, 15 and 17 of Act No. 1021 lay down the legal procedure for giving effect to this Article.

PART XII. HOUSING

Article 85. The Peasant Housing Department of the National Agrarian Reform Institute has the task of solving the problem of peasant housing in general.

Article 86. The Government, in co-operation with management and workers' organisations, lays down minimum standards and specifications for workers' housing.

Housing must be constructed of solid materials (concrete and hard wood for joinery work), have a floor space of approximately 80 square metres and a ceiling height of 2.4 metres, and be adequately ventilated and lit. A model house consists of an entrance hall or veranda, sitting-room, dining-room, kitchen, work yard and wash-room, two to four bedrooms, bathroom and W.C. Sometimes simpler versions are built with a kitchen-cum-dining-room or sitting-cum-dining-room plus the other accommodation listed above.

With the houses is provided furniture in different styles including beds, tables, armchairs and chairs.

By way of housing constructed on plantations mention may be made of 110 houses on one sugar estate, 137 on another, and 276 on yet another.

The following public services are provided: water supply, electricity, sewerage, paved roads, green spaces, health centres, people's stores, sports fields, social clubs with library facilities, and schools.

The Peasant Housing Department has built 20,000 dwellings, its aim being to wipe out shanty towns and slums.

Article 87. Since the State is responsible for providing housing for the workers, this Article is without object in Cuba.

Article 88. The present position in Cuba is that workers do not pay rent for their dwellings, and there are no more evictions as in the past. When a worker is obliged to leave a workplace, his trade union helps him to find accommodation near his new one.

PART XIII. MEDICAL CARE

Article 89. Up to 1959 the arrangements for medical care in rural areas were somewhat haphazard. To solve the shortage of staff in rural areas a system of medical social service for post-graduates was introduced under Act No. 723 of 22 January 1960, along with a social dental service under Act No. 919 of 31 December 1960.

The first doctors sent to rural areas found a population short of food and suffering from malnutrition, vitamin deficiencies, anaemia and other ailments. To combat the bad health conditions, properly equipped rural hospitals were built and mobile health units were sent to the country. Campaigns were organised for the vaccination of children and adults, and free medicine was supplied to the peasants.

Article 90. See under Article 89.

The Rural Medical Service is divided into four groups with a total of 1,396 doctors, while the Social Dental Service has 83 dentists working for it.

Rural hospitals and dispensaries are still being built, along with health centres in new towns.

The service provided in the dispensaries consists of outpatient consultations, urgent minor medical and surgical treatment and confinements, but no preventive treatment. Each dispensary has from two to six beds, and some have their own laboratory.

The hospitals have 30 beds each, theatres for minor operations and confinements, a pharmacy, an X-ray unit, a laboratory and dentistry equipment.

The doctors working in dispensaries in mountainous regions or isolated places send cases when necessary to the nearest rural hospital.

The hospitals are staffed as follows: doctors, dentists, nurses, laboratory technicians, X-ray operators, nursing auxiliaries and administrative and junior staff.

The work of the medical services is being eased and more positive results are being achieved thanks to the daily instruction given to the peasants.

Article 91. In addition to malnutrition, the population of rural areas suffered in the main from the following diseases: polyparasitism, acute gastro-enteritis, pyodermitis, catarrh, asthma and infectious and contagious diseases.

Today the Ministry of Public Health is carrying out a general vaccination campaign which includes vaccination against polio of the entire child population under the age of 15 years and mass inoculation against typhoid of children and people in rural areas.

Thanks to this health campaign, the incidence of many of the diseases afflicting the rural population has fallen off, and the death rate has also dropped. Some diseases have been wiped out or seem about to be wiped out, as has happened with gastro-enteritis, as a result not only of medical treatment but also of the campaign for the teaching of the principles of hygiene in rural areas.

In addition, using the most effective information media, the Ministry of Public Health is carrying out a programme for the provision of elementary scientific information on hygiene and the prevention and treatment of the diseases most common among the rural and urban population.

IVORY COAST

Labour Code: Act No. 64-290 of 1 August 1964 (*Journal officiel*, No. 44, 17 Aug. 1964, p. 1059).
 General Order No. 6138 M of 24 July 1956 (*Journal officiel de l'Afrique occidentale française*, 1956, p. 1611) (Annex XV, regulating the conditions of safety and hygiene of vehicles used for the public transport of persons).

Act No. 64-250 of 3 July 1964 to entrust the insurance operations relative to the contingencies defined in the Decree of 24 February 1957, amended, to insurance carriers for a further period of one year (*Journal officiel*, 1964, p. 449).

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

Articles 5 and 6 of the Convention. No persons are recruited other than those who spontaneously offer their services at the place of employment or at a public immigration or employment office or at an office run by an employers' organisation and supervised by the competent authority.

The employers' organisation S.I.A.M.O. has ceased all activity on the territory.

Article 8. Sub-contracting, as defined in the Labour Code, is not practised in agriculture.

Article 11. Under General Order No. 396 I.T.L.S.-A.O.F. of 18 January 1955, in addition to the medical examination of workers recruited on fixed-term contracts exceeding three months in duration, or whose contracts are to be performed elsewhere than their place of residence, an employer has to pay for a periodical medical examination, not less than once a year, of all workers in his employment.

Moreover, under Act No. 61-320 of 17 October 1961, respecting measures for the protection of public health in connection with certain endemic/epidemic diseases, the employer is responsible for carrying out the measures prescribed for his workers, such as vaccinations against smallpox, yellow fever and sleeping-sickness. The workers themselves are required to produce their national health cards when requested to do so by health service officials, and the employer must require this document to be produced when he engages workers.

Article 12. The safety and hygiene conditions of vehicles used for the public transport of persons are laid down in Annex XV of the above-mentioned general order.

Article 52, paragraph 2. Under section 7 of the above-mentioned Act, the treatment granted to nationals in respect of workmen's compensation is also granted to all foreign workers or to their dependants, whatever their place of residence, if they are nationals of a State which guarantees Ivory Coast nationals who suffer industrial accidents happening on their territory, or their dependants, whatever their place of residence, the same treatment in respect of workmen's compensation as it grants its own nationals, be it by virtue of a treaty concluded with the Ivory Coast, or in application of an international Convention ratified by the Ivory Coast and by that State, or by implementation of the provisions of that State's legislation.

Article 78. Section 128 of the Labour Code of 1964 reproduces the provisions of this Article.

MEXICO

In reply to a request for additional information made by the Committee of Experts the Government states as follows.

Articles 5 and 6 of the Convention. Recruitment is done through employment agencies which send out circulars to the trade unions or insert notices in the press indicating the number and type of workers needed at a given plantation.

The problem of recruitment arises only in plantations which are beginning their activities. In these cases, the current practice is for them to address themselves to similar agricultural undertakings to obtain the workers they need. In the other plantations, casual or seasonal workers present themselves spontaneously at the times of year at which their services are required.

Article 11. In addition to section 111 of the Federal Labour Act, which imposes obligations on employers in respect of the protection of the health of their workers, and section 113 of the same law, which also imposes obligations on the workers as regards their health, the Labour Hygiene Regulations empower labour inspection doctors to ask employers for the register of medical examinations of their workers, and to carry out such examinations. Under section 22 of the same regulations, workers must perform the tasks most suited to their state of health, capacities, knowledge and skill. The Secretariat of Health and Assistance periodically gives vaccinations in agricultural undertakings to prevent epidemics or infectious diseases and medically examines workers with reference to their acclimatisation. When necessary, it requires the employer to transfer the worker elsewhere not prejudicial to his health.

Article 12. Sections 29 and 30 of the Federal Labour Act stipulate that the expenses of transport and food for workers and their families, as well as repatriation costs, shall be borne by the employer. The latter is under the obligation to provide suitable means of transport for his workers.

Articles 13 and 15. Practices vary according to the means of transport, the length of the journey and the size of the group of workers recruited. However, generally a person responsible for the surveillance of the recruited workers makes sure that there are sufficient supplies of food, drinking water, cooking utensils, fuel, clothing and blankets for the use of the workers and their families during the journey. The fulfilment of this obligation is guaranteed by security deposits.

Article 27. Labour inspectors, who periodically visit the plantations, determine in each individual case whether the allowances in kind are appropriate for the personal use of the worker and his family. If they are not, the necessary steps are taken to change them for others which will benefit the worker and his family.

Article 42. Plantation workers are informed of their rights respecting holidays by the trade unions to which they belong and by the labour authorities who, either by elementary classes or in other ways (for example, distribution of bulletins, circulars or pamphlets), make known to the workers the rights they enjoy in labour matters.

Article 50. Under section 110-B, VI, of the Federal Labour Act, the dismissal of a woman worker during her maternity leave is illegal in all circumstances, even during pauses in the activity of the enterprise.

Article 78. Labour inspectors are not empowered to visit plantations without previously notifying the employers of their presence.

Inspectors are authorised to remove all kinds of samples of materials and substances utilised on the plantations.

Article 79. Inspectors generally inform employers of the name of the person, or persons, who have presented a complaint, except when this might cause prejudice to the complainants.

Article 83. Employers who obstruct labour inspectors in the performance of their duties are liable to sanctions under section 683 of the Federal Labour Act, by a special procedure (sections 684 and 685).

Article 86. The labour legislation contains no provisions laying down precise minimum requirements for workers' accommodation. However, section 197 of the

Federal Labour Act requires employers engaged in agricultural work to supply free of charge to workers a dwelling satisfying the conditions as to hygiene which are indispensable for the protection of the life and health of the workers.

Local authorities are responsible for the fulfilment of this obligation, but the standards laid down for workers accommodation vary and take into account the climate of the region where the plantation is situated and other circumstances.

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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:

Cuba, Ivory Coast, Mexico.

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	22. 7. 1960	Liberia	22. 7. 1959
Byelorussia	4. 8. 1961	Libya	13. 6. 1961
Canada	26. 11. 1964	Malagasy Republic	11. 8. 1961
Central African Republic	9. 6. 1964	Malawi	22. 3. 1965
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
Dominican Republic	13. 7. 1964	Norway	24. 9. 1959
Ecuador	10. 7. 1962	Pakistan	24. 1. 1961
Gabon	29. 5. 1961	Philippines	17. 11. 1960
Federal Republic of Germany	15. 6. 1961	Poland	30. 5. 1961
Ghana	4. 4. 1961	Portugal	19. 11. 1959
Guatemala	11. 10. 1960	Somalia	8. 12. 1961
Guinea	1. 9. 1960	Sweden	20. 6. 1962
Honduras	20. 6. 1960	Switzerland	13. 7. 1961
Hungary	20. 6. 1961	Syrian Arab Republic	10. 5. 1960
Iceland	29. 7. 1963	Tunisia	14. 9. 1959
India	3. 6. 1960	Upper Volta	16. 4. 1962
Iran	30. 6. 1964	Ukraine	4. 8. 1961
Iraq	15. 6. 1959	U.S.S.R.	4. 5. 1961
Israel	12. 1. 1959	United Arab Republic	10. 5. 1960
Italy	12. 8. 1963	Viet-Nam	6. 1. 1964
Ivory Coast	5. 5. 1961	Yugoslavia	2. 2. 1961
Jordan	4. 7. 1963		

BULGARIA

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

Article 1 of the Convention. Under the Constitution, the Labour Code and other basic legislative acts there is complete liberty and equality with regard to the right to work. This is a right irrespective of race, colour, sex, religion, political conviction or national or social origin. Training, experience and capacity alone are taken into consideration with regard to engagement.

Article 3. The opinion of the factory occupational organisational committee of the institution or body is taken into consideration in engagement, change in employment, or the annulment of a labour contract. Workers' occupational organisations play a direct part in guaranteeing labour rights. They carry out checks, ensure that workers have sufficient rest, are responsible for social insurance and enjoy the right to initiate legislation. The Bulgarian Socialist society tolerates no discrimination.

The order published on 30 April 1950 to which the Committee of Experts referred bears on the admission of students to higher courses. It lays down no limitations in the sense of the Convention. The principle of not admitting persons with a record of behaviour contrary to the interests of the people is a preventive measure to protect Socialist society. This has nothing to do with political conviction.

tions but only concrete acts: militarist propaganda, fascist or racist ideology or any other reactionary propaganda contrary to the peaceful and democratic spirit of Socialist society.

The educational system offers the widest opportunities for all sectors of the population to receive education at all levels. A law of 1960 abolished all educational fees and consequently education in all establishments at all levels became free of charge. Various measures have been taken to improve and extend education, for example Order No. 30 of the Council of Ministers of 20 July 1964 on the improvement of national education and Ordinance No. 287 of the Council of Ministers of 15 September 1964 on the opening of new vocational and technical schools. There is no discrimination with regard to entry into vocational schools, refresher courses, etc.

Article 4. The stipulations of sections 91 to 96 of the Penal Code have no bearing on political convictions but only on criminal activities against state security.

Article 5. The laws and regulations provide measures to protect work by women, minors, aged persons or persons with heavy family responsibilities.

BYELORUSSIA

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

Legislation and practice are in complete conformity with the stipulations of Articles 1, 2 and 3 and guarantee equal rights to all citizens without distinction of race, nationality, religion, sex or social origins. In particular, the laws and legislation prohibit without any exception or limitation (sections 93 to 99 of the Constitution) refusal of admission to employment for reasons which have no bearing on occupational capacities (for example, political convictions, race, nationality, religion, sex, etc.). Any infraction is punishable under the Penal Code.

The rights and functions of trade unions and labour dispute committees extend to the protection of the interest of all workers without any distinction and without limitation or exception.

Questions of vocational guidance or training in employment services are covered by section 1 of the Labour Code, which extends to all aspects of labour.

The people are kept informed on questions bearing on labour legislation, in particular those concerning the equal rights of all citizens, by means of the press, radio, television, etc.

Permanent legal advisory services are available and accessible to the public; lectures and discussions on legal subjects are organised for public information.

The equality of citizens is taught in the schools.

DAHOMY

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

Section 91 of the Labour Code provides for equality of wages without any distinctions based on origin, sex, age and status. Section 13 of the Constitution stipulates that the State guarantees equality before the law without distinction based on origin, race, sex, religion or political adherence; any racial, regionalist or ethnic propaganda and any racial discrimination are punishable by the law. These stipulations cover the forms of discrimination referred to by Article 1 of the Convention.

Persons who consider themselves to be victims of discrimination in employment or occupation may have recourse to the Labour Tribunal. Functionaries may have recourse to the Administrative Division of the Supreme Court.

Vocational training centres are open to all citizens under the same conditions as schools, except in cases where the nature of the occupation excludes one or other of the sexes. Recruitment for public services and in the private sector is based solely on the competency of the candidates and, where necessary, takes place on a competitive basis. With regard to Decision No. 36/Agro-E/M.A.C., which limits admission to rural training centres to males, this is a case where the nature of the occupation necessarily implies limitation to one sex, agricultural overseers and rural administrators having to cross the most isolated rural areas by bicycle.

Law No. 61-7 on public security has been supplemented by Law No. 61-32 of 14 August 1961, which permits persons affected by the stipulations of the former to have recourse to the Minister of the Interior and, if he refuses, to lodge an appeal.

GABON

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

The postponement under section 26 of the Nationality Code of certain of the rights acquired by naturalised citizens does not constitute a discriminatory measure as such, but a period of probation in the new citizenship.

The principles of non-discrimination are applied by means of the legislation and regulations in force. Primary, secondary and vocational education are free. Labour legislation and social security measures apply to all workers without any distinction.

Trade unions and employers' federations are kept informed of the non-discrimination measures taken or considered in respect of employment and occupation by means of research studies undertaken by such bodies as the Social and Economic Council, or the Advisory Committee on Labour and the Planning Committees.

The public employment posts reserved exclusively or in priority for men are those which require a certain physical stamina.

FEDERAL REPUBLIC OF GERMANY

In a declaration on 29 March 1955 approved by the Federal Diet, the Federal Government guaranteed to members of the Danish minority the same rights as other citizens, particularly with regard to occupational activity and access to the public service.

In reply to a direct request by the Committee of Experts the Government states that the special characteristics of a post can justify the exclusion of persons having a certain sex or certain religious or political convictions. Section 48 of the Placement and Unemployment Insurance Act provides that persons who ask for employment or advice shall not be questioned regarding their membership of political, trade union or similar organisations or religious community unless the nature of the establishment or the type of employment so warrants.

Access to vocational training includes access to all educational establishments which prepare students for their future occupation and is not subject to any restriction in the sense of Article 1 of the Convention. Section 12 of the Constitution of 1949 guarantees the right to choose freely one's occupation, job and place of training. The Federal Administrative Court decided on 29 January 1960 that admittance to a teachers' training institution cannot be made dependent on membership of a religious community. The only restriction on admittance to universities is that which applies to the study of certain subjects, and is based on employment prospects. Scholarships are granted solely on the basis of the students' needs and aptitudes.

Section 12 of the Constitution also ensures free access to employment in the private sector. Statutory provisions permit refusal of permission to engage in a

particular occupation only in the case of insufficient technical skill or personal reliability (e.g. under legislation respecting retail trade and liquor stores).

In the grant of federal moneys for the promotion of further vocational training for middle-class persons who are not self-employed, discriminatory conditions are excluded. Under the statutory provisions governing solicitors, tax consultants, accountants and doctors, it is not permissible to hinder access to training for these professions for discriminatory reasons.

A comprehensive programme of political education is being applied by the Federal Centre for Political Education jointly with the Länders' offices of political education. By distributing books, pamphlets and publications, etc., and promoting conferences of educational institutions and societies, the Centre sets out to counteract anti-semitism, prejudice and discrimination. In virtue of several resolutions by conferences of the Länder ministries of education, political education must be an element in the teaching of all subjects at all kinds of schools. As part of the general close co-operation with the employers' and workers' organisations of the Länder, there is constant opportunity for the discussion of questions regarding the subject matter of the Convention.

GHANA

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

No cases of discrimination have been brought to the notice of the National Advisory Committee on Labour: this is evidence of the non-existence of discrimination in the private sector.

Equality of all citizens in respect of employment in the public service is ensured by the existing procedures. All vacancies in pensionable posts are reported to the Civil Service Commission, which assists the President in the exercise of his functions. Vacant posts not filled by promotion are advertised to the public. The Civil Service (Interim) Regulations 1960 stipulate that no person can be appointed to a civil service post unless he possesses the necessary qualifications.

Persons who consider themselves to have suffered discrimination in respect of recruitment and promotion can have recourse to sections 41 and 60 of these regulations, which lay down a procedure for submitting petitions against decisions by appointing authorities. Petitions against promotion decisions can be made to the Civil Service Commission and there can be an appeal against a decision terminating employment.

GUATEMALA

Constitution: Legislative Decree No. 8, which came into force on 10 April 1963.

Labour Charter: Legislative Decree No. 1, which came into force on 2 April 1963.

Legislative Decree No. 9 of 10 April 1963 concerning the defence of democratic institutions.

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

Article 1 of the Convention. Equality of opportunity for all workers in their choice of employment, access to vocational training, etc., is ensured by the provisions of the Labour Code, the Education Act, and the regulations on educational, vocational guidance and training establishments and the activities of the Employment Service. An examination of the existing legislation proves that there is no discrimination; as far as practice is concerned, the public authorities treat all workers alike.

Section 6 of Presidential Decree No. 584 stipulates that civil service posts shall be filled solely on the basis of merit and ability, except where special restrictions are

imposed by law (e.g. in respect of inveterate drunkards, persons convicted of embezzlement, persons who have been deprived of their civil rights, etc.).

Article 3. The Government has founded a People's University, an Institute of Industrial Arts, a Workers' Theatre and a School for Training in Trade Unionism. There are also other institutions, both private and public, which are designed to guarantee the elimination of all forms of discrimination.

A high percentage of the population belongs to the aboriginal (Maya) race. The State has launched a number of programmes for the benefit of these groups. The implementation of these programmes is in the hands of the Departments of Public Education and of Agriculture. The Institute of Indigenous Affairs carries out the research on which the Government's programmes are based. All the inhabitants of the country, without exception, enjoy equal rights and are protected against all forms of discrimination.

Decrees Nos. 1813 and 1823 of 1936 (which place restrictions on the exercise of certain occupations by persons of certain racial or national extraction) are still in force.

Article 4. The practical application of Legislative Decree No. 9 of 1963 is not within the competence of the labour authorities.

Persons convicted of activities prejudicial to the security of the State may not hold civil service posts.

HUNGARY

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

The labour legislation contains no discriminatory provisions, nor does it provide for any possibility of compulsory application of section 127 (1) of the Penal Code.

Article 2 of the Convention. A regulation exists to eliminate preferential treatment based on social origin in respect of admission to higher educational establishments.

Article 3. Workers' and employers' representatives participate in the work of codification and in the supervision of application. Any person who believes he has suffered discrimination, within the meaning of the Convention, may have recourse to the provisions of the Labour Code.

Decree No. 6660/1948 respecting dismissal without notice of workers who display an anti-democratic attitude was annulled by the promulgation of the Labour Code, which since that time has regulated conditions of dismissal. It is intended to amend certain provisions of the Code, and in particular the definition of infringements of discipline given by section 112.

A policy of non-discrimination is practised in administrative employment, and conditions of employment are regulated by the Labour Code.

Section 49, paragraph 2, of the Constitution and sections 2 and 59 of the Labour Code, together with other legislative provisions, ensure full application of the Convention. The legislation in force guarantees all citizens equality of opportunity and treatment.

INDIA

In reply to a direct request by the Committee of Experts the Government indicates that the difference in the enumeration of the grounds of discrimination as appears in section 16 (2) and section 29 (2) of the Constitution might have been made with the view to pinpointing the important grounds of discrimination in the respective fields (public employment and education). The purpose of the exclusion of

sex, descent, place of birth and residence from section 29 (2) appears to be for a state government to reserve educational institutions for a particular locality or for either sex. Educational institutions which receive aid from state governments generally restrict admission to or reserve a percentage of seats in such institutions for people born or domiciled in that state. According to a judgment of the Madras High Court in 1964, the object of not including the word "sex" in section 29 (2) of the Constitution was probably to leave it to the educational authorities to make their own rules as to these conditions. No distinctions are made on the basis of sex or national extraction with respect to admission to vocational training institutions.

Having guaranteed freedom of speech and expression (which ensures the broadest exercise of the right of religious, political and economic ends, etc.) in section 19 of the Constitution, it was not necessary to refer to political opinion in other sections dealing with discrimination. There is no discrimination on the basis of political opinion in employment under the State. Reports from state governments show that in practice the principle of non-discrimination is observed by private employers.

ISRAEL

The Bill to provide equal remuneration for men and women workers was passed in July 1964 and will come into effect from 5 May 1965.

As requested by the Committee of Experts a declaration reaffirming the Government's policy in the specific field of employment and occupation will be made at the earliest opportunity.

No special measures are necessary to make vocational training and guidance facilities available to all the categories of the population, as the Government's non-discrimination policy in the field is well established. Among 21 government training centres, two are in minorities' settlements. A third centre and a trade school will be opened in the Arab part of Nazareth.

In towns of mixed population (Haifa, Acre) apprentices from minority groups are trained in all the government training centres.

The High Court of Justice intervenes in cases of discrimination of any sort.

IVORY COAST

Labour Code: Act No. 64-290 of 1 August 1964 (*Journal officiel*, No. 44, Special Issue, 17 Aug. 1964). Act No. 62-164 of 12 May 1962 to prohibit visible tribal bodily markings (*ibid.*, 24 May 1962).

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

Article 1 of the Convention. The Constitution considers political opinions not to be grounds for discrimination. In addition, collective agreements stipulate that employers shall bind themselves not to take political or philosophical opinions into account in matters of recruitment, the conduct of work, disciplinary measures, dismissal or promotion.

Among the bases of discrimination mentioned in the Convention, sex is the only criterion for exclusion, because of the physical qualifications or other inherent prerequisites needed for certain jobs. Section 7 of the Civil Service Rules states that "the special rules applicable to some branches may restrict admission to candidates of one sex or the other".

Article 2. Act No. 62-164 prohibits the marking of the visible parts of the body with indelible marks such as customarily or traditionally used to denote a given ethnic group; this will contribute to ensuring the equality of all citizens and the unity of the nation from all points of view.

Article 3. As regards the measures taken to obtain the collaboration of employers' and workers' organisations and that of other appropriate bodies: the Labour Code stipulates that the Advisory Labour Board, composed of equal numbers of members from the most representative workers' and employers' organisations, shall be responsible for studying such labour problems as the employment of workers, placement, and the improvement of the material and moral conditions of workers, and for putting out its opinions, etc.; the Civil Service Advisory Board plays the same role for civil service employees; in each branch of the civil service there is a promotion and discipline committee responsible for drawing up the annual promotion lists; this is also a joint committee. These committees and boards are empowered to examine all general questions concerning discrimination that fall within their terms of reference.

School programmes and also political and civic education stress the situation of the country during the period prior to independence, during which discriminatory measures necessarily existed. The needs of national unity have led to the recommendation or enactment of the abolition of all forms of discrimination and differentiation among the very numerous ethnic groups making up the country—discrimination that had not been abolished during the colonial period.

In the framework of the Labour Code, measures directed against discrimination find practical expression in the provisions relating to remuneration (section 80); the practical guarantees of these provisions are to be found in the procedures for the protection of wages. The anti-discrimination provisions of collective agreements are guaranteed as follows: on the individual level by job definitions, classifications and minimum wages per category (section 70 of the Labour Code); on the general level by the procedures enumerated in sections 74 to 77 of the code for the implementation of collective conventions. The provisions of the Civil Service Rules are guaranteed in practice by recourse to senior officials, with the possibility of recourse to the Administrative Chamber of the Supreme Court (Act No. 61-201 of 2 June 1961).

Matters relating to placement are examined by the Council of Administration of the Labour Office, which has exclusive competence in these matters. This Council is composed of equal numbers of representatives of the workers, the employers, and the ministerial departments concerned.

MALAGASY REPUBLIC

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

Over the past few years the number of free primary and secondary schools has been increased to enable poorer children, particularly those from the provinces, to improve their position. The Government has made efforts to promote persons from outside the Tananarive area to senior posts in the public service, including persons not possessing the normally required educational qualifications. This promotion is effected mainly through two-year courses at the French Overseas Institute of Higher Education and by direct promotion of the official to the next higher post. Most of the higher posts in the public service are now filled by officials who have benefited from these methods of advancement.

Under Decree No. 58-378 of 8 April 1958 and Act 62-006 of 6 June 1962 permission is required for the employment of foreign workers, except those of French nationality. Labour inspectors encourage the employment of Malagasy labour instead of foreign labour, and the public placement offices have been instructed to give preference to Malagasy workers with equal qualifications.

Generally, foreign workers (mainly French) receive markedly higher wages than Malagasy workers with equal qualifications, quite apart from any consideration of expatriation.

Restrictions on the employment of persons on account of their being suspected of activities prejudicial to the security of the State would arise mainly from their being placed in restricted residence for political reasons, by administrative decision. Termination of their contract would appear to result from *force majeure*. There could be an appeal to the Supreme Court.

MEXICO

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

Article 1 of the Convention. The Government transmitted the I.L.O. questionnaire to the Confederation of Chambers of Industry and the Confederation of Mexican Workers.

Article 2. A copy of the Convention was sent to all the states of the Federation through the competent authorities.

Article 3, clause (a). The I.L.O. questionnaire, sent to employers' and workers' organisations, serves as the basis of consultation for the practical application of the policy of equal rights. The National Chamber of the Iron and Steel Industry stated that in the industries associated with it there was no discrimination based on race, sex, nationality or any other criterion.

Clause (b). As a result of the application of the educational policy laid down in the Constitution, no act of discrimination has been committed to the knowledge of the Government.

Clause (c). An examination of administrative provisions led the Government to conclude that there were no grounds for changing any of them.

Clause (d). Discrimination constitutes a violation of constitutional guarantees; in the event of infringement, individuals are entitled to have recourse to the protection afforded by the law.

Clause (e). The application of the policy against discrimination in employment services under national authority is guaranteed by the Constitution.

Article 4. There are no measures of a repressive nature in respect of work directed against those suspected of activities prejudicial to the safety of the State, other than penal stipulations. The representative of the Public Ministry is informed of any cases of infringement and, where sufficient evidence is available, such matters are referred to penal justice.

NIGER (First Report)

Constitution of 8 November 1960.

Penal Code: Act No. 61-27 of 15 July 1961 (*Journal officiel*, Special Number, No. 7, 15 Nov. 1961).

Labour Code: Act No. 62-12 of 13 July 1962 (*ibid.*, Special Number, No. 4, 25 Aug. 1962).

Act No. 59-6 respecting the general civil service rules (*ibid.*, 1 Jan. 1960).

Decrees No. 64-51 and 64-52 of 29 February 1964 establishing the National Committee for Human Development and the General Commissariat for Human Development (*ibid.*, 15 Mar. 1964).

Article 1 of the Convention. No form of discrimination exists in the legislation or in practice.

Under the special rules applicable to some branches, admission to certain jobs has been restricted to either men or women, as the case may be, on account of the physical qualifications or other inherent requirements of the work.

Article 2. In order to promote equality of opportunity and treatment in respect of employment and occupation, the Government has set up (a) the National Committee for Human Development and (b) the General Commissariat for Human Development.

Article 3, clause (a). The widest publicity is given through administrative channels, the press and the radio to all competitions or psycho-technical selection tests.

NORWAY

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

Article 1 of the Convention. In employment where particularly heavy work is involved, men are given preference over women because of the nature of the work. Other criteria mentioned in Article 1 of the Convention are not taken into consideration in engaging workers.

Articles 2 and 3. The employment office is endeavouring to achieve a steady improvement in the contact with employers and employees in order that the greatest possible number of engagements can be effected through it. It is not necessary to enforce the provision of the Convention dealing with the co-operation of employers' and workers' organisation since no breach of this principle has occurred.

Persons considering that they have been adversely affected by any distinction, exclusion or preference may complain to the labour authorities. If wrongly dismissed from his job, the worker may seek protection under the law relating to the protection of workers.

PHILIPPINES

In reply to the direct request made by the Committee of Experts the Government states that preference for Filipino citizens in respect of employment and occupation under Act No. 1180 for the nationalisation of retail trade, Act No. 37 on the lease of market stalls, the regulations on teaching English, and a pending Bill concerning nationalisation of labour in general, applies without distinction to all Filipino citizens whether by origin or naturalisation.

A report of the Senate Committee on National Cultural Minorities indicates that the activities of the Commission of Cultural Integration have facilitated substantially the employment of cultural minorities within the private and the public sectors.

Women employees were usually placed on night work in order to discourage them from applying for jobs in factories. To minimise this practice by employers, Republic Act No. 679, prohibiting night work by women, was passed.

POLAND

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

Article 1 of the Convention. The application of the principle of non-discrimination has been reinforced by checks carried out by the appropriate organs of the presidiums of national councils charged with questions of employment. Judicial tribunals have not had to examine any case of violation of the equality of rights

with regard to employment based on discrimination on account of race, religion, national origin, sex, political opinion or social origin.

None of the criteria listed in paragraph 1 of this Article are taken into consideration; distinctions are made only in respect of the need for the possession of specific occupational qualifications. No problem has arisen in this respect.

Article 2. Judicial tribunals, organs responsible for religious questions, and employment bodies may oppose or combat the appearance of any form of discrimination in the sectors for which they are responsible.

Article 3, clause (a). There is close collaboration between administrative organs and trade unions in the field covered by the Convention and all other questions relative to the protection of labour relations. It is therefore not necessary to take any further measures.

Clause (b). Non-discrimination being one of the principles of the régime, its inculcation is carried out by means of appropriate educational programmes.

Article 4. Cases where the exercise of an occupation can be forbidden by a court sentence after penal procedure are laid down in sections 47 and 48 of the Penal Code. These rights may be restored by virtue of section 53 of the Penal Code.

PORTUGAL

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

Article 2 of the Convention. In the earlier report it had already been pointed out that a declaration by the Government concerning the application of the principle of non-discrimination on the basis of race would be absurd, given that this problem does not exist in Portugal. The principle of non-discrimination on the basis of race is scrupulously respected throughout the whole of Portuguese territory. Government action is not required to prevent discriminatory practices; but it should aim to promote effective equality of opportunity for all its nationals by extending education and vocational training. To this end the Government has created new schools at all levels, as well as study grants and other facilities.

The urgency of "training personnel" has been stressed from the double point of view of the needs of industrialisation, and the strengthening of the dignity of the worker and of the trends in migration. To this effect an institute of accelerated vocational training has been established.

The report contains data on the development of education in Angola during the past two years (rural education, primary education, technical and vocational training, intermediate and higher education); the report mentions in particular, in connection with rural education, the appointment of 705 new school teachers for 35,000 children, the training of 850 others, and the creation of six teachers' training schools.

In Mozambique there are 13 technical schools attended by 7,700 students of various races.

Article 3, clause (d). There is no need to promulgate special legislative measures to ensure the access of certain groups of the population to employment and occupations in the public service. There is no legal discrimination on the basis of origin, race, colour, religion, or social condition in respect of admission to employment or vocational training.

The Government has annexed to its report a document entitled to "A brief outline of labour questions in Angola" together with statistics on the number of posts at various levels held by persons originating from this territory, in a certain number of public services and private enterprises. Similar figures for certain public

services in Portuguese Guinea are also annexed to the report. In Mozambique, Africans constitute 55 per cent. of the personnel of the public and municipal services.

The Government recalls the verbal explanations given in this connection to the Conference Committee in 1964, and stresses that numerous high officials, administrators, magistrates, ministers, university professors, writers, men of science, etc. of African race have had successful careers in Portugal.

Clauses (e) and (f). The Government has set up placement services in Angola open to all persons without distinction of race. It must however be pointed out that there is no unemployment in the primary sector; for agricultural work the employers have to find labour outside the areas in which their undertakings are. According to the statistics on the movements of persons, total immigration to Angola is very limited and does not prejudice workers who originate from that territory. The number of trade union members among the latter increases yearly.

There are no vocational guidance services in Angola. The number of pupils attending the schools who were born in this territory amounts to 70 per cent. of the total.

Research has shown that there is no racial discrimination in Mozambique in respect of placement policy.

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

The Government is making every effort to eliminate factors standing in the way of equality of payment for men and women. Thus, in 1962, it created the Labour Development Fund which, in addition to paying unemployment allowances, also aims at establishing a labour policy. Efforts are being deployed to increase wages according to the needs of the workers and the position of the employers, and an attempt is being made to improve work conditions for women. The Act regulating labour contracts—which it is hoped will be promulgated in the near future—will enshrine the principal of equal payment for work of equal value for women and men.

As to the exclusion of women from certain types of public employment (Judicial Statute, Regulations of the Ministry of Foreign Affairs and Administrative Code), this is not a question of discrimination based on sex, but of traditions proper to certain occupations. However, the Government will take the Committee of Experts' observations into account in this respect.

In regard to political "discrimination", Legislative Decrees Nos. 25317 and 27003 only perpetuate the provisions of section 24 of the Constitution which stipulates that: "public officials are at the service of the community and not of any given political party or organisation of private interests; it is incumbent upon them to respect the authority of the State and to ensure that it is respected." All public officials or candidates for public employment who feel that they have been harmed by government decisions have the right to appeal and to have such decisions annulled. There are three or four different levels for appeals.

SOMALIA

For legislation see under Convention No. 50.

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

The protection of trade union rights is guaranteed by the stipulations of the Labour Code: sections 6, 9, 18, 131, et seq.

The right to take legal action even against acts of the public administration is provided by sections 38 and 39 of the Constitution.

Before taking measures in the sector of vocational training, the Government is awaiting the results of the I.L.O. project relative to job analysis and an investigation

into the labour force. The standards set by the Convention will be taken into account in the drawing up of plans for vocational training.

The 1958 Labour Code was extended to the whole of the national territory in March 1964.

The Central Labour Committee—in the process of modification—has not been active during the course of the period under consideration.

Close collaboration has been established between employers and workers with regard to collective negotiation on the points mentioned in the Convention.

A large-scale press and radio campaign has been organised with the purpose of eliminating all types of discrimination.

According to the terms of the stipulations of Act No. 7 of 15 March 1962 on the status of civil servants, access to the civil service is based on public competition, but exceptions are made in the case of certain direct appointments. There is no discrimination based on religion.

The categories of work on which women are not employed are laid down by the Labour Code and Ordinance No. 4 of 27 February 1954 on work by women.

Any violation of section 121 of the Labour Code concerning compulsory engagement constitutes an infringement of labour standards. In such cases inspectors conform to the stipulations of section 100.

SWEDEN (First Report)

Constitution as amended by Royal Ordinance No. 18 of 17 February 1961.

Act No. 514 of 17 October 1958 concerning the competence of women to hold clerical posts.

Article 1 of the Convention. No forms of discrimination as defined in this Article exist in Sweden.

Articles 2 and 3. Since the principle of equality of opportunity and treatment in respect of access to vocational training, access to employment and particular occupations and terms and conditions of employment is firmly established and pursued in Sweden, it has not been considered necessary to issue a declaration of such policy.

Article 4. Employees in the civil service may be dismissed for security reasons. Such persons have the right to appeal either to a higher administrative authority or, when employed under collective contracts, to the Labour Court.

Article 5. No determination has been made that any special measures of protection or assistance are not to be deemed discrimination.

There are no authorities in Sweden charged with the enforcement of the anti-discrimination policy. There have been no judicial decisions involving application of the Convention.

Under section 28 of the Constitution as amended by the above-mentioned Royal Ordinance, the King in Council of State has the power of appointment and promotion to all posts and offices for which royal letters are issued. Foreigners of either sex may be appointed to teaching posts, except to the theological faculties.

In all promotions the King shall consider only the merit and ability of the candidates but not their birth. Thus, no regard whatsoever shall be paid to race, colour, sex, religion, political opinion, national extraction, or social origin.

Under the above-mentioned Act No. 514 men and women are equally competent to be appointed to ecclesiastical office on the basis of merit and ability.

SWITZERLAND

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

Article 2 and Article 3, clauses (a) and (b), of the Convention. When presented with a request to extend the field of application of a collective agreement, the federal

authorities ask contracting organisations for explanations if there are any striking inequalities between the wages provided for therein.

Collaboration between the Confederation as an employer and civil servants' unions has increased. When recently improvements in wages and old age insurance were made, the policy followed was in conformity with the Convention.

Article 3, clause (c). During a review of civil service regulations, paragraph 2 of section 55 of the Civil Service Act—by virtue of which the marriage of a female civil servant is considered as a justified reason for modifying or terminating the work relationship—will be discussed.

Because the choice of candidates depends largely on their education, on the results of an examination or of a trial period, especially in the customs administration and transport undertakings, such posts cannot be given to women. In some cantons the number of posts reserved for women is very limited; others admit even married women. The labour shortage is tending to eliminate obstacles in the way of the occupational advancement of women.

Clause (d). Recruitment for jobs under the direct control of national authorities is by way of public competition and is announced in the federal bulletin or some other official publication. The post will be awarded to the best qualified candidate: nomination may be subject to certain conditions—age, aptitude, education, etc.—and can also depend upon the results of an examination.

Civil servants, employees and workers employed by the federal administration may ask for an investigation. A joint committee is then set up as a consultative body. Appeal against its decision must be made within 30 days. The above-mentioned civil servants, employees, etc. can have direct appeal to the administrative authorities. A civil servant can appeal even to the Federal Council.

Clause (e). The public employment service is open to all employers and workers in every branch of activity; it is based on the principle of impartiality, avoids discrimination, and is available to foreigners whose residence is steady over a long period. Candidates are chosen according to the nature of the employment, their aptitudes and the needs of the employer. If the employer puts in a request with conditions of a discriminatory nature, the employment service cannot refuse its services or reject his request. Such cases are rare. A differentiation might sometimes occur in the matter of sex, but the labour shortage has meant that in recent years female labour (of both married and unmarried women) has increased considerably.

SYRIAN ARAB REPUBLIC

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

Custom and the laws and regulations in force prohibit all discrimination within the meaning of the Convention. The effective application of the Convention has met with no difficulty or controversy. Racial minorities are in full enjoyment of the rights granted to all citizens. Religious minorities live in peace with the Islamic majority, their personal status being guaranteed and safeguarded by the State.

Under sections 8 and 18 of the Constitution, the State ensures equal opportunities for all citizens and guarantees and protects work. Section 7 of the Constitution guarantees equal rights to all citizens. A citizen who deems himself injured by any decision is entitled to have recourse to the Council of State. Any citizen who in daily life is exposed to one of the forms of discrimination listed in the Convention may have recourse to justice to defend his interests.

National laws and regulations are expressly designed to eliminate all discrimination in educational programmes. Authorities at the Ministry of National Education keep continual watch over mutual understanding and tolerance amongst citizens.

No administrative provision or practice incompatible with the principles of non-discrimination exists with regard to employment and occupation or to promotion in the civil service. Administrative regulations apply to all workers without distinction.

Under section 12 of the civil service regulations the appointment of civil servants is carried out by means of competition. Promotion comes under the provisions of section 17 of the regulations.

Enrolment in vocational schools and state vocational establishments for trainees depends on the conditions and educational diplomas required, and no other factors are taken into consideration.

Ministerial instructions authorising the activities of employment agencies take into account the principle of equality of opportunity with regard to the question of employment and occupation. No employer may impose discriminatory conditions. Section 14 of the Labour Code prohibits the engagement of any unemployed person if he does not submit a certificate of registration issued by one of the state employment agencies: this excludes any possibility of discrimination. The employment agency must inform labour inspectors of any infraction, which is punishable according to the provisions in section 216 of the Labour Code.

The special provisions relative to the security of the State apply to all citizens without distinction. Under paragraph 8 of section 76 of the Labour Code any employer may, without indemnity, terminate the contract of any employee formally recognised as guilty of a crime against state security. Section 36 of the civil service regulations provides for penalties against any functionary guilty of infractions. Any person accused is entitled to appeal to the relevant court, whatever the accusations against him.

TUNISIA

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

The Order of 30 April 1956 concerning the minimum wages of agricultural workers deliberately provided that women might not be paid less than 85 per cent. of the minimum wage of an ordinary male worker. This constitutes a considerable improvement on the previous situation and is completely in keeping with the Government's policy of guaranteeing equal rights to women. It has however not been possible to contemplate any specific measures since then to promote equality of remuneration between the sexes.

Equality of access to public employment is guaranteed by section 6 of the Constitution and by section 11 of Law No. 59-12 of 1959 regulating the civil service which precludes the administrative authorities from taking into account the political, philosophical or religious opinions of the persons concerned. All texts regulating access to public employment adopted in pursuance of the Law of 1959 are in keeping with this principle, which relates to promotion as well as recruitment.

Under section 24 of the Nationality Code a naturalised person is entitled to all the rights of citizenship. However, access to public employment is, in principle, reserved to persons who have belonged to the national community for a minimum period and whose moral integrity and ability to serve the community are unquestioned. Therefore, under section 14 of Law No. 59-12, only persons who have held Tunisian nationality for at least five years are eligible for the civil service. This restriction may be waived under section 27 of the Nationality Code.

There is no discrimination whatsoever as regards the activities of vocational guidance, training and placement services.

U.S.S.R.

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

Article 1 of the Convention. In the event of discrimination on the grounds of religion workers would have a right of recourse to protection by the organs of the Public Ministry responsible for the maintenance of the law; they would also be entitled to denounce illegal acts committed by public servants in accordance with the procedure provided by the regulations on labour disputes.

Any civil servant guilty of the violation of rights could be prosecuted under sections 138, 142 and 143 of the Penal Code of the R.S.F.S.R. and the corresponding sections of the Penal Codes of the federated republics; the administration would be called upon to put an end to the infraction and to take all measures necessary for the exercise of the worker's rights.

Article 3. In enterprises and institutions, disputes between workers and the administration would be examined by labour disputes committees, factory committees and local trade union committees in conformity with the Ukase of 31 January 1957.

The equality of citizens irrespective of opinions is a compulsory feature of school education programmes in accordance with sections 123 to 125 of the Constitution of the U.S.S.R.

Equality of opportunity to enter the service of the State is guaranteed by labour legislation on engagement and dismissal. For state enterprises and institutions there are internal labour rules.

Equality of opportunity to receive vocational and technical training is guaranteed on the basis of competition. Pupils at vocational or technical schools are maintained entirely by the State; those at middle-grade or upper vocational and technical schools receive grants.

* * *

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

Federal Republic of Germany, Ghana, India, Israel, Ivory Coast, Mexico, Philippines, Poland, Portugal, Somalia.

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

China, Iraq, Upper Volta, Ukraine.

112. Minimum Age (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Albania	11. 8. 1964	Mauritania	8. 11. 1963
Belgium	8. 5. 1963	Mexico	9. 8. 1961
Bulgaria	2. 3. 1961	Netherlands	15. 2. 1965
China	13. 2. 1962	Norway	22. 1. 1963
Costa Rica	29. 12. 1964	Peru	4. 4. 1962
Denmark	27. 2. 1962	Spain	7. 8. 1961
Federal Republic of Germany	11. 2. 1963	Tunisia	14. 1. 1963
Guatemala	2. 8. 1961	Ukraine	4. 8. 1961
Guinea	7. 11. 1960	U.S.S.R.	4. 5. 1961
Israel	19. 6. 1961	Yugoslavia	2. 2. 1961
Liberia	16. 5. 1960		

BULGARIA (First Report)

Labour Code (*Izvestiya*, No. 91, 13 Nov. 1951 and No. 92, 15 Nov. 1957) (*L.S.* 1951—Bul. 2, and 1957—Bul. 2).

List of employments prohibited to young persons of 14 to 16 years of age (Decree No. 595 of 26 July 1952).

List of employments prohibited to young persons of 16 to 18 years of age (Instruction No. 3245 of 26 November 1952).

According to section 112 of the Labour Code, young persons below 16 years of age are not permitted to work. In exceptional cases the minimum age is 15 years. In any case young persons below 15 years of age are not permitted to work. This provision also covers fishermen.

In accordance with section 112, paragraph IV, of the Labour Code and of the two lists mentioned above, young persons below 18 years of age are not permitted to work as trimmers or stokers on board fishing vessels.

CHINA (First Report)

Regulations concerning the age, medical examination and employment of fishermen, published on 3 December 1962 by the Ministry of Economic Affairs.

Article 1 of the Convention. The above regulations apply to all fishing boats except those engaged in fishing in ports and harbours or in estuaries of rivers, or to individuals fishing for sport or recreation.

Article 2. Section 7 of the regulations prohibits children under 15 years of age from being employed on board fishing vessels. The provisos contained in paragraphs 2 and 3 of this Article of the Convention are applied respectively by sections 11 and 12 of the regulations.

Article 3. Section 8 applies this Article.

Article 4. Section 10 applies this Article.

The supervision of the application of this legislation is entrusted to the Provincial Board of Fishery.

DENMARK (First Report)

The Merchant Shipping (Masters and Seamen) Act, No. 229 of 7 June 1952.

Article 1 of the Convention. The above-mentioned Act applies to all vessels, including fishing vessels.

Article 2. This is applied by section 10 of the Act. The exemptions provided for in paragraphs 2 and 3 of this Article are not envisaged in the legislation.

Article 3. This is also applied by section 10 of the Act.

Article 4. Section 10 of the Act applies also to persons employed in training ships.

The supervision and enforcement of the legislation mentioned above is entrusted to the harbour master.

GUATEMALA (First Report)

Article 2 of the Convention. Section 148, paragraph (a), of the Labour Code prohibits the employment of young persons of less than 16 years of age in unhealthy or dangerous work. The determination of such work is the responsibility of the general inspectorate of labour. The Ministry of Labour and Social Affairs and the general inspectorate of labour supervise the implementation of this prohibition.

The administrative labour authorities consider that work in connection with fishing falls within this prohibition, and therefore no authorisation has been issued permitting young persons to work on board fishing vessels.

MEXICO

In reply to a direct request made by the Committee of Experts in 1964 the Government supplies the following information.

The provisions of the Convention were communicated to the Ministry for the Navy, to the Federal Conciliation and Arbitration Board and to representative employers' and workers' organisations. Moreover, the entire text of the Convention was published in the *Diario Oficial*, the official organ of the Government.

Through deck and engine naval inspectors and harbour masters the Ministry for the Navy ensures that the standards provided for by the Convention are strictly observed along the entire Mexican coast. The inspectors of the Ministry of Labour and Social Insurance may intervene in case of violation or complaint, in accordance with the provisions of the regulations respecting federal inspection of labour (published in the *Diario Oficial*, 3 November 1934).

SPAIN

In reply to the request made by the Committee of Experts in 1964 the Government supplies the following information.

Article 1 of the Convention. Fishing with tunny nets is governed by the National Labour (Sea Fishing Industry) Regulations of 28 October 1946.

Article 2. Section 86 of the Contracts of Employment Act of 31 March 1944 stipulates that young persons under the age of 18 years may not be employed on board unless they produce when signing on and annually thereafter a medical certificate issued by the competent health authorities attesting their fitness for the work on which they are to be employed.

With respect to the African provinces, see under Convention No. 1.

* * *

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

Israel, Ukraine, Yugoslavia.

The report from the *U.S.S.R.* 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	Guinea	7. 11. 1960
Brazil	1. 3. 1965	Liberia	16. 5. 1960
Bulgaria	2. 3. 1961	Peru	4. 4. 1962
China	13. 2. 1962	Spain	7. 8. 1961
Costa Rica	29. 12. 1964	Tunisia	14. 1. 1963
Guatemala	2. 8. 1961	Yugoslavia	26. 5. 1961

BULGARIA (First Report)

Ordinance respecting the preliminary and periodic medical examination of wage and salary earners, dated 7 September 1958 as amended (*Izvestiya*, No. 80 of 1958, and No. 12 of 10 Feb. 1961) (*L.S.* 1958—Bul. 7).

The above-mentioned ordinance covers all fishing boats and does not exclude from its application those which do not stay at sea for more than three days.

Section 1 of the ordinance lays down that all workers starting work must undergo a medical examination, after which a certificate is issued.

The medical examination must be repeated at the end of the period of validity of the certificate; this varies according to the work performed, and a list in conformity with paragraph 12, clause II, of the ordinance states the length of the various periods. According to point 116 of this list the validity of the medical certificate for fishermen is two years. Workers below 21 years of age must undergo a medical examination every year.

Anyone not satisfied with the decision of the doctor as to his fitness for the work on which he is to be employed may appeal against this decision to a consultative medical committee, against whose decision he may further appeal to the committee of experts in labour medicine, whose decision is final.

CHINA (First Report)

For legislation see under Convention No. 112.

Article 1 of the Convention. The regulations apply to all fishing vessels, except those engaged in fishing in ports and harbours or in estuaries of rivers; or to individuals fishing for sport or recreation, and boats used by learners assigned by interested government agencies or schools for practice on fishing vessels.

Article 2. Persons wishing employment at sea as fishermen must produce a medical certificate attesting to their physical fitness for the work on which they are to be employed at sea, issued by a public hospital.

Article 3. The nature of the medical examination takes due regard of the age of the person and the nature of the duties to be performed. The certificate must include statements that the person is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea, or likely to endanger the health of other persons on board.

Article 4. The medical certificate remains valid, for young persons under 21 years of age, for not more than one year and, for those who have attained the age

of 21, for five years. If the period of validity of a certificate expires during a voyage, the certificate continues to be valid until the end of that voyage.

Article 5. Any person who has been refused a certificate can apply for a further examination.

The supervision and enforcement of this legislation is entrusted to the Provincial Board of Fishery.

GUATEMALA (First Report)

Article 2 of the Convention. The public health services carry out medical examinations on request by the interested parties.

Article 4. Current legislation is silent as to the length of validity of the medical certificate.

YUGOSLAVIA (First Report)

Act respecting employment relationships, dated 12 December 1957 (*L.S.* 1957—Yug. 2) as amended (*Službeni List* No. 17/61) (*L.S.* 1961—Yug. 1A).

Act respecting health insurance (*Službeni List*, No. 22/62).

Regulations on medical examination and vaccination of seafarers (*ibid.*, No. 86/48).

Instructions on the application of the decree concerning seafarers' booklets (*ibid.*, No. 27/54).

Article 1 of the Convention. All ships and boats covered by this Article must be provided with an authorisation to sail.

Article 2. The Act respecting employment relationships lays down that any persons engaged for employment must be medically fit, and that the economic organisation may lay down special health regulations in connection with certain employments. Seafarers are covered by the regulations concerning certificates of capacity in the merchant marine, and by both the instructions and the regulations mentioned above. The latter lays down the cases in which a medical examination is required: when the seafarer's booklet is requested; when a member of the crew changes his function on board ship; after an accident, serious illness or expiry of the validity of the previous examination; and after shipwreck. Under the same regulations, not only the regular members of the crew must undergo medical examination, but also those who are engaged on board fishing boats as fishermen and who are provided with an embarkation permit instead of a seafarer's booklet.

Article 3. Medical examinations take into account the need for protection of the health of the whole crew. The medical certificate must state that the person concerned is not suffering from any complaint likely to be aggravated by service at sea.

Article 4. Under the Act respecting health insurance, medical examinations are periodically repeated. The above-mentioned regulations lay down the various intervals between medical examinations, according to the nature of the seafarer's work and to his age.

Article 5. Under the Act respecting health insurance any person not satisfied with the result of the medical examination may apply for a further examination.

The application of the above-mentioned legislation is entrusted to the labour inspectorates and to the agencies of the merchant navy.

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	Liberia	16. 5. 1960
China	13. 2. 1962	Mauritania	8. 11. 1963
Costa Rica	29. 12. 1964	Peru	4. 4. 1962
Federal Republic of Germany	1. 7. 1964	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Tunisia	14. 1. 1963
Guinea	7. 11. 1960	Yugoslavia	22. 12. 1961
Italy	10. 4. 1962		

CHINA (First Report)

For legislation see under Convention No. 112.

Fishing vessels of less than 50 tons in weight are exempted from the application of these provisions. According to section 21 of the regulations, articles of agreement must be signed by both parties under the supervision of the competent authority. Facilities to examine the articles of agreement must be given to the fisherman.

Section 24 provides that the agreement must not contain anything which is contrary to the national law. Under section 25, every fishing vessel must maintain a record of employment for every fisherman. Article 6 of the Convention is applied by sections 26, 27 and 28. The implementation of Articles 7 and 8 of the Convention is being studied. Article 9 is applied by section 29.

According to section 30 A, the owner or master may immediately discharge a fisherman if physically unfit for the work, for disobedience to the master, negligence while on duty, mishandling of fishing equipment, drunkenness, gambling or disturbance of the peace on board, disability due to illness, etc. Section 30 B prescribes that the fisherman may demand his immediate discharge if the vessel has lost its nationality, if the actual conditions of work do not coincide with what is stipulated in the agreement, if he suffers from a disability due to injury or illness, or if he has obtained a substitute approved by the master.

The authority responsible for the enforcement and supervision of the Regulations is the Provincial Board of Fishery.

GUATEMALA (First Report)

Article 2 of the Convention. According to the Labour Code, articles of agreement must be drawn up in writing and must be made in triplicate, of which one copy is sent to the administrative department concerned. As soon as this department receives the copy of the agreement, it carefully checks it to ensure that the legal requirements have been fulfilled. The seafarer is entitled to read and understand the agreement before signing it. Special provisions govern the agreements of seafarers (sections 175 and 190 of the Labour Code).

Article 4. Under section 12 of the Labour Code the rights of the workers cannot be waived even if this may be agreed upon in a contract.

Article 5. It has not been considered necessary to make special provisions concerning this aspect of the agreement, since the shipping enterprises would keep a record of the work of the seafarers.

Article 6. The articles of agreement may be for an indefinite period, for a definite period, or for a voyage. In conformity with section 181 of the Labour Code, the agreement can be terminated for a number of reasons among which are disobedience to the orders of the master, abandonment of the watch on board ship, and lack of respect towards passengers. Section 182 contains the reasons which may entitle a seafarer to terminate his agreement. In conformity with section 138, the parties cannot terminate their contract while the ship is at sea.

Article 8. In conformity with section 58 of the Labour Code, a worker is entitled to receive a copy of his contract. If the enterprise employs ten or more workers a set of internal labour regulations must be enacted. These regulations, which are previously approved by the general inspectorate of labour, must be brought to the knowledge of the interested parties 15 days in advance, and must be posted in an accessible place.

Article 10. No provisions exist in collective agreements concerning this Article.

ITALY (First Report)

Navigation Code, approved by Royal Decree No. 327 of 30 March 1942.

Regulations for the implementation of the Navigation Code, approved by Presidential Decree No. 328 of 15 February 1952.

Article 1 of the Convention. The expression "fishing vessel" has the same meaning in Italian legislation as in the Convention. All fishing vessels are covered by the legislation. No collective agreement exists covering fishermen.

Article 2. According to legislation fishermen are those persons who are registered as seafarers and are engaged on fishing vessels.

Article 3. A fisherman's contract of employment is in conformity with the Convention. According to the legislation, the articles of agreement are signed before the maritime authorities and explained to the fishermen.

Article 4. Disputes concerning the articles of agreement are brought before the maritime authority.

Article 5. The engagements and signing-off are registered in the seafarers' booklets, and a record is kept by the maritime authorities. Fishermen can request a copy of this record.

Article 6. Articles of agreement may be for one or more voyages, for a definite or an indefinite period. According to section 342 of the Navigation Code, the articles of agreement are terminable by either party provided a period of notice is given.

Article 7. The agreement is recorded in the crew list.

Article 8. Legislative provisions governing conditions on board ship, collective agreements and the ship's regulations are posted in a place on board ship which is accessible to the crew.

Article 9. Section 343 lists cases in which the articles of agreement are terminated.

Article 10. In conformity with section 345, the shipowner is entitled to terminate the articles of agreement of any member of the crew provided the latter's rights are observed.

Article 11. The maritime authority may order a seaman to be immediately signed off if he is being badly treated.

The enforcement of the above-mentioned legislation is entrusted to the maritime authorities.

YUGOSLAVIA (First Report)

Act respecting employment relationships, dated 12 December 1957 (*L.S.* 1957—Yug. 2) as amended (*Službeni List*, No. 17/61) (*L.S.* 1961—Yug. 1 A).

Decree respecting crews of the merchant marine (*Službeni List*, No. 80/49).

Article 1 of the Convention. The provisions of the above Act apply to all workers and consequently also to fishermen.

Articles 2 and 3. These provisions apply to all persons engaged in fishing boats. The Act provides for employment relationships to be entered into orally; in certain cases the written form is required, as for example when the relationship is entered into with highly qualified or foreign workers. The economic organisations may, in consultation with the representatives of the workers and of the public authority, adopt rules concerning the rights and obligations of the workers. These rules must not contain anything contrary to the provisions of the Act respecting employment relationships. As indicated before, employment relationships are in principle entered into orally; however in practice they are often concluded in writing. The written form is compulsory when the contract is concluded with a private enterprise. Workers are kept informed of conditions of work as well as of obligations and rights in connection with their employment relationship. The rules enacted by the economic organisations must be posted in visible and accessible places.

Article 4. Employment relationships must not contain anything which is contrary to the law. The worker is entitled to contact the management of the economic organisations, the labour inspectorates, and the other competent organs, as well as the ordinary tribunal.

Article 5. All economic organisations must keep a record of all workers. The provisions concerning the merchant marine lay down that every vessel must keep a crew list wherein all changes must be recorded.

Article 6. Employment relationships are entered into as a rule for an indefinite period, and exceptionally for a definite period.

All contracts must contain indications concerning the parties, the qualifications of the worker and the work he will accomplish, and the duration of the contract. The period of notice for the termination of the employment relationship is at least 15 days and not more than six months. The Act mentions the cases in which notice cannot be given.

Article 7. In conformity with the decree concerning the documents of vessels of the merchant marine, all merchant vessels must be provided with a crew list. This list contains all the details which are mentioned in the employment relationship.

Article 9. The Act respecting employment relationships lays down that a contract of employment is terminated by dismissal if the relationship is for an indefinite period, or by the expiry of the period for which the relationship had been concluded, or by decision of the disciplinary authority, or following arbitrary abandonment of work, or on statutory grounds or in consequence of the liquidation of the economic organisation. The Act specifies the conditions for the termination in relation to each of these reasons. The legislation does not make provision for the termination of the relationship in case of loss or total unseaworthiness of the ship.

Article 11. The employment relationship can be terminated at any moment by mutual consent.

Article 12. The Convention is applied through legislation, the rules of the economic organisations and collective agreements.

The enforcement of this legislation is entrusted to the labour inspectorates.

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 Arab Republic	18. 3. 1964
Poland	23. 12. 1964	United Kingdom	9. 3. 1962
Spain	17. 7. 1962		

IRAQ (First Report)

Law No. 48/1962 (*Al-Waqayi' al-Iraqiya*, No. 721, 25 Sep. 1962).

Labour Law No. 1/1958 as amended (*ibid.*, 16 Mar. 1958 and 12 Apr. 1961) (*L.S.* 1961—Iraq 1).

Law No. 74/1963 (*Al-Waqayi' al-Iraqiya*, No. 833, 28 July 1963).

Article 2 of the Convention. No radioactive substances are used in Iraq. Scientific and health institutions are exempted from the application of the Convention. The Convention is not applied since no radioactive substances are used.

SPAIN (First Report)

Order of 22 December 1959 concerning protection against ionising radiations (*Boletín Oficial del Estado*, No. 310, 28 Dec. 1959).

Decree No. 792/61 of 13 April 1961 to establish a scheme for insurance against occupational diseases and to set up an institution for the seriously disabled and orphans of victims of industrial accidents and occupational disease (*ibid.*, No. 128, 30 May 1961) (*L.S.* 1961—Sp. 4).

Order of 29 May 1961 concerning the control of radioactive isotopes (*Boletín Oficial del Estado*, 2 June 1961).

Order of 10 July 1962 modifying the order of 22 December 1959 concerning protection against ionising radiations as regards the instructions in it on the work of women under 18 years of age in radioactive industries (*ibid.*, No. 177, 25 July 1962).

Act No. 25/1964 of 29 April 1964 on nuclear energy (*ibid.*, No. 107, 4 May 1964).

UNITED KINGDOM (First Report)

Radioactive Substances Act, 1948.

Radioactive Substances Act, 1960.

Atomic Energy Authority Act, 1954.

Nuclear Installations (Licensing and Insurance) Act, 1959.

Factories Act, 1961, and Factories Acts (Northern Ireland), 1938 to 1959.

Civil Aviation Act, 1949.

The Merchant Shipping (Safety Convention) Act, 1949.

Mines and Quarries Act, 1954.

The Factories (Luminising) Special Regulations, 1947, No. 865.

The Ionising Radiations (Sealed Sources) Regulations 1961 No. 1470 and various orders issued under them.

The Ionising Radiations (Sealed Sources) Regulations (Northern Ireland) 1962 (S.R. and O. 1962 No. 124) and various orders issued under them.

Air Navigation Order, 1960.

The Nuclear Installations Regulations, 1962.

The Nuclear Installations (Dangerous Occurrences) (Amendment) Regulations, 1963.

The Merchant Shipping (Dangerous Goods) Rules, 1952.

Several orders made under the Radioactive Substances Act, 1960.

Various codes of practice.

Article 1 of the Convention. The Radioactive Substances Advisory Committee was set up under the Radioactive Substances Act, 1948. This Committee, including employers' and workers' representatives, advises ministers on questions concerning ionising radiations, *inter alia* as regards the preparation of regulations, codes of practice, etc.

The Nuclear Installations (Licensing and Installations) Act, 1959, provides for the licensing of nuclear installations and lays on the licensee the duty of securing that no hurt is caused to any person under his responsibility.

Article 2. The Ionising Radiations (Sealed Sources) Regulations, 1961, apply to any sealed source of radioactive substance (any radioactive chemical element whether natural or artificial and whose specific activity exceeds 0.002 of a microcurie of parent radioactive chemical element per gramme of substance) or any machine or apparatus in which charged particles are accelerated by a voltage of not less than 5 kilovolts. The provisions of the regulations do not apply to sealed sources at or near the surface of which the dose rate of ionising radiations does not exceed 10 milli/rads in air per hour, nor to television apparatus used only for normal reception of visual images.

The threshold levels in mines are variable but do not exceed the limits specified above.

Article 3, paragraph 1. The measures taken are in conformity with the provisions of the Convention.

Paragraph 2. New regulations governing the use of unsealed radioactive substances in industry are being drafted.

Codes of practice for the protection of persons exposed to ionising radiations in research and teaching and for the protection of persons against ionising radiations arising from medical and dental use have been published in 1964. A handbook relating to the special circumstances and requirements of the universities is being prepared. Codes of practice and other regulations are being prepared as regards the transport of radioactive materials. These instruments are largely based on the regulations of the International Atomic Energy Agency.

Paragraph 3, clause (c). The report lists additions and amendments to the statement which accompanied the instrument of ratification.

Article 4. The Ionising Radiations (Sealed Sources) Regulations, 1961, apply to factories and premises subject to the Factories Act, 1961. As regards workers employed on nuclear installations the Nuclear Installations (Licensing and Insurance) Act, 1959, imposes similar provisions to those of the regulations made under the Factories Act, 1961. Protection of workers in mines and quarries is effected by registration under the Radioactive Substances Act, 1960. Section 34 of the Air Navigation Order, 1960, regulates the carriage of dangerous goods by air. The British Railways Board has statutory powers to impose whatever conditions it considers necessary as regards transport of radioactive materials. The Merchant Shipping (Dangerous Goods) Rules, 1952, deal *inter alia* with the transport of radioactive materials.

Article 5. The provisions of the legislation, codes of practice, etc. are designed *inter alia* to restrict the doses to workers involved.

Article 6. The maximum permissible doses have been fixed in accordance with the recommendations of the International Committee on Radiological Protection; any possible modifications would be made in the light of further recommendations by the I.C.R.P.

Article 7. Certain workers are to be designated as "classified workers," i.e. those directly engaged in radiation work. No person under the age of 18 may be

employed as a classified worker. The levels permitted for workers not directly engaged in radiation work are the same as those for the ordinary public. Under the Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use the controlling authorities of hospitals are required to ensure that persons under 16 years are not allowed to assist in work involving ionising radiations.

Article 8. The schedule to the Ionising Radiations (Sealed Sources) Regulations, 1961, specifies the maximum permissible dose for persons not directly engaged in radiation work (non-classified workers). This level is also applied to workers in mines and quarries and in hospitals. For firemen the maximum permissible dose is 3 rads per fire with a maximum of 5 rads per year.

Article 9. The Ionising Radiations (Sealed Sources) Regulations, 1961, provide for adequate warning and adequate instruction of persons. The Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use requires adequate warning and instruction of the personnel.

Article 10. All users of radioactive substances are required to register with the Ministry of Housing and Local Government. The District Inspector of Factories must be informed of the intention to do work to which the Ionising (Sealed Sources) Regulations, 1961, apply.

Article 11. The Ionising Radiations (Sealed Sources) Regulations, 1961, require the provision of monitoring instruments. The above-mentioned medical and dental Code of Practice requires the systematic checking of the doses received by designated persons.

Article 12. Classified workers must undergo medical examinations before taking up work and every 14 months thereafter. The pre-employment examination includes blood examination and any special examination which the doctor may recommend.

Article 13. Any classified worker who has received a radiation dose in excess of that permitted must undergo a medical examination. The competent person must investigate the circumstances and the factory inspector must be notified. The medical and dental Code of Practice requires in cases of excess exposure that an investigation be made, that the supervisory medical officer decide about possible medical action, and that the radiological safety officer make a special report to the Radiological Protection Adviser.

Article 14. The factory doctor can suspend on medical grounds a classified worker, who then cannot be re-employed as a classified worker without the doctor's written approval.

Article 15. Radio chemical inspectors are appointed by the Minister of Housing and Local Government (section 12 of the Radioactive Substances Act, 1960). The inspection of nuclear installations licensed under the Nuclear Installations Act, 1959, is carried out by technically qualified engineers and physicists of the nuclear inspectorate of the Ministry of Power. The inspectors are given appropriate advanced training. Licences are granted only after the inspectorate is satisfied on the project.

Inspectors of factories supervise compliance with the requirements of the Ionising Radiations (Sealed Sources) Regulations, 1961.

Inspection in mines and quarries is entrusted to the mines and quarries inspectorate. The inspectors of this inspectorate are all technically qualified and a number of them have undergone a special course in radiation protection.

The ultimate responsibility for protection measures in hospitals lies with the controlling authority (the board of governors of the hospital committee concerned). The Radiological Protection Adviser should regularly visit hospitals.

No court decisions. No observations have been received from organisations of employers or workers.

**Communication of Copies of Reports to the Representative Organisations
(Article 23, Paragraph 2, of the Constitution)**

The Governments of the following countries indicate the employers' and workers' organisations to which copies of their reports have been communicated.

Algeria (Conventions Nos. 98 and 100), Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Denmark, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, India, Indonesia, Iraq (Conventions Nos. 26, 29, 30, 98, 105, 115), Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Luxembourg, Malagasy Republic, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Paraguay, Philippines, Portugal, Rwanda, Sierra Leone, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Uruguay.

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: *Norway, Peru, Uganda.*

The Government of *Congo (Leopoldville)* states that copies of the reports have been communicated to the representative employers' and workers' organisations.

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: *Albania, 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 *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: 31 October 1921 and 31 May 1954.

France. Ratification: 25 August 1925.
No declaration.

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.
British Guiana: 24 November 1964.
Seychelles: 10 March 1965.

Applicable with modifications:

Bahamas: 3 April 1963.

Basutoland: 7 July 1964.

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.

Aden: 12 June 1964.

Brunei: 3 August 1964.

Southern Rhodesia: 24 November 1964.

St. Helena: 8 February 1965.

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

Mauritius (First Report).

The Employment and Training Ordinance, No. 14 of 1963.

Article 1 of the Convention. Statistics are published in the annual report of the Ministry of Labour. Live register furnished to the I.L.O. monthly.

Article 2. Three main employment exchanges operate, and travelling interviewing officers based at these three parent exchanges call at 26 registration centres in rural districts. There is a National Labour Advisory Board on which employers and workers are appointed in equal numbers and to which, according to Ordinance No. 14, the Minister of Labour may refer.

The Minister of Labour is responsible for the application of the above-mentioned legislation and for the control, through a controller, of the employment service.

* * *

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

United Kingdom (Isle of Man, Mauritius).

5. Minimum Age (Industry) Convention, 1919¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.
Applicable without modification: Faroe Islands: 4 January 1923.
Applicable with modification: Greenland: 31 May 1954.

France. Ratification: 29 April 1939.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 January 1948.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 January 1948.

Netherlands. Ratification: 21 July 1928.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification²:
Guernsey, Jersey, Isle of Man: 14 July 1921.
Applicable without modification:
Antigua, Bahamas, Barbados, British Guiana,

British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.
St. Vincent: 23 August 1962.
British Virgin Islands, St. Helena: 5 October 1962.

Swaziland: 18 February 1963.
St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.
Bechuanaland: 10 March 1965.
Applicable with modifications:
Bermuda: 3 August 1964.

Decision reserved:
Southern Rhodesia: 20 November 1963.
Aden: 24 February 1964.
Dominica: 17 September 1964.

No declaration: all other territories.

¹ This Convention was revised by Convention No. 59 of 1937.

² See footnote 1 to Convention No. 2.

FRANCE

French Somaliland.

The draft of an order to supplement the provisions of Order No. 786 of 17 June 1955 by requiring every employer to keep a register as prescribed by Article 4 of the Convention is now under discussion.

UNITED KINGDOM

Bahamas.

In a reply to the direct request made by the Committee of Experts in 1962 the Government states that supervision is exercised in all work done in technical schools and approved by the Director of Education, who is a public officer; and no provision is made in the Employment of Children Prohibition Act, 1939, or in the Employment of Young Persons Act, 1939, for a register to be kept of all young persons under 16 years of age with entry of the date of birth. The Minister for Labour is considering the enactment of a suitable amending clause.

Barbados.

In reply to a direct request made by the Committee of Experts in 1963 the Government states that there are no technical schools to which children under 14 years of age are admitted; and no form of register of young persons is required to be prescribed in addition to the particulars set out in section 3 (3) of the Employment of Women, Young Persons and Children Act, 1938.

Basutoland (First Report).

No legislation or administrative regulations exist applying the provisions of this Convention.

Agriculture is carried out on a family basis: traditionally the children assist in the herding of stock and the cultivation of land.

There is no compulsory system of education and such a system is not envisaged, at least in the near future.

For these reasons the Convention cannot be applied at present.

Bechuanaland.

The Employment Law of 1963.

Article 1 of the Convention. The definition of "industrial undertaking" in this Article is identical with that of section 61 of the above-mentioned law.

Articles 2 and 3. The provisions of these Articles are enforced by section 77 of the law.

Article 4. Employers are required to keep the records of persons in their employment (section 60). No specific provision relates to persons under 16 years. The requirement relating to birth dates will not be a simple one in several cases.

The Government states that no difficulties are encountered in the application of the Convention.

Bermuda.

The Employment of Children and Young Persons Act, No. 213 of 1963.

Article 1 of the Convention. Section 1 of the Act applies.

No decision to define the line of division between industry and agriculture has been taken.

Article 2. The minimum age is 15 years (section 6).

Article 3. No provision has been made.

Article 4. The register is to be kept in respect of persons under 18 years (section 19).

Brunei.

The Labour (Amendment) Enactment No. 15 of 1961.

Section 72 (1) of the above enactment permits the employment of children in any specified industrial undertaking provided that the Chief Minister publishes a notification of such employment in the official gazette.

Falkland Islands.

In reply to the Committee of Experts' request the Government states that present local legislation will be replaced as soon as possible by a more modern ordinance.

Fiji (First Report).

Employment Ordinance No. 15 of 1964, which offers a considerable measure of protection for children, should come into force at the end of 1964. Nevertheless the Government has decided to maintain the declaration of "decision reserved".

Hong Kong.

In reply to a direct request made by the Committee of Experts the Government states that section 2 (2) (a) of the Factories and Industrial Undertakings Ordinance, No. 34 of 1950, refers to technical schools and vocational training institutions.

Mauritius.

The Employment of Women, Young Persons and Children (Amendment) Ordinance 1960, Ordinance No. 57 of 1960.

The Employment and Labour Ordinance (Cap. 214 of *The Laws of Mauritius*).

St. Christopher-Nevis-Anguilla (First Report).

Employment of Women, Young Persons and Children Act, 1938 (No. 5 of 1938).

Article 1 of the Convention. There is no line of division separating industry from commerce and agriculture.

Article 4. No form of register has been prescribed, but section 8 of the above Act prescribes the particulars that shall be kept in the register.

The inspection staff of the Labour Department, during visits of inspection to industrial undertakings, makes sure that the provisions of this Convention are being observed. The police still continue to assist with inspection duties; however, this will be remedied in due course by amending legislation.

No decisions involving questions of principle relating to the application of the Convention have been given by the courts.

St. Helena.

Education Ordinance No. 10 of 1941, amended by the Education (Amendment) Ordinance No. 13 of 1949 (Cap. 29).

Article 1 of the Convention. This is applied by United Kingdom legislation.

Article 2. There is no employment of children under 14 years of age at any time.

Article 4. Employers in industrial undertakings are required to maintain a register of persons under the age of 16 employed in their undertakings, showing the names and dates of birth.

The Convention is strictly applied and in practice, as education is compulsory up to the age of 15, there is no employment of persons under that age.

St. Vincent (First Report).

Employment of Women, Young Persons and Children Ordinance, No. 20 of 1935, as amended by Ordinances No. 14 of 1939 and No. 17 of 1952.

The Government states that there are no large industrial concerns in the territory, and that adult workers are employed in what industry there is. Nevertheless, the Department of Labour and the police ensure that children under 14 years of age are not employed in industrial undertakings. The only technical school instruction given is in metal and wood work for pupils of the St. Vincent Grammar School, which is run by the Government.

Employers are required to keep a register of young persons (under 18 years of age) who enter their employment.

Seychelles.

Ordinance No. 28 of 1964 (*Seychelles Gazette*, Supplement, 9 Nov. 1964).

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

Article 2 of the Convention. Section 20 (1) and (2) of the Ordinance No. 25 of 1945 has been amended by the above-mentioned ordinance as follows: in subsections (1) and (2) the words "fourteen years" are substituted for the words "twelve years" and the proviso to subsection (1) is replaced by the new proviso: "Provided,

however, that a juvenile who has completed the age of twelve years may be employed on light work of an agricultural or of such other character as may be approved by the Labour Officer."

Other work allowed under section 20 (1) is the sweeping of yards and the feeding of poultry.

Article 3. There are no industrial schools.

Article 4. There are no children employed in industrial undertakings.

Swaziland (First Report).

The Employment Proclamation (No. 51 of 1962).

Articles 2 and 3 of the Convention. These are applied by section 36 of the proclamation.

Article 4. This Article will be applied by regulations to be made under section 52 of the proclamation.

Enforcement of the provisions of the Employment Proclamation is the responsibility of the Labour Officer, the Assistant Labour Officer and two Labour Inspectors.

* * *

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

France (French Guiana, French Polynesia, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *United Kingdom* (Antigua, British Virgin Islands, Gibraltar, St. Lucia, Solomon Islands).

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

United Kingdom (British Honduras, Gilbert and Ellice Islands, Guernsey, Jersey, Isle of Man, Montserrat).

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification: 28 June 1935.
Applicable without modification: New Guinea, Papua: 8 July 1959.
Not applicable: Nauru, Norfolk Island: 28 June 1935 and 8 July 1959.

Denmark. Ratification: 12 May 1924.
Applicable without modification: Faroe Islands: 12 May 1924.

Applicable with modification: Greenland: 31 May 1954.

Netherlands. Ratification²: 26 March 1925.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification³: Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:
Antigua, Bahamas, Barbados, British Guiana, British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands: 4 June 1962.

St. Vincent: 23 August 1962.
British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.

Applicable with modifications:

Fiji: 3 March 1964.

Bermuda: 3 August 1964.

Decision reserved:

Aden: 24 February 1964.

Dominica: 17 September 1964.

Not Applicable:

Bechuanaland, Swaziland: 4 June 1962.

Basutoland: 26 November 1962.

Southern Rhodesia: 15 October 1963.

No declaration: all other territories.

¹ This Convention was revised in 1936. See Convention No. 58.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas.

The Government intends to take the necessary measures to ensure the application of Article 4 of the Convention.

Barbados.

In reply to a direct request made by the Committee of Experts in 1963 the Government states that there are no school-ships or training-ships registered in Barbados.

Bermuda.

For legislation see under Convention No. 5.

Article 1 of the Convention. "Vessel" means any ship or boat of any nature whatsoever engaged in maritime navigation, whether publicly or privately owned, but excluding ships of war.

Article 2. The minimum age is 15 years (section 6 of the Act).

Article 4. The required register is to be kept in respect of persons under 18 years.

The legislation is applied by the authorised officers listed in section 1 of the Act, who undertake the inspections.

British Honduras.

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

Article 3 of the Convention. The authority responsible for the supervision and approval of work done by children on school-ships or training-ships is the Labour Department in collaboration with the harbour master, who is the Registrar of Shipping and Superintendent of Mercantile Marine for the purpose of the Merchant Shipping Act 1894.

Brunei.

The Labour (Amendment) Enactment, No. 15 of 1961.

Fiji.

Employment Ordinance (No. 15) of 1964.

Gilbert and Ellice Islands.

Article 1 of the Convention. A direct request was made by the Committee of Experts in 1963 in respect of section 66 (1) of the Labour Ordinance, 1951, which defines "ships" but permits the resident commissioner by notice to exclude certain ships. In its reply the Government indicates that no such notice has been made and that the ordinance is under review.

Article 4. Section 71 of the ordinance requires masters of ships on which are employed persons under the age of 18 years to maintain a register. The Government indicates that there is no record of any persons under the age of 18 years having been so employed, and no registers therefore have been necessary.

Grenada.

The Employment of Women, Young Persons and Children Ordinance (Cap. 105 of *The Revised Laws of Grenada*).

Children and young persons under the age of 16 years are not employed in this type of occupation.

Hong Kong.

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

Articles 2 and 3 of the Convention. Amendments have been proposed to make the Employment of Young Persons at Sea Ordinance, 1933, fully conform with the Convention. Steps are now being taken to obtain the approval of the Governor-in-Council for the introduction of an amending Bill to the Legislative Council.

Mauritius.

In reply to the direct request by the Committee of Experts in 1963 the Government gives the following information.

Article 3 of the Convention. There are no school-ships or training-ships in Mauritius and therefore the question of the employment of children in these categories of vessels does not arise. An authority for the approval and supervision of such work has not been constituted.

Article 4. A specimen copy of the agreement and the list of the crew, which is the official register kept on board ship of all young persons employed, is appended to the report.

St. Christopher-Nevis-Anguilla (First Report).

Employment of Women, Young Persons and Children Act, 1938, No. 5 of 1938.

Merchant Shipping (International Labour Conventions) Act, 1925, applied by S.R. and O., 1942, No. 267 (L.S. 1925—G.B. 5).

Act No. 5 of 1938 gives effect to the provisions of Articles 1 and 2 of the Convention. The Merchant Shipping Act, 1925, provides for the register to be kept by masters of ships as laid down in Article 4 of the Convention.

St. Helena.

Interpretation of General Law Ordinance of 1895, Cap. 54, section 24.

Employment of Women, Young Persons and Children Act, 1920.

No local legislation applies the provisions of the Convention. It is, however, applied to St. Helena, *mutatis mutandis*, by section 25 of the Interpretation of General Law Ordinance, by virtue of which the law of England, so far as locally applicable, is enforced in the colony.

Article 1 of the Convention. There are no vessels engaged in maritime navigation in St. Helena.

Article 2. In practice no children under approximately 18 years of age are employed in any boat whatever.

Article 3. There are no school- or training-ships.

Article 4. The only boats in St. Helena are small rowing and sailing boats used for fishing and for making contact with mail steamers in harbour.

The employment officer and the harbour master would be responsible for the enforcement if vessels within the meaning of the Convention were present.

St. Lucia.

The following information is submitted in reply to a direct request made by the Committee of Experts in 1964.

Article 3 of the Convention. There are no navigation schools or ships which are specifically used for training young persons in navigation. If the need arises, the appropriate authority for approval and supervision will be vested in the harbour master of the territory.

Article 4. No register has been prescribed under the provisions of section 4 (2) of Ordinance No. 22 of 1934 for the purposes of this ordinance. The Government notes the Committee's views in this matter and when the need arises will consider issuing a prescribed register.

St. Vincent (First Report).

For legislation see under Convention No. 5.

Supervision is maintained to ensure that children under the age of 14 years are not employed on any ship registered in the territory, except where such ship's crew consists of members of the same family.

Article 3 of the Convention is not applicable, since there are no school-ships or training-ships in the territory.

When young persons under the age of 16 are employed on board ship, the master is required to keep a register as prescribed by Article 4.

Supervision is maintained by the port authorities and the Department of Labour.

Seychelles.

For legislation see under Convention No. 5.

In reply to a direct request made in 1963 the Government sends the text of an amending ordinance. According to this, the word "twelve" in section 19, subsections (1) and (2), of the Employment of Servants Ordinance, No. 25 of 1946, is to be replaced by the word "fourteen." Another amendment is made to the proviso of subsection (1) of section 19.

In connection with the request concerning the application of Article 3 of the Convention the Government refers to section 1 (2) and Part IV of the schedule to Ordinance No. 12 of 1932 and adds that for all practical purposes the provisions of this Article do not apply at the present moment since there are no school-ships or training-ships.

Solomon Islands.

Article 1 of the Convention. In reply to a direct request addressed by the Committee of Experts in 1963 the Government states that a Bill to amend the Labour Ordinance will be presented to the Legislative Council and the opportunity will be taken to delete the proviso to the definition of a "ship" in section 82 (1) of the ordinance. No class of ship has been excluded under this proviso.

* * *

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

Australia (New Guinea, Papua), *United Kingdom* (Gibraltar, Montserrat).

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

United Kingdom (Falkland Islands, Guernsey, Jersey, Isle of Man).

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: 26 June 1962.

Mauritius: 23 August 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Hong Kong: 20 August 1963.

British Honduras: 12 June 1964.

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.

Bermuda: 3 March 1964.

Not applicable:

Bechuanaland, Swaziland: 4 June 1962.

Basutoland: 26 November 1962.

Southern Rhodesia: 15 October 1963.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

British Honduras (First Report).

Harbours and Merchant Shipping Ordinance (Cap. 149 of *The Laws of British Honduras*, 1958).
Merchant Shipping (International Labour Conventions) Act, 1925 (*L.S.* 1925—G.B. 5).

Section 75 of the above 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 any Acts amending the same.

The Act mentioned above therefore applies to British Honduras in the same way as in the United Kingdom.

The application of the Convention is supervised and enforced by the Harbour Master.

Gibraltar.

As regards the request made by the Committee of Experts in 1963 the Government indicates that the Convention is applied by the Merchant Shipping Ordinance (Cap. 76) and by the (United Kingdom) Merchant Shipping (International Labour Conventions) Act, 1925, which has been specifically applied to Gibraltar by Order in Council dated 7 March 1940. Section 1 (3) of the Act covers masters and apprentices.

Mauritius.

Merchant Shipping (International Labour Conventions) Act, 1925 (*L.S.* 1925—G.B. 5).
Merchant Shipping (Colonies) Order, 1927 (S.R. and O., 1927, No. 715).

The United Kingdom Act mentioned above, by direction of the order, applies to vessels registered in Mauritius. Section 1 (1) of the Act requires the shipowner to pay the wages of a shipwrecked crew for a period of two months if suitable employment cannot be found for them in the meantime.

St. Christopher-Nevis-Anguilla (First Report).

Merchant Shipping (International Labour Conventions) Act, 1925, applied by S.R. and O., 1942, No. 267 (*L.S.* 1925—*G.B.* 5).

Section 1 of the above Act gives effect to the Convention. Shipwrecked seamen are entitled to wages for every day during which they have been unemployed up to a maximum of two months.

Solomon Islands.

It is confirmed that the Merchant Shipping (International Labour Conventions) Act, 1925, is still in force, but its provisions apply only to ships registered under it—i.e. of 15 tons or more. The enactment of the Labour Ordinance (Cap. 28) has made no practical change in the application of the Convention, as steps would be taken, in the courts if necessary, to see that seamen are paid any wages due under the terms of their contracts of employment, which would ensure at least a month's notice.

* * *

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

United Kingdom (Barbados, British Honduras, Gibraltar, Hong Kong, Mauritius, St. Christopher-Nevis-Anguilla, Solomon Islands).

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

Australia (New Guinea, Papua), *Netherlands* (Netherlands Antilles), *United Kingdom* (Dominica, Falkland Islands, Fiji, Grenada, Guernsey, Jersey, Isle of Man, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles).

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Australia. Ratification: 3 August 1925.
Not applicable: Nauru, New Guinea, Norfolk
Island, Papua: 3 August 1925.

Denmark. Ratification: 23 August 1938.
Applicable without modification: Faroe
Islands: 23 August 1938.

Not applicable: Greenland: 31 May 1954.

France. Ratification: 25 January 1928.
No declaration.

Netherlands. Ratification: 9 January 1948.
Applicable without modification: Netherlands
Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
No declaration.

NETHERLANDS

Netherlands Antilles.

In reply to a direct request made by the Committee of Experts in 1963 the Government supplies the following information.

Article 5 of the Convention. There is in the territory no representative organisation of seamen but there is an organisation of shipowners. The establishment of a committee consisting of an equal number of representatives of shipowners and seamen would therefore not be possible.

Article 8. The placement office also serves foreign seamen residing in the territory, of whom there are only very few.

* * *

The following report refers to the information previously supplied:

Netherlands (Netherlands Antilles).

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.
Not applicable: Nauru: 8 July 1959.

France. Ratification: 7 June 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

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: 13 April 1964.

Bermuda: 21 May 1964.

Dominica, Jersey: 12 June 1964.

British Guiana: 7 July 1964.

St. Vincent: 29 December 1964.

British Virgin Islands: 10 March 1964.

Decision reserved:

Aden, Bahamas, Bechuanaland, Hong Kong, Mauritius, St. Christopher-Nevis-Anguilla, Solomon Islands, Southern Rhodesia, Swaziland:
18 December 1963.

Barbados, St. Lucia: 24 February 1964.

Fiji, Montserrat: 12 June 1964.

Basutoland: 7 July 1964.

Not applicable:

Gibraltar: 18 December 1963.

UNITED KINGDOM

Aden (First Report).

Since there are no agricultural wage earners this Convention is inapplicable.

Barbados.

There is no legislation regulating the employment of children under the age of 14 years in agricultural undertakings. Revision of the local Education Act is under consideration at present and due consideration will be given to the provisions of this Convention.

Bechuanaland (First Report).

The provisions of the Employment Law, 1963, regarding young persons, juveniles and children are not applied to agricultural undertakings in so far as these concern the care and herding of livestock, and the planting, weeding, protection and harvesting of crops.

Bermuda (First Report).

For legislation see under Convention No. 5.

Article 1 of the Convention. Section 5 of the Employment of Children and Young Persons Act applies.

Article 2. No arrangements have been made.

Article 3. There is no vocational instruction in agriculture in technical schools.

The application of the legislation is controlled by authorised officers (section 1 of the Act).

British Honduras (First Report).

Labour Ordinance No. 15 of 1959.

Education Ordinance of 1958 (Chap. 76 of *The Laws of British Honduras*).

Article 1 and 2 of the Convention. Section 163 of the above-mentioned Labour Ordinance provides that no child shall be employed under the age of 12. These Articles of the Convention are also applied by the provisions of Part II of the Education Ordinance with respect to compulsory school attendance of children over 6 and under 14 or children between 12 and 14 years of age.

Article 3. This is applied by the provisions of section 157 (2) of the Labour Ordinance.

The application of the Convention is ensured by the Labour Commissioner assisted by five labour inspectors.

Brunei (First Report).

Labour Enactment No. 11 of 1954 (Supplement to the *Brunei Governmental Gazette*, 28 Feb. 1955).

Article 1 of the Convention. Section 72 (2) of the Labour Enactment permits children under the age of 14 years to whom the School Attendance Enactment has not been applied to be employed in agriculture.

Article 2. No practical arrangement has been made.

Article 3. There is only one approved technical school. In the circumstances existing in the State the application of this Convention does not involve labour legislation provisions of administrative implementation.

No representative organisations of employers or workers exist.

Dominica (First Report).

Minimum Wages S.R.O. No. 33 of 1947.

There is no definition of "child" but a "juvenile" is a person between 14 and 18 years of age (section 2 (3) of the order).

Article 1 of the Convention. School hours are such that it would be impracticable for children attending school to be engaged in agriculture.

Article 2. In many schools practical vocational instruction in agriculture is part of the curriculum. The annual minimum period of eight months' school attendance is observed.

Article 3. There is only one boys' secondary government school which includes agriculture on the curriculum, but children under 14 years of age would seldom qualify for admission.

The Education Department administers those aspects of the law which are directed at the enforcement of regular attendance at school while the Labour Department administers the parts aimed at the prevention of employment of school-age children.

Falkland Islands (First Report).

Employment of Children Ordinance, 13 March 1939 (Cap. 24, *The Laws of the Falkland Islands*, Vol. I: Ordinances).

This ordinance is now out of date and is about to be replaced by a new and more comprehensive ordinance, more suitable to modern conditions and in conformity with the Convention.

Article 1 of the Convention. The present ordinance, though defective, does not permit employment outside school hours. Efforts are being made to forbid all employment under 14 years of age, or the school leaving age, whichever is the higher.

Article 2. Harvest time employment is not permitted and the new ordinance will make this more clear.

Article 3. Provision will be made in the new legislation to cover this.

Every child here is known to the authorities and no inspectorate is required or necessary. Supervision is in the hands of the Superintendent of Education and his staff. This system is proving adequate.

Gibraltar (First Report).

There is no legislation applying the provisions of the Convention because there are no workers employed in agriculture.

Gilbert and Ellice Islands (First Report).

Labour Ordinance No. 6 of 1951, as amended by Ordinances No. 6 of 1957 and No. 4 of 1960 (*The Laws of Gilbert and Ellice Islands*, 1952, Cap. 13, and *Western Pacific High Commission Gazette*, 10 June 1957 and 30 Apr. 1960, Supplements).

Recruitment of persons under the age of 18 years is prohibited by section 31 of Ordinance No. 6 of 1951. Section 68 of the same ordinance prohibits a child under 12 years being employed in agriculture, except on light work and of a family or community nature.

Application of all ordinances is entrusted to the Resident Commissioner assisted by authorised officers (sections 6 and 9 of the 1951 Ordinance).

No representative organisations of employers and workers exist.

Grenada (First Report).

For legislation see under Convention No. 7.

Pupils of some schools do light agricultural work as a subject on the curriculum.

Regular inspection visits are paid by labour inspectors to estates where agricultural work is done.

Guernsey (First Report).

Education Law (Guernsey), 1935.

Education (Amendment) Law (Guernsey), 1938.

Education (Guernsey) (Amendment) Law, 1955.

Education (Guernsey) (Amendment) Law, 1963.

The provisions of the Convention are applied by implication in virtue of the above laws.

It is not the practice to permit the employment of children under 14 years of age in any public or private agricultural undertakings. Under section 16 (1) of the Education Law of 1935 the elementary education of every child of school age (i.e. one who has attained the age of 5 years and whose age does not exceed 15 years) is compulsory. Section 23 (4) makes it an offence for any person to employ during school hours a child of school age.

The general observations made from time to time by the employers' and workers' organisations support the aims and objects of the Convention.

Hong Kong (First Report).

There is no legislation governing the minimum age of agricultural workers. Almost all those engaged in agriculture are either self-employed or members of the farmer's family.

Jersey (First Report).

Loi (1912) sur l'Instruction primaire, as amended.

The employment of children under the age of 15 years is prohibited in any public or private agricultural undertaking during the hours fixed for school attendance (section 25). The head of the family must ensure that every child of school age in that family attends school regularly (section 20).

Legislation will be presented in the near future to confer on the administrative authority power to restrict the employment of school children outside school hours. If the proposed legislation is introduced it is considered that the terms of the Convention will be applied satisfactorily.

Isle of Man (First Report).

Employment of Children By-laws, 1956, made by the Isle of Man Education Authority under the Children's Amendment Act, 1936.

Article 1 of the Convention. School-leaving age is 15 years. A child may not be employed until he has attained the age of 13 years, with the exception that a child who has attained the age of 12 years may be employed by his parent or guardian in light agricultural or horticultural work. On school days and Sundays children may not be employed for more than two hours. On Saturdays and school holidays no child may be employed for more than five hours or for more than 25 hours in any week in which the schools are not open.

Article 2. For purposes of practical vocational instruction and for light work connected with harvest a child may be employed in light agricultural or horticultural work on days when schools are open, provided absence from school for such purpose does not exceed ten days in any school year.

Article 3. The by-laws do not apply to work done in technical schools where the work is approved and supervised by the Isle of Man Education Authority.

The application of the legislation is entrusted to the Isle of Man Education Authority.

Mauritius (First Report).

Employment and Labour Ordinance (Cap. 214 of *The Laws of Mauritius*).

Employment of Women, Young Persons and Children Ordinance (Cap. 211 of *The Laws of Mauritius*).

There are no provisions preventing the employment of children in agriculture.

Almost all children of the age group 5 to 12 years attend primary school, although education is not compulsory. If a minimum working age of 14 were adopted in agricultural employment, many school leavers would remain idle until that age.

St. Christopher-Nevis-Anguilla.

Employment of Children Prohibition Act, 1933.

Education Ordinance, 1964.

Article 1 of the Convention. The above-mentioned Act (section 2) defines a "child" as a person "under the age of 12 years". Legislation will be enacted to bring

this definition into line with the Convention. On the other hand, the above-mentioned ordinance defines "compulsory school age" as "any age between 6 years and 14 years".

Article 2. Practical vocational instruction takes place within school hours at certain fixed periods. Provisions in the ordinance will ensure the observance of the minimum annual period of school attendance.

Article 3. There are no technical schools.

The Act does not state specifically the authority entrusted with the power to ensure observance of its provisions. In practice, however, the Labour Commissioner exercises such authority.

The Convention is fully applied, with the possible exception that the age limit is lower.

St. Helena (First Report).

Education Ordinance (Cap. 29).

Article 1 of the Convention. The ordinance prohibits the employment of children under the age of 14 years and also, during school hours, the employment of children under 15 years. The Education Officer is empowered to exempt a child who has reached the age of 14 years from school attendance if he is satisfied that the child has employment beneficial to itself.

Article 2. The arrangements contemplated by this Article are not at present in operation.

The Education Officer, assisted by the School Attendance Officer and the Social Welfare Officer, is responsible for ensuring that the provisions of the ordinance are observed. The community is so small that no special system of inspection is necessary beyond the close liaison of these three officials.

St. Lucia (First Report).

There is no legal provision which expressly prohibits children from performing agricultural work.

The Educational Ordinance requires compulsory attendance at primary schools of children under 14 years of age. In practice, however, it has been found impossible to enforce this provision of the law in full because of the inadequate number of school places.

Legislation designed to regulate employment of children in agriculture is under consideration at the present time.

Solomon Islands (First Report).

There are no legal provisions at present to give effect to the Convention. The Protectorate is not yet in a position to enforce a minimum school-leaving age of 14 years.

Southern Rhodesia (First Report).

There is no legislation which lays down a minimum age for the employment of children in agriculture.

Swaziland.

There are no legislative or administrative provisions which apply this Convention.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.
Not applicable: Nauru: 8 July 1959.

Denmark. Ratification: 20 June 1930.
Applicable without modification:
Greenland: 31 May 1954.
Faroe Islands: 28 September 1960.

France. Ratification: 23 March 1929.
Applicable without modification:
Overseas Departments: Guadeloupe, Marti-
nique, Réunion: 9 December 1933.
Overseas Territories: Comoro Islands, French
Polynesia, French Somaliland, New Caledonia,
St. Pierre and Miquelon: 8 July 1958.
No declaration: French Guiana.

Netherlands. Ratification: 20 August 1926.
Applicable without modification:
Netherlands Antilles: 15 December 1955,
Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
Applicable without modification: Cook Islands
and Niue: 26 October 1951.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 6 August 1923.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 6 August 1923.
Applicable without modification:
Antigua, Bahamas, Barbados, Bermuda, Bri-
tish Guiana, British Honduras, Dominica,
Falkland Islands, Gibraltar, Gilbert and Ellice
Islands, Hong Kong, Mauritius, Montserrat,
St. Lucia, St. Vincent, Seychelles, Solomon
Islands: 4 June 1962.

Fiji: 26 June 1962.
British Virgin Islands, St. Helena: 5 October
1962.

Basutoland: 26 November 1962.

Swaziland: 18 February 1963.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Bechuanaland: 12 June 1964.

Decision reserved: Southern Rhodesia:
20 November 1963.

Aden: 24 February 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea.

Industrial Organisations Ordinance, No. 38 of 1962.

Industrial Relations Ordinance, No. 39 of 1962.

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

The Industrial Organisations Ordinance, 1962, which came into operation on 28 March 1963, makes statutory provision for the right of free association of employer and employee groups in relation to industrial matters and regulates the conditions under which industrial organisations may be legally recognised.

Under the Industrial Relations Ordinance, 1962, which also came into operation on 28 March 1963, there is machinery not only for fostering good industrial relations between employers and employees but also for encouraging free negotiation of the terms and conditions of employment and for promoting the peaceful settlement of disputes and differences as well as the registration and notification of awards.

All workers in agriculture have the same rights of association and combination as industrial workers. There are no restrictions on rights of association and combination imposed on any workers, nor is it intended that any such restrictions be introduced. Under the Industrial Organisations Ordinance the registration of industrial organisations of more than 20 employees or four employers is a statutory requirement.

Norfolk Island.

In reply to a direct request by the Committee of Experts the Government states that there are currently no workers engaged full-time in agricultural work on the island. Most farming is carried out by owner-farmers on small plots and whilst a little casual labour may be employed during the beanseed harvest even this task is usually a family affair. There are only 207 persons in full-time employment on the island.

Because of the small and mixed nature of employment, there is little likelihood of a need for employer or employee organisations developing in the foreseeable future. In these circumstances, legislation to regulate the formation and registration of industrial organisations and the settlement of industrial disputes is unnecessary, and it is therefore not proposed to introduce such legislation at the present time. The Norfolk Island Council, established under the Norfolk Act 1957-63, with the function of advising the Administrator on any matter concerning the peace, order and good government of Norfolk Island, has not raised any matter relating to industrial conditions or the absence of industrial legislation on the island.

Papua.

See under *New Guinea*

UNITED KINGDOM

Barbados.

Trade Union Act 1964-2.

In reply to a direct request made by the Committee of Experts the Government indicates that in the new Trade Union Act 1964-2, repealing and replacing the provisions of the Trade Union Act, 1939, the interpretations of the terms "workman" and "trade union" in section (2) have the effect of removing all doubt as to the right of association of agricultural workers.

Basutoland.

Trade Unions and Trade Disputes Proclamation No. 17 of 1942, as amended.

The Government states that the above proclamation does not discriminate between occupations or classes of workers; however with the passing of the new Trade Unions and Trade Disputes Bill, 1964, by the Legislative Council early in December 1964, it will be repealed when the new law is finally promulgated and put into effect.

Bechuanaland.

The Trade Unions and Trades Disputes Proclamation ensures the same rights of association to agricultural workers as to industrial workers. Although it was previously considered that the definition of "workman" in section 17 of the proclamation excluded agricultural workers, this interpretation has now been discarded by the Government.

Brunei.

The Trade Unions Enactment, No. 5 of 1961.

The above enactment does not differentiate between employees engaged in agricultural employment and those in industrial enterprises. The legislation gives equal rights of association and combination to all workers other than members of

the Brunei State Police Force and the Prison Service. The definitions of "trade union" and "worker" contained in section 2 make no discrimination between agricultural workers and workers in other sectors of industry. There are as yet no trade unions of agricultural workers.

St. Christopher-Nevis-Anguilla.

The Trade Unions Act, No. 16 of 1939 (*Leeward Islands Official Gazette*, 1940).

Article 1 of the Convention. There are no provisions restricting the rights of association of those engaged in agriculture.

Solomon Islands.

In reply to a direct request by the Committee of Experts the Government states that all persons engaged in agriculture in the conditions pertaining in the Protectorate are covered by the Trade Unions and Trade Disputes Ordinance.

Swaziland (First Report).

Trade Union and Trade Disputes Proclamation (Cap. 150, *The Laws of Swaziland*, 1960).

The Convention has been fully applied for some years by virtue of the above proclamation. The recent amendments to this legislation, referred to under Convention 84, do not affect the application of the Convention.

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

United Kingdom (Antigua, Basutoland, British Honduras, Hong Kong, Solomon Islands, Swaziland).

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

France (Comoro Islands, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue), *Netherlands* (Netherlands Antilles), *United Kingdom* (Bermuda, British Guiana, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles).

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, Gibralt-

ar, Gilbert and Ellice Islands, Mauritius, Montserrat, St. Lucia, St. Vincent, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.
British Virgin Islands, St. Helena: 5 October 1962.
St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.
Swaziland: 15 October 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.
Southern Rhodesia: 24 November 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Swaziland (First Report).

The Workmen's Compensation Proclamation, 1963 (No. 4 of 1963).

The Workmen's Compensation (Fees for Medical Aid) Regulations, 1963 (Government Notice No. 30 of 1963).

The Workmen's Compensation (Insurance) Regulations (Government Notice No. 67 of 1963).

Article 1 of the Convention. The above legislation provides for the compensation of workers for personal injury by accident arising out of or in the course of their employment, and includes agricultural wage earners.

The staff of the labour section has been strengthened by the appointment of two labour inspectors who spend their time inspecting workplaces, including agricultural undertakings.

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

United Kingdom (British Guiana, Swaziland).

The following report refers to the information previously supplied:

United Kingdom (Grenada).

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Denmark. Ratification: 30 August 1935.

Applicable without modification:

Faroe Islands: 30 August 1935.

Greenland: 31 May 1954.

France. Ratification: 3 September 1926.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 February 1947.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 February 1947.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: Cook Islands and Niue: 4 December 1946.

No declaration: Tokelau Islands.

*United Kingdom.*¹

Applicable without modification: Antigua, Bahamas, Basutoland, Bechuanaland, British Virgin Islands, Dominica, Falkland Islands, Grenada, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

Decision reserved: Aden, Barbados, Bermuda, British Guiana, British Honduras, Brunei, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Seychelles: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

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

France (Martinique, Réunion).

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

France (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 12 May 1924.
Applicable without modification:
Faroe Islands: 12 May 1924.
Greenland: 31 May 1954.

France. Ratification: 16 January 1928.
No declaration.

Netherlands. Ratification: 17 June 1931.
Decision reserved: Surinam: 5 August 1957.
No declaration: Netherlands Antilles.

New Zealand. Ratification: 26 November 1959.

Not applicable: Cook Islands and Niue, Tokelau Islands: 26 November 1959.

United Kingdom. Ratification: 8 March 1926.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²: Aden, Bermuda, British Guiana, Dominica, Gibraltar, Grenada, Hong Kong, Mauritius, St. Helena, St. Lucia, St. Vincent, Seychelles: 27 March 1950.

Brunei²: 1 June 1960.

British Honduras²: 1 August 1961.

Montserrat²: 5 July 1962.

Applicable with modification²: Fiji, Solomon Islands: 27 March 1950.

Barbados²: 29 December 1958.

Decision reserved²: Antigua, Bahamas, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, 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.

UNITED KINGDOM

Bermuda.

For legislation see under Convention No. 5.

Article 1 of the Convention. See under Article 1 of Convention No. 7.

Article 2. By section 8 of the Employment of Children and Young Persons Act no person under the age of 18 years shall be employed as a trimmer in any vessel.

Article 5. By section 19, a register must be kept in the prescribed form.

The legislation is applied by the authorised officers listed in section 1 of the Act who undertake the inspections.

Fiji.

See under Convention No. 7.

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

United Kingdom (Guernsey, Jersey, Isle of Man).

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 23 April 1938.
Applicable without modification:
Faroe Islands: 23 April 1938.
Greenland: 31 May 1954.

France. Ratification: 22 March 1928.
No declaration.

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, Gibraltar, Grenada, Hong

Kong, 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, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

The following report refers to the information previously supplied.

United Kingdom (Isle of Man).

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: 27 March 1950.

Gibraltar²: 29 December 1958.
Montserrat²: 5 July 1962.
British Virgin Islands²: 17 September 1964.
Barbados²: 8 February 1965.

Applicable with modifications²:
Aden, Antigua, Bahamas, Basutoland, Bechuanaland, British Guiana, British Honduras, Dominica, Falkland Islands, Fiji, Grenada, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia: 27 March 1950.

Swaziland: 12 June 1964.

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. 15.

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

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.

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, Grenada, Hong Kong, Mauritius, Montserrat, 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.

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. 15.

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

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.
Gibraltar: 7 March 1963.
Falkland Islands: 8 May 1963.
Antigua, Grenada: 20 August 1963.

Dominica: 15 October 1963.
British Honduras: 12 June 1964.
Applicable with modifications:
Hong Kong, St. Christopher-Nevis-Anguilla: 12 June 1964.
Seychelles: 16 October 1964.
Decision reserved:
Solomon Islands: 15 January 1963.
Montserrat, St. Lucia: 4 February 1963.
Gilbert and Ellice Islands, Mauritius, St. Vincent: 18 February 1963.
Aden, Brunei: 3 August 1964.
British Guiana: 24 November 1964.
St. Helena: 8 February 1965.
Not applicable:
Bechuanaland, Swaziland: 18 February 1963.
Southern Rhodesia: 7 March 1963.
Basutoland: 7 July 1964.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

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

United Kingdom (Dominica, Isle of Man).

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, Gilbert and Ellice Islands, Mauritius, St. Vincent, Swaziland: 18 February 1963.

Gibraltar: 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.
Aden: 12 June 1964.
Basutoland: 7 July 1964.
Brunei: 3 August 1964.
Seychelles: 16 October 1964.
British Guiana, Southern Rhodesia: 24 November 1964.
St. Helena: 8 February 1965.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Isle of Man).

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 modification ¹:
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, Gilbert and Ellice Islands,
Mauritius, 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.

Basutoland: 7 July 1964.

Brunei: 3 August 1964.

Seychelles: 16 October 1964.

British Guiana, Southern Rhodesia:
24 November 1964.

St. Helena: 8 February 1965.

Not applicable:

Gibraltar: 7 March 1963.

Aden: 12 June 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification: 9 March 1931.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 21 November 1931.

France. Ratification: 18 September 1930.
Applicable without modification:
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 10 November 1936.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 28 December 1932.

Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 June 1929.
Applicable without modification:

Barbados, British Guiana, British Honduras, Dominica, Falkland Islands, Gibraltar, Hong Kong, Mauritius, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 4 June 1962.

Fiji: 26 June 1962.
British Virgin Islands, St. Helena: 5 October 1962.

Basutoland: 26 November 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Gilbert and Ellice Islands: 15 October 1963.

Montserrat: 12 June 1964.

Bahamas: 28 August 1964.

Bechuanaland: 8 February 1965.

Decision reserved:

Antigua: 4 June 1962.

Bermuda: 3 April 1963.

Southern Rhodesia: 14 January 1964.

Aden: 24 February 1964.

Brunei: 3 August 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea and Papua.

Industrial Relations Ordinance, 1962.

UNITED KINGDOM

Basutoland.

The wage-fixing machinery provided for in the Wages Proclamation, 1936, has not been used so far. Minimum rates for daily rated employees in government service are extended to workers engaged on public contracts through the labour clauses of such contracts. The Employment Bill, 1964, fixes a minimum wage for industrial and commercial undertakings. It is, however, the intention of the Government to introduce new legislation dealing specifically with wage-fixing machinery.

Bechuanaland.

Though still to be published, the Wages Board Proclamation enables minimum wage machinery to be established when deemed necessary by any group of workers. Specific provisions exist in respect of publication of rates, sanctions for paying wages less than the minimum rates, and legal procedures for recovery.

Thus far the proclamation has been applied only to meat industry workers.

Dominica.

In reply to a request made by the Committee of Experts in 1963 the Government indicates the following.

Article 2 of the Convention. Notice must be published seven days prior to the establishment of a wages council.

Article 3, paragraph 2, clause (2). Membership of a wages council is comprised equally of workers', employers' and independent representatives.

Article 4, paragraph 1. Wages regulation orders giving effect to the wages council proposals are given the publicity ordinarily given to legislation.

Article 5. Minimum wage legislation is gradually being supplanted by collective agreements which are not necessarily formal documents.

Falkland Islands.

In reply to the direct request made by the Committee of Experts in 1963 the Government indicates that regular quarterly meetings are held between the Falkland Islands Federation of Labour and Employers, including Government, and wages are under constant revision.

Hong Kong.

In reply to the Committee's request the Government reports that there are at present no trades or parts of trades in which at the same time there are no existing arrangements for the effective regulation of wages by collective agreement or otherwise, and wages are exceptionally low. The sustained demand for labour, increased general prosperity, a series of wage increases amounting to as much as 60 per cent. over the past five years, and the fact that there are over 300 registered trade unions established to look after the interests of workers are given as the primary reasons.

Mauritius.

Regulation of Wages and Conditions of Employment (Amendment) Ordinances Nos. 2 of 1963 and 11 of 1964.

Subject to certain provisos the appointment of persons to minimum wage boards and wage councils by the Minister must be preceded by consultation with any organisation appearing representative of employers or workers.

Seychelles.

In reply to the direct request made by the Committee of Experts in 1963 the Government indicates that both employers and workers are consulted on, and are associated with, the minimum wage-fixing machinery in equal numbers.

Employers and workers are informed of the minimum wage rates in force by a proclamation made by the Governor and published in the *Official Gazette* and the local press.

No legal provision exists whereby a worker who has been paid less than the minimum rate may recover the amount he has been underpaid.

Solomon Islands.

In reply to the direct request made by the Committee of Experts in 1963 the Government indicates that to date there has been no cause to apply the minimum wage provisions of the Labour Ordinance but that organisations of employers and workers would be consulted before any machinery were applied to a trade or part of trade. Rules regulating wages advisory boards will be promulgated if necessary.

Swaziland.

The Wages Proclamation (No. 16 of 1964).

The Wages Council Regulations (Government Notice No. 145 of 1964).

The Wages (Exhibition of Notices) Regulations (Government Notice No. 125 of 1964).

In reply to the direct request made by the Committee of Experts in 1963 the Government supplies the following information.

Article 2 of the Convention. Section 5 (3) and (4) of the above proclamation provides for the consideration of representations prior to the making of any recommendations.

Article 3, paragraph 2, clauses (1) and (2). It is provided in the third paragraph of the first and second schedules respectively that the Wages Advisory Board and wages councils shall consist of three independent members and equal numbers of employer and employee representatives. These schedules also provide that the Commissioner shall consult any organisations appearing to him to represent employers and employees concerned.

Article 4. Regulation 2 of Government Notice No. 125 of 1964 requires employers to exhibit wages regulation orders.

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

France (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon), *United Kingdom* (Barbados, Basutoland, British Honduras, Dominica, Falkland Islands, Fiji, Hong Kong, Mauritius, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland).

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

France (New Caledonia), *United Kingdom* (Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Isle of Man, St. Christopher-Nevis-Anguilla, St. Helena).

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

This Convention came into force on 9 March 1932

Australia. Ratification: 9 March 1931.
Applicable without modification:
New Guinea, Norfolk Island, Papua: 12 September 1931.
Nauru: 15 October 1931.

Denmark. Ratification¹: 18 January 1933.
Applicable without modification: Faroe Islands: 18 January 1933.
Not applicable: Greenland: 18 January 1933.

France. Ratification: 29 July 1935.
No declaration.

Netherlands. Ratification: 4 January 1933.
Applicable without modification: Surinam: 5 August 1957.

No declaration: Netherlands Antilles.

Republic of South Africa. Ratification¹: 21 February 1933.
No declaration.

*United Kingdom.*²
Decision reserved: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, 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 Conditional ratification.

² Unratified Convention. See footnote 1 to Convention No. 14.

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

Australia (Nauru, New Guinea, Norfolk Island, Papua).

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without 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 1932.
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.

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, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, 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.

FRANCE

French Guiana, Guadeloupe and Martinique.

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

The purpose of the modified system of military service is not to employ conscripts on public works but to use the period of military service as a means of providing better vocational training for young recruits and thus improve their employment opportunities. Previously about one-third of all young men liable to military service had not been called up and they encountered great difficulties in obtaining employment because of insufficient vocational qualifications. These men are now given four months' military instruction, after which they receive vocational training in various occupations according to their individual abilities and qualifications. Some are given instruction at a level corresponding to standards set by civilian vocational training authorities, and receive a certificate after having passed an examination. The other conscripts called up under the modified system of military service are given "on-the-job" vocational training. These young men are being trained to use modern machinery, as is also the case in the civilian sector, for important work such as road construction and agriculture, under the guidance of military instructors. The work forms part of an economic and social development plan, but main emphasis is put on training. After military service, these men make an important contribution to the civilian sector's need for qualified manpower, and the modified system of military service thus contributes to the economic and social development of these territories.

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

United Kingdom (Basutoland, Brunei, Isle of Man).

32. Protection against Accidents (Dockers) Convention (Revised), 1932¹

This Convention came into force on 30 October 1934

France. Ratification: 27 May 1955.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 10 January 1935.
Applicable *ipso jure* without modification ²:
Guernsey, Jersey, Isle of Man: 10 January 1935.
Applicable without modification:
Mauritius: 9 September 1963.
Applicable with modifications:
Falkland Islands: 29 December 1964.
British Guiana: 10 March 1965.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent:
18 February 1963.
Gibraltar: 7 March 1963.
Grenada: 27 June 1963.
Antigua: 20 August 1963.
Barbados, British Honduras, Dominica:
15 October 1963.
St. Christopher-Nevis-Anguilla: 12 June 1964.
Aden, Brunei: 3 August 1964.
Seychelles: 16 October 1964.
Not applicable: Bechuanaland, Swaziland:
18 February 1963.
Southern Rhodesia: 7 March 1963.
Basutoland: 7 July 1964.
No declaration: all other territories.

¹ This Convention revises Convention No. 28. of 1929.
² See footnote 1 to Convention No. 2.

UNITED KINGDOM

Barbados.

Barbados Harbours Act, 1960.
Barbados Harbours Regulations, 1961.

Mauritius (First Report).

Safety of Dockers Ordinance (Cap. 219 of *The Laws of Mauritius*).
The Docks Regulations, G.N. No. 15 of 1937, as amended by G.N. No. 23 of 1939.

Article 3 of the Convention. Exceptions are authorised in respect of cargo stages and cargo gangways, if other proper means of access is provided, and of sailing vessels not exceeding 250 tons net registered tonnage and steam vessels not exceeding 150 tons gross registered tonnage.

Article 4. Competent persons shall be in charge of the vessels which shall not be overcrowded.

Article 5. There are no exemptions.

Article 6. The requirements do not apply during short interruptions of work.

Article 9. The Director of Marine can declare any person not to be a competent person.

Article 11. Cranes may be overloaded when it has been approved by the engineer in charge.

Article 12. Dangerous goods are not handled.

Article 18. No steps have been taken to carry out the provisions of this Article.

The Director of Marine is responsible for the enforcement of regulations.

No court decisions, no observations from employers' or workers' organisations as regards the application of the Convention.

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

United Kingdom (Mauritius).

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

United Kingdom (Guernsey, Jersey, Isle of Man).

33. Minimum Age (Non-Industrial Employment) Convention, 1932 ¹

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.

FRANCE

Réunion.

Act of 16 August 1963 to regulate the employment of children in entertainment and in itinerant occupations.

NETHERLANDS

Netherlands Antilles.

In reply to the direct request of the Committee of Experts the Government states that hawking is allowed for persons who are in possession of a licence granted by the local chief of police. At present there are no licences for persons under the age of 18. The prohibition of certain forms of dangerous work by young persons has not yet been provided for by statute. However, the industries in which such work is performed have laid down their own regulations to the effect that young persons shall not be employed.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
Applicable without modification:
Gibraltar: 21 May 1964.
Applicable with modifications:
Falkland Islands: 21 May 1964.
Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.

Bechuanaland, British Honduras, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.

Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 35, *France* (p. 101).

UNITED KINGDOM

Brunei.

Under a non-contributory old-age pension scheme established in 1954 all persons who attain the age of 60 years receive a pension of 20 dollars per month, provided that they either were born in the State of Brunei and have resided in it for a period of at least ten years or were born outside the State and have resided in it for period of at least 30 years immediately preceding the date upon which they become eligible for such pension.

Guernsey.

The Contributory Pensions (Amendment) (Guernsey) Law, 1962.

The Contributory Pensions (Usual Earnings) (Increase of Limit) Ordinance, 1962.

The Alderney (Application of Legislation) (Contributory Pensions) (Usual Earnings) (Increase of Limit) Ordinance, 1962.

Jersey.

The Insular Insurance (Amendment No. 9) (Jersey) Law, 1963.

The Insular Insurance (Reciprocal Agreement with Great Britain, Northern Ireland and the Isle of Man) (Jersey) Act, 1962.

The Insular Insurance (Overlapping Benefits) (Amendment No. 2) (Jersey) Order, 1963.

Isle of Man.

The National Insurance Order, 1963.

Family Allowances and National Insurance Order, 1964.

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

United Kingdom (Guernsey, Jersey, Isle of Man).

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

United Kingdom (Falkland Islands, Gibraltar).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
Applicable with modifications:
Falkland Islands: 21 May 1964.
Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.
Bechuanaland, British Honduras, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.
Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla: 7 July 1964.
Dominica: 3 August 1964.
St. Lucia: 16 October 1964.
Gilbert and Ellice Islands: 11 November 1964.
Southern Rhodesia: 24 November 1964.
Brunei: 11 December 1964.
Seychelles: 10 March 1965.
Not applicable:
Gibraltar: 21 May 1964.
Aden: 12 June 1964.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

See under Convention No. 35.

Guernsey.

See under Convention No. 35.

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

United Kingdom (Brunei, Guernsey).

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

United Kingdom (Falkland Islands, Jersey, Isle of Man).

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964.

Bechuanaland, British Honduras, Falkland Islands, Fiji, Gibraltar, Grenada, Mauritius, Swaziland: 21 May 1964.

Aden, Antigua, Montserrat, St. Helena,

St. Vincent, Solomon Islands: 12 June 1964.

Barbados, Basutoland, British Guiana,

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

Under the state pensions scheme established in 1954, in addition to old-age pensions, the following pensions and allowances may be granted, subject to the satisfying of certain conditions, to the applicant himself or, in certain circumstances, to his dependants:

- (1) pensions of 20 dollars per month for the blind, plus an allowance of 10 dollars per month for each dependant where there is a need for such allowance;
- (2) rehabilitation allowances of 20 dollars per month for discharged lepers, plus an allowance of 10 dollars per month for each dependant of any leper while such leper is receiving treatment in a leper colony or settlement approved by the State Medical Officer;
- (3) allowances of 10 dollars per month for each dependant of any lunatic who is either detained in a mental hospital or committed to the care of a relative or friend;
- (4) disability pensions of 20 dollars per month;
- (5) such other pensions and allowances as the Sultan in Council may by regulations prescribe.

Pensions for the blind, allowances for lepers and allowances for the dependants of lunatics have been paid since 1955.

The payment of disability pensions has not yet commenced. The Government is giving consideration to introducing disability pensions shortly.

* * *

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

United Kingdom (Guernsey, Jersey, Isle of Man).

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.

Bechuanaland, British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

Barbados, Basutoland, British Guiana, St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

Not applicable:

Gibraltar: 21 May 1964.

Aden: 12 June 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

See under Convention No. 37.

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The following report supplies information on the practical effect given to the Convention:

United Kingdom (Brunei).

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

United Kingdom (Guernsey, Jersey, Isle of Man).

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

This Convention came into force on 8 November 1946

United Kingdom. Ratification: 18 July 1936.
 Applicable *ipso jure* without modification ¹:
 Guernsey, Jersey, Isle of Man: 18 July 1936.
 Applicable with modifications:
 Gibraltar: 21 May 1964.
 Decision reserved:
 Bahamas, Bermuda, Hong Kong: 13 April 1964.
 Bechuanaland, British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.
 Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

Barbados, British Guiana, St. Christopher-Nevis-Anguilla: 7 July 1964.
 Dominica: 3 August 1964.
 St. Lucia: 16 October 1964.
 Basutoland, Gilbert and Ellice Islands: 11 November 1964.
 Southern Rhodesia: 24 November 1964.
 Brunei: 11 December 1964.
 Seychelles: 10 March 1965.
 No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

There is no scheme of compulsory widows' and orphans' insurance in Brunei. However, all women, including widows, who attain the age of 60 years and satisfy a residential qualification (see under Convention No. 35) receive a pension.

Guernsey.

See under Convention No. 35.

Isle of Man.

See under Convention No. 35.

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

United Kingdom (Guernsey, Jersey).

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

United Kingdom (Gibraltar, Isle of Man).

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.

Bechuanaland, British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

Barbados, Basutoland, British Guiana,

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

Not applicable:

Gibraltar: 21 May 1964.

Aden: 12 June 1964.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

See under Convention No. 39.

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

United Kingdom (Jersey, Isle of Man).

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.

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.

Applicable without modification:
British Honduras, Gibraltar, Mauritius: 21 May 1964.

Barbados: 7 July 1964.
Solomon Islands: 11 November 1964.
British Guiana: 24 November 1964.

Applicable with modifications:
Swaziland: 12 June 1964.
Basutoland, St. Christopher-Nevis-Anguilla: 17 September 1964.

Bechuanaland, Montserrat: 16 October 1964.
St. Lucia: 11 November 1964.
Gilbert and Ellice Islands, Hong Kong: 30 March 1965.

Decision reserved:
Bahamas, Bermuda: 13 April 1964.
Falkland Islands, Fiji, Grenada: 21 May 1964.
Aden, Antigua, St. Helena, St. Vincent: 12 June 1964.

Southern Rhodesia: 24 November 1964.
Seychelles: 10 March 1965.
No declaration: all other territories.

¹ This Convention revises Convention No. 18 of 1925.

² See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei.

The diseases giving rise to entitlement to benefit are listed in a schedule appended to the Workmen's Compensation Enactment. This list is in conformity with the schedule included in Article 2 of the Convention except that silicosis has been excluded from the list as there are no mining operations other than oil mining carried on in Brunei. However, consideration is being given to add silicosis to the list of occupational diseases to cover contingency of such a risk arising in the future.

* * *

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

France. Ratification: 21 February 1949.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 29 April 1936.
Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 29 April 1936.
Applicable with modifications:
Gibraltar: 11 November 1964.

Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia: 4 February 1963.

Bechuanaland, Fiji, Gilbert and Ellice Islands, Mauritius, St. Vincent, Seychelles, 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.

Aden: 12 June 1964.

Basutoland: 7 July 1964.

Brunei: 3 August 1964.

British Guiana, Southern Rhodesia: 24 November 1964.

St. Helena: 8 February 1965.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Isle of Man).

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

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, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, 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.

Bechuanaland: 8 February 1965.

Applicable with modifications: Basutoland: 3 April 1958.

Not applicable: Aden, Bermuda, Falkland Islands, Gibraltar, St. Helena: 22 May 1939.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Basutoland.

In reply to a direct request by the Committee of Experts in respect of Article 3 the Government agrees that the exemptions provided for in the African Labour Proclamation should be confined to non-professional recruiting. The new Employment Bill makes similar provisions to those of the proclamation in this respect, except that the period of employment under section 3 (d) has been increased to six months.

In considering Article 18 of the Convention the National Advisory Committee on Labour has observed that the present medical facilities in Basutoland are over-committed. Second-class labour, whose medical requirements are less rigid, might be prohibited from obtaining employment on the farms in the Republic of South Africa. The Bill accordingly provides for labour recruited by certain farmers to be exempt from medical examination before attestation of their contracts.

Bechuanaland.

Employment Law, 1963.

Article 3 of the Convention. Non-manual workers are not covered by the above-mentioned law, and employers recruiting for work within Bechuanaland who employ less than 50 people, as well as non-professional recruiters recruiting for service within a radius of 100 miles from the place of employment, are exempted from the provisions relating to recruiting. The provision authorising the latter exemption has been repealed recently but the law has yet to be signed.

Articles 4 and 5. Section 91 of the law caters for the provisions of these Articles. In fact, however, licensed recruiting organisations no longer seek for recruits, and persons wishing for employment merely present themselves at the recruiting offices. In the circumstances of unemployment there is no risk of pressure on the population to obtain labour. The local demand by Bechuanaland workers for work in South Africa greatly exceeds the employment opportunities in that country.

Article 6. No person under the age of 18 years may be recruited.

Article 18. Workers recruited for agricultural work, when less than 100 are recruited on contracts of four months and under, are not medically examined.

British Honduras.

Labour (Recruiting of Workers) Regulations, 1963 (*Official Gazette*, 14 Dec. 1963).

Fiji.

Employment Ordinance (No. 15), 1964.

Hong Kong.

See under Convention No. 64.

Mauritius.

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

Recruitment for the *Société française des îles de Madagascar* is made through the Employment Service when vacancies cannot be filled by the company. Every contract is submitted to the Employment Service for approval as prescribed under the Emigration Regulations. These operations appear to constitute "recruiting" as defined in Article 2 of the Convention, but in view of the above-mentioned control, it has been considered appropriate to exempt this form of recruiting from the full application of the Convention, by virtue of its Article 3.

Swaziland.

African Labour (Amendment) Proclamation, No. 19 of 1963.

The above proclamation introduced restricted licences at reduced fees. It is intended to incorporate the provisions of the African Labour Proclamation (Cap. 70) into the Employment Proclamation, where it will apply to all recruited workers and not merely to Africans. Section 14 of Cap. 70, as amended by the amending proclamation of 1963, will be deleted, as it is contrary to the Convention.

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

No legal provision guarantees the rights of workers engaged on the "Assisted Voluntary System" to refund of travelling expenses if they extend their service to six months. The number of assisted volunteers has been curtailed and is now only 7½ per cent. of the total. However, the A.V.S. contract forms will be amended so as to guarantee such refund of travelling expenses to workers who extend their service for six months or more; but there is a possibility that the A.V.S. will be abolished altogether.

Border fences have been erected and border control posts have been established. The police undertake regular patrols around the territory and two newly appointed labour inspectors are also warned to look out for any instances of illegal recruiting. The large number of licences issued to farmers and other small employers in the Republic of South Africa suggests that there can be little or no illegal recruitment.

* * *

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

United Kingdom (Antigua, Bechuanaland, Hong Kong, Mauritius, Montserrat, Southern Rhodesia).

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Bahamas, Barbados, British Virgin Islands, Brunei, Dominica, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Isle of Man, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands).

58. Minimum Age (Sea) Convention (Revised), 1936¹

This Convention came into force on 11 April 1939

Denmark. Ratification: 4 June 1955.

Not applicable: Faroe Islands: 4 June 1955.

No declaration: Greenland.

France. Ratification: 9 December 1948.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 8 July 1947.

Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 7 June 1946.

No declaration.

*United Kingdom.*²

Applicable without modification:

Aden, Dominica, Fiji, Grenada, Mauritius, St. Helena, Seychelles, Solomon Islands: 27 March 1950.

Gibraltar: 29 December 1958.

Applicable with modification:

Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent: 27 March 1950.
Brunei: 1 June 1960.

Decision reserved: Bermuda: 27 March 1950.

Not applicable: Basutoland, Bechuanaland, Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

United States. Ratification: 29 October 1938.

Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.

No declaration: Trust Territory of Pacific Islands.

¹ This Convention revises the Convention of 1920. See Convention No. 7.

² Unratified Convention. See footnote 1 to Convention No. 14.

The following report supplies information on the practical effect given to the Convention or on minor changes in its implementation:

Netherlands (Netherlands Antilles).

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

France (French Guiana, Guadeloupe, Martinique, Réunion), *United States* (American Samoa, Guam, Puerto Rico, Virgin Islands).

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

France. Ratification: 16 December 1950.
 Applicable without modification:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.

Netherlands. Ratification: 2 May 1950.
 Applicable without modification: Surinam: 25 June 1951.
 Decision reserved: Netherlands Antilles: 25 June 1951.

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French Somaliland.

Order No. 63/92/SPCG of 29 July 1963 prescribing special health and safety measures for building and public works sites (*Journal officiel*, 31 July 1963, No. 7, p. 220).

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 62, *France* (p. 137).

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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).

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.
No 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 without modification:
Barbados ², Gilbert and Ellice Islands ³:
21 May 1964.

Applicable with modifications:
Hong Kong ³: 15 October 1963.
Gibraltar ³: 12 June 1964.

British Guiana: 24 November 1964.
St. Lucia ¹: 22 January 1965.

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.
Basutoland, Grenada: 7 July 1964.
Aden: 3 August 1964.

Southern Rhodesia: 24 November 1964.

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.

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

United Kingdom (Hong Kong, Isle of Man).

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.
Applicable without modification: Cook Islands and Niue: 8 July 1947.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:

Aden, Antigua, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Fiji, Gilbert and

Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 24 August 1943.

Bahamas: 16 March 1962.

Decision reserved: Barbados, Bermuda: 24 August 1943.

Not applicable: Falkland Islands, Gibraltar: 24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas.

In reply to a direct request by the Committee of Experts the Government states that the conditions of employment of workers engaged on farm work in the United States are negotiated by the Government and that the safeguards envisaged in Article 19 are therefore provided.

Basutoland.

In reply to a direct request by the Committee of Experts in respect of Article 14, clause (d), of the Convention the Government states that the exemption provisions of the African Labour Proclamation relating to repatriation expenses have never been exercised. The provisions in the Employment Bill, redrafted in July 1964, conform to Article 6, paragraph 4, and Article 14 of the Convention. In practice, a system of deferred pay is operated by practically all mining companies which engage Basuto labour for work in the Republic of South Africa. The National Advisory Committee of Labour has advocated that all mining companies be encouraged to bear the repatriation expenses but conditions of employment in another territory cannot be imposed by legislation from Basutoland. This could be achieved only by a formal agreement between the respective administrations of the Republic of South Africa and Basutoland.

Bechuanaland.

Article 14, clause (d), of the Convention. In reply to a direct request by the Committee of Experts the Government indicates that the rates of pay of mineworkers are designed to enable them to save money and to pay for the cost of their repatriation. The exemption of employers from payment of repatriation expenses is in force in respect of workers recruited on behalf of the Chamber of Mines by the Native Recruiting Corporation and the Witwatersrand Native Labour Association. The Government supplies information on the average rate of pay for workers recruited for work in gold mines and attaches copies of the contract form used by the Witwatersrand Native Labour Association.

British Honduras.

A Bill to amend sections 50 and 52 of the Labour Ordinance and to add a new section so as to implement fully Articles 3 and 10 of the Convention has had its first reading in the Legislative Assembly.

Fiji.

See under Convention No. 50.

Hong Kong.

In reply to a direct request by the Committee in 1963 the Government indicates that a draft Contracts for Overseas Employment Bill to cover manual workers engaged for work overseas has been endorsed by the Labour Advisory Board in September 1964. A draft Employers and Servants (Amendment) Bill to prohibit local contracts of service for a period in excess of six months has also been endorsed by the Labour Advisory Board. Steps are being taken to obtain approval of the Governor in Council for their introduction to the Legislative Council. The measures taken to protect emigrant workers on approved contracts are as follows. Where the territory of employment has ratified Conventions Nos. 50, 64 and 86 the labour authorities in that territory are relied on for the protection of the workers. Where the territory of employment has not ratified these Conventions, the employer or his local representative is required to guarantee the proper execution of the contract, particularly regarding the payment of outstanding wages and repatriation expenses.

Seychelles.

In reply to a direct request by the Committee of Experts the Government states that no legislation has, as yet, been drafted to include Article 7 of the Convention in the Employment of Servants Ordinance or to give effect to Article 12, paragraph 2.

Solomon Islands.

In reply to a direct request by the Committee of Experts the Government states that a Bill to amend the Labour Ordinance so as to give effect to Article 3, paragraph 4, and Article 6, paragraphs 3 and 5, of the Convention, will be presented to the Legislative Council. As regards Article 16, it is not considered practicable as yet to require a shorter period than one year, the maximum period of a contract, for a re-engagement contract. Communications are still difficult and sporadic enough to obviate the benefit of re-engagement unless this can be for the same length of time as the original contract.

Swaziland.

Article 14, clause (d), of the Convention. In reply to a direct request by the Committee of Experts the Government states that no exemptions have been granted to employers from liability for repatriation expenses under section 38 (d) of the African Labour Proclamation.

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

New Zealand (Cook Islands and Niue), *United Kingdom* (Aden, Fiji, Hong Kong).

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

United Kingdom (Antigua, British Virgin Islands, Brunei, Dominica, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Isle of Man, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent).

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

This Convention came into force on 24 March 1957

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.
Not applicable: Surinam: 11 November 1958.
Netherlands Antilles: 15 May 1959.

United Kingdom. Ratification: 6 August 1953.
Not applicable: Basutoland, Bechuanaland, Swaziland: 3 November 1958.
Southern Rhodesia: 7 July 1959.

Decision reserved:

Guernsey, Jersey: 8 March 1960.

Isle of Man: 22 September 1960.

Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 13 February 1961.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 68 (*France*), p. 148.

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.

Southern Rhodesia: 7 July 1959.

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. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹ See footnote 1 to Convention No. 2.

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

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.

Southern Rhodesia: 7 July 1959.

Decision reserved: Aden, Antigua, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, 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.

The following report refers to the information previously supplied:

United Kingdom (Mauritius).

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Denmark. Ratification: 6 August 1958.
Not applicable:
Greenland: 6 August 1958.
Faroe Islands: 16 September 1958.

France. Ratification: 16 December 1950.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 15 September 1951.
Applicable without modification: Netherlands Antilles, Surinam: 26 September 1951.

New Zealand. Ratification: 30 November 1959.¹
Not applicable: Tokelau Islands: 30 November 1959.
Decision reserved: Cook Islands and Niue: 30 November 1959.

United Kingdom. Ratification: 28 June 1949.¹
Applicable *ipso jure* without modification ²:

Guernsey ¹, Jersey ¹, Isle of Man ¹: 28 June 1949.
Applicable without modification: Antigua ¹, Barbados ¹, Brunei ¹, Gibraltar ³, Grenada ¹, Mauritius ³, St. Vincent ¹: 22 March 1958.
British Guiana ¹: 15 April 1958.
British Honduras ¹: 20 November 1963.
Applicable with modifications:
Hong Kong ¹: 22 March 1958.
Southern Rhodesia ¹: 11 April 1960.
Solomon Islands ¹: 18 December 1963.
Decision reserved: Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gilbert and Ellice Islands, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Swaziland: 22 March 1958.
Dominica: 16 December 1958.

¹ Excluding Part II.

² See footnote 1 to Convention No. 2.

³ Including Part II.

NETHERLANDS

Netherlands Antilles.

Ordinance to regulate hours of work, dated 22 August 1952 (*Publicatieblad*, 1952, No. 93) (*L.S.* 1952—Neth. Ant. 1).
Safety Decree, 1958 (*Publicatieblad*, 1958, No. 162).

In reply to a request and an observation made by the Committee of Experts in 1964 the Government supplies the following information.

Article 12, paragraph 1, clause (c), of the Convention. The powers referred to in sub-clauses (i) and (iii) have been entrusted to the officials of the Labour Inspection Service as detection officials under, *inter alia*, section 25 of the Labour Regulations, 1952, and section 6 of the Safety Decree, 1958. The power referred to in sub-clause (iv) will now be granted in pursuance of a modification of the Safety Decree which is under way.

Article 15, clause (a). It has been pointed out to the officials that they should not acquire an interest in any undertaking, as otherwise they could not be retained in their position in the service of the Labour Inspectorate.

Article 21. The annual reports will be sent when completed. If in a report no mention is made of occupational diseases, this is because in that period no occupational diseases were notified. In the next report mention will be made of activities with regard to the supervision of hours of work, minimum wages, weekly day-off and holidays.

UNITED KINGDOM

Brunei.

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

Article 14 of the Convention. Legislation requiring notification of occupational diseases has been drafted but, owing to the state of emergency following the revolt of 1962, it has not yet been enacted.

Articles 20 and 21. An annual report covering all activities of the Labour Department is published. This report will be regularly transmitted to the I.L.O. in future, and arrangements are being made to ensure that it contains all the information requested under Article 21.

Solomon Islands (First Report).

Labour Ordinance (Cap. 28) No. 3 of 1960.

The Workmen's Compensation Ordinance (Cap. 30).

The Workmen's Compensation (Amendment) Ordinance, 1964.

The Workmen's Compensation (Accident Return) Rules, 1959.

PART I. LABOUR INSPECTION IN INDUSTRY

Article 1 of the Convention. A Commissioner of Labour and other officers have been appointed under section 4 of the Labour Ordinance.

Article 2. There are no exemptions.

Article 3. The Commissioner is required to administer the Workmen's Compensation Ordinance and to foster good industrial relations.

Article 4. The central authority is the Department of Labour.

Article 5. The Department of Labour co-operates with other government departments, such as district administration and medical.

Articles 6 and 7. The Commissioner of Labour is a permanent and pensionable government official with experience and training. Other officers have not been trained. It is intended that, as local officers become available, some will be trained as inspectors both in the Protectorate and overseas.

Article 8. Although no women have as yet been appointed, the Inspectorate is open to them.

Article 9. Qualified technical experts from various departments are available.

Article 10. The Commissioner of Labour undertakes all inspection, with help from the District Commissioners and District Officers. One departmental officer is operating an employment bureau and receiving instruction in inspection work.

Article 11. The Labour Department has offices in Honiara and Auki. Traveling and incidental expenses may be claimed under general orders.

Article 12. Section 5 of the Labour Ordinance provides in part for the provisions of this article. It is intended to amend the ordinance to provide better application of this Article.

Article 13. This is covered by section 5 (4).

Article 14. This is covered by the Workmen's Compensation (Accident Return) Rules, 1959.

Article 15. There are no legal provisions giving effect to this Article. It is intended to amend the Labour Ordinance to include a clause modelled on this Article.

Article 16. Inspections are made as frequently as the difficult communications situation allows.

Articles 17 and 18. These are covered by sections 8, 25, 28, 53, 73, 75, 81, 89, 111, 114, 115 and 117 of the Labour Ordinance.

Article 19. Inspection forms are completed at the time of an inspection of a workplace.

Articles 20 and 21. An annual report is published on the work of the Labour Department. It has not been possible because of limited staff to give all the statistics required in Article 21.

PART II. LABOUR INSPECTION IN COMMERCE

The Labour Ordinance applies only to manual workers. It is intended to present a Bill to amend the Labour Ordinance to the Legislative Council which will include employees in commercial workplaces.

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, Gibraltar, Grenada, Mauritius, Montserrat, 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, Seychelles, Solomon Islands, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

UNITED KINGDOM

Basutoland.

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

Article 18 of the Convention. Section 40 (1) (a) of the African Labour Proclamation (penal sanctions for breaches of a civil contract) has not yet been abolished. However, the new Employment Bill, which is expected to be presented to the present legislature, provides for the repeal of the proclamation.

Article 19. A new Education Law has been adopted which, however, is not yet in operation and the school leaving age has not been settled on. The new Employment Bill provides for a minimum age in certain sectors of employment in conformity with the various Conventions relating to minimum age in employment.

Brunei.

Article 7 of the Convention. The National Development Plan 1962-1966 includes 14 specific objectives concerning, *inter alia*: a more equitable distribution of income; maintenance of stable prices and a high level of employment; development of rural areas; provisions for adequate systems of education, health services, public service facilities (means of communication, adequate water, drainage and irrigation).

Article 20. The Plan lists among its projects the establishment of a technical and trade training institute for the development of a skilled labour force to keep pace with increasing industrialisation.

Grenada.

In reply to a direct request by the Committee of Experts the Government indicates that, in pursuance of a proposal approved by the Government, five schools are now in the process of construction. Work on two of these schools began in 1963 and on the remaining three in June 1964.

Seychelles.

Employment of Servants (Outlying Islands) (Amendment) Ordinance, No. 29 of 1964.

The above ordinance has amended the Outlying Islands (Employment of Servants) Ordinance No. 26 of 1945 to implement the provisions of Article 16, para-

graph 1, of the Convention, by adding the following sentence (section 8 (a) (1)):
“The manner of repayment of such advance shall be stipulated in the contract of service and must be approved by the Labour Officer.”

* * *

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

United Kingdom (Basutoland, Brunei, Seychelles).

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

France. Ratification: 26 July 1954.
 Applicable without modification:
 Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 6 December 1954.
 Not applicable:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
New Zealand. Ratification: 1 July 1952.
 Applicable without modification: Cook Islands and Niue: 1 July 1952.
 Not applicable: Tokelau Islands: 1 July 1952.
United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia, Swaziland: 27 March 1950.
 Solomon Islands: 18 September 1961.
 Brunei: 5 October 1962.
 Gilbert and Ellice Islands: 7 July 1964.
 No declaration: Guernsey, Jersey, Isle of Man.

UNITED KINGDOM

Aden.

In reply to a direct request made by the Committee of Experts the Government states that it is at present urgently considering the withdrawal of the Industrial Relations (Conciliation and Arbitration) Ordinance, No. 6 of 1960, and its replacement by a new ordinance. This subject is under discussion in the Joint Advisory Council and a draft ordinance is at present the subject of study by a committee of employers and trade unionists. When this committee has reported, the draft ordinance will be submitted to the Council of Ministers for approval and legislative action in the normal manner. It is envisaged that the Committee's recommendations will be fully implemented when the new ordinance comes into force.

Barbados.

See under Conventions Nos. 87 and 98.

Bechuanaland.

Article 2 of the Convention. Rights are guaranteed in terms of the law for all employers and workers. The previous conception of the definition of workmen as one excluding agricultural workers has been changed as a result of legal advice and it is now clear that all workmen are free to associate in terms of the law.

Articles 5 to 7. Section 117 of the Employment Law provides that disputes may be reported to a labour officer, who must take any steps necessary to effect a settlement. There is no legislation concerning industrial conciliation other than the Wages Boards Proclamation (Chapter 161), which provides that wages boards may be set up to make recommendations to Government about wages and work conditions. Industrial conciliation legislation is, however, under consideration.

Brunei (First Report).

Trade Unions Enactment, No. 5 of 1961.

Trade Disputes Enactment, No. 6 of 1961.

Article 2 of the Convention. The rights of association of both employers and employees are guaranteed by sections 2 to 4 of the Trade Unions Enactment.

Sections 3 and 4 declare trade unions to be not criminal and not unlawful for civil purposes. Further, sections 2, 4 and 5 of the Trade Disputes Enactment protect trade unions and their officials and members from actions of tort, for conspiracy and actions for liability for interfering with another person's business. Peaceful picketing is protected by section 14 of the enactment.

Sections 5 to 34 of the Trade Unions Enactment govern the establishment, constitutions, suspension and dissolution of trade unions.

Sections 5 and 8 require the registration of all trade unions, but the Registrar may only refuse registration in accordance with the grounds specified in section 10. Procedure for registration is contained in section 9. Cancellation of registration may only be carried out by the Registrar in the circumstances contained in section 11 (1). Rights of employers or employed to appeal to the High Court against refusal to register a trade union or the cancellation of registration by the Registrar are ensured respectively by provisions of section 10 (3) to (6) or by section 11 (2) and (3) of the Trade Unions Enactment.

Machinery is provided in sections 13 to 15 for amalgamation or federation of trade unions.

Accounts of unions are protected by section 21 of the enactment.

Section 27 and the schedule to the enactment lay down the minimum requirements of the rules, etc., of trade unions.

Article 3. It is government policy to encourage representative trade unions to conclude collective agreements, and trade unions have complete freedom in this matter. Section 16 of the Trade Disputes Enactment is relevant.

Article 4. In the present stage of development of trade unions it is not practicable at present to associate the representatives of organisations of employers and workers in the establishment and making of arrangements for the protection of workers and the application of labour legislation.

It is the Government's intention that, as soon as representative trade union organisations have developed they will be consulted in regard to the adoption and working of labour legislation.

Articles 5 to 7. The majority of disputes between employers and workers which cannot be settled by direct discussions are invariably referred to the Commissioner of Labour. He has powers under section 17 of the Trade Disputes Enactment to conciliate or appoint a conciliator with the object of promoting a settlement.

Sections 16 to 28 of the Trade Disputes Enactment provide for arbitration with the consent of both parties to the dispute. Section 19 makes provision for an equal number of nominees of both employers and workers to be appointed as assessors to assist an arbitrator or as joint arbitrators with an independent chairman.

Fiji.

Trade Union Ordinance (No. 4 of 1964).

Trade Dispute (Arbitration, Inquiry and Settlement) Ordinance (No. 13 of 1964).

In reply to an observation made by the Committee of Experts in respect of section 8 (a) of the Industrial Association Ordinance and its application to casual or seasonal workers, the Government states that the restriction to which the Committee referred has been removed in the new legislation.

In reply to a direct request of the Committee of Experts the Government states that no regulation adopted by the Fijian Affairs Board restricts the right of association provided for in the Convention.

Gilbert and Ellice Islands.

One local trade union has been registered in accordance with the Trade Unions and Trade Disputes Ordinance, No. 2 of 1946.

Hong Kong.

In reply to a direct request of the Committee of Experts the Government states that the word "habitually" in section 17 (1) of the Trade Union Registration Ordinance of 1961 is not administratively interpreted to mean exclusion of seasonal, casual or temporarily unemployed workers in a trade; legally, the issue has not been tested in a court of law, but both the Commissioner of Labour and the Registrar of Trade Unions have been advised that, under British law, it would not be interpreted as denying the right of association to casual or seasonal workers.

In fact the word "habitually" was deliberately inserted in the legislation in order to allow casual and seasonal workers to become members of unions and to retain their union membership when they become temporarily unemployed. The point made by the Committee of Experts has been noted and will be given due consideration when opportunity arises. No amendment is at present considered necessary, although if the issue arises before a court and a contrary decision is given, steps will be taken immediately to have the law amended to rectify the position beyond doubt.

Solomon Islands.

Trade Unions and Trade Disputes (Amendments) Ordinance, 1964.

The following modifications have been made by the above ordinance: a definition of "employer" to include the Government of the Protectorate has been added, and a wider definition of "workman" has been added, to apply the Convention.

Swaziland.

Trade Unions and Trade Disputes (Amendment) Proclamation, 1962 (No. 49 of 1962).

Trade Unions and Trade Disputes (Amendment) Proclamation, 1963 (No. 21 of 1963).

Industrial Conciliation and Settlement Proclamation (No. 12 of 1963).

Article 2 of the Convention. Fourteen associations of employees and three of employers have been registered during the period under review. Registration is compulsory under sections 5 and 8 of Cap. 150. The law also confers certain legal immunities and rights which protect such associations—see sections 4, 18 to 20 and 22 of the principal law as amended, and new section 23 inserted by Proclamation No. 21 of 1963. It will be noted that section 20 as amended confers immunity from liability for interfering with another person's business to a trade union officer or member, or an employee of the employer concerned.

The establishment, constitution, suspension, and dissolution of these associations is governed by sections 7 to 11A and B (Proclamation No. 21 of 1963), 12, 13, 14, 15, 16 and rules thereunder, as variously amended by the above legislation.

One trade union was de-registered in the period under review, under section 11, and no trade union has so far been refused registration under section 10 (as amended by Proclamation No. 21 of 1963) (see also report on Convention 87).

Article 3. The right to conclude collective agreements is guaranteed by Part II of the Industrial Conciliation and Settlement Proclamation, 1963 (No. 12 of 1963).

Article 4. All registered trade unions and organisations of employers, as well as the Swazi National Council, were consulted before the introduction of the new labour legislation which has been effected since 1961. In 1963 a National Joint

Consultative Council was established, composed of representatives nominated by employers and employees' associations, for regular consultation, and this body discusses with Government on all labour matters, including new legislation (see also report on Convention 26). Organisations of employers and workers are also represented on the Apprenticeship Board recently established under the Industrial Training Proclamation (No. 12 of 1962).

Articles 5 and 6. The procedures for investigation of disputes are detailed in Part III of the Industrial Conciliation and Settlement Proclamation, 1963 (No. 12 of 1963).

Article 7. Sections 15 and 16 respectively of Proclamation No. 12 of 1963 provide for the appointment of conciliation boards and arbitration boards, and the participation in equal numbers on such bodies of representatives of employers and employed and their organisations where these exist.

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

United Kingdom (Aden, British Honduras, St. Christopher-Nevis-Anguilla, St. Lucia, Swaziland).

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Antigua, Basutoland, Bermuda, Dominica, Falkland Islands, Gibraltar, Grenada, Montserrat, St. Helena, St. Vincent, Seychelles).

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification: 27 March 1950.
 Applicable *ipso jure* without modification ¹:
 Guernsey, Jersey, Isle of Man: 27 March 1950.
 Applicable without modification:
 Aden, Antigua, Bahamas, Barbados, British
 Guiana, British Honduras, British Virgin Islands,
 Dominica, Fiji, Gibraltar, Grenada, Mauritius,
 Montserrat, 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.
 Applicable with modifications:
 Hong Kong: 27 March 1950.
 Brunei: 5 January 1961.
 Decision reserved: Basutoland, Bermuda:
 27 March 1950.
 Not applicable: Falkland Islands, 27 March
 1950.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bechuanaland.

Employment Law, 1963.

Article 4 of the Convention. In reply to a direct request by the Committee of Experts the Government states that the provisions of this Article are written into Part IV of the above law, in section 45. It has not yet been found necessary to enter into agreements with territories of employment.

Fiji.

See under Convention No. 50.

Gilbert and Ellice Islands.

In reply to a direct request by the Committee of Experts the Government states that no exclusions from the provisions of the labour ordinance relating to limitation of contractual periods have been made.

Hong Kong.

See under Convention No. 64.

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

United Kingdom (Aden, Antigua, Bahamas, Barbados, British Honduras, British Virgin Islands, Brunei, Dominica, Gibraltar, Grenada, Guernsey, Jersey, Isle of Man, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland).

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: 19 June 1958.
Dominica, St. Lucia: 29 December 1958.
Bermuda: 10 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.
British Virgin Islands: 12 June 1964.
Seychelles: 7 July 1964.
Applicable with modifications:
British Guiana, Gibraltar: 19 June 1958.
Grenada, Mauritius, St. Vincent: 29 December 1958.
Bahamas: 3 April 1963.
Hong Kong: 15 October 1963.
Decision reserved:
Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands: 19 June 1958.
Fiji: 29 December 1958.
Southern Rhodesia: 23 February 1959.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Aden.

In reply to allegations made by the Byelorussian Workers' member at the Conference Committee in 1964 the Government states that the Aden Trade Union Congress was not outlawed in 1963, nor was any other trade union movement; that amongst those deported for various legitimate reasons, it is possible that certain individuals were trade unionists, but the fact that they were members of the trade union would have been irrelevant; that all those detainees have now been released; that in 1960 the Industrial Relations Ordinance was brought to the attention of the International Labour Organisation as being in breach of Article 4 of Convention No. 98 and that the I.L.O. ruled subsequently that there was no such contravention; and that the state of emergency did not open the way to persecutions of anybody, whether they were trade unionists or otherwise.

Bahamas (First Report).

Trade Union and Industrial Conciliation Act, 1958.

Article 2 of the Convention. Workers have the right to establish trade union organisations as provided in Part III, sections 10 to 20, of the above Act. To exercise "statutory objects" they must be registered in accordance with the Trade Union Act, 1958.

Article 3. Workers' or employers' organisations have the right to draft their rules and constitution, to elect their representatives in full freedom, to organise their administration and activities, and to formulate programmes.

Article 4. Having rights under the Act, they also have responsibilities as provided in various sections of the Trade Union Act, 1958.

The grounds for refusal to register are set out in Part III of the Trade Union Act, sections 14 to 16, and cancellation is subject to the provisions of section 20, with right of appeal in section 25.

Article 5. This provision is fully implemented.

Article 6. The second schedule, Part I, section 6, of the Trade Union Act, 1958, prohibits registration of federations or a congress of trade unions.

Article 7. The separate rights and functions of a registered trade union are not interfered with, subject to the provisions of the existing Trade Union and Industrial Conciliation Act, 1958.

Barbados (First Report).

Trade Union Act, 1964-2.

Trade Union Regulations, 1940.

Article 2 of the Convention. Effect is given to this Article by the above Act. The definition of "workman" in section 2 of the Act includes civil servants, local government employees and any other persons employed by or under the Crown (see however section 44). The following provisions of the Act must be met by workers' and employers' organisations when they are being established: section 2 (definition of trade union) and section 21 (*d*) (principal purposes of union to be, under its constitution; the regulation of the relations between workmen and workmen or between employers and employers); section 12 (1) (compulsory registration); section 12 (2) (any seven members may register a union by subscribing their names to the rules and otherwise complying with the provisions of the Act); section 12 (3) (union must not have any purpose which is unlawful); section 14 (property of union to be vested in trustees); and sections 21, 23 and 41 (application for registration, etc.).

Article 3, paragraph 1. There are no legislative or other provisions curtailing the rights referred to in this paragraph. The conditions which govern the constitution of trade unions and the objects they may legally pursue are determined by sections 2, 22, 23, 29, 30, and 35 to 38 of the Act (what the principal purposes must be; alteration of rules; amalgamation; application of funds for certain political purposes, etc.).

Paragraph 2. There are no legal provisions applying this paragraph but these requirements are met in practice.

Article 4. The relevant legislation is contained in: section 12 (4) (a trade union must be dissolved unless registered); section 21 (*d*) (Registrar may withdraw certificate of registration if the constitution is altered so that in his opinion the principal purposes are no longer those contained in the definition of trade union); section 21 (*e*) (right of appeal to Supreme Court against refusal to register or withdrawal or cancellation of certificate of registration); and section 24 (1) and (2) (circumstances in which certificate of registration may be withdrawn or cancelled; two months' notice of withdrawal or cancellation must be given by Registrar).

Article 5. There are no legal requirements regarding the right of workers' and employers' organisations to establish and join federations and confederations or the affiliation of established workers' and employers' organisations with international organisations of workers and employers. In fact, certain workers' and employers' organisations are already affiliated to international organisations.

Article 6. There are no special legal provisions regarding the establishment, functioning or dissolution of federations and confederations, as all the legislation which applies to workers' and employers' organisations applies equally to them.

Article 7. Compulsory registration is dealt with in section 12 (1) of the Act. For conditions of registration see above.

Article 8. The provisions of this Article are complied with. The provisions relating to the malicious breaking of contracts of service by persons engaged in the supply of water, gas or electricity and the malicious breaking of contracts involving injury to persons or property are set out in sections 2 and 3 of the Better Security Act, 1920-6.

Article 9. Section 44 of the Act makes the provisions of the Act not applicable to persons in the naval, military, or air services of the Crown or in the Barbados Police Force. The Police Act, 1961, and the Police Regulations also debar members of the police force from being members of a trade union. They are free, however, to participate in the activities of the Police Association. There are no armed forces as such, but there is a force of volunteers forming the Barbados Regiment. Apart from a number of persons who are employed on the staff of this regiment and paid by the State, all officers and other ranks are otherwise employed, and are entitled to trade union rights in their private occupations.

Article 10. Section 2 (definition of trade union) of the Act provides that the principal purposes of a trade union under its constitution must be "the regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers". Under section 21 (d) the Registrar of Trade Unions is authorised to refuse to register any combination as a trade union which does not have these purposes as its principal objects. Under the latter section the Registrar may also withdraw the certificate of registration of a trade union in the event of its constitution being altered to the extent that its principal objects are no longer the aforementioned principal purposes. Subject to these conditions, and to the provisions of the Act governing the application of funds for certain political purposes, a trade union is not prevented from pursuing any other interests of workers or of employers.

Basutoland.

In reply to the direct request made by the Committee of Experts in 1963 the Government states that the existing legislation requires that the Registrar of Trade Unions must give not less than two months' notice to a trade union before cancelling its registration. An appeal to the High Court by a trade union may be lodged at any time during that period. While this is not specifically provided for in the existing proclamation, the relevant section in the Trade Unions and Trade Disputes Bill, 1962, which was passed by the legislature but has not yet been given the force of law, is more specific on this point. In practice the Registrar would defer cancellation until the result of the appeal was known.

The Government has noted the request for the text of the new Trade Unions and Trade Disputes Law as soon as it has been promulgated.

Bechuanaland.

Trade Union and Trade Disputes Proclamation, 1959.

In reply to a direct request of the Committee of Experts the Government states that, while it appears clear in terms of the definition of "trade union" (section 2) that any and all combinations of workers or employers (federation and confederation included) are ensured of the guarantees laid down in the above proclamation, this point will be noted for future reference when changes to the law are considered.

Bermuda.

In reply to a direct request by the Committee in 1963 the Government states that trade union federations would be subject to the same rules as the trade unions themselves, and that recommendations are awaited from an advisory committee set up in 1963 and entrusted, *inter alia*, with the study of the application of international labour Conventions in national laws and regulations.

Dominica.

The Trade Union's Regulations S.R.O. No. 50/1945.

In reply to a request made by the Committee of Experts the Government states that federations and confederations of trade unions do in fact get the same measure of protection as their original components. Section 23 of the above regulations together with forms R. and S. of the schedule provide for amalgamation of unions. In addition, in section 2 of the Trade Unions and Trade Disputes Ordinance No. 12/1952, the definition of trade union would include an amalgamation or federation.

Falkland Islands (First Report).

Trade Unions and Trade Disputes Ordinance (*The Laws of the Falkland Islands*, Cap. 73).

Article 2 of the Convention. Seven or more persons may form a workers' or employers' organisation by subscribing their names to the rules of the organisation and registering the organisation with the registering authority appointed for that purpose under the provisions of the above ordinance, provided the purposes of the organisation are lawful.

Article 3. The principal purposes governing the constitution of an organisation are the regulation of the relations between workmen and masters, or between masters and masters, and the conditions under which any member may become entitled to any benefits provided for its members.

Article 4. The registration of an organisation may be cancelled at the request of the organisation or on proof to the satisfaction of the registering authority that a certificate of registration has been obtained by fraud or mistake, or that such organisation has wilfully, after notice from the registering authority, violated the provisions of the above ordinance or has ceased to exist. Previous notice shall be given. An appeal against the decision may be made to the Supreme Court, whose decision shall be final.

Article 5. There are no legal provisions prohibiting or restricting the affiliation of local workers' and employers' organisations with international organisations of workers and employers.

Article 6. Legislation which gives effect to this Convention and which relates to the establishment, functioning or dissolution of workers' and employers' organisations applies to federations only. No special provisions exist with regard to confederations.

Article 7. There are no conditions to which the acquisition of legal personality may be made subject, except those mentioned in Articles 2 to 4 above. The acquisition of legal personality is compulsory for workers' and employers' organisations.

Article 8. The existing laws of England governing associations, meetings, the safety of the State or a state of siege, criminal acts, etc. apply to workers' and employers' organisations operating within the colony.

Article 9. There are no regular armed forces in the colony. The armed forces are organised on a similar basis to the Territorial Army of England and members would not be called up to serve under the same conditions as regular soldiers unless a state of emergency were proclaimed.

Members of the police force may not be members of a workers' organisation, but may establish an independent police organisation for the purpose of enabling members to consider matters affecting their welfare and efficiency.

Hong Kong (First Report).

Trade Union Registration Ordinance, 1961 (No. 52).

Article 2. The formal conditions pertaining to the establishment and registration of trade unions are contained in Part III of the above ordinance. These conditions, which are similar to those in other territories, are considered to be the minimum necessary for the general purposes set out in the Government's report and to ensure the further healthy development of the local trade union movement. It should be noted that trade unions on the register on 1 April 1962 were not required to re-register under the new enactment.

Article 3 (applied with modification). Whilst certain conditions pertaining to the constitutions and administration of trade unions are laid down in Parts IV, V, and VIII of the ordinance, these do not restrict the growth of the local trade union movement. However, because of the provisions in sections 17 (subsections 1 to 5), 24 to 31, 34 and 52, this Article has been declared applicable with the following modifications.

All officers of a trade union are required to be habitually engaged or employed in the trade or occupation with which the trade union is concerned and no person may hold office in more than one trade union; but these requirements may be modified at the discretion of the public authority.

The funds of a trade union may be expended only for objects specified in national laws or approved by the public authority.

Amalgamation of registered trade unions is subject to the consent of the public authority where either of the trade unions is a member of an organisation established outside the territory.

The public authority may in certain circumstances intervene for the purpose of supervising the accounts of trade unions and ensuring the application of their rules.

Article 4. Cancellation of registration is provided for in sections 10 to 12 of the ordinance; refusal of registration is provided in sections 7 and 8 and voluntary dissolution under section 32. There are no other ways in which a trade union can be suspended or dissolved.

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 invokement 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 it has requested cancellation of registration, cancellation and statutory provisions re. dissolution are not effective until the expiry of the 14-day appeal period or the conclusion of any appeal lodged in that period.

Article 5 (applied with modification). Federations or organisations of workers or employers may be registered under Part IX of the ordinance provided that each of the component trade unions comprising such trade union federation is a registered trade union; and that the members of each and all of such component trade unions are employed in the same trade or industry.

Federations or confederations of organisations of workers or employers not entitled by virtue of the foregoing provisions to registration under the ordinance continue to be registered under the Societies Ordinance (Cap. 151). Two such organisations have been registered, the Hong Kong Federation of Trade Unions and the Hong Kong and Kowloon Trade Union Council.

Section 45 of the ordinance relates to trade union affiliation outside the colony and such affiliation is subject to the consent of the Governor-in-Council. In the case of the other mentioned organisations (i.e. those not registered as trade unions) affiliation with international organisations is governed by section 5 of the Societies Ordinance.

In view of the provisions in section 45 and Part IX, this Article of the Convention has been declared applicable with the following modifications:

The consent of the public authority is required for affiliation of trade unions with international organisations; federations of trade unions may be established only by registered trade unions engaged in the same trade or industry, and membership of federations of trade unions is restricted to registered trade unions engaged in the same trade or industry as the component trade unions comprising such trade union federations.

Article 6 (applied with modification). Federations and confederations which are registered under the provisions of Part IX of the Trade Union Registration Ordinance have the same standing in law as other registered trade unions and the same rights and liabilities. The modifications on Article 3 (above) relating to primary trade unions apply also to federations of trade unions, except that the consent of the public authority is required for a person to be at the same time an officer of a trade union and an officer of a federation of which the union is a member only if he is not habitually engaged in a trade or occupation with which the union is directly concerned.

Article 7. Part VI of the ordinance confers on organisations registered under the ordinance immunity from actions of tort and acts in restraint of trade. Under section 13 a registered trade union is given corporate status.

Article 8. As in the United Kingdom, trade unions, in common with other similar organisations and societies, have a general right to hold meetings of their members as they please, provided these are properly conducted. With the existing exceptional circumstances of the colony it is, however, considered necessary to have certain powers to control strikes in public services where such strikes would endanger public health and safety. These powers are embodied in the Illegal Strikes and Lockouts Ordinance (Cap. 61), which has to be renewed annually by the Legislative Council of the colony.

Article 9. Members of the regular armed forces and of the police force are not allowed to join unions.

Montserrat.

Trade Union Act No. 16 of 1939 and Amendment Acts No. 1 of 1942, No. 16 of 1944, No. 3 of 1945, No. 2 of 1947, and No. 17 of 1949.

Article 2 of the Convention. The right of employers and workers to associate and organise is assured by the above Act of 1939, which provides that any organisation may be registered under the said Act if its objects are not in conflict with the legislative

provisions under its section 2. A trade union is defined as "any combination whether temporary or permanent, the principal purposes of which are, under its constitution, the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade".

Application for registration under the Act is the responsibility of the committee of management or trustees so appointed and section 12 of the Act provides that, with respect to registration, an application to register, together with a list of the titles and names of the officers, shall be sent to the Registrar; the Registrar, upon being satisfied that the trade union has complied with the regulations respecting registration in force under this Act, shall register such trade union and such documents; the Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination the principal objects of the combination are statutory objects, and he may withdraw or cancel the certificate of registration of any such registered trade union if the constitution of the union has been altered in such manner that, in his opinion, the principal objects of the union are no longer statutory objects, or if in his opinion the principal objects for which the union is actually carried on are not statutory objects; any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal or cancellation of a certificate of registration, may appeal to the Supreme Court within the time and in the manner and on the conditions directed by rules of court.

Article 3. See Article 2 above.

The second schedule to the Act provides that the rules of the organisation shall contain certain provisions (name; objects; appointments and removals; dissolution; etc.).

Some of the objects which may legally be pursued are: the regulation of wages and other conditions of work; the protection of the interest of members; the provision of benefits (sickness, accident, distress, unemployment, victimisation, strike, etc.); the provision of legal aid where necessary; the promotion of the material, social and educative welfare of members; the standardisation of industrial practices; the collection of statistics and other information; the adjustment of disputes between members of the organisation; political and legislative protection of interest.

Article 4. Section 13 of the Act provides that no certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar, and in the following cases: (a) at the request of the trade union to be evidenced in the manner from time to time directed by him; (b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section 11 (3) of this Act, or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist; (c) under the provisions of paragraph (d) of section 12 of this Act.

Section 12 (e) deals with appeal.

Article 5. There is no legislation prohibiting the affiliation of workers' and employers' organisations with international organisations of workers and employers.

Section 27 of the principal Act provides for amalgamation.

Article 6. The legislation giving effect to this Convention applies equally to federations and confederations.

Article 7. The acquisition of legal personality does not in any way restrict the application of the provisions of Articles 2 to 4 of the Convention.

Article 8. The principal Act provides that a trade union registered under the Act shall furnish annually a general statement of its receipts, funds, effects and expenditure to the Registrar. It also restricts the application of trade union funds for certain political purposes. Section 3 of the Amendment Act No. 1 of 1942 has provisions concerning conspiracy, breach of peace, etc.

Article 9. Members of the police force are not permitted to combine for the purpose of the trade union law. There is no armed force, as such.

St. Christopher-Nevis-Anguilla.

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

Appeals are to be commenced within two months of the decision of the Registrar to cancel the registration, but since the Registrar must normally give two months' notice of his intention to cancel, it seems that an appeal may be lodged at any time during the two-month period following a notice of intended cancellation.

There is no provision in the legislation for a stay of execution to operate automatically in respect of a cancellation, where an appeal against such cancellation has been lodged.

St. Lucia.

In reply to a direct request by the Committee of Experts the Government states that in furtherance of its statement made in 1961 regarding the relaxation of official control over trade union administration, during the period covered by the report 15 trade unionists were trained at overseas trade union institutions and two seminars for trade unionists were held locally.

St. Vincent.

In reply to a direct request of the Committee of Experts the Government states that no measures have as yet been taken to incorporate in Ordinance No. 3 of 1950 provisions relating to the functioning of federations and confederations of workers' and employers' organisations. The law respecting trade unions has not yet been amended to abolish or reduce external supervision of trade unions. During the period under review the laws relating to riots, unlawful assembly, sedition, etc., have not been applied to trade unions or to members of trade unions as such.

Swaziland.

The definitions of "employer" and "workman" are replaced with new and clearer definitions (section 4 of Proclamation 21 of 1963).

The Registrar is empowered (section 10 (1) (e)) to refuse registration if any other trade union already registered is representative of a substantial proportion of the interests affected, subject to appeal to a trade union appeals committee. It would be open to the special appeals committee to be set up to concern itself not merely with establishing that there is an existing union but also with the reasons underlying the emergence of another union and accordingly to take its decisions not solely on the grounds of the existence of a representative union but with a view to promoting a sound trade union structure and good industrial relations. It should also be noted that the powers provided by section 10 (1) (e) are regarded as of an interim nature only and that they will be reviewed as soon as it is considered that trade unions are sufficiently developed.

New section 11B requires the vesting of trade union property in trustees (section 7 of the proclamation), while new section 12A provides a penalty for misuse of union property.

New section 17 allows a trade union to sue, be sued and be prosecuted under its registered name (section 9 of the proclamation). The acquisition of legal personality is made compulsory and subject to the immunities conferred by sections 4, 18 to 20, 22 and 23 of the principal law.

The new Public Order Proclamation, 1963, repealed Transvaal Law No. 6 of 1894 (Cap. 50), which contained certain provisions at odds with the Convention. The new proclamation under the definition of "meeting" (b) in section 2 specifically excludes trade union meetings from restrictions imposed under Part II.

Sections 21 to 23 suspend the right to strike, etc., for three weeks from report of a trade dispute under section 13 of the Industrial Conciliation and Settlement Proclamation, 1963 (No. 12 of 1963). Sections 34 to 36 of the same proclamation moreover impose the additional restriction that the right to strike, etc., may only be exercised in essential services if the dispute has not been referred to arbitration within three weeks of the date of report under section 13.

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

No criteria for the determination of what is "suitable provision" have been laid down. These would surely depend on the circumstances of each particular case, and therefore better left to the discretion of the courts.

No trade unions have as yet applied for registration which have been regarded as falling within the scope of section 10 (1) (d).

No union has been refused registration on the basis of the provisions of section 10 (1) (d). The object of this provision is to promote a rational trade union structure composed of strong unions with areas of interest clearly demarcated on an industrial basis.

If a federation of associations of employers or employees were formed which included in its constitution as a "principal object" the "regulation of relations between workmen and masters" it would fall within the definition of a "trade union" under Cap. 150, section 2, and would benefit from the immunities conferred thereunder on trade unions.

The laws concerning riot, unlawful assembly, and sedition have not been applied to trade unions or members thereof as such during the period 1960-62 or during the period under review.

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

France (French Guiana), *United Kingdom* (Dominica, Mauritius).

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

France (Comoro Islands, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Aden, British Honduras, Gibraltar, Grenada, Guernsey, Jersey, Isle of Man).

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: 22 March 1958.

Applicable with modifications:

British Guiana: 22 March 1958.

Mauritius: 3 March 1964.

British Honduras: 28 August 1964.

Decision reserved:

Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Fiji, Gilbert and Ellice Islands, Hong Kong, 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.

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Isle of Man).

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.

Applicable with modifications:

Hong Kong: 28 August 1964.

Not applicable:

Basutoland, Bechuanaland, Swaziland: 3 November 1958.

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, Gibraltar, Gilbert and Ellice Islands, Grenada, 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 report refers to the information previously supplied:

United Kingdom (Isle of Man).

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.
Bechuanaland: 11 December 1964.
Applicable with modification:
Fiji: 1 June 1960.
Swaziland: 28 August 1964.

Decision reserved:
Basutoland, Falkland Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles: 22 March 1958.
Southern Rhodesia: 29 March 1961.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas.

In reply to the direct request made by the Committee of Experts in 1962 and repeated in 1964 the Government indicates the following.

Article 2, paragraphs 1 and 2, of the Convention. When work is performed for the Government by a public contractor the higher rates of pay are effective; government rates and conditions are applied only when the work is performed by a government department and its own employees.

Paragraphs 3 and 4. Private employers engaged on public contracts apply the wages, rates and conditions negotiated by the appropriate trade unions and employers, which agreements are published by the trade unions and the Ministry of Labour.

Article 3. The Trade Union and Industrial Conciliation Act, 1958, provides for inspection of all places of employment by the Safety, Health and Welfare Officer.

Article 4, clause (a). The trade union officers publish the negotiated wages and conditions of service.

Article 5. The application of the Convention is enforced by visits of the Safety, Health and Welfare Officer, who checks on rates of pay and conditions. Any violation reported would be raised with the employer by the Chief Industrial Officer of the Ministry of Labour.

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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 (Bahamas, Brunei).

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

Netherlands (Surinam), United Kingdom (Isle of Man).

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, Mauri-

tius, Montserrat, St. Lucia, St. Vincent: 22 March 1958.

British Honduras: 5 January 1961.
Solomon Islands: 1 August 1961.
Swaziland: 13 April 1964.
Bechuanaland: 11 December 1964.

Decision reserved:

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles: 22 March 1958.

Antigua: 15 April 1958.
Basutoland: 10 June 1958.
Southern Rhodesia: 8 March 1960.
Guernsey: 1 June 1960.

UNITED KINGDOM

Brunei.

Pursuant to the direct request made by the Committee of Experts in 1964 the Government has enacted legislation embodying amendments in conformity with Article 4, paragraph 2, and Article 13, paragraph 1, respectively, of the Convention. However, special measures to protect wages against attachment, as provided for under Article 10, are not deemed necessary for the present but the matter will be kept under observation.

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The following report supplies information on the practical effect given to the Convention:

United Kingdom (Brunei).

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

Netherlands (Surinam), United Kingdom (Isle of Man).

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.

Mauritius³: 16 December 1958.

Barbados⁴, British Guiana⁴, Dominica⁴, Grenada⁴, St. Lucia⁴, St. Vincent⁴: 22 September 1960.

Bahamas²: 13 February 1961.

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, St. Helena, Seychelles, Solomon Islands: 16 December 1958.

Basutoland, Bechuanaland, Swaziland: 23 February 1959.

British Honduras: 5 January 1961.

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

Antigua (First Report).

The Emigrants Protection Act (No. 10 of 1929).

The Recruiting of Workers Act (No. 4 of 1941).

The Recruiting of Workers Regulations (No. 18 of 1946).

Article 1 of the Convention. Immigrants are allowed to enter the country provided that they can satisfy the authority that they do not become a charge on Government or a security risk in any way. Before immigrants can obtain paid employment they will have to obtain from the Ministry of Labour a permit allowing them to work.

The Government assists in recruiting all workers for agricultural work in St. Croix and in the United States of America which is of a seasonal nature.

Article 2. An adequate service is maintained to assist migrants, but it is not entirely free. A contribution is paid abroad for the maintenance of a liaison service which ensures welfare and the application of the terms of contract of migrants.

Article 3. There are no specific laws or regulations against misleading propaganda but the Government maintains a careful watch to ensure that migrants are not exploited.

Article 4. Measures to facilitate departure, travel and reception are taken before the departure of migrants.

Article 5. Migrants are given a medical examination before departure from the colony.

Article 6. Migrants are given similar treatment and conditions of employment as nationals; they are allowed to become members of trade unions. There is a high percentage of non-Antiguans living in the community and enjoying identical privileges.

Article 7. No employment service is operated in this colony. Where any facilities are offered, there is no distinction.

Article 8. A migrant and the members of his family who have been admitted to the colony are not liable to deportation because of illness or injury.

Article 9. There is no limitation to the amount of earnings or savings the migrant is allowed to send home.

Article 10. Arrangements covering workers migrating from one territory to another are sometimes necessary.

Article 11. There are no frontier workers.

Bahamas.

Immigration Act, 1963 (No. 65).

Article 5 of the Convention. Migrant workers' families do not accompany them to the United States, where they are employed on farm work.

Article 8. An immigrant admitted to the Bahamas on a permanent basis would not be sent back for illness or accident.

Barbados.

Employment Exchanges (Registration and Recruitment of Workers) Regulations, 1963 (Supplement to *Official Gazette*, No. 14, 10 Feb. 1963).

ANNEX II

Article 7, clause (a). Administrative formalities in connection with measures taken under Article 4 of the Convention are as simple as possible.

Clause (b). There is no need for interpretation services, since the migrants are sent to English-speaking countries.

Clause (c). The Commission in the United Kingdom for the Eastern Caribbean Governments receives all government-sponsored migrants and secures accommodation for them. Prospective migrants are eligible for a loan covering their passage expenses and accommodation in the United Kingdom for the first two weeks. The Commission also provides any advice or other assistance required by the migrants. In government-sponsored schemes provision is not made for the families of the migrants to accompany them. In the United States, immigrants are accommodated in camps at the expense of the employers. The British West Indies Central Labour Organisation is responsible for their reception and welfare. Migrants to Canada under the "domestics scheme" are taken directly into the homes of their employers.

Clause (d). Most of the government-sponsored migrants are transported by air and not accompanied by their families.

Clause (e). Workers emigrating on a permanent basis are authorised, within the limits of the currency control regulations, to liquidate and transfer their property.

Bechuanaland.

Employment Act, 1963.

Article 1 of the Convention. The immigration office limits the admission of foreign workers to skilled labour requirements and for a predetermined period. In the case of a contract exceeding six months or containing abnormal employment conditions, immigrants are subject to the provisions of Part IV of the Act only. Emigration is governed by the principles of the Employment Act, which provides

for full freedom of departure to the Republic of South Africa, provided that employment contracts have been signed beforehand (Part IV of the Act).

Article 2. There are no placement offices, but private organisations are allowed to recruit manpower to meet South African requirements.

Article 3. The competent authorities endorse the employment contracts of emigrants and are required to explain them.

Article 5. All migrants, with the exception of emigrants recruited for agricultural work for a period of less than four months, are required to undergo a medical examination (Part IV of the Act, section 45). Their employers must provide them with the necessary medical care free of charge.

Article 6. The laws and regulations respecting employment are applied without discrimination in respect of nationality.

Article 7. An employment service co-operates with the authorities of the Republic of South Africa in questions concerning the emigration of labour to the South African gold mines. Moreover, private recruiting services operate free of charge for migrants.

Article 8. Immigrants admitted to Bechuanaland on a permanent basis are accorded similar treatment to that of national workers.

Article 9. Emigrants may transfer up to half the value of their wages for the duration of their contract.

Article 10. No agreement has been concluded.

Article 11. Employees of the South African and Rhodesian railways are considered as frontier workers. There are no special provisions for artistes and the liberal professions, since a period of short duration is defined as being 90 days.

Fiji.

The enactment of the Employment Ordinance (No. 15 of 1964) does not materially affect the declaration of "decision reserved" deposited in respect of this Convention.

St. Lucia.

Article 1 of the Convention. Emigration agreements are concluded between, on the one hand, the Government and the workers of this territory and, on the other hand, the employers, with the approval of the Governments of the territories of destination. The provisions of these agreements concern wages and working conditions, housing, welfare, etc., on the basis of treatment that is no less favourable than that enjoyed by workers who are nationals.

Article 5, clause (a). Workers who emigrate are normally recruited under the special conditions of an organised migration movement, usually to perform seasonal work in agriculture of a duration not exceeding one year. They are not allowed to be accompanied by their families, and the matter of medical examination of the families therefore does not arise. In any case, the law does not seem to prescribe such a medical examination.

Article 6. The law makes no distinction between national workers and settled immigrant workers; the latter enjoy the same treatment as nationals in all matters covered by this Article.

Article 8. Immigrants may be admitted permanently after one year's temporary residence if they are owners of land or businesses. Immigrant workers may remain in the territory even if they become disabled through any cause, as long as they do not become a charge on public funds.

Article 9. Emigrant workers, subject to the authority of the courts in matters of maintenance payments, themselves determine the manner in which their money is disposed of. With regard to immigrant workers, there are no restrictions on their freedom to export the money they earn.

Article 11. "Short-term entry" is for three months, but the period may be extended by the immigration service up to a maximum of three years.

St. Vincent.

Article 2 of the Convention. Persons desirous of emigrating may apply to the Labour Department for information regarding living conditions and conditions of work in the country they wish to go to. In many instances these persons receive information direct from their families abroad.

Article 5, clause (a). Appropriate medical services are maintained for the medical examination of migrant workers and members of their families.

Southern Rhodesia.

The administration of legislation specified in the last report as being administered by the now defunct Federal Government of Rhodesia and Nyasaland has been returned to the Southern Rhodesia Government.

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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 (Bahamas, British Virgin Islands, Mauritius, Montserrat).

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

United Kingdom (Guernsey, Jersey, Isle of Man, St. Christopher-Nevis-Anguilla).

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Denmark. Ratification: 15 August 1955.
Applicable without modification: Faroe Islands: 28 September 1960.
No declaration: Greenland.

France. Ratification: 26 October 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

United Kingdom. Ratification: 30 June 1950.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 30 June 1950.
Applicable without modification:
Aden, British Guiana, Gibraltar: 19 June 1958.
British Honduras, Dominica, Grenada, Mauritius, St. Lucia, St. Vincent: 29 December 1958.
Bahamas: 11 April 1962.

Brunei: 5 October 1962.
Montserrat: 26 November 1962.
Antigua, Bermuda: 15 January 1963.
St. Christopher-Nevis-Anguilla: 4 February 1963.
Falkland Islands: 18 February 1963.
Swaziland: 20 November 1963.
Barbados: 13 April 1964.
British Virgin Islands: 12 June 1964.

Decision reserved:
Basutoland, Bechuanaland, Gilbert and Ellice Islands, St. Helena, Solomon Islands, 19 June 1958.
Southern Rhodesia: 26 August 1958.
Fiji, Hong Kong, Seychelles: 29 December 1958.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas.

In reply to a direct request of the Committee of Experts the Government states that the new Constitution of the Bahama Islands, 1963, in Part I includes an all-embracing proclamation of human rights and freedoms and protects freedom of assembly and association.

Voluntary negotiations are the medium used to regulate the terms and conditions of employment.

Rates of pay and conditions of service for the police and the armed forces are dealt with through the Police Commission and the House of Assembly.

Barbados (First Report).

Trade Union Act, 1964-2.

Trade Union Regulations, 1940.

Labour Department Act, 1943-21.

Labour Department (Amendment) Act, 1951-43.

Labour Department (Amendment) Act, 1961-12.

Wages Council Act, 1955-41.

Trade Disputes (Arbitration and Enquiry) Act, 1939-6.

Article 1, paragraph 1, of the Convention. Collective bargaining has become fairly well established over the past few years as the method of regulating wages, hours and conditions of employment. Two organisations conclude agreements from time to time covering the various branches of the sugar industry (including agriculture).

Mainly because employers and workers are organised on such a comprehensive basis and voluntarily recognise and negotiate with each other, the right to organise is generally respected, and consequently it has not been necessary to provide special legislation to protect this right. It should also be noted that there is legislation (the

above-mentioned Wages Council Act) whereby wages councils may at any time be set up to regulate the minimum remuneration of any workers where machinery for this purpose is either lacking or inadequate. The principle of the right to organise is preserved in this legislation both through provision for the appointment of equal numbers of representatives of the employers and workers concerned to these councils and by provision for either varying the field of operation of any wages council, or abolishing it where the development of joint negotiating machinery makes it no longer necessary.

Paragraph 2, clause (a). For the reasons stated in paragraph 1 of this Article, attempts to deprive workers of their right to organise are effectively discouraged by public opinion and the great importance which is attached to the right by employers' and workers' organisations.

Clause (b). For the same reasons as stated in clause (a) acts of the kind envisaged in this clause are unknown. Many of the agreements between the Barbados Workers' Union and the employers' organisation make provision for the establishment and functioning of works committees, and for the appointment of union delegates who represent the interests of the workers at the level of the undertaking. It should also be noted that it is a normal practice for employers to continue to pay wages to workers while they are absent from work attending special study courses on trade union matters.

Article 2, paragraph 1. Workers and employers do in fact enjoy freedom from acts of interference of the kind stated in this paragraph, for the reasons mentioned in Article 1, paragraph 1.

Paragraph 2. The workers' organisations are completely autonomous and free from the domination of the employers in every respect.

Article 3. The five following measures may in one way or another have influenced the development of a healthy respect for the right to organise.

The enactment of trade union legislation enabling the right of free association to be exercised.

The enactment of legislation setting up a government department which provided among other things a conciliation service and a medium whereby free advice and information on labour matters could be made available to employers and workers and their organisations, and through which government policies aimed at the promotion of voluntary collective bargaining and the principle of self-government in industry could be implemented.

The enactment of the Trade Disputes (Arbitration and Enquiry) Act, 1939-19 providing for (a) the reporting of disputes to the Governor for consideration and any action he may deem expedient for their settlement; (b) the reference of trade disputes to arbitration by the Governor with the consent of the parties to the dispute; (c) the reference of a trade dispute to a board of inquiry set up at the Governor's discretion for the purpose of inquiring into and reporting on the dispute, publication of the board's finding being at the Governor's discretion.

Provision in the Wages Council Act for equal representation on wages councils for the workers and employers concerned, such representatives being appointed after consultation with the appropriate employers' and workers' organisations.

The granting to employers' and workers' organisations of more and more opportunities of participating in the running of their affairs at government level, by consulting them in the formulation of policies, and the preparation of legislation affecting their respective interests, and by appointing their representatives to public boards and advisory committees.

It should be noted that consideration is being given to the possibility of providing legislation with a view to the avoidance and settlement of disputes in certain essential

services and the repealing of the provisions of the Better Security Act, 1920-6, regarding the malicious breaking of contracts by workers engaged in the supply of water, gas and electricity.

Article 4. As will be noted from the above comments with respect to Article 1, paragraph 1, voluntary negotiation between workers' and employers' organisations is an established practice, and terms and conditions of employment are regulated by means of collective agreements. These agreements are not directly enforceable in courts of law and depend entirely for their observance on the good faith of the parties concerned.

The legislation and other measures which have tended to bring about this situation are set out in comments on Article 3 above. As will be seen from these comments the Government has always followed a policy in regard to industrial relations which has aimed at encouraging the practice not only of voluntary collective bargaining but also of promoting the greatest possible degree of self-government in industry. The success of this policy is being reflected in the increasing number of agreements which are being concluded at the domestic level, notwithstanding there being provision for conciliation in the procedural clauses contained in all the agreements.

Article 5. There are no armed forces as such, the local regiment being composed mainly of volunteers who are otherwise employed and free to enjoy all the guarantees provided for in the Convention. Members of the police force are debarred from trade union membership by section 44 of the Trade Union Act, 1964-2. A police association has, however, been set up.

Bermuda (First Report).

Trade Union and Trade Disputes Act, 1946.

Effect is given to the Convention principally by customary law or practice encouraged by the Government. It established in 1963 the Labour Relations Advisory Committee, comprising equal numbers of representatives of employers and of the workers' organisations under an independent official chairman, which is required to advise on the application of international labour Conventions. The Committee's recommendations are awaited.

The organisations are free and independent.

There are almost no professional armed forces. Members of the police have a police association.

Brunei (First Report).

The Trade Unions Enactment, No. 5 of 1961.

The Trade Disputes Enactment, No. 6 of 1961.

Article 1 of the Convention. The Trade Unions Enactment prohibits acts of anti-union discrimination and assures the right of employers and employees to combine into trade unions. In practice there is and has been no anti-union discrimination against workers in respect of their employment.

Article 2. Although the provisions of this Article are not covered exactly by legislation, protection against acts of interference such as those envisaged is ensured in practice by the administrative machinery of the Labour Department.

There are as yet no representative employers' organisations in Brunei and only five registered unions. There has been no allegation of attempted control or domination of any of these unions by employers or their agencies.

Article 3. The Registrar of Trade Unions administers the enactment, which assures the right of workers and employers to organise into trade unions and prohibits acts of anti-union discrimination.

Article 4. The Government, through the Labour Department, encourages both workers and employers to organise and establish voluntary negotiating machinery. Although the Commissioner of Labour is not specifically required to do this in law, the Trade Disputes Enactment tacitly implies the Commissioner's responsibility in this regard.

Article 5. No member of the Brunei State Police Force and no member of the prison service may join or be a member of any trade union or be accepted as a member of any trade union.

Members of the Brunei armed forces are not allowed to belong to a trade union.

Article 6. Public servants, other than members of the armed forces, police force, and prisons service, are not precluded from membership of a trade union.

Falkland Islands.

There are no legislative or administrative provisions in regard to the matters outlined in the Convention.

Article 1 of the Convention. No anti-union discrimination exists, and as over 90 per cent. of the workers are members of the Federation of Labour it is not likely to do so.

Article 2. No legislation exists neither does it appear to be necessary in any way.

Article 3. Employers' and employees' organisations are fully organised and have created an adequate machinery for dealing with their own organisations and for the encouragement and promotion of consultative co-operation.

Article 4. No action is necessary. Relations are perfectly satisfactory.

Article 5. There are no regular armed forces. The police force is free to form its own association, but has not done so.

Fiji.

Trade Unions Ordinance, No. 4 of 1964.

Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance, No. 13 of 1964.

Article 1 of the Convention. The requirements of this Article are met by section 62 of the Trade Unions Ordinance.

Article 2. The legislation covering the formation and conduct of workers' and employers' organisations is contained in the above-mentioned ordinance. Part IV of the ordinance deals with the rights and liabilities of trade unions, their officers and members, and Part V with the rules and constitutions of trade unions.

Article 3. Machinery for the purpose of ensuring respect for the right to organise, as defined in Articles 1 and 2, is contained in the ordinance.

Article 4. The promotion of machinery for voluntary negotiation between employers' organisations and workers' organisations is actively encouraged by Government through the agency of the Labour Department and by the introduction of legislation providing for the settlement of trade disputes. The Government has enacted a new Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance, which is to come into effect on 1 October 1964.

Article 5. This ordinance does not apply to members of naval, military or air forces, of the police force and of the prisons service, but otherwise applies to workmen employed by Government in the same manner as if they were employed by a private person (section 1 (2)).

St. Christopher-Nevis-Anguilla.

Trade Union Act, 1939 (No. 1939-16).

Trade Union (Amendment) Acts, 1942 (No. 1942-1); 1944 (No. 1944-16); 1945 (No. 1945-3); 1947 (No. 1947-2); and 1949 (No. 1949-17).

Trade Union Regulation, 1945, S.R.O. No. 2 of 1945.

Trade Disputes (Arbitration and Inquiry) Act, 1939 (No. 1939-17).

Articles 1 and 2 of the Convention. There are no legislative provisions. Such protection as is ensured by a recognition of proper trade union principles and practice is considered adequate, since there is no anti-union discrimination either in statute or in practice. There are no "non-union shop" arrangements in existence. Trade unions control and manage their own affairs and are in no way subject to domination or control by "house" unions.

Articles 3 and 4. The Department of Labour has a prime duty to encourage good industrial relations and provide a free conciliation service. Collective agreements are negotiated annually. Management/worker consultation has been a feature resulting from association.

Article 5. Members of the armed forces and the police are excluded.

Solomon Islands.

Article 1 of the Convention. Effect is given to this Article by section 17A of the ordinance concerning trade unions and trade disputes.

Article 3. A Registrar of Trade Unions has been appointed under the provisions of section 6 of the ordinance.

Article 4. Commissioners of Labour have a duty "to advise employers and workers on the formation of associations and trade unions" and "to maintain good industrial relations". During the period under review, four agreements were concluded, resulting in increased wages and improved conditions.

Article 5. Police officers are specifically forbidden to join a trade union but are not forbidden to form their own association.

Swaziland (First Report).

Trade Union and Trade Disputes Proclamation (Cap. 150 of *The Laws of Swaziland*, 1960).

Trade Unions and Trade Disputes (Amendment) Proclamations, 1963 (No. 21 of 1963), and 1962 (No. 49 of 1962).

Industrial Conciliation and Settlement Proclamation 1963 (No. 12 of 1963).

Article 1 of the Convention. This Article is now specifically applied by new section 23 of Cap. 150, inserted by section 11 of Proclamation No. 21 of 1963.

Article 2. Adequate protection is ensured to workers' and employers' organisations against any acts of interference by each other, first by the legal status accorded to such organisations under Cap. 150, second by the specific guarantee against anti-trade union discrimination referred to under Article 1, and administratively by officers of the Labour Department.

Article 3. This is applied by the Government's policy.

Article 4. The above-mentioned Industrial Conciliation and Settlement Proclamation gives effect to this Article as described in the report on Convention 84. See also Article 3 above.

Article 5. Members of the police and prison services are prohibited from joining a trade union other than their own respective staff associations.

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

United Kingdom (Aden, British Guiana, Dominica, St. Lucia).

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

Denmark (Faroe Islands), *France* (French Guiana, Guadeloupe, Martinique, Réunion), *United Kingdom* (Antigua, British Honduras, Gibraltar, Grenada, Guernsey, Jersey, Isle of Man, Mauritius, Montserrat, St. Vincent).

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

France. Ratification: 29 March 1954.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 19 November 1955.

No declaration: all other territories.

Netherlands. Ratification: 11 June 1954.
Decision reserved:
Netherlands Antilles: 15 December 1955.
Surinam: 26 November 1956.

New Zealand. Ratification: 1 July 1952.
Applicable without modification: Cook Islands and Niue: 1 July 1952.

Not applicable: Tokelau Islands: 1 July 1952.

United Kingdom. Ratification: 9 June 1953.
Applicable without modification:
Isle of Man: 10 March 1956.

Jersey: 24 April 1956.

Mauritius: 29 December 1958.

Guernsey: 3 September 1959.

St. Christopher-Nevis-Anguilla: 8 May 1963.

British Honduras: 20 November 1963.

Applicable with modifications:

Solomon Islands: 8 May 1963.

Decision reserved:

Southern Rhodesia: 22 March 1958.

Antigua, Barbados, Basutoland, Bechuana-land, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Swaziland: 29 December 1958.

Bahamas: 13 March 1961.

Not applicable: Aden, Gibraltar: 29 December 1958.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

Article 3, paragraphs 2 and 3, of the Convention. In reply to a direct request by the Committee of Experts the Government indicates that, because of certain difficulties encountered in the establishment of minimum wages for each overseas department, it has decided that every measure taken to increase the guaranteed national minimum wage in metropolitan France in accordance with the sliding scale based on the cost of living index would be applied to non-metropolitan departments within a maximum delay of four months.

Article 4, paragraph 1. In French Guiana new wage scales are brought to the attention of those concerned by means of the press, radio and notification of principal employers.

UNITED KINGDOM

British Honduras (First Report).

Wages Councils Ordinance, 1958 (No. 21).

Labour Ordinance 1959 (No. 15).

The Wages Councils (Citrus Industry) (Wages Regulation) Order (No. 75) of 1962.

Article 1 of the Convention. Section 3 of the Wages Councils Ordinance empowers the Minister of Labour to establish a wages council wherever there is need for one, either for agriculture or for any other industry.

Organisations representing workers and employers are consulted before appointments are made to the wages council of persons representing their interests.

Article 2. Section 10 (2) of the ordinance provides that wages regulation proposals and wages regulation orders may contain provisions authorising specified benefits or advantages pursuant to the terms of a worker's employment which are

not prohibited by the Labour Ordinance of 1959 or any other enactment, to be reckoned as payment of wages by the employer in lieu of payment in cash and defines the value at which any such benefits or advantages are to be calculated.

Article 3. Under the schedule to the ordinance independent persons and those persons who in the opinion of the Minister represent workers and employers are appointed by him in equal numbers to the wages council. It is provided that where a trade union represents a substantial proportion of such workers the trade union shall be represented on the wages council. Section 9 of the ordinance empowers the Labour Commissioner to grant permits authorising employers to pay wages below the statutory minimum rate to workers so affected by infirmity or physical incapacity as to be incapable of earning this rate.

Article 4. Section 11 (2) of the ordinance requires the employer to post in the prescribed manner such notice as may be required for the purpose of informing workers of any wages regulation proposal or wages regulation order affecting them.

Section 13 of the ordinance provides that the Labour Commissioner and such other officers as the Minister may appoint shall act for the purpose of enforcing wages regulation orders. Provision is also made to ensure the right to recover by civil proceedings any sum due by an employer to a worker on account of payment to him of remuneration less than the statutory minimum wage.

The provisions of the ordinance are enforceable by the Labour Commissioner, assisted by five labour inspectors who are furnished with a warrant under the hand of the Minister to carry out inspection duties.

Grenada.

Department of Labour Ordinance No. 16 of 1940, as amended by Ordinance No. 6 of 1941.

Department of Labour Order No. 68 of 1942, as amended by Order No. 45 of 1943.

Department of Labour Order No. 4 of 1950.

Wage Councils Ordinance No. 4 of 1951.

Article 1 of the Convention. Department of Labour Order No. 4 of 1950 sets out minimum wage rates for "able-bodied" agricultural workers, but it has been superseded by voluntary collective agreements which cover over 95 per cent. of all agricultural workers and which are generally adhered to by non-union farmers in order to attract needed labour.

Persons whose conditions of employment render the Convention inapplicable are excluded from its application (e.g. family labour).

Article 2. Section 11 of the Department of Labour Order No. 68 of 1942 provides that all payments of wages under this order are to be in money and no reduction is to be allowed in respect of any privilege enjoyed by the worker.

Article 3. A wages council, composed of independent persons and employers' and workers' representatives, would be established if the Administrator was satisfied that there was no adequate machinery for effective wage regulation or when existing machinery was likely to cease to exist or be adequate.

Under section 9 of the Department of Labour Order No. 68 of 1942, workers who are unable to produce the equivalent of an average "able-bodied" worker are paid rates below the minimum.

Article 4. Supervision of wage rates is carried out by a labour inspector, who endeavours to pay a minimum of one visit to each firm annually.

Provisions for recovery of underpayments of wages are contained in section 6 of the Department of Labour Ordinance No. 16 of 1940 and section 11 (2) of the Wages Councils Ordinance.

Solomon Islands (First Report).

Labour Ordinance (Cap. 28, *The Laws of the British Solomon Islands Protectorate* 1961).

Labour (Rations) Rules, 1964, as amended.

Notices of 12 March 1964 and 25 September 1964 respecting deductions for rations.

Article 1 of the Convention. Section 27 of the above ordinance provides that the High Commissioner may by order fix minimum rates of wages for workers in any occupation or class or grade of any occupation. This provision includes workers in agriculture. To date, no such orders have been made.

Article 2. Section 102 of the ordinance provides that a worker may receive rations for which the prescribed cash equivalent may be deducted from wages. No other allowances in kind are permitted as partial payment of wages.

Article 3. Minimum wages may be fixed by order of the High Commissioner where he is satisfied that the rates of wages being paid are unreasonably low. At the time of the enactment of the ordinance, there were no employers' or workers' organisations. However, the Bill was considered by a committee comprising representatives from all sections of the community. There is no legal requirement for the employers and workers concerned to be consulted before a minimum wages order is made, but employers' associations and trade unions would be consulted before any wage-fixing machinery were applied to a trade or part of a trade. Minimum wages may be subject to abatement by collective agreement, with the written permission of the Commissioner of Labour. Section 33 (1) of the ordinance provides for permits of exemption from minimum wages for infirm or disabled persons with specified conditions of work.

Article 4. The Department of Labour is entrusted with the application of the ordinance.

* * *

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 Kingdom* (British Honduras, Guernsey, Mauritius, St. Christopher-Nevis-Anguilla, Solomon Islands).

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

New Zealand (Cook Islands and Niue), *United Kingdom* (Jersey, Isle of Man).

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Denmark. Ratification: 22 June 1960.
Decision reserved: Faroe Islands, Greenland:
22 June 1960.
France. Ratification: 10 March 1953.

Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

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

France (French Guiana, Guadeloupe, Martinique, Réunion).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Denmark. Ratification: 15 August 1955.
Not applicable: Faroe Islands, Greenland:
15 August 1955.

Netherlands. Ratification: 11 October 1962.
No declaration.

United Kingdom. Ratification: 27 April 1954.
Applicable without modification: Isle of
Man¹: 22 September 1960.

Decision reserved:
Southern Rhodesia: 28 July 1958.

Aden, Antigua, Bahamas, Barbados, Basu-
toland, Bechuanaland, 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. Helena, St. Lucia, St. Vin-
cent, Seychelles, Solomon Islands, Swaziland:
16 December 1958.

Guernsey, Jersey: 8 March 1960.

¹ Parts II to V, VII and X.

NETHERLANDS

Netherlands Antilles.

Decree of 14 May 1960 (*Publicatieblad*, 1960, No. 83).

PART II. MEDICAL CARE

Under the sickness insurance scheme of 1936 workers are provided with free medical and maternity care in the event of sickness or pregnancy. The scheme applies to all wage earners, except for members of the worker's family whose earnings are less than 20 guilders per day. However, a large number of employers have made provision, under collective agreements, for such care to be granted to members of the worker's family. This care is provided for a maximum period of 52 weeks for the same illness, on condition that the worker has been in the service of the same employer for 12 consecutive days before the happening of the event insured against.

PART III. SICKNESS BENEFIT

Under the sickness insurance scheme, cash benefits are provided on the same conditions as for medical care, in respect of the qualifying period, and for the same duration, i.e. a maximum of 52 weeks, in the event of incapacity due to a morbid condition resulting in suspension of earnings when the worker's wage does not exceed 20 guilders per day. The amount of benefit is 70 per cent. of the wage when the insured person is cared for at home and 50 per cent. in the case of hospital care, to a maximum of 10 guilders per day. A three-day waiting period is required unless hospitalisation proves necessary or the total duration of the sickness exceeds three days.

PART IV. UNEMPLOYMENT BENEFIT

There is no provision for unemployment benefit.

PART V. OLD-AGE BENEFIT

The national decree on old-age insurance provides for the payment to all residents of an old-age pension at the age of 65. The corresponding contributions are calculated on the basis of a maximum annual income of 600 guilders. A pension is granted, whatever the income, at the age of 65. Between the ages of 60 and 65 special provisions

are provided for certain categories of persons whose retirement age may, under certain conditions, be postponed. The amount of pension is 95 guilders per month for a married man and 55 guilders per month for a single man or woman. The pension is reduced by 2 per cent. for each year between the ages of 15 and 65 in which the party concerned was uninsured. This provision came into force in 1960. However, persons who reached the age of 65 in 1960 are entitled to full pension.

PART VI. EMPLOYMENT INJURY BENEFIT

The scheme for the compensation of occupational risks covers all workers.

When permanent incapacity for work is less than 20 per cent. the periodical payments may be converted into a lump sum at the request of the party concerned. In other cases, the committee has discretionary powers to decide whether it is more advantageous for the beneficiary to receive a lump sum.

In the event of permanent total incapacity, the pension is equal to 50 per cent. of the wage, on the understanding that the maximum benefit is calculated on the basis of 10 guilders per day. For a widow, the pension is equal to 25 per cent. of the wage, as defined above, and for a widow with two dependent children, at least 40 per cent.

A waiting period of 2 days is provided for an occupational disease, but in all other cases benefits are paid from the day following that on which the accident occurred.

A widow who remarries loses her pension right and receives in lieu thereof a lump sum corresponding to two annual payments. Foreign workers who leave the country are entitled to a lump sum.

As regards benefits in kind, the scheme in force does not provide for the supply of prosthetic appliances or spectacles. Nor does it provide for rehabilitation care.

PART VII. FAMILY BENEFIT

Generally speaking, no provision is made for family benefits. However, workers in the public services receive family benefits from the State.

PART VIII. MATERNITY BENEFIT

Only married women are entitled to the medical care provided by the sickness insurance scheme.

PART IX. INVALIDITY BENEFIT

There is no scheme covering invalidity following an illness, only invalidity resulting from an industrial accident.

PART X. SURVIVORS' BENEFIT

Only the public services provide for survivors' benefits, to the exclusion of all other sectors of the economy.

UNITED KINGDOM

Barbados.

Old-Age Pension Act, 1937-13, as amended.

Pension Act, 1947-20.

Teachers (Secondary Schools) Pensions Act, 1962.

Workmen's Compensation Act, 1964-3.

Widows' and Children's Pension Act, 1964.

PART II. MEDICAL CARE

Article 7 of the Convention. The existing public medical service provides adequate medical care and it is not proposed at present to make separate arrangements for medical care under a social security scheme.

Article 8. The contingencies stated in this Article are covered.

Article 9. The whole population is protected.

Article 10, paragraph 1. Medical care is available free of charge at public hospitals to the whole population. There is also provision for visits by district medical officers to the homes of persons in straitened circumstances who cannot attend at a centre.

Section 19 of the above-mentioned Workmen's Compensation Act provides for the payment, subject to a maximum of \$240, of any expenses reasonably incurred by an injured workman in respect of medical expenses, including the supply, maintenance, repair and renewal of non-articulated artificial limbs and other apparatus.

Article 11. This Article does not apply to the public medical services, which are always open to the general public. The qualifying basis for workmen's compensation is three days' incapacity for work.

Article 12. This Article does not apply.

PART III. SICKNESS BENEFIT

Articles 13 to 18. Except in the cases mentioned below, no legal provisions for the payment of sickness benefit to workers exist at present, but provision is likely to be made for this type of benefit in the proposed social security scheme. Under the Barbados Leave Regulations, government employees holding established and unestablished posts are eligible for 21 days' sick leave on full pay annually. This period may be extended in cases of serious illness. Casual employees are eligible for 14 days' sick leave a year.

PART IV. UNEMPLOYMENT BENEFIT

Articles 19 to 24. Despite improvement in the employment situation due to migration and industrial development, application of the provisions of this Part of the Convention is not yet considered economically feasible.

PART V. OLD-AGE BENEFIT

Articles 25 to 30. Old-age benefit will probably be provided under the proposed national social security scheme. Under the Old-Age Pension Act, non-contributory old-age pension up to a maximum of \$2.40 a week per person is payable to persons from the age of 68 (25 in the case of blind persons and deaf mutes). The amount of the pension varies in accordance with the claimant's other means, and the total of pension and other means may not exceed \$4 per week. Certain conditions of nationality and residence must be satisfied. About 90 per cent. of the total population of eligible age is in receipt of this pension.

The Pension Act, 1947-20, and the Pension Act, 1925-2, make provision for the payment of pensions and allowances to public officers. Retirement is compulsory at 60 years and optional at 55, but an officer may retire at 50 under certain circumstances.

The Public Employees' Pension Acts and the Casual Employees' Pension Act, 1961-44, make similar provision respectively for permanent public employees and for casual employees of the Government. Similar provision is made for employees of local government councils by section 127 of the Local Government Act, 1958, and the Local Government Pensions Regulations, 1961.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 31. The right of "workmen" and dependants of deceased workmen to compensation is secured by the Workmen's Compensation Act, which requires all employers to insure their workmen against injuries due to employment accidents or scheduled occupational diseases. Only those provisions of the legislation that relate to employment accidents have so far been brought into force. Consideration is being given to revising the provisions relating to occupational diseases so that the relevant part of the Act may be brought into force as soon as possible.

Article 32, clause (a). Compensation is payable only if the injury produces disability for at least three days.

Clause (b). Under section 7 (1) (d) compensation is payable for temporary disability. Section 6 (1) (a) rules that the disability must last at least three days.

Clause (c). Under section 7 (1) (b) compensation is payable for permanent total disability and under section 7 (1) (c) for permanent partial disability. Under section 21 (1) (a) and (b) compensation is payable for disability caused by occupational disease: but this is not yet in force.

Clause (d). Under section 7 (1) (a) (i) compensation is payable to persons wholly dependent on the earnings of a deceased workman, and under section 7 (1) (a) (ii) to persons partly so dependent. Section 2 defines "dependants". The right of a widow to benefit is not conditional on her being presumed to be incapable of self-support.

Article 33, clause (a). The persons protected by the Workmen's Compensation Act are "workmen" and "dependants" as defined in section 2 (1). The definition of "workman" is fairly comprehensive and, subject to certain exceptions, covers all persons employed on contracts of service or apprenticeship as well as any person engaged in fishing on board a fishing vessel, whether paid by means of a fixed sum, a share in the earnings or otherwise. Among the notable exceptions are persons employed on work of a non-manual nature whose incomes exceed \$4,800 a year, persons in the armed forces of the Crown, and members of the police force.

The Act also covers any person who is a workman within the meaning of the Act and employed as the master or a member of the crew of any British ship, or in any other relevant capacity on board, if the ship is registered in Barbados or its owner or manager resides or has his place of business there (section 47, subsections (i) and (ii)).

Article 34. Medical care of the standard of this Article can for the most part be obtained through the public medical services (see comments on Part II).

Article 35. Bodies such as the Barbados Association in Aid of Blind and Deaf, the Association for the Mentally Retarded, the Barbados Association for the Prevention of Tuberculosis, and the Red Cross take part to some extent in voluntary work connected with the rehabilitation of disabled persons.

An effort is being made to co-ordinate the activities of these organisations.

Article 36. Compensation for temporary disability takes the form of a weekly payment, but in the circumstances mentioned in section 12 of the Act this may be commuted to a lump sum. Compensation for permanent disability or death is paid as a lump sum. In the event of permanent disability the amount may, at the discretion of the judge, be either paid direct to the person concerned or invested or otherwise applied for his benefit (section 13 (2)). In the event of death, the amount is apportioned by the judge among the dependants or allotted at his discretion to any one dependant and either paid direct to him or invested or otherwise applied for his benefit (section 13 (1)). The compensation is computed as follows. For temporary disability: adults: 75 per cent. of weekly wage; persons under 17: full average weekly wage. In neither case can the amount taken as weekly wage exceed \$55. For permanent total disability: adults: 260 weeks' wages or \$12,000, whichever is less;

persons under 17: 520 weeks' wages or \$12,000, whichever is less. For permanent partial disability: a stipulated percentage of the amount that would be payable for permanent total disability. For death: persons wholly dependent on the deceased: 182 weeks' wages or \$10,000, whichever is less; persons partly dependent on the deceased: such amount not exceeding the above amount as may be agreed on or awarded by a judge as reasonable and proportionate to the loss of support suffered by the dependants.

Article 37. The medical care referred to under Article 34 is available to the general public.

The employer's liability to pay the compensation mentioned under Article 36 is governed by section 3 (1) (compensation for employment accidents) and section 20 (8) (compensation for scheduled occupational diseases). The latter section has not yet been brought into force.

Article 38. The maximum period during which compensation for temporary disability may be paid is five years (section 7 (1) (d)).

PART VII. FAMILY BENEFIT

Articles 39 to 45. The provision of family benefit under the proposed social security scheme will be considered in due course. Public assistance in cash and kind is provided for the needy.

PART VIII. MATERNITY BENEFIT

Articles 46 to 48. There is no provision for the payment of cash maternity benefits at present, but they are likely to be provided under the proposed social security scheme. The existing medical benefits in connection with maternity provided by the public medical services are considered adequate.

Article 49, paragraphs 1 to 3. Medical care in accordance with paragraphs 2 and 3 is provided at the maternity ward of the new Queen Elizabeth Hospital at Bridgetown. Maternity services are also provided in the infirmaries in every parish under the supervision of the local government authorities.

Articles 50 to 52. As already stated, provision for cash maternity benefit under the proposed social security scheme is being considered.

The Government Leave Regulations allow female civil servants (including teachers) paid maternity leave not exceeding six months, this leave being deducted from vacation leave. If the vacation leave is insufficient the remainder of the maternity leave may be granted on half pay.

PART IX. INVALIDITY BENEFIT

Articles 53 to 58. This type of benefit is now being considered in connection with the proposed social security scheme. See comments regarding public assistance under Part IV.

PART X. SURVIVORS' BENEFIT

Articles 59 to 64. This type of benefit will probably be provided under the proposed social security scheme. See comments regarding public assistance under Part IV.

Provision is made for the granting of pensions to the widows and children of employees in the public service who have been contributors under the Widows' and Children's Pension Act.

Bermuda.

Public employees, including teachers in government and government-subsidised schools, are covered, in so far as medical care (including hospital treatment) is concerned, by the provisions of the Government Employees (Health Insurance) Act of 1960. This Act introduced a contributory scheme, administered by a committee composed of heads of departments.

Isle of Man.

Isle of Man Family Allowance and National Insurance Order, 1964.

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The following report supplies information on the practical effect given to the Convention:

United Kingdom (Isle of Man).

The following report refers to the information previously supplied:

United Kingdom (Isle of Man).

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 Islands, 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, 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.

British Honduras: 27 April 1961.

Fiji: 18 February 1964.

Bechuanaland: 11 December 1964.

Applicable with modification: Basutoland, Swaziland: 31 October 1958.

Solomon Islands: 8 March 1960.

AUSTRALIA

Nauru (First Report).

Chinese and Native Labour Ordinance, 1922/35.

The above-mentioned legislation prohibits all forms of forced or compulsory labour.

New Guinea (First Report).

Papua and New Guinea Act, 1949/60.

The above-mentioned legislation prohibits any form of forced or compulsory labour except in such circumstances as are permitted by Convention No. 29.

Norfolk Island (First Report).

No forms of forced labour or compulsory labour exist on the island.

Papua (First Report).

Papua and New Guinea Act, 1949/60.

The above-mentioned legislation prohibits any form of forced or compulsory labour except in such circumstances as are permitted by Convention No. 29.

UNITED KINGDOM

Basutoland.

In reply to a direct request by the Committee of Experts the Government states that the penal sanctions for breach of contract prescribed by section 40 (1) of the African Labour Proclamation will be repealed by the new Employment Bill.

Prisoners sentenced to imprisonment without hard labour are placed on various light duties. No persons have been convicted of offences under section 10 of the Newspaper Regulation Proclamation of 1917 up to now.

Brunei.

Trade Disputes Enactment, 1961.

In reply to a direct request by the Committee of Experts the Government indicates that, by virtue of the above-mentioned legislation, full compliance is ensured with Article 1, clause (d), of the Convention.

Dominica.

In reply to a direct request by the Committee of Experts the Government indicates that there have been no prosecutions under sections 4, 7 and 8 of the Seditious and Undesirable Publications Ordinance since 1952; neither have there been any prosecutions under section 49 (1) of the Small Charges Act.

Nyasaland (First Report)¹

Penal Code (*The Revised Laws of Nyasaland*, 1957, Cap. 23).

Native Authority Ordinance (*idem*, Cap. 73).

Forced labour may not be imposed for any of the purposes mentioned in the Convention. The powers under the Native Authority Ordinance to order persons to carry out cultivation in times of famine may be used only in an emergency, and are not considered to contravene the Convention.

Seychelles.

In reply to a direct request by the Committee of Experts the Government states that there have been no cases under certain sections of the Penal Code and the Criminal Procedure Code concerning seditious matter or vagrancy. The maritime laws are due to be reviewed and consideration will then be given to the suggestion made with regard to sections 19, 20 and 22 (e) of the Local Trading Vessels Ordinance concerning certain disciplinary offences.

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

United Kingdom (British Guiana, Brunei, Seychelles).

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

United Kingdom (Isle of Man, St. Vincent).

¹ Report for the period ending 30 June 1963, received too late for inclusion in Report III (Part I) presented to the 48th Session of the Conference.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

United Kingdom. Ratification: 9 March 1962.
Applicable without modification:
British Honduras: 7 July 1964.
Bermuda: 17 September 1964.
Barbados: 16 October 1964.
Jersey: 11 December 1964.
Decision reserved:
Isle of Man, Southern Rhodesia: 29 May 1963.

Guernsey: 20 August 1963.
St. Lucia: 12 June 1964.
Aden, Basutoland, Fiji, Montserrat: 7 July 1964.
Falkland Islands, Gibraltar, Solomon Islands, Swaziland: 16 October 1964.
Brunei: 11 December 1964.
Antigua: 22 January 1965.

UNITED KINGDOM

Aden.

There are no laws or regulations giving effect to the provisions of the Convention. There are only three users of radioactive materials, appropriate safeguards against ionising radiation being taken.

Antigua.

There is no legislation relating to the provisions of the Convention. The dangers which it seeks to guard against do not exist here, even in the hospitals. It is also doubtful whether they will exist in the near future.

Barbados.

Apparatus emanating ionising radiations is at present in use only in hospitals and consideration is being given to providing legislation for the application of the *Code of Practice*.

Basutoland.

There are no laws or regulations in respect of ionising radiation. The circumstances which the Convention is designed to deal with have not arisen in this territory. However, it is possible that circumstances may arise in the major hospitals which will require steps to be taken to apply the Convention.

Bermuda.

There are no legislative measures or administrative regulations in respect of the Convention.

Article 1 of the Convention. Protective measures are in force at the King Edward VII Memorial Hospital in accordance with the *British Code of Practice for the Protection of Persons against Ionising Radiations*, 1957. Representatives of employers and workers have been consulted on the application of the Convention.

Article 2. The threshold levels have not been specified.

Article 3. It is proposed that a declaration should be made applying this Convention to declare any trade, business or manufacture which may involve the exposure of workers to ionising radiations to be an offensive trade within the meaning of section 62 of the Public Health Act, 1949.

British Guiana.

Apparatus emitting ionising radiation is used only in hospitals. Effect is given to this Convention by a code of practice. No statutory provisions exist or are thought necessary at this stage.

British Honduras.

There is no apparatus emanating ionising radiation to be found in any of the industrial undertakings in the territory. The British *Code of Practice for the Protection of Persons against Ionising Radiations* is applied in the medical institutions.

A Bill to provide for certain protective measures is under consideration and is expected to become law shortly.

Brunei.

In the present state of development of the country the provisions of the Convention are not yet applied. The matter will however be kept under review and particular attention will be given to the safeguards set out in the Convention.

Dominica.

The only activity on which this Convention may have some bearing is the operation of the X-ray apparatus which forms a part of the equipment of the main hospital. The competent authority is aware of the need to keep the requirements of this Convention in constant focus.

Fiji.

The only known instances in Fiji where persons may be exposed to ionising radiation are in the cigarette factory and in hospitals and other places where X-ray apparatus is used. As yet no legislation is in force covering the use of these devices but the matter is being examined.

Gibraltar.

There are no laws or regulations applying the Convention. The processes giving rise to radiation hazards are under consideration with a view to drafting appropriate regulations. Work or training involving use of the sealed sources is carried out under instructions issued by the various branches of the United Kingdom Ministry of Defence, which conform to the requirements of the United Kingdom Ionising Radiations (Sealed Sources) Regulations, 1961. Radiation hazards arising from X-ray and the like apparatus in hospitals are minimised by the observance of appropriate rules. The radiographic staff are subjected to routine medical examination, including blood counts.

Gilbert and Ellice Islands.

It has not been possible yet to examine the needs outlined by the Convention. However, there is an intention to give early attention to the matter.

Guernsey.

The Convention is under consideration. In the meantime the *Code of Practice for the Protection of Persons against Ionising Radiations*, 1957, is applied in the hospitals in the bailiwick.

Hong Kong.

Radiation Ordinance No. 35 of 1957.

Factories and Industrial Undertakings (Radiation) Special Regulations, 1957.

Article 1 of the Convention. In addition to the above-mentioned enactments, the Convention is applied, where appropriate, by means of orders issued by the Commissioner of Labour. Consultations with employers and workers are achieved through the Labour Advisory Board.

Article 2. The Convention is not applied to all activities involving exposure of workers to ionising radiations; application is made only to personnel working in certain undertakings and establishments, including hospitals, clinics, etc.

Article 3. New measures have been taken in the light of knowledge available at the time to ensure effective protection of a special category of workers, namely workers engaged in the cleansing of external surfaces of civilian passenger aircraft. New sets of regulations have been drafted under the Radiation Ordinance. The use of irradiating apparatus and radioactive substances in industrial undertakings is under control.

Article 7. No levels are fixed for workers on an age basis. No age limit is specified in the existing regulations. In practice persons under 18 years of age are not engaged in the handling of irradiating apparatus or radioactive substances.

Article 9. The Commissioner of Labour ensures that necessary information is supplied to the workers. The proprietor of any affected industrial undertaking should appoint a responsible person to supervise all the work involving exposure to ionising radiations.

Article 10. Notification is made in accordance with regulations 3 and 7 of the existing Regulations. Appropriate monitoring of workers is carried out.

Article 12. Workers who are liable to be exposed to ionising radiations are examined by a medical officer within seven days of starting work and thereafter at intervals of one month. In practice repeated medical examinations are carried out at approximately one-year intervals in conformity with the current trend of thought on this matter. In the event of any spillage or loss of any radioactive substance in any affected industrial undertaking the proprietor of such undertaking must cause a report of the circumstances to be made to the Commissioner within one hour of the time of the occurrence. He must immediately order removal of persons from the workplace affected and cause the area to be cleansed under the supervision of the person designated by the Commissioner for this purpose. The Commissioner may take such steps as he considers necessary and practicable for the protection of any persons who might suffer injury as a result of the loss.

Article 14. Effect is given to the provisions of this Article.

Article 15. Inspection services are provided by the Commissioner of Labour. Routine inspections are made regularly of premises where processes involving the use of ionising radiations are carried out.

The application of existing legislation concerning radiation protection has been satisfactory. Radioactive substance is used only in a limited number of establishments which are under close supervision by the factory inspectorate and the industrial health section of the Labour Department. Existing regulations apply only to industrial undertakings and do not cover all workers, such as those exposed to X-rays in public and private hospitals, clinics, etc. Steps are now being taken to replace these regulations with more comprehensive regulations.

Jersey.

On 2 June 1964 the State of Jersey decided that this Convention could be applied to the island without modification.

The only two known types of employment involving exposure to ionising radiations in the territory are the use of X-ray apparatus in hospitals and in footwear shops. The Public Health Committee has ensured that the United Kingdom *Code of Practice for the Protection of Persons against Ionising Radiations* is enforced in institutions under its administration.

Isle of Man.

The only hazard arising from ionising radiations is to workers in three hospitals where X-ray plant is installed. The hospital authorities apply the rules set out in the *Code of Practice for the Protection of Persons against Ionising Radiations* issued in 1957.

Mauritius.

There are at present no laws or regulations applying the Convention. Only two hospitals possess apparatus capable of emitting ionising radiations, safety precautions being taken. The *Code of Practice* as regards the protection of radiographic personnel and patients is complied with.

St. Helena.

No legislation has been introduced to apply the Convention, and in the absence of such legislation the relevant legislation of the United Kingdom may be applied *mutatis mutandis*.

Articles 1 to 15 of the Convention. The only apparatus emanating ionising radiations in St. Helena is the small X-ray unit in the general hospital, which is operated with normal regard for safety. The senior medical officer is responsible for the supervision of the application of the provisions of the Convention.

St. Lucia.

Generally, industrial development has not yet reached the stage where use is made of advanced technology in production processes, and except for certain occupations in the medical and health services there are no other occupations, industries or services where hazards of this nature are found. It has not been found necessary to make any regulations to give effect to this Convention. It appears, however, that regulations could be made under the Factories Ordinance to provide for protection of workers against ionising radiations.

Solomon Islands.

Labour Ordinance (Cap. 28).

All workers in the hospital diagnostic X-ray departments are subject to medical examination and to monthly radiation checks.

Southern Rhodesia.

There is no legislation applying the provisions of this Convention. The only generation of ionising radiations in Southern Rhodesia originates in a small number of sealed sources used in industry for monitoring, in health services for medical

treatment, and in radiographic examination of metals. Although there is a negligible degree of risk to workers from these sources, regard is being paid to developments involving exposure of workers to ionising radiations with a view to having appropriate legislation ready, should it become necessary.

Swaziland.

The only apparatus emitting ionising radiations as yet in use in the territory is X-ray equipment in hospitals and in the geological survey department. In view of the small scale on which this equipment is used and the lack of specialised staff to administer the inspection services it is considered that it would be impracticable to apply the Convention by introducing legislation at this stage.

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.

France. Copies of the reports 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 (*French Polynesia, French Somaliland, St. Pierre and Miquelon*) have also been communicated to the local employers' and workers' organisations.

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, Dominica, Falkland Islands, Grenada, Isle of Man, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, 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, British Virgin Islands, Brunei, Gilbert and Ellice Islands, 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)
(ADDENDUM)

International Labour Conference

FORTY-NINTH SESSION

GENEVA, 1965

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)

Maternity Protection



GENEVA
International Labour Office
1965

09661 / 1

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.

CORRIGENDUM

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Insert the following text between Poland and Rumania :

Portugal

CONVENTION No. 3

Decree of 14 April 1891 respecting factory nurseries.

Legislative Decree No. 23048 of 23 September 1933 (National Labour Statute).

Act No. 1952 of 10 March 1937 respecting contracts of employment (*Diário do Governo*, 10 Mar. 1937, No. 57) (s. 17).

Decree No. 45266 of 23 September 1963 to issue general regulations for the social security funds (ibid., Sept. 1963).

Ministerial Order of 13 January 1958 (prohibition of arduous or dangerous work during pregnancy; nursing breaks) (ibid., 1 Mar. 1958, Series II, No. 51).

Ministerial Order of 22 November 1958 respecting the scope of the Order of 13 January 1958 (ibid., 14 Jan. 1959, Series II, No. 11).

Ministerial Order of 31 March 1959 respecting the employment of women during pregnancy (ibid., 10 Apr. 1959, Series II, No. 85).

Overseas Provinces.

Angola.

Angola Labour Code: Legislative Decree No. 2827 (*Boletim Oficial de Angola*, 5 June 1957). (L.S. 1957—Ang. 1).

Cape Verde.

Legislative Decree No. 1330 of 9 February 1957 (*Boletim Oficial de Cabo Verde*, 9. Feb. 1957).

Orders Nos. 5117 of 23 February 1957 and 5215 of 4 May 1957 (ibid., 23 Feb. and 4 May 1957).

Mozambique.

Legislative Decrees Nos. 1595 of 28 April 1956 and 2086 of 29 April 1961 (*Boletim Oficial de Moçambique*, 28 Apr. 1956 and 29 Apr. 1961).

San Tomé and Príncipe.

Legislative Decree No. 507 of 10 March 1958 (*Boletim Oficial de São Tomé e Príncipe*, 10 Mar. 1958).

Order No. 2542 of 27 March 1958 (ibid., 27 Mar. 1958).

Section 17 of the Act of 1937 stipulates that women wage earners or employees in industry or commerce, whether employed for a definite or an indefinite period, are entitled to 30 days' leave on the birth of a child. The Act also prohibits employers from terminating a woman's contract of employment in such cases, either on the grounds of failure to work or in the normal way with notice of dismissal. If a

woman at the time of her confinement has actually worked—and has given satisfactory service—for more than a year, she is entitled during the maternity leave to an allowance of at least one-third of her wage.

Under section 26 the provisions of the Act are without prejudice to the contents of any collective agreement, and in fact there are many hundreds of such agreements which lay down higher standards of maternity protection.

A major step forward was achieved by the Decree of 1963, which overhauled the existing social security system. As a result of these changes maternity now comes under a separate branch of insurance, whereas formerly childbirth came under the sickness insurance scheme for purposes of medical care and under the employer's liability in respect of the obligation to grant paid leave. Under sections 53 to 56 of the decree maternity protection takes the form of medical care, the supply of medicines and cash benefits. Working women are entitled to medical care and the supply of medicaments; these benefits include treatment during pregnancy and confinement by a doctor or qualified midwife, together with hospital care if necessary, without payment of any consultation fees or hospital costs.

The maternity allowance is payable for 60 days and is equal to 100 per cent. of the average daily wage in respect of women who have been members of a provident fund for one year before the presumed or actual date of confinement. Membership is compulsory for all women employed in industry and commerce. Under section 74 of the same decree a working mother is also entitled to a maternity grant together with an eight months' nursing allowance.

If, at the end of 60 days during which maternity allowance is paid, a woman is still not fit for work, she can always take sick leave, in which case she is entitled to an allowance at the rate of 60 per cent. of her average wage under the general sickness insurance scheme.

The Decree of 1891 stipulates that any factory which employs more than 50 women must possess a nursery. Regulations have been made under this decree prescribing standards of accommodation and hygiene.

The Order of 14 July 1937 prohibits the dismissal of expectant mothers.

The Order of 13 January 1958 lays down two fundamental principles: (a) during pregnancy a woman engaged in tasks which involve considerable physical exertion, in which she is exposed to vibration, or contact with poisonous substances, which necessitate an uncomfortable posture or where transport facilities are inadequate, must be transferred, at her own request or on the advice of a doctor, to a job which cannot prove harmful, without loss of pay; (b) she must be allowed two half-hour breaks a day to nurse her child. Lastly, the Order of 1959 forbids the dismissal of women without just cause during pregnancy and for one year after confinement.

In the case of Cape Verde the Legislative Decree of 1957 lists (in section 130) the services and types of work which are to be considered harmful during pregnancy and stipulates that an expectant mother must normally be employed seated on work which cannot affect her condition. Work must be limited or suspended altogether if ordered by the doctor, and is in any case completely forbidden during the four weeks immediately following confinement. Work which requires considerable or prolonged physical exertion (including the carrying of burdens on the head) or harmful attitudes and postures, together with all jobs in which the body is subject to jerks and vibrations or which involve the handling of poisonous, dangerous and unhealthy substances, is forbidden. During the first three months of nursing a woman must be assigned to a job in which she is not normally required to remain standing, and during the first six months night work of any kind is forbidden. A woman is entitled to two half-hour nursing breaks a day, one in the morning and one in the afternoon, without loss of pay.

The same decree (in sections 99 ff.) also stipulates that an expectant mother is entitled to be exempted from work for six weeks before confinement on production of a medical certificate stating the probable date. She is also entitled to not less than half of her normal wage and to leave in respect of sickness arising out of pregnancy or confinement for a period of up to two months on the same terms as for maternity leave. During this period any dismissal notice is null and void, even if there is a valid reason; in no circumstances do pregnancy or confinement as such constitute a valid reason. Employers who are guilty of a breach of the regulations governing the employment of women either before or after confinement are liable to penalties.

In Mozambique, under the Legislative Decree of 1956 (section 89), scheduled women workers are entitled to 30 days' leave with full pay at the time of their confinement. Under section 91 employers must assign women to work which is compatible with their condition and grant them facilities to nurse their children. Sections 84 and 86 of the same decree are applicable to complications and illnesses which occur either before or after confinement.

The collective agreement between the Trans-Zambezia Railway and the National Union of Railwaymen in Manica and Sofala and the Union of Port Workers in Beira stipulates that women employed by the railway company are entitled to 30 days' leave at the time of their confinement without prejudice to their normal leave, together with payment of their basic wage and any family allowances they were drawing; whenever the exigencies of the service permit they must be allowed to take their annual holidays in conjunction with the maternity leave.

The collective agreement between the banks and the National Bank Employees' Union also stipulates that permanent or temporary women employees are entitled to leave under the Legislative Decree of 1956.

The authority responsible for enforcing the laws and regulations throughout the whole of Portuguese territory is the labour inspectorate; in metropolitan Portugal this task is also carried out by the Social Welfare Services and the National Institute of Labour and Social Welfare.

Co-operation between employers' and workers' organisations in applying the laws and regulations for the protection of working mothers consists in the conclusion of collective agreements and joint action to implement them. Co-operation also takes place between the trade unions, the Social Welfare Services and the National Institute of Labour and Social Welfare to ensure that the latter bodies are kept informed about developments and that the law is observed in practice.

The Government states that the only reason why the Convention cannot yet be ratified is that it stipulates a maternity leave of 12 weeks, whereas in Portugal, under the Decree of 1963, maternity leave is only 60 days. However, if during early pregnancy or owing to confinement a woman contracts an illness which lasts beyond this period, she is covered by the sickness insurance scheme and can remain absent from work. A Bill respecting contracts of employment, which will contain a number of clauses dealing with the protection of working mothers, is now being drafted. One of these clauses will undoubtedly fix the period of leave to which women are entitled before and after confinement, but it is still too early to say what this period will be. It was increased from 30 days to 60 days in September 1963, and any subsequent increase, which it is hoped will be introduced at the earliest possible date, will depend on a number of factors which are now under examination.

CONVENTION No. 103

Overseas Provinces.

Angola, Cape Verde, Guinea, Mozambique, San Tomé and Príncipe, Timor.

Rural Labour Code: Decree No. 44309 of 27 April 1962 (*Diário do Governo*, 27 Apr. 1962, No. 95) (*L.S.* 1962—Por. 1) (ss. 223-230).

In Cape Verde employers in agriculture and related occupations are required to provide their regular women workers, in the event of pregnancy, confinement and their consequences, with the necessary medical care, including hospital treatment where necessary. At the time of their confinement women workers are entitled to 30 days' leave, which may be extended to three months on the advice of a doctor; in the latter case they are paid half their normal wage for the period in excess of 30 days without prejudice to any rights they may have under the provident scheme. A woman is also entitled to a nursing allowance equal to 10 per cent. of her wage during the five months following the birth of a child.

In Angola, Cape Verde, Mozambique and San Tomé and Príncipe the Rural Labour Code is enforced, together with the statutory instruments mentioned under Convention No. 3.

The Government adds that since 1952 steady progress has been made in implementing the provisions of the Convention, which have in several cases been improved on by the legislation.

See also under Convention No. 3 and Recommendation No. 12.

RECOMMENDATION No. 12

Legislative Decree No. 30710 of 29 August 1940.

Act No. 2115 of 18 June 1962.

Ministerial Order of 4 March 1964.

There are serious difficulties in the way of implementing the standards concerning maternity protection in agriculture. These standards imply a certain continuity in the employment relationship between a woman worker and her employer, but owing to the present structure of agriculture such cases are fairly uncommon, especially where women are concerned. Usually they tend to be hired by the day or, at most (and even then only at certain times of the year), by the week or fortnight. Furthermore, employment relationships in agriculture are usually ill-defined and tend to be casual and temporary. Often it happens that the same individual is simultaneously an employee and an employer. These facts place serious obstacles in the way of any social security scheme in agriculture, although this has not prevented constant efforts being made to introduce and extend such measures.

The Legislative Decree of 1940 lays down the principle that, for social security purposes, all villagers and farm workers must register in parishes where "houses of the people" exist. Slightly more than 20 per cent. of the insurable agricultural population are covered. The social security scheme operated by the "houses of the people" includes medical care and medicaments, together with a maternity grant. To a large extent the cost of these measures is met out of a public fund (National Family Allowances Fund) in conformity with the Ministerial Order of 1964. The Act of 1962 increases the facilities offered to farm workers by entitling them to

register with the regional social security and family allowances funds and, on payment of the appropriate contributions, to qualify for one or more of the insurance schemes operated by these institutions.

The Decree of 1963 entitles women farm workers to a maternity allowance payable for 60 days at the rate of 100 per cent. of their wages, as well as to free medical care and medicaments during pregnancy, confinement and lying-in, including free hospital treatment where necessary. A nursing allowance is also payable for the first eight months following confinement.

A new Bill respecting contracts of employment is now being drafted and it is hoped to promulgate it this year. It will deal, *inter alia*, with employment in agriculture and will undoubtedly give better maternity protection to women farm workers. The provisions of the Recommendation will not be overlooked. It is nevertheless a fact that it appears to be designed rather for countries with a very different agrarian system from that of Portugal, i.e. for those in which employment relationships in agriculture are stable and well defined.

See also under Conventions Nos. 3 and 103.

RECOMMENDATION No. 95

See under Conventions Nos. 3 and 103.

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Syrian Arab Republic.

1. In the ninth line substitute for the word "employment" the word "pregnancy".

2. In the 23rd line substitute for the words "wages in kind" the words "cash wages".

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United Kingdom.

1. In the list of legislation, 22nd line, replace the text in parentheses "(ibid., 1952, No. 422)" by the following: "(ibid., 1952, Nos. 422 and 526)".

2. Under Article 4, second line, substitute for "unemployed" the word "non-employed".

PAGE 103.

1. In the third line, after the words "child dependant", replace the latter part of the sentence by the following: "is payable for 18 weeks and may be claimed 14 weeks before the expected date of confinement, but is paid only for the period commencing 11 weeks before".

2. The paragraph beginning on the 22nd line with the words "The Ministry of Pensions", should read as follows:

"The Ministry of Pensions and National Insurance is responsible for administration of cash maternity benefits. The national insurance schemes in Great Britain and Northern Ireland are operated as far as possible as if they constituted a single system. Enforcement of the Public Health Act of 1936 is entrusted to the local authority and of Part VI of the Factories Act of 1961 to the Ministry of Labour."

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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 four following instruments dealing with maternity protection: the Maternity Protection Convention, 1919 (No. 3), the Maternity Protection Convention (Revised), 1952 (No. 103), the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12), and the Maternity Protection Recommendation, 1952 (No. 95).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1964. 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 1964.

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

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 49th Session (1965), will include the general conclusions made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

¹ These summaries have been submitted to the Conference, in the case of the Maternity Protection Convention, 1919 (No. 3), from the 5th Session (1923) onwards, and in the case of the Maternity Protection Convention (Revised), 1952 (No. 103), from the 40th Session (1957) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.

INSTRUMENTS ON MATERNITY PROTECTION

Maternity Protection Convention, 1919 (No. 3); Maternity Protection Convention (Revised), 1952 (No. 103); Maternity Protection (Agriculture) Recommendation, 1921 (No. 12); Maternity Protection Recommendation, 1952 (No. 95)

Afghanistan

CONVENTION No. 3

The Government does not consider that the Conventions are of any relevance to the country at the present time in view of the country's religious and social customs, as, in fact, there are very few women in employment. Provisions concerning maternity protection are, however, included in the draft Labour Code, and consideration will be given to ratification of the Conventions and application of the Recommendations.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Albania

CONVENTION No. 3

Labour Code: Act No. 2250 of 3 April 1956 (*Gazeta Zyrtare*, 20 Apr. 1956) (*L.S.*¹ 1956—Alb. 2).
Act No. 2083 of 4 December 1958 respecting social insurance.

Under the provisions of section 36 of Act No. 2083 women wage earners and salaried employees shall be entitled to a minimum of 12 weeks' paid maternity leave of which the part following confinement shall be over six weeks. Moreover, under section 37 of the Act, an insured woman worker shall be entitled to minimum benefit of up to 70 per cent. of her average remuneration and to maximum benefit of up to 95 per cent. of her average remuneration. Under section 72 of the Labour Code

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

a working mother shall be entitled to half-an-hour's rest per working day to feed her child, which shall be placed in a day nursery belonging to the undertaking and situated near to the place where she is employed.

Section 39 of Act No. 2083 provides that, where annual leave with pay coincides with leave granted on account of pregnancy or confinement, the annual paid leave shall be postponed until after the maternity leave has ended.

Supervision of the application of the legislative provisions is carried out by the services of the Public Prosecutor's Office, the State Control Commission and the Central Council of Trade Unions.

CONVENTION No. 103

Entitlement to maternity leave for women belonging to handicraft or farm co-operatives is ensured by the rules of the co-operatives themselves.

See also under Convention No. 3.

RECOMMENDATION No. 12

Women wage earners employed in agricultural undertakings enjoy the same rights as other women wage earners employed in other economic sectors.

See also under Convention No. 3.

RECOMMENDATION No. 95

In some cases maternity leave is longer than 12 weeks; for instance it can be 13 weeks if childbirth is difficult or in the case of a multiple birth, 14 weeks if the woman's job is classified as arduous and 15 weeks if the job is classified as arduous and there is a multiple birth.

Medical care for women both in hospital and at home is free of charge; this applies to the entire population.

There are no regulations forbidding employers to dismiss women during maternity leave, but while employers are entitled to do so in serious cases, they are not in practice allowed to do so for minor reasons, and the Employment Committee of the Conciliation Board intervenes if an injustice has been done.

Under sections 56 and 65 of the Labour Code women may not be employed by night or be required to work overtime during pregnancy.

See also under Convention No. 3.

Argentina

CONVENTION No. 103

Act No. 11933 of 15 October 1934 respecting the employment of women before and after confinement (*Boletín Oficial (B.O.)*, 24 Oct. 1934, No. 12109, p. 898) (*L.S.* 1934—Arg.1B) as amended by Act No. 12339 of 29 December 1936 (*B.O.*, 26 Jan. 1937, No. 12767, p. 962) (*L.S.* 1936—Arg.1C) and Decree No. 24335 of 1944.

Decree No. 80229 of 15 April 1936 to issue regulations under Act No. 11933 respecting the Maternity Fund for women salaried and wage-earning employees (*B.O.*, 8 June 1936, No. 12581, p. 273) (*L.S.* 1936—Arg.1A) as amended by Decrees Nos. 124925 of 18 July 1942 (*B.O.*, 23 July 1942, No. 13468, p. 1) (*L.S.* 1942—Arg.1) and 24335 of 1944.

The above-mentioned instruments embody all the provisions concerning the protection of women during maternity.

These texts constitute a well-balanced body of standards which provide for cash benefits and medical assistance to expectant mothers.

RECOMMENDATION NO. 12

The problem of maternity protection for working women is of only limited importance in agriculture. Male labour is exclusively employed in permanent agricultural jobs and recourse is had to female labour only for certain casual or seasonal jobs.

The employment of women on a permanent basis would only be possible in work of a domestic character, in which case they would be placed on the same footing as farm labourers and therefore protected by Decree No. 28169 of 1944 and entitled to the legal safeguards laid down by Decree No. 34147 of 1949 in the case of farm workers who fall sick. These safeguards cover pregnancy.

RECOMMENDATION NO. 95

For legislation see under Convention No. 103.

Many collective agreements lay down maternity protection standards which are not only in line with the statutory standards but mark an improvement on them.

Australia

CONVENTION NO. 3

See under Convention No. 103.

CONVENTION NO. 103

The constitutional framework necessarily results in various aspects of the Convention being covered partly by direct commonwealth grant, partly by state-level activities and by voluntary insurance. Legislative provisions covering some of the matters dealt with in the Convention exist in both the state and federal spheres. No general legislation covering the subject-matter of the Convention exists in the Australian Capital Territory or the Northern Territory.

Articles 1 and 2 of the Convention. These provisions are not contained as such in national legislation.

Article 3. At the federal level, considering the limited extent to which married women are employed, there are no specific provisions for maternity leave outside normal sick leave. Leave provisions in commonwealth employment are administered by the individual departments and authorities under the over-all supervision of the Commonwealth Public Services Board which generally approves application for leave, without pay, for purposes of confinement.

At the state level general legislation relating to the leave provisions exists in relation to private employment only in New South Wales, Western Australia and Tasmania, while New South Wales and Victoria have special leave provisions in respect of employment by the state.

In New South Wales legislation applying to factories and shops permits pregnant women to be absent from work if a medical certificate is furnished as to the date of confinement—(a) during the four weeks before the presumed date of confinement or during parts of that time specified in an application for leave; and (b) at other times

not exceeding ten working days in the aggregate before her confinement. If the woman performs any work in the six weeks following confinement to the knowledge of the occupier of the factory or shop he is guilty of an offence. Special leave provisions exist in the Regulations applying the Public Services Act, whereby maternity leave is granted to teachers eight weeks before and six weeks after confinement, the four weeks preceding confinement on half pay with the balance on full pay.

In Victoria married women employed in the public service as teachers are entitled to maternity leave of up to 18 months without pay, which, in any case, must commence four months before confinement, and no resumption of work is permitted until six months after confinement.

Both the Western Australian Factories and Shops Act and the Tasmanian Factories, Shops and Offices Act provide for six weeks before and after confinement. In Victoria married women employed in the public service as teachers are entitled to maternity leave of up to 18 months without pay.

In general it can be said that normal leave provisions apply in case of maternity and no special conditions exist in respect of temporary employees.

Article 4. At the federal level the commonwealth social service and health benefit schemes, which apply generally throughout Australia, include working mothers and thereby relate to some of the provisions of this Article. Subject to qualification, a sickness benefit of up to £4 2s. 6d. a week is generally payable for a period of six weeks before and six weeks after confinement. In addition, on the birth of a child, a separate maternity allowance is payable to all mothers.

State governments do not provide any general cash benefits in addition to those of the Commonwealth, but they do, however, make substantial grants to public hospitals and subsidise numerous other facilities and benefits which are available to all mothers (including working mothers) at reasonable cost.

Prenatal care and confinement, for example, are provided at reasonable cost to all expectant mothers at public hospitals in all capital cities and some country centres. In other provincial centres and rural areas maternity care is provided by local general practitioners and district or bush nursing hospitals which, like public hospitals in the capital cities, are sometimes government-conducted and sometimes voluntarily conducted.

In all states prenatal advice and help are given at infant welfare or public health centres. In most states the department of health through a maternity and infant welfare section supervises and co-ordinates infant welfare activities.

In all states some emergency home help service is available to families during the confinement of the mother, usually by providing the services of a housekeeper for a limited period. Though it is a general practice for families to contribute toward the cost of the service given according to their ability to pay, the services are in good part subsidised by state government and voluntary organisations.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Paragraphs 1 to 4 of the Recommendation. See under Convention No. 103.

Paragraph 5. Existing legislative provisions apply for the protection of all women, no distinction being made for pregnant and nursing women.

Subparagraph 1. All states have legislated to restrict in some measure night work and overtime by women generally. Most states, as well as the Australian

Capital Territory and the Northern Territory, have enacted legislation restricting work which is prejudicial to women's health. In particular there are legislative provisions regulating the lifting of weights by women; prohibiting women from cleaning machinery in motion and performing other potentially dangerous jobs connected with machinery; restricting work by women on lead processing. Legislation also restricts to differing extents work in which the whet-spinning and dry-grinding processes are employed, as well as silvering mirrors and glass working.

Nauru

CONVENTION No. 3

Public Service Ordinance, 1961-62.

Chinese Native Labour Ordinance, 1922-53.

There are no specific legislative provisions relating to maternity protection, but medical and hospital treatment and sick leave with pay ensure that the health and welfare of women in employment are protected. Under the above ordinances employers are required to provide free medical treatment for all their employees. All persons receive free hospital, medical and dental treatment. Married women are not employed on a permanent basis in the public service.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

New Guinea and Papua

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Article 2 of the Convention. The legislation has application only to indigenous female employees.

Article 3. The legislation provides for a maximum leave period of ten weeks after confinement, plus such period as may be necessary for hospitalisation prior to confinement. The earlier resumption of duty by a woman who so elects is permitted provided she is certified medically fit for work.

Article 4. Female employees, while absent on maternity leave, do not receive any cash benefits either in the way of wages, public funds or a system of insurance. However, the employer continues to provide accommodation and food, and treatment at public hospitals for indigenous people is free.

Article 5. The legislation provides for reasonable periods of absence from duty for nursing. These shall in any case be not less than half-an-hour during working hours and are not subject to any wage deductions.

Article 6. The legislation provides that—(a) the employer shall agree to the termination of employment without penalty if the pregnant employee so desires; (b) the employer shall not without the consent of the employee terminate the employment on the ground of or a ground arising out of pregnancy unless the employee is medically unfit to continue in the occupation in which she is then employed and the employer is unable to employ her in any occupation considered suitable by a medical officer or a triple certificated nurse; and (c) during the period of any maternity leave the employment shall not be terminated except by mutual consent of the parties.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Paragraphs 1 to 4 of the Recommendation. See under Convention No. 103.

Paragraph 5. The legislation expressly prohibits the employment of any indigent female employees in heavy labour and requires that an employee shall not be required or permitted to perform work for which he or she is not physically fit.

Norfolk Island

CONVENTION No. 3

There are no legislative provisions relating to maternity protection, but in practice the administration pays special allowances, including hospital charges, in cases of need. Employment opportunities for women are extremely limited. They are mainly engaged in domestic work on their own account or on work relating to farming and tourism. They are not employed on a permanent basis in the public service.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Austria

CONVENTION No. 3

Maternity Protection Act of 13 March 1957 (*Bundesgesetzblatt (BGBl.)*, 28 Mar. 1957, No. 22, text 76) (*L.S.* 1957—Aus. 1), as amended by various federal Acts (*ibid.*, 1959, No. 92), (*ibid.*, 15 Dec. 1960, No. 240) (*L.S.* 1960—Aus. 2) (*BGBl.*, 1961, No. 68) (*ibid.*, 1962, No. 9) and (*ibid.*, 1963, No. 199).

General Social Insurance Act of 9 September 1955 (*ibid.*, 30 Sep. 1955, No. 50, text 189) (*L.S.* 1955—Aus. 3).

Agricultural Labour Act of 2 June 1948 (*BGBl.*, 12 Aug. 1948, No. 140) (*L.S.* 1948—Aus. 2).

The scope of the Act of 1957 is wider than that of the Convention. It covers all women employees irrespective of age, nationality or marital status, except those in agricultural undertakings—who are covered by the Act of 1948—and certain groups of public officials who are covered by the regulations similar to those of the Act of 1957.

Under section 5 of the Act women employees shall not be permitted to work during the six weeks following their confinement. For nursing mothers this period is extended to eight weeks, and in the case of premature childbirth the period is 12 weeks. Further, women employees shall not be permitted to work after their confinement if certified medically unfit to do so. Where they are not completely fit for work in the first month following their confinement, the Labour Inspectorate can request the employer to protect the health of the woman in question.

Pursuant to section 3 of the Act of 1957 pregnant women shall not be permitted to work during the last six weeks preceding the probable date of confinement. The six weeks' period shall be calculated on the basis of a medical certificate. A pregnant woman shall not be employed if according to the certificate the life or health of the mother or child is threatened. Pregnant women must inform the employers as soon as their state of pregnancy is known and draw their attention to the six weeks' period within four weeks of the beginning of that period. Any expenses incurred for the production of a medical certificate must be met by the employer.

Under section 4 of the Act of 1957 a pregnant woman is prohibited from working on heavy jobs. In the event of a mistake by the physician in regard to the date of delivery, the rest period can be shortened or lengthened accordingly. During the prescribed period before and after confinement when the woman is not working she is not entitled to payment. However, women employees insured under the sickness insurance scheme established under the General Social Insurance Act are entitled to a childbirth allowance based on the average wage for the previous 13 weeks during this period.

Section 9.1 of the Act of 1957 provides that nursing mothers should, at their request, be allowed a nursing time equivalent to 45 minutes if working for four-and-a-half hours or more, or 90 minutes if working for eight hours or more with full wages.

Under section 10 female employees are protected from dismissal during pregnancy and until the completion of four months after confinement unless the employer is not aware of the pregnancy or confinement. This protection against dismissal is, however, not absolute since, subject to certain conditions which are prescribed in more detail under section 10, paragraph 3, the serving of notice is permitted in exceptional cases. The Act does not contain any rule applicable to the case of "illness medically certified to arise out of pregnancy or confinement". Thus, if a woman employee is no longer covered by specific protection against dismissal and if she is unfit to work, her employment relations can be terminated by previous notice even during illness. Termination of employment relations by mutual agreement is only legally valid when it is agreed upon in writing.

Supervision of the provisions of the Act is entrusted mainly to the labour inspection officers. The provisions of the Convention appear to be applied.

Measures to take into account those requirements of the Convention not yet implemented by legislation or practice have not yet been prepared.

CONVENTION NO. 103

Unemployment Insurance Act.

Maternity protection for women employed in agriculture and forestry is provided under the Agricultural Labour Act. The relevant provisions of the Act are similar to

those of the Maternity Protection Act, and the women employees are covered equally.

Some of the requirements of the Convention have not so far been met in legal provisions. If confinement takes place before the end of the six weeks' period calculated on the basis of a medical certificate, there is a reduction of maternity leave which is not balanced by any provisions granting the employee a right under the Act to apply for compensatory leave in conjunction with maternity leave. The employee is not in all cases entitled to claim compensatory leave in accordance with section 25 of the Unemployment Insurance Act. Even if she is entitled to the unemployment benefit, in no case does this amount to two-thirds of the previous earnings as required under Article 4, paragraph 6, of the Convention. The requirement of Article 6 of the Convention regarding notice of dismissal is not met either.

See also under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Bulgaria

CONVENTION No. 103

Constitution of 1947 (*Izvestiya*, 6 Dec. 1947, No. 224).

Labour Code: Ukase No. 544 of 1951 (*ibid.*, 13 Nov. 1951, No. 91) (*L.S.* 1951—Bul. 2), as amended (*Izvestiya*, 15 Nov. 1957, No. 92) (*L.S.* 1957—Bul. 2), (*D'rzhaven Vestnik*, 26 Mar. 1963, No. 24), (*ibid.*, 7 May 1963, No. 36) (*L.S.* 1963—Bul. 1).

Act giving the trade unions responsibility for social security (*Izvestiya*, 5 Feb. 1960, No. 11).

Regulations issued under Chapter 3 of the Labour Code (*ibid.*, 15 Apr. 1958, No. 30) as amended in 1959, 1960, 1962 and 1963.

Ordinance respecting leave for wage and salary earners (*ibid.*, 11 Mar. 1958, No. 20) (*L.S.* 1958—Bul. 4) as amended in 1960 (*Izvestiya*, No. 39, 13 May 1960) (*L.S.* 1960—Bul. 2).

Ordinance to protect the work of women wage and salary earners (*Izvestiya*, 3 July 1959, No. 53) (*L.S.* 1959—Bul. 2).

Instruction No. 1620 concerning the procedure for the medical certification of temporary incapacity by wage and salary earners (*Izvestiya*, 9 June 1959, No. 46).

Women wage and salary earners in all sections of the national economy must be insured against all the contingencies prescribed by law; these include maternity. The full cost of insurance contributions is borne by undertakings, institutions, organisations or other employers.

A woman wage or salary earner is entitled to 120 calendar days' paid leave during pregnancy and confinement, of which 45 days must be before confinement. When the period between the date on which a woman stops work and the date of her confinement exceeds 45 days her postnatal leave is reduced to a similar extent, although it may not be less than 42 days. If confinement takes place before the expiry of the anticipated 45 days before confinement, a woman is entitled not only to her normal postnatal leave but also to cash benefit in respect of the days of antenatal leave which she was unable to take (up to a maximum of 15 days).

During maternity leave women wage and salary earners are entitled to cash benefit at the rate of 100 per cent. of their gross earnings, provided that on the date of beginning their leave they have at least three months' service.

If the pregnancy is pathological and the health service considers that leave is necessary to allow it to develop normally, a woman wage or salary earner is entitled to cash benefit as if for temporary disability due to sickness (without affecting her entitlement to cash benefit in respect of pregnancy and confinement). All consultations and all medical care, including in-patient treatment before, during and after confinement, are free of charge for all women.

Maternity leave is granted following medical certification by a doctor at the health centre in the district where a woman is living.

Any woman wage or salary earner who is nursing her child is entitled, until her child is eight months old, to a paid break of one hour twice a day or of two hours once a day. After the eighth month this break is shortened to one hour a day. In the case of twins or a premature baby, the break is three hours at first and two hours later. Mothers with sick children under the age of three are entitled to leave on production of a medical certificate.

It is forbidden to dismiss any woman wage or salary earner or to alter the terms of her contract of employment from the fourth month of pregnancy until the child reaches the age of eight months, unless she is guilty of serious misconduct. Even in the latter case the law forbids dismissal during maternity leave.

The legislation is enforced by the labour protection and social insurance bodies of the trade unions, as well as by works committees and union branches in individual undertakings.

RECOMMENDATION NO. 12

Women wage and salary earners in agriculture are entitled, in the event of pregnancy and childbirth, to the same protection on the same terms as women workers in other sections of the national economy.

RECOMMENDATION NO. 95

Paragraph 3 of the Recommendation. Special facilities for mothers and their children are available through a large-scale network of nurseries and crèches in all parts of the country.

Paragraph 4. Women wage or salary earners who are dismissed after the fourth month of pregnancy owing to the winding up of an undertaking or the completion of seasonal work must, if they wish, be given jobs elsewhere. Such women workers are in any event entitled to the statutory benefits available in the event of pregnancy and maternity. Those who are not found new jobs are entitled to benefit if confinement takes place within 155 days of the date of dismissal.

No undertaking, institution or organisation may refuse to conclude a contract of employment with a woman applicant because she is expecting a child.

Time spent on maternity leave is reckoned as working time. On conclusion of her leave a woman is entitled to go back to her former job.

Paragraph 5. Overtime, night work and unhealthy jobs are prohibited in the case of women wage and salary earners who are expecting a child or have a child under the age of ten months. In some instances this period may be extended on a doctor's orders if a child requires further nursing. Expectant mothers employed in jobs defined as arduous by the Recommendation are assigned after the fourth month to lighter work without loss of pay. A woman who is more than five months pregnant or who is nursing her child may not be transferred from her normal place of work without her consent.

Burma**CONVENTION No. 3**

The provisions of the Convention are beyond the scope of the Social Security Act of 1954.

CONVENTION No. 103

Social Security Act No. LXVII of 1954 (L.S. 1954—Bur. 1).

Article 1 of the Convention. The Social Security Act covers women working in certain establishments employing at least ten workers, and in particular industrial and transport undertakings, ports, mines, oilfields, docks and commercial establishments.

Article 3. Daily maternity benefits for insured women which amount to two-thirds of wages are payable for six weeks before and six weeks after confinement with a maximum duration of 12 weeks. There is no waiting period, but in order to qualify for maternity benefit a worker must have paid 26 weeks' contributions in the 52 weeks preceding confinement. Periods of sickness benefit paid during the 52 weeks' period is counted as contribution weeks.

Article 4. Medical care for insured women in cases of pregnancy and confinement consists of periodical examination and care as well as care for the newly born children of an insured woman for a period of not more than six months after birth. Home visits are provided.

Article 6. Women workers retain their employment during legal absence from work before and after confinement.

The application of the Social Security Act is entrusted to the Social Security Board, which consists of representatives of the Government, employers and employees.

RECOMMENDATION No. 12

Maternity protection for women workers employed in agriculture is beyond the scope of the Social Security Act of 1954.

RECOMMENDATION No. 95

See under Convention No. 103.

Byelorussia**RECOMMENDATION No. 12**

Maternity protection in agriculture is regulated in the same way as in other branches of the economy. The provisions benefiting mothers of several children are applied also to women who are not wage or salary earners—that is, housewives and members of collective farms—and all women receive every kind of medical care free of charge.

The length of maternity leave and the benefits and facilities to be accorded in case of maternity of women members of collective farms are determined by the members of the collective farms themselves. The farms' rules concerning maternity protection conform to the standards laid down in the legislation. The protection of women

members of collective farms is provided for by the Act respecting pensions and benefits for members of collective farms. Under the Act, women members of collective farms, irrespective of the period during which they have worked, are entitled to benefits during maternity leave, the duration of which shall be 56 calendar days before and 56 days after confinement or 70 days after confinement in the case of abnormal or multiple birth. Benefits received by women members of collective farms in case of maternity shall be determined in the same manner and by the same standards as laid down for women wage earners and salaried employees.

RECOMMENDATION NO. 95

Constitution of 1937.

Labour Code.

Penal Code.

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 March 1956 to extend the period of maternity leave (*Vedomosti*, 30 Mar. 1956, text 154, p. 163) (L.S. 1956—U.S.S.R. 2).

U.S.S.R. Act of 15 July 1964 respecting pensions and benefits for members of collective farms (*Pravda*, 16 July 1964).

Order of the Council of Ministers of the U.S.S.R. of 13 October 1956 respecting further measures to assist mothers working in undertakings and institutions (*Sobranie Postanovlenii*, 1957, text 7).

The socialist society gives working women equal rights with men in all walks of life. Women's ability to enjoy these rights is ensured by giving them equality as regards the right to work, remuneration, rest, social insurance and education, by state protection of mothers of large families and unmarried mothers, by granting expectant mothers maternity leave with pay, and by establishing a wide network of maternity homes, nurseries and kindergartens. The legislation provides broad safeguards for enjoyment of the right of maternity protection; there is a comprehensive system of state insurance—material, pecuniary and medical—for mother and child.

Paragraph 1 of the Recommendation. Every working woman is entitled to maternity leave of 112 calendar days—56 before the confinement and 56 after—the latter period being extended to 70 days in case of abnormal or multiple birth. Leave is granted on the basis of a medical certificate issued by the competent medical authority. If the certificate states that the woman is incapable of working at any time not covered by the normal maternity leave, then leave for temporary incapacity for work is granted to her. Maternity leave does not count as ordinary annual leave. This may be taken before or after maternity leave if the woman so wishes.

Paragraph 2. All working women are entitled to maternity benefit. They retain their remuneration during maternity leave, which is paid from the state social insurance fund. All kinds of medical care, including care at home and dental and surgical care, are provided free of charge. Women also receive special preventive and curative care in case of maternity; this is provided through women's consultation services. The service includes social and legal offices where legal aid is given in the mothers' and children's interest. At the maternity home the woman lives entirely at public expense. Preventive care for the children is provided by child consultation services. Physicians and nurses make regular visits to nursing mothers and children of their respective areas. Health facilities also include milk kitchens to provide children with specially prepared foods which are supplied free of charge until the child is two years old.

In addition, one of the parents (if his or her earnings do not exceed a certain amount) receives a benefit consisting of a grant for the layette and a nursing grant.

Irrespective of the parents' earnings, the mother receives a grant (lump sum) on the birth of her third and each subsequent child; and in respect of her fourth and any

subsequent child she receives a monthly allowance until the particular child reaches the age of five years.

Paragraph 3. Special breaks during working hours are arranged for nursing mothers. These must occur after not more than three-and-a-half hours' work and must last for not less than half-an-hour. They may be extended in an individual case. The nursing breaks continue as long as the physician so advises. They are counted and paid for as time worked. In undertakings where many women are employed, nursing rooms are provided; they are inspected by the district consultation service or the medical service of the undertaking.

Paragraph 4. Employed persons may be dismissed by the management only in the cases set out in the Labour Code, with the consent of the factory or local trade union committee. In addition, the dismissal of an expectant mother requires the consent of the labour inspector in each particular case. The refusal to engage a woman for employment because she is pregnant or nursing a child, and dismissal of a woman for either of these reasons, shall be considered as a criminal offence.

While absent from work during her maternity leave and an extra period of three months, a woman retains her previous job; these periods are counted in calculation of her over-all and continuous service. Service is also deemed not to be interrupted if a woman is transferred to other work during pregnancy or within a year from the child's birth or if she leaves her job because of maternity and takes another job within a year of the confinement.

Paragraph 5. In addition to the prohibition of night work, overtime, arduous work and work in unhealthy conditions, the pregnant woman may enjoy several additional facilities which make it easier for her to remain at work and tend to protect her health. Before prenatal leave a woman is transferred to lighter work if the physician finds it necessary in the interests of her health; in such a case she retains her previous earnings. Similarly, a nursing mother is transferred to other work in the same establishment without any reduction of pay if she finds it difficult for maternity reasons to continue her former work.

The legislation provides more favourable conditions than those set forth in the international labour Recommendations as regards length of maternity leave, the woman's right to have her employment deemed continuous despite absence for maternity reasons, methods of employment and kinds of work, the decisive role of the physician and of the trade union or labour inspector concerning the protection of women's interests.

Supervision of compliance of the legislation regarding maternity protection is exercised by the competent government agencies and also by the trade unions. Under the programme of the Communist Party society will increase the protection of mother and child. For example, holidays, including maternity leave, will be extended; children will be maintained free at pre-school institutions and boarding schools if the parents so desire; and meals will be provided free at all schools.

Cameroon

Eastern Cameroon

CONVENTION NO. 3

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).

Act No. 59-27 of 11 April 1959 to establish a code of family benefits.

Order No. 13 of 6 May 1959 to prescribe rules for the application of the above Act.

The provisions of the Labour Code are in many respects more favourable than those of the Convention. Pursuant to the Labour Code a woman may suspend her contract of employment for 14 consecutive weeks, including the six weeks after childbirth, during which period she is entitled to an allowance equal to half her wages paid at the time of the suspension. An employer is not allowed to give notice of dismissal to the woman during this period. For 16 months starting from the date of childbirth the nursing mother is entitled to rest periods of one hour per working day.

The Secretariat of State for Labour and Social Legislation is responsible for supervision of the legislation.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

National legislation concerning maternity protection is applicable to all female wage earners whatever the nature of the establishment where they are employed.

RECOMMENDATION NO. 95

Order No. 981 of 27 February 1954 respecting the employment of women and children (*Journal officiel*, 17 Mar. 1954).

A woman may not be employed on night work in establishments of an industrial character. She is also prohibited from carrying any load whatsoever during her period of pregnancy.

Western Cameroon

CONVENTION NO. 3

Labour Code Ordinance (*The Laws of Nigeria*, revised edition, 1958, Cap. 91).

Article 1 of the Convention. Section 142 of the above ordinance reproduces the definition of "industrial undertaking". The expressions "agricultural" and "commercial undertaking" must be interpreted in their normally accepted sense.

Article 2. This Article is reproduced in section 144 of the ordinance.

Article 3. This Article is reproduced in section 145 of the ordinance, with the exception that clause (c) is modified to provide for a continuous period of not less than six months' employment before a woman can qualify for the payment of wages at the rate of 25 per cent. of the rate she would have earned but for her absence.

Section 145 (3) provides that no employer shall be liable to pay the medical expenses attributable to the woman's pregnancy or confinement.

Women employed in agricultural undertakings are afforded similar protection.

Article 4. This is reproduced in section 146 of the ordinance.

The existing legislation gives effect to most of the provisions of the Convention. Any extension of an employer's liability for payment of medical treatment would no doubt lead to a curtailment of employment of women.

CONVENTION NO. 103

The existing law is based substantially on the provisions of Convention No. 3, with the exception of Article 3 (c).

Convention No. 103 appears to presuppose provision of social insurance benefits and extensive free medical treatment facilities which are at present beyond the resources of the economy of the country.

Women are entitled to free medical care by the state medical service where necessary. There are no provisions for compulsory social insurance to cover maternity benefits.

RECOMMENDATION No. 12

The measures envisaged in this Recommendation have been implemented in so far as equality of treatment is concerned by the inclusion of women employed in agriculture in the scope of section 145 of the Labour Code Ordinance.

Full implementation of the Recommendation would, in the absence of a social insurance scheme to cover maternity benefits, impose an undue burden on employers of female labour and might lead to curtailment of employment opportunities for women.

RECOMMENDATION No. 95

Except for the provisions concerning night work prohibition there is no legislative provision with regard to the matters dealt with in the Recommendation.

Consideration will be given to certain provisions especially relating to maternity leave, protection of employment and protection of health of employed women during the maternity period in the course of a review of labour legislation which is contemplated. Maternity benefits and facilities for nursing mothers and infants provided for in the Recommendation are beyond the resources of the State at present.

Canada

CONVENTION No. 3

Provincial Legislation.

Alberta.

Labour Act, Part III (Labour Welfare) (*Revised Statutes of Alberta*, 1955, Cap. 167).

British Columbia.

Maternity Protection Act (*Revised Statutes of British Columbia*, 1960, Cap. 235).

New Brunswick.

Minimum Employment Standards Act, assented to on 26 March 1964, with effect from 1 May 1964.

The Convention is deemed to be partly within the authority of Parliament and partly within the authority of the provincial legislatures.

Article 1 of the Convention. The scope of the Alberta and New Brunswick Acts is broader than that of the Convention. The British Columbia Act follows the definition contained in the Convention in respect to clauses (a), (b) and (c), but omits (d).

Article 3. The Alberta Act provides for maternity leave of six weeks before and two months after delivery for day-shift workers, and during pregnancy and for two months after delivery for night-shift workers. The British Columbia Act provides for six weeks before and after childbirth. The New Brunswick Act provides for a maximum of 16 weeks, including six weeks before delivery. None of these laws provides for cash benefits or medical care.

Article 4. No regulations have been made to implement the relevant provisions in the Alberta and British Columbia Acts in accordance with this Article. In New

Brunswick notice of dismissal may not be given during an absence for pregnancy and childbirth until it exceeds 16 weeks.

The Boards of Industrial Relations in Alberta and British Columbia and the Labour Department in New Brunswick administer the labour legislation.

CONVENTION No. 103

Federal Legislation.

Civil Service Act and Civil Service Regulations (*Statutory Orders and Rules*, 1962).

Provincial Legislation.

Manitoba.

Civil Service Act and Regulations No. 19 of 1962 made thereunder (*Manitoba Gazette*, Vol. 91, No. 10).

Nova Scotia.

Civil Service Act (*Statutes of Nova Scotia*, 1962, Cap. 3) and Regulations of 1963 made thereunder.

Ontario.

Public Service Act, 1961-62, and Regulations No. 190 of 1962 made thereunder, as amended by Regulations No. 323 of 20 November 1963.

Prince Edward Island.

Civil Service Act, 1953, and Regulations made thereunder, as amended on 6 October 1962.

Saskatchewan.

Public Service Act, and Order in Council No. 542 of 1960.

See also under Convention No. 3.

In all provinces, except for Alberta and Newfoundland, maternity leave is provided for in the personnel policies of the civil service. Federal Crown corporations also provide for maternity leave in their personnel policies. A few collective agreements in industry and personnel policies in some establishments provide for maternity leave.

In 1952 the Ministry of Justice held that the Convention is partly within the authority of Parliament and partly within the authority of the provincial legislatures.

Article 1 of the Convention. For Alberta, British Columbia and New Brunswick see under Convention No. 3.

Statutory regulations governing the civil services in various jurisdictions cover permanent female employees.

Article 3, paragraph 1. Where maternity leave is granted a medical certificate stating the presumed date of confinement is usually required both in law and practice.

Paragraph 2. In the federal civil service maternity leave is granted two months before and between two and six months after confinement unless a doctor approves a reduction.

In Manitoba six months' leave is allowed in the civil service, the proportion before and after confinement not being specified.

In Nova Scotia leave not exceeding 90 days may be granted to a civil service employee employed for not less than two years.

In Ontario six months' leave is granted to civil service employees of one year's standing, two months of it before delivery.

In Prince Edward Island leave may be granted to civil servants by the Lieutenant-Governor-in-Council; the length is not specified.

In Saskatchewan leave up to one year may be granted to civil servants for valid reasons, which may be interpreted to include maternity.

Maternity leave provided under the personnel policies of provincial civil services, federal Crown corporations and private industry is usually for six months with different distribution before and after childbirth.

Under collective agreements leave granted to civil servants varies from three to 12 months.

See also under Convention No. 3.

Paragraph 3. Flexibility is generally allowed in length of leave as recommended by the doctor or on production of a medical certificate.

Paragraph 4. This provision is generally observed in practice.

Paragraphs 5 and 6. Provincial laws do not provide for additional leave; consultation with doctors is the usual practice.

Article 4. Cash benefits are not provided during maternity leave, but medical benefits are often provided under group insurance schemes and provincial legislation. In industry, moreover, health benefit plans, mostly jointly financed by employers and employees, often provide surgical and obstetrical benefits.

Article 5. No provision is made for the nursing of a child except in the British Columbia Maternity Protection Act.

Article 6. See under Convention No. 3.

Civil service regulations are administered by federal or provincial civil service commissions.

RECOMMENDATION NO. 12

In 1921 the Ministry of Justice held that the Recommendation engages the concurrent legislative power of Parliament and the legislatures in relation to agriculture, but touches on subjects properly dealt with by the legislatures alone.

None of the existing provisions apply to women in agriculture.

No measures are contemplated to give effect to the Recommendation since few women are employed in agriculture except seasonally or as unpaid family workers.

RECOMMENDATION NO. 95

Federal Legislation.

Regulations made under the Federal Atomic Energy Control Act.

Provincial Legislation.

Saskatchewan.

Radiological Health Act, 1961.

Paragraph 2 of the Recommendation. Female employees do not receive cash benefits during maternity leave, but occasionally accrued credits for sick leave may be applied.

Paragraph 3. Facilities for nursing mothers and infants are not usually provided for.

Paragraph 4, subparagraph (2). Legislation respecting maternity leave does not include provisions listing legitimate reasons for dismissal during the protected period.

Subparagraph (3). Full seniority rights are not invariably protected during maternity leave.

Paragraph 5, subparagraph (1). Restrictions on night work and overtime do not apply specifically to pregnant women.

Subparagraph (2). The above regulations forbid the employment of a pregnant woman as an atomic energy worker.

The above Act forbids employment of a pregnant woman in work which would expose her to ionising radiation.

Other provinces have similar laws authorising regulations, but such regulations have not yet been issued.

Central African Republic**CONVENTION No. 3**

See under Convention No. 103.

CONVENTION No. 103

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

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

The legislation on maternity protection applies to all forms of employment. The statutory maternity leave amounts to 14 weeks, of which six are taken after confinement.

Section 123 (3) of the Labour Code stipulates that in no circumstances may a woman be allowed to work during the six weeks following confinement. Paragraph 8 of the same section states that no mistake on the part of a doctor or midwife in estimating the date of confinement may deprive a woman of her entitlement to benefit between the date of certification and the date on which her confinement actually takes place. In the event of illness maternity leave may be extended by three weeks. A woman wage earner on maternity leave is entitled to half pay and free medical benefits. The allowance is paid by the Central African Social Security Office, which is financed by contributions from employers. The cost of free treatment is also borne by employers, whose contributions are calculated as a percentage of their wage bills. At present, contribution rates range from 3.5 to 4.5 per cent. depending on the occupation.

Section 124 of the Labour Code entitles women to nursing breaks for a period of up to 15 months following the birth of the child. These breaks may not exceed a total of one hour a day and must be paid as working time. In no circumstances may a women wage earner who stops work in order to have a baby be dismissed.

The relevant laws and regulations are enforced by the Minister of Labour, the labour inspectors and supervision officers and the social security inspectors.

The Convention is almost fully applied, but ratification has hitherto been out of the question because of the contents of Article 4, paragraph 6. An investigation is due to be made very shortly to examine the possibility of applying the Convention on this point and paying women on maternity leave two-thirds of their wages.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Ceylon**CONVENTION No. 3**

Maternity Benefits Ordinance (*Legislative Enactments of Ceylon*, 1956, Cap. 140), as amended by Acts No. 26 of 1952, No. 6 of 1958 and No. 24 of 1962.

Regulations published in the *Government Gazette* of 22 November 1946 and 11 January 1957. Shop and Office Employees' (Regulation of Employment and Remuneration) Act, No. 19 of 13 March 1954, as amended by Act No. 60 of 21 December 1957 (Part 1 A). Financial Regulations.

Under the Financial Regulations all female employees in the public service and the local government service, unless required to retire on marriage, or who have completed under nine months of service, are granted a maternity leave of six weeks with full pay and may not resume duties before the expiry of four weeks after childbirth. The leave is set off against the accumulated vacation leave of the previous year and against the available lapsed leave of any two consecutive years, but not set off against the vacation leave of the year in which the officer is confined. In the case of monthly and daily paid employees, the six weeks' maternity leave is treated as special leave in addition to the normal annual leave.

Teachers employed in government schools receive six weeks' maternity leave, two weeks before and four weeks after confinement. Further leave can be set off against their normal leave.

As regards employees in the private sector, under the above ordinance benefits are payable to workers in estates, mines and factories employing not less than five workers. A woman may not claim from her employer any benefit on account of confinement unless she has worked for not less than 150 days during the year preceding the day on which she gives notice of confinement. Employees covered by the Shop and Office Employees' Amendment Act, No. 60, 1957, are entitled to maternity benefits without regard to the period of employment or the number of employees.

The maximum period for which any woman manual worker is entitled to maternity benefits is six weeks, i.e. two weeks up to and including the day of confinement and four weeks after. No woman who has worked in her employment on any day during the two weeks preceding confinement is entitled to any benefit for that day. For non-manual workers the maximum period of leave with pay for the purposes of confinement is 14 days before confinement and 28 days after and nine days' weekly holiday computed at the rate of one-and-a-half days for the six weeks. Regulations ensure that the woman manual worker is paid, for the six weeks in respect of which maternity benefit is payable, a sum equivalent to the wages she would have earned during this period. Provision has been made for the grant to estate workers of other maternity benefits instead of cash benefits.

Women employees in the private and public sector may use the free medical facilities provided by the Government for the purposes of confinement, etc.

The employment of women may not be terminated on account of pregnancy or confinement or any illness arising therefrom.

The Amendment Act of 1962 provides for the establishment and maintenance of crèches and for two nursing intervals of not less than 30 minutes daily to mothers with children under one year of age.

Workers' and employers' organisations are called to assist in the enforcement of national legislation.

In enacting new social legislation or in making amendments to such legislation the provisions of international labour Conventions and Recommendations are normally considered.

It is not possible to ratify the Convention.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

The workers employed in the cultivation of tea, rubber and coconut are covered by the Maternity Benefits Ordinance, as amended. The largest number of workers is employed in the cultivation of these products.

See also under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Chad

CONVENTION No. 103

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).

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

Collective agreement for building, public works and allied trades (ss. 18, 22 and 42).

Sections 115, 116, 117 and 119 of the Labour Code apply the provisions of the Convention.

Under section 18 of the above collective agreement expectant mothers who are moved to other jobs because of their condition must be paid the same wage throughout.

The employment of women after confinement is being reviewed as part of the preparation of a new Labour Code.

The labour inspectorate is responsible for enforcing the relevant legislation.

RECOMMENDATION No. 12

There is no difference between agriculture and other sections of the economy as regards maternity protection.

RECOMMENDATION No. 95

The Department of Labour has issued instructions concerning the operation of the regulations governing the employment of expectant or nursing mothers. These instructions appear to be observed. In any event, no woman is in an industrial job involving any hazard either to herself or to her child. Security of employment is ensured, and no case of dismissal or transfer in accordance with Paragraph 4 of the Recommendation has come to light.

Chile

CONVENTION No. 103

Labour Code: Legislative Decree No. 178 of 13 May 1931 (*Diario Oficial (D.O.)*, 28 May and 6 July 1931, Nos. 15982 and 16014, pp. 2875 and 3448) (L.S. 1931—Chil. 1).

Act No. 10383 respecting social insurance and the Health Service (*D.O.*, 8 Aug. 1952, No. 22321, p. 1577) (L.S. 1952—Chil. 1).

Decree No. 3 of 1957 to approve the regulations governing maternity protection and crèches (*D.O.*, 31 Jan. 1957).

Act No. 13305 of 6 April 1959 (which amends, *inter alia*, certain provisions of Act No. 10383) (*ibid.*, 6 Apr. 1959).

Decree No. 402 of 11 June 1954, to approve the regulations governing sickness, maternity and nursing allowances.

Act No. 11462 of 24 November 1953, to amend the provisions of the Labour Code respecting maternity protection (*ibid.*, 29 Dec. 1953, No. 22734, p. 2882) (*L.S.* 1953—Chil. 4).

The provisions of Book II, Part III, of the Labour Code cover all women wage or salary earners in the service of any employer, including women who work at home and all women covered by the schemes operated by the provident funds and auxiliary institutions. Under section 309 of the Labour Code women wage and salary earners are entitled to maternity leave for six weeks before and six weeks after confinement. This right cannot be waived, and a woman may not be employed during this period. Section 310 of the Code provides that if during pregnancy a woman wage or salary earner contracts an illness due to pregnancy, she is entitled to supplementary leave of such length as may be determined by the medical services. If confinement takes place after more than six weeks the prenatal leave is extended up to the date of confinement. If a woman becomes ill after confinement and is thereby prevented from returning to work the postnatal leave is prolonged for such time as may be determined by the medical service.

A woman on maternity leave receives cash benefit equal to the total remuneration to which she is entitled. In the case of female workers belonging to a provident scheme the benefit is paid by the provident fund in question, while the benefit to those covered by the Act of 1952 is paid by the National Health Service.

No woman may, without just cause found by the final judgment of a court, be asked to resign or be released or dismissed from her post during pregnancy and up to one month after confinement. If this is done through ignorance of her pregnancy, such action becomes without effect and she must be reinstated on presentation of a certificate from a physician or midwife.

During the period of pregnancy and for three months after confinement a woman may not be employed on work deemed to be dangerous to her health, but must be transferred without loss of remuneration to other work. Every establishment in which there are 20 or more women wage-earning employees, irrespective of their age or civil condition, must provide a room adjacent to but independent of the workroom, in which women may nurse their children under a year old and leave them while they are at work. The regulations approved by the decree of 1957 lay down the requirements which such rooms must satisfy as regards ventilation, ceiling height, lighting, etc. The cost of their maintenance must be defrayed by the employer, who must appoint a competent person to look after the children. Mothers are entitled to nursing breaks totalling one hour a day, which are deemed to be hours of actual work.

Section 31 of the Act of 1959 amends the Act of 1952 to the effect that, if it is necessary for the care of the child, the National Health Service may prolong the payment of the postnatal maternity allowance by a further six weeks.

Decree No. 402 of 1954 lays down that to be entitled to benefit an insured woman must have paid her contributions up to date, have been insured for not less than six weeks and have paid 13 weeks' contributions during the preceding six calendar months. Cash benefit is payable during both supplementary prenatal leave granted on account of illness arising out of pregnancy and prolonged postnatal leave.

As from the seventh week after confinement an insured woman is entitled to a nursing allowance equal to 25 per cent. of the sickness allowance. This allowance is payable monthly until the child is six months old.

The Act of 1953 amended the Labour Code to make it applicable to all industrial, agricultural and commercial undertakings, establishments and services, whether

governmental, semi-governmental with autonomous or independent administration, municipal or private or belonging to a public or private corporation.

The Directorate of Labour, the National Health Service and the provident institutions are the bodies entrusted with the supervision of the application of the relevant legislation and regulations. In the event of infringement the workers' organisations may appeal to the competent authorities.

Effect is given in the national legislation to the majority of the provisions of the Convention. Only Article 5 is not complied with in respect of salaried employees, as the right to nursing breaks is provided for only in the legislation applicable to wage earners. A Bill has been tabled to extend this right to salaried employees in private employment.

RECOMMENDATION No. 12

Women wage earners and salaried employees in agriculture come under the provisions contained in the Labour Code and other laws and regulations.

RECOMMENDATION No. 95

See under Convention No. 103.

Republic of China

CONVENTION No. 3

Factory Act of 30 December 1932, as amended (*L.S.* 1932—Chin. 2A).

Factory Regulations of 30 December 1932, as amended (*L.S.* 1932—Chin. 2B).

Regulations governing leave of absence of public officials, promulgated on 11 May 1956.

Regulations of 2 August 1957 for the management of general services, amended on 17 March 1961.

Labour Insurance Act of 21 July 1958.

Regulations of 17 March 1962 governing the leave of absence of personnel engaged in communications activities.

Regulations of 17 February 1956 governing services of workers employed by undertakings of the Ministry of Economic Affairs.

Public Officials Insurance Act of 29 January 1958.

Section 37 of the Act of 1932 provides that female workers are entitled to leave before and after childbirth amounting to eight weeks, with full wages if employed for at least six months and with half wages if employed for less than six months. Further, in the event of a certified miscarriage such workers are given four weeks' leave on full pay if employed for at least six months and on half pay if employed for less than six months. When absent from work female employees must produce a medical certificate at the request of the employer (section 20 of the Factory Regulations). Employers with female workers shall provide a rest room for nursing or, where possible, a crèche with nurses to look after the babies (section 20).

Under section 2, subsections (4) and (2), of the Regulations of 11 May 1956 maternity leave of six weeks at full pay is granted to the female worker and, in the case of illness, sick leave up to four weeks. Section 10 of the said regulations provides that in the case of very serious illness an extension of one year may be granted.

For general service employees paid maternity leave is 42 days (Part 12, section 2, subsection (4), of the Regulations of 1957).

Under section 2, subsection (2), of the said regulations the female worker is entitled to 28 days' sick leave, but in the case of serious illness an extension of only six months may be authorised.

The Regulations of 17 February 1956 entitle the female worker to eight weeks' maternity leave with full pay if she is employed for more than six months. In the case of miscarriage after four months' pregnancy a worker may take leave for four weeks (section 24). If certified as sick she is entitled to 14 days' sick leave annually with full pay and with half pay if the period is between 14 and 30 days a year. In the case of serious illness a worker may be granted a special sick leave of up to six months on half pay (section 29).

The Regulations of 1962 provide for maternity leave lasting six months with full pay (section 2, subsection (4)) and sick leave of up to four weeks a year (section 2, subsection (2)). Female bank employees, like news agency employees, enjoy varying lengths of maternity leave. Under the Labour Insurance Act workers in factories, mines, salt fields, lumber yards and plantations employing 20 or more workers, transportation and public utility workers, self-employed workers and fishery workers are all covered. The insured is entitled to insurance payment on childbirth or miscarriage after four months' pregnancy (section 42). On childbirth or miscarriage of the insured woman a birth grant equivalent to 15 days' wages shall be paid and on childbirth or miscarriage of the wife of an insured man an allowance of 15 days' wages of the insured is paid; in the case of childbirth or stillbirth after seven months' pregnancy a maternity allowance equal to 45 days' wages shall be paid in addition to the birth grant. Where there are multiple births the payments shall be made pro rata.

Pursuant to the provisions of the Public Officials Insurance Act, in case of childbirth free medical care shall be provided to an insured person (section 13).

Section 43 of the Regulations for the enforcement of the Public Officials Insurance Act limits the free hospitalisation to seven days, which may be extended in certain cases. If the insured so desires, free delivery by a medical practitioner or midwife in the home may be permitted and free medicine and equipment supplied.

Laws and regulations concerning maternity protection in agricultural undertakings do not yet exist, but women workers in agriculture are in fact covered by the above-listed laws and regulations.

Relevant provisions in prevailing collective agreements as a rule are in compliance with the Factory Act.

The Ministry of the Interior is responsible for the general supervision of maternity protection for workers. It is difficult in the present circumstances to ratify the relevant Conventions and Recommendations.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Colombia

CONVENTION No. 103

Labour Code: Decree No. 2663 of 5 August 1950 (*Diario Oficial* (D.O.), No. 27407) (L.S. 1950—Col. 3A), as amended by Decree No. 3743 of 20 December 1950 (D.O.), No. 27504) (L.S. 1950—Col. 3B).

Maternity Protection Act, No. 53, 25 March 1938 (*D.O.*, 29 Apr. 1938, No. 23764, p. 342) applied by Decree No. 1632 of 10 September 1938 (*ibid.*, 24 Sep. 1938, No. 23844, p. 617), amended by Decree No. 2350 of 24 December 1938 (*ibid.*, 2 Jan. 1939, No. 23962, p. 12) and Decree No. 953 of 29 April 1939 (*ibid.*, 8 May 1939, No. 24064, p. 384).

Decree No. 2690 of 23 November 1960 to approve the General Regulations for sickness (other than occupational disease) and maternity insurance (*ibid.*, 19 Dec. 1960, No. 30407, p. 501) (*L.S.* 1960—Col. 2).

Act No. 6 of 19 February 1945 (labour courts) (*D.O.*, 14 Mar. 1945, No. 25790, p. 953) (*L.S.* 1945—Col. 1).

Decree No. 1600 of 1945.

The provisions of the Labour Code apply to all workers in private employment, including those in agricultural enterprises.

Under section 236 of this Code, every female employee who is pregnant shall be entitled to eight weeks' leave at the time of the confinement and shall receive during the whole of such period the wages which she was drawing at the commencement of the said rest period. A similar provision covering workers in public employment is to be found in section 1 of the Act of 1938 and section 6 of the decree of 10 September 1938. Section 227 of the Labour Code also concerns maternity, and provides that in every case of incapacity as the result of disease other than an occupational disease the worker shall be entitled to payment by the employer of a cash allowance of two-thirds of the wage for the first 90 days and one-half of the wage for the other 90 days.

Section 238 of the Labour Code makes it obligatory for the employer to grant a woman worker two breaks of 20 minutes a day to nurse her child for the first six months. If the worker produces a medical certificate stating that more frequent breaks are required, the employer is obliged to grant them. In addition, the employer must provide a room for nursing or a suitable place for the care of the child, in premises adjacent to those where the mother works. Section 7 of the decree of 10 September 1938 contains analogous provisions covering the public sector. Furthermore, section 245 of the Labour Code provides that every undertaking employing more than 50 women workers must maintain a crèche with a medical service and a permanent nurse, under the supervision of the Ministries of Labour and Health.

Section 241 of the Code provides that every employer shall be bound to keep open the employment of every woman worker during periods of rest with pay, or while she is suffering from incapacity for work as a result of sickness arising out of pregnancy. In addition, section 239 of the Code prohibits dismissal of a woman worker because she is pregnant and states that dismissal during pregnancy shall be considered to have been motivated by the pregnancy. However, section 240 makes provision for the possibility of obtaining authorisation to dismiss the worker from the labour inspectorate or the mayor of the locality. Such authorisation can only be motivated as laid down in sections 62 and 63 of the Code, which list the reasons for which a contract may be terminated. Under section 239 a woman worker dismissed without authorisation shall be entitled to 60 days' wages as compensation, apart from the benefits to which she would already have been entitled under the contract of employment, and likewise to the eight weeks of rest with pay to which she is entitled. Analogous provisions covering the public sector are embodied in section 2 of the Act of 1938, in sections 10 and 11 of the decree of 10 September 1938, and in section 1 of the decree of 24 December 1938.

Section 242 of the Labour Code prohibits the employment of pregnant women in dangerous or unhealthy work or work requiring great effort. It further prohibits night work lasting for more than five hours.

The decree of 1960 provides sickness and maternity insurance for all workers with the sole exception of agricultural workers who carry out seasonal work such as sowing, harvesting and the like.

In the event of maternity the Colombian Social Insurance Institute grants the necessary medical and obstetrical aid during pregnancy, confinement and postnatal treatment, together with a daily allowance equal to the basic wage during the four weeks preceding the confinement and the four weeks following it, on condition that the insured woman does not engage in paid employment during those periods (section 8 of the decree of 1960). Section 5 of this decree stipulates that in the event of sickness other than occupational disease the Institute shall provide the necessary medical, surgical and other types of aid, and that when sickness involves incapacity for work a cash benefit equal to two-thirds of the basic wage shall be paid for a period not exceeding 180 days. In the case of sickness other than occupational disease concurrently with pregnancy there is entitlement to one type of benefit only; however, if the incapacity lasts for longer than the period stipulated for the maternity benefit, the woman shall continue to receive the sickness benefit. With regard to workers in public employment the Act of 1945 stipulates that they are entitled to the necessary medical, surgical, pharmaceutical and hospital aid for a maximum of six months, and Decree No. 1600 of 1945 further stipulates that the insurance fund shall furnish the above-mentioned benefits and shall pay the insured woman normal wages during the eight weeks' leave for which provision is made in the Act of 1938.

Section 9 of the decree of 10 September 1938 stipulates that to be entitled to benefits in kind the insured woman shall have paid contributions to the insurance scheme for at least five weeks, and to be entitled to cash benefits she shall have paid 12 weekly contributions during the nine months preceding the commencement of the maternity leave. However, under section 26 of the decree the employer is responsible under the Labour Code for paying the contributions to the sickness and maternity insurance scheme throughout the entire contribution period. Section 11 of the same text adds that if the confinement takes place before the date indicated the allowance shall not be payable in respect of the time by which the confinement precedes the said date.

Infant children of insured persons are entitled to a nursing benefit in kind and to the necessary medical, surgical, hospital and pharmaceutical aid up to the age of six months (section 13 of the decree of 1960).

The labour inspectorate is responsible for ensuring the enforcement of the provisions of the Labour Code. With regard to social insurance, interested parties must in case of dispute first exhaust the internal procedure by applying to the General Manager of the Colombian Social Insurance Institute or the director of the appropriate regional fund before making application to the labour courts.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Congo (Brazzaville)

CONVENTION No. 3

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).

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

Under section 116 of the Labour Code any pregnant woman whose pregnancy has been medically certified or who is manifestly pregnant may leave work without warning and without being obliged on that account to pay compensation for breaking the contract. On confinement, every woman shall be entitled to take leave from work for 14 consecutive weeks (including six weeks after the confinement), and such interruption of service shall not be deemed to constitute a cause for breaking the contract; she may prolong the said leave by a further three weeks in the event of duly certified illness resulting from the pregnancy or confinement. The employer shall not be entitled to dismiss the woman during this period. The woman shall be entitled during the period (at the employer's expense until such time as a social security system has been established) to free attendance and half the wages which she was earning when she left her work; she shall retain her right to any benefits in kind.

In addition, section 19 of the above general order prohibits the employment of women, in undertakings of any kind, for a total of eight weeks at the time of their confinement and, in particular, during the six weeks following the birth of the child. Under section 20 of the same order women workers shall not be permitted during pregnancy, or during the three weeks following their resumption of work after confinement, to carry, push or pull any weight whatsoever in undertakings of any kind.

Finally, section 117 of the Labour Code provides that, for a period of 15 months following the birth of the child the mother shall be entitled to nursing breaks. The total duration of the breaks shall not exceed one hour per working day. During the 15 months the mother shall be entitled to leave her work without warning and without being obliged on this account to pay compensation for breaking the contract.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Congo (Leopoldville)

CONVENTION No. 3

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

Ordinance No. 5 of 1 February 1961 establishing measures for the execution of the Legislative Decree respecting contracts for the hire of services (M.C., 28 Mar. 1961).

Section 51 of the above-mentioned legislative decree provides that, in cases of pregnancy and confinement, the employer shall have the following obligations towards a woman worker: to arrange for the provision of medical, surgical, pharmaceutical

and hospital care; to defray any necessary transport expenses; and to provide orthopaedic appliances in accordance with the physician's prescription. A woman worker shall be entitled to leave her work on production of a medical certificate stating that she will be confined within six weeks. She shall be entitled to six weeks' leave after her confinement in addition to the six weeks to which she is entitled beforehand. The legislative decree applies to all contracts for hire of services concluded in the Congo or mainly performed there.

There are no statutory provisions concerning nursing breaks.

During the periods of absence in connection with her confinement a woman worker who has been in her employer's service for nine months out of the 14 months preceding confinement shall be entitled to two-thirds of her cash remuneration, and any benefits in kind stipulated in the contract shall continue to be granted. The employer is responsible for the payment of this allowance, which is not covered by an insurance scheme or by public funds.

The labour inspectors and supervisors are expressly responsible for ensuring the application of the social legislation. Works councils and trade unions may take action either in connection with the application of the legislation or for the purpose of negotiating additional benefits.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Costa Rica

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Code of 27 August 1943 (*La Gaceta*, 29 Aug. 1943, No. 192, p. 1169) (*L.S.* 1943—C.R. 1). Regulations respecting the risks of sickness and maternity of 4 February 1952 (*La Gaceta*, 15 Apr. 1952, No. 85, p. 965) (*L.S.* 1952—C.R. 2).

Section 95 of the Labour Code stipulates that pregnant women workers are entitled to a rest period of 30 days before and 30 days after confinement. In order to obtain maternity leave a medical certificate must be produced stating that the confinement will probably take place within five weeks reckoned from the date of issue of the certificate.

If the woman worker is insured, she is entitled to an allowance paid by the insurance institution of 50 per cent. of her wage (section 43 of the above regulations) and to an allowance in cash paid by her employer equal to 50 per cent. of her wage, so that she thus receives her full wage. If the worker is not insured, or if she does not fulfil the conditions giving entitlement to allowances from the institution, she is entitled to an allowance from her employer equal to a minimum of two-thirds of her

wage. In the case of miscarriage or the premature birth of a child which is not viable, the rest period with pay is reduced by one-half. In the event of sickness caused by the pregnancy or confinement which incapacitates the woman for work, she has the right to remain absent from work for such time as may be necessary for her recovery, provided that it does not exceed three months; she is also entitled to the above-mentioned benefits.

With regard to medical benefits, section 40 of the regulations provides not only for cash allowances but also for obstetrical attendance at the insured woman's home or in the hospitals or maternity homes designated by the medical officers of the Costa Rican Social Insurance Fund, and free milk for her children. Section 45 of the regulations grants the right to medical treatment for illness, whether or not related to the actual confinement, provided that such illness was contracted on the occasion of, or as a result of, the confinement.

Section 94 of the Code categorically prohibits the dismissal of a woman worker on account of pregnancy or because she is nursing her child. In the event that sickness prevents the woman from returning to work when her maternity leave has expired, the employer may not dismiss her unless the new period of incapacity exceeds three months, in which case he is required to pay her wages in lieu of notice, her severance pay and any other payments to which she is entitled by law.

Section 97 of the Code entitles the mother to a nursing break of 15 minutes every three hours, or half-an-hour twice a day, these breaks to be considered as periods of actual work.

Section 100 of the Labour Code makes it obligatory for employers who employ more than 30 women to provide a special room suitably equipped for women to nurse their children. This equipment is subject to the approval of the General Inspectorate of Labour.

Although maternity insurance has been in force since 1952, not all female workers are protected by it. The following female workers are excluded: members of the employer's family who live with him, are employed by him, and who receive no wage in cash; female workers who are in receipt of a pension or grant from the State (except if they fulfil the conditions required by the regulations respecting the risks of sickness and maternity) and those female workers who, in the opinion of the Executive Board of the Costa Rican Social Insurance Fund, should not be regarded as persons compulsorily insured.

The labour inspectors of the Ministry of Labour and Social Welfare and the inspectors of the Costa Rican Social Insurance Fund ensure that the Convention is properly applied.

As Costa Rica is a developing country it is not possible at the present time to put into practice the Convention as a whole. The prenatal and postnatal leave periods granted by the legislation are shorter than those stipulated in the Convention.

RECOMMENDATION NO. 12

As regards maternity protection, the legislation makes no distinction between women workers in commerce, industry and agriculture, and all therefore have the same rights and obligations.

RECOMMENDATION NO. 95

Section 88 (*b*) of the Labour Code does not refer specifically to expectant mothers, but prohibits night work by women except home or family workers, nurses, social workers, domestic servants and similar employees, etc.

Section 87 of the Code forbids the employment of women on unhealthy, arduous, or physically or morally dangerous jobs; if an accident or sickness results, the employer must pay compensation to the injured or sick woman equivalent to three months' earnings.

Since overtime is arduous and even dangerous for expectant mothers, the prohibition in section 141 of the Labour Code (which forbids overtime in dangerous and unhealthy jobs) is interpreted as applying to such cases.

See also under Convention No. 103.

Cuba

RECOMMENDATION No. 12

Legislative Decree No. 781 of 28 December 1934 concerning the employment of women before and after confinement (*Gaceta Oficial (G.O.)*, 29 Dec. 1934) (L.S. 1934—Cuba 5).

Decision No. 68 of 3 February 1959 implementing certain provisions of Legislative Decree No. 781 of 1934 and regulating other related matters (*G.O.*, 24 Feb. 1959, No. 34).

Act No. 1021 of 27 April 1962 establishing the Ministry of Labour (*G.O.*, 4 May 1962, No. 86, p. 5377).

Act No. 1022 of 27 April 1962 respecting the administrative bodies for the administration of justice in labour matters (*ibid.*, p. 5384) (L.S. 1962—Cuba 1).

Act No. 1100 of 27 March 1963 respecting social security (*G.O.*, 4 Apr. 1963, No. 65, p. 3473).

The Act of 1963 applies to all wage earners in Cuba, without distinction of any kind.

Under Act No. 1021 of 1962 the Ministry of Labour is responsible for enforcing the laws and regulations. The bodies set up to administer justice in labour matters under Act No. 1022 of 1962 also assist in enforcement.

Act No. 1022 provides for participation by representatives of the workers and the central trade union bodies in the work of the bodies administering justice in labour matters. The relevant laws and regulations are in accordance with standards of the Recommendation, but even so, improvements are constantly being made by which the workers benefit.

RECOMMENDATION No. 95

See under Recommendation No. 12.

Cyprus

CONVENTION No. 3

Insurance Law (ss. 13 and 15-17).

Circular No. 26 of 1 May 1962 containing special administrative provisions in relation to government female officers.

Law No. 7 of 1963 containing special provisions by the Greek Communal Chamber for female teachers (*Official Gazette*, Supplement No. 1, 4 July 1963).

Although the Government has adopted certain legislative and administrative measures in order to provide maternity protection for working women, they fall short of the provisions of the relevant Conventions or Recommendations because social and economic development has not encouraged the employment of women. It is not therefore possible to adhere to these instruments.

Section 26 of the Law of 1963 of the Greek Communal Chamber entitles female teachers to a period of eight weeks' uninterrupted compulsory leave, four prenatal and four postnatal, with full salary during summer vacations and half pay during the school year.

Female officers of two semi-public concerns and banks may apply for their annual leave before and after confinement. In some cases sick leave is also granted. Apart from these provisions there is little maternity protection such as is envisaged by the relevant international instruments in agricultural, industrial or non-industrial occupations.

The Electricity Authority of Cyprus is at present considering a claim submitted by the trade unions for two months' maternity leave with full pay.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Czechoslovakia

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Act of 30 November 1956 respecting the sickness insurance of employees (*Sbirka Zákonů (S.Z.)*, 18 Dec. 1956, No. 30, text 55) (*L.S.* 1956—Cz. 3B), as amended.

Notification of the Central Council of Trade Unions concerning cash benefits and family allowances under the employees' sickness insurance scheme, dated 19 December 1956 (*Úřední List*, 1956, text 258,) as amended in 1957 and 1959.

Act No. 102 of 19 December 1951 respecting the reorganisation of national insurance (*S.Z.*, 27 Dec. 1951) (*L.S.* 1951—Cz 5.), as amended on 30 December 1959.

Act No. 58 of 1964 respecting improved care for pregnant women and mothers.

The State provides to all women preventive and medical care in connection with childbirth, free of charge. This applies to medical consultations and examinations before confinement, free hospitalisation for delivery, help by professionally trained nursing staff, etc. All children under 15 years of age also enjoy preventive and medical care free of charge.

Under the Act of 1956 all women workers who have been insured during the last two years before childbirth for at least 270 days are entitled to financial assistance in respect of maternity for 18 weeks, that is four weeks before and 14 weeks after childbirth. This financial assistance is calculated from the daily net wage earned by the woman during the last three or six calendar months before maternity leave, whichever may be more favourable for the expectant mother. The financial assistance

during maternity leave amounts to 75–90 per cent. of the woman's wages, depending upon the length of service. Apart from that, every employed woman and every woman depending on an employed man is entitled to a lump-sum allowance at the birth of each child. Moreover, the family of every employed person receives family allowances according to a progressive scale corresponding to the number of dependent children.

The Act of 1964 has increased maternity leave up to 22 weeks. Under this Act the woman is guaranteed her job even after the expiry of the maternity leave up to the date when her child reaches one year of age. Financial assistance during maternity payable out of the funds of the health insurance is granted for the first 18 weeks. From the nineteenth week of maternity leave the financial assistance during maternity amounts at the birth of the first child to 48 per cent., of the second child to 50 per cent., of the third and further children to 60 per cent. of the net daily wages. If an employed woman simultaneously gives birth to two or more children financial assistance is granted to her at a rate of 50 to 60 per cent. even after 22 weeks of maternity leave; if during this prolonged maternity leave she is looking after at least two of these children, such assistance may not, however, be accorded for longer than 35 weeks from the beginning of the maternity leave. Single working women who have no means apart from their working income receive financial assistance during maternity even after 22 weeks of maternity leave up to 26 weeks from the beginning of the leave. From the nineteenth week onwards they receive 70 per cent. of their net daily wage.

After the expiry of the above-mentioned periods of paid maternity leave the employer is obliged, if requested by the employee, to grant her unpaid maternity leave up to the day on which the child reaches the age of one year.

Employers must grant two half-hour nursing breaks; if a woman is employed part time she is entitled to one half-hour nursing break. These breaks form part of the working time and therefore are paid.

A married working woman who is pregnant or caring permanently for a child younger than one year or a single woman permanently looking after a child younger than three years of age cannot be given notice of dismissal except in special cases laid down by law. After the maternity leave the woman must be reinstated in her former job with the exception of cases specified by the law.

A working woman expecting a child or caring permanently for a child younger than one year of age can be transferred to a working place outside her home town or village only at her own request.

If a working woman looking after a child under 15 years of age or expecting a child asks for a shortening of working hours or any other modification of her weekly working time the organisation is bound to comply with her demand if there are no serious occupational reasons preventing it.

All ministries are obliged to see that the maternity protection provisions are observed in their respective branches. Public prosecutors also watch over the observance of these laws. The trade unions also control the observance of the labour legislation, including the provisions concerning maternity protection.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Dahomey

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Code (Overseas Territories): Act No. 52-1322 of 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) as amended by Decree No. 55-567 of 20 May 1955 (*J.O.R.F.*, 21 May 1955, No. 121) (*L.S.* 1955—Fr. 3).

Decree No. 337/PCM/MT/FP of 26 November 1960 prescribing family benefit rates.

Any expectant mother whose condition has been medically certified or is manifest may leave her work without notice and without paying compensation for breach of contract.

At the time of her confinement a woman is entitled to leave work for 14 consecutive weeks, of which six must be after her confinement. This leave may be extended by three weeks in the event of illness arising out of pregnancy or confinement. She may not be dismissed during this period.

During maternity leave a woman is entitled to free treatment and half the wage she was receiving at the time of stopping work. Pending the introduction of a social security scheme the cost of this is borne by the employer. A woman is also entitled to benefits in kind. Where a medical service is operated jointly by a number of employers, the latter may discharge their obligation to meet the cost of free medical care through such a service. Under the decree of 1960 wages at half the normal rate must be paid by the family benefits funds, but pending the establishment of such funds benefit will continue to be paid by employers.

A working mother is entitled to nursing breaks for a period of 15 months with effect from the birth of her child. These breaks may not total more than one hour per day.

The laws and regulations for maternity protection are enforced by the labour and manpower inspectorate.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Denmark

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

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

Civil Servants (Salaries and Pensions, etc.) Act, No. 154 of 7 June 1958.

Act No. 261 of 9 June 1948 respecting the legal relationship between employers and salaried employees (*Lovtidende A*, 14 June 1948, No. 53, p. 1081) (*L.S.* 1948—Den. 3).

National Assistance Act, No. 169 of 31 May 1961 (*Lovtidende A*, 1961, No. XII, p. 327).

Act No. 239 of 10 June 1960 respecting public sickness insurance (*ibid.*, 1960, No. XIX, p. 758) (*L.S.* 1960—Den. 3).

Maternity Aid Institution Act of 24 August 1956.

Welfare Milk Act, No. 362 of 4 July 1946.

Article 1 of the Convention. The Act of 1954 applies to women employed in occupational fields of any nature, whether public or private, in industry, handicrafts, transport, etc. The Act of 1958 covers women in government service. The Act of 1948 applies to shop and office assistants and certain other categories specified in section 7. Women employed in all occupations are covered by the Acts of 1956, 1960 and 1961.

Article 2. The terms “woman” and “child” are defined as in this Article.

Article 3. Under the Act of 1954 no woman worker may begin work during the first four weeks after childbirth unless a medical certificate shows that it will not harm her health or that of her child. The Act of 1958 provides for maternity leave for up to six weeks after childbirth without any medical certificate. Any other period of absence from work is recorded as sick leave and may involve reduction in salary. Section 7 (3) of the Act of 1948 implies that a woman employee may be absent from work during any period in which she is incapable of work.

Article 4. Section 15 of the Act of 1958 provides for payment of full salary in the case of maternity leave up to a maximum of three months before and one month after confinement. Section 57 of the Act of 1948 requires the employer to pay half salary to a woman employee during her pregnancy from the beginning of her incapacity for work. Medical care, the assistance of a midwife and maintenance in public hospitals are provided under the Act of 1961 in cases of need to women who do not qualify for the assistance of a midwife through the sickness fund.

Under the Act of 1960 full members of an approved sickness fund are entitled to free medical assistance, etc., and in appropriate cases to a cash benefit for 14 days.

Wage earners covered by the Act of 1960 who are full members of a sickness fund and are unable to work owing to confinement receive a daily cash benefit paid eight weeks before childbirth and payable for up to 14 weeks or for as long as legislation requires the mother to be absent from work after childbirth.

The Act of 1956 provides for the granting of a layette and, in exceptional cases, of financial aid. Moreover, under the Act of 1946 free supplies of milk may be granted from the fourth month of pregnancy until six months after childbirth.

Article 5. Section 37 of the Act of 1954 requires undertakings employing 25 women or more to have a special room for working mothers to nurse their babies.

Article 6. There is no restriction of the right to dismiss women workers during pregnancy with the usual notice.

The supervision of the application of the legislation is entrusted to the State Labour Inspection Service and a local inspection service. The country has been divided into a number of inspection areas. A labour council, including representatives of employers and workers, gives guidance to the competent authorities on problems of industrial safety, health and welfare. The administration of the Act of 1958 is supervised by the Ministry of Finance. The Act of 1961 is administered through the social service committee set up by the local authority. The Act of 1960 is administered by local sickness funds which are supervised by the Directorate of Health

Insurance and the Ministry of Social Affairs. Maternity aid institutions are supervised by a board on which Parliament and the municipal organisations are represented.

The legislative system whereby different rules exist for different classes of the population is an obstacle in the way of ratifying the Convention. Enactment of legislation on a general system of maternity leave is still not under consideration.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Legislation governing civil servants and salaried employees is interpreted so that women on legal absence from work because of childbirth are reinstated in their former work with no loss of seniority.

The Child and Youth Welfare Act, No. 170, of 31 May 1961, provides for the granting of public aid towards the establishment of day nurseries and for part payment of their working expenses. The state approval required for the payment of such aid is subject to the condition that the particular institution complies with the detailed regulations for the arrangement of preventive child welfare institutions made by the Ministry of Social Affairs.

The rules governing the nurseries are administered by the Ministry of Social Affairs.

See also under Convention No. 103.

Dominican Republic

CONVENTION No. 3

Labour Code: Act No. 2920 of 11 June 1951 (*Gaceta Oficial (G.O.)*, No. 7309bis, 23 July 1951) (*L.S.* 1951—Dom. 1), as amended by Act No. 6069 of 9 October 1962 (*G.O.*, No. 8703, 20 Oct. 1962, p. 3).

Act No. 4099 of 15 April 1955 respecting compulsory prenatal and postnatal rest (*G.O.*, No. 7826, 20 Apr. 1955, p. 3).

Regulations for the operation of crèches.

The legislative measures for maternity protection are contained in sections 211 to 216 of the Labour Code. In addition, the Act of 1955 and the Act of 1962, which provide for a special procedure which must be followed by employers who wish, for any reason whatsoever, to terminate the labour contract of a pregnant woman. The Supreme Court of Justice, acting as a court of appeal, has ruled that the aim of the above-mentioned law is to protect a pregnant woman against an employer who wishes to terminate her employment on the grounds of that pregnancy.

There is at present a trend in collective agreements to provide benefits in addition to those which are specifically established by labour legislation.

The Women's and Minors' Section of the Labour Department is particularly concerned with the solution of the labour problems of women. This section has a number of specialised inspectors who periodically visit labour centres employing women in order to check whether these women receive the full benefits provided for them by legislation, collective agreements and national practice.

There are also institutions, such as nurseries and crèches, where mothers who work outside their homes may leave their children during working hours. The use of such institutions is entirely free of charge.

The trend in national legislation and practice is definitely towards a total application of the terms of the Convention, which does not give rise to any difficulties of application connected with either legislation, national practice or any other cause which might prevent its ratification.

Ethiopia

CONVENTION NO. 3

Civil Code of 5 May 1960 (*Negarit Gazeta*, 5 May 1960, No. 2, Extraordinary) (L.S. 1962—Eth.1B). Agency and Public Service Amendment Order, No. 28, 1962.

Maternity leave during confinement is granted in accordance with section 2566 of the Civil Code.

Under the above order maternity leave of up to six weeks on full pay shall be granted to civil servants against normal sick leave entitlement. Further sick leave shall be allowed on production of a medical certificate for as long a period as necessary. Maternity leave of 30 days with full pay is also granted under major provisions of collective agreements.

The courts supervise the provisions of the above Code, but a labour inspection service is being set up to take the responsibility.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

There are no special provisions for agricultural workers, but the provisions of the Civil Code apply.

See also under Convention No. 3.

RECOMMENDATION NO. 95

See under Convention No. 3.

Finland

CONVENTION NO. 3

Decree of 18 August 1917 concerning employment in industrial and certain other occupations (*Suomen Asetuskokoelma—Finlands Författningssamling* (S.A.-F.F.), 64/17).

Act of 2 August 1946 respecting conditions of employment in commercial establishments and in offices (*ibid.*, 605/46) (L.S. 1946—Fin. 4B).

Act of 1 June 1922 respecting contracts of work (S.A.-F.F. 141/22) (L.S. 1922—Fin. 1).

Sickness Insurance Act of 4 July 1963 (S.A.-F.F., 364/63).

Act of 22 December 1942 respecting the salaries of employees and office holders in state employment (*ibid.*, 1030/42).

Act of 31 March 1944 respecting communal midwives (*ibid.*, 223/44).

Act of 31 March 1944 respecting communal maternity and children's centres (*ibid.*, 224/44).

Maternity Benefits Act of 13 June 1941 (*ibid.*, 424/41).

Article 1 of the Convention. The scope of application of the Convention is wider than that of the legislation. The above decree does not cover private construction

for dwelling and household needs or repair of buildings; it is not applied to rural workshops, handicraft establishments and other undertakings where fewer than three workers are employed; transport of passengers and goods is also excluded. The Convention does not allow for such exceptions.

Article 3. Under the above-mentioned decree a woman shall not be permitted to work during the first four weeks following her confinement; a woman at an advanced stage of pregnancy shall not be employed in work which may be harmful for her health.

According to the Act of 1963 insurance benefits are also paid in cases of pregnancy and confinement. Maternity allowance is paid for 54 working days only.

The amount of maternity allowance per day is equal to 45 per cent. of the normal earnings of the insured. If the woman has no earnings from gainful activity an allowance of 4 marks a day is granted in any case. Where an insured woman has a spouse or a child under the age of 16 years under her charge, she may receive, under certain conditions, a supplementary allowance. A single benefit of 50 marks is granted for each baby either in cash or in the form of a maternity pack.

Under the Act of 1942 women in state employment are entitled to two months' maternity leave with full pay.

The legislation does not contain any provision as regards nursing breaks mentioned in the Convention.

Article 4. Under the Act of 1922 the employer is not entitled to annul a contract of work with a female worker during her absence on maternity leave. However, it does not prevent the employer from giving the female worker notice even during the protected periods with a view to terminating the contract of work at the expiration of such periods. It would seem that the legislation does not comply with the provisions of this Article.

CONVENTION NO. 103

Article 3 of the Convention. The legislation does not cover the provisions of this Article.

Article 4. The expenses of care in a maternity hospital are usually paid by the woman herself. The sickness insurance scheme does not refund it. As about 80 per cent. of the actual costs for the treatment given in state and communal hospitals is refunded out of state funds, the fees for care in these hospitals are relatively low.

In its reply to the communication of the Government concerning the Conventions and Recommendations adopted by the International Labour Conference at its 35th Session in 1952, Parliament decided that the Government should take measures with a view to develop legislation on maternity protection along the lines of the Convention. The Act of 1963 represents considerable progress in that direction. Other measures in this matter are not to be expected in the near future.

See also under Convention No. 3.

RECOMMENDATION NO. 12

See under Convention No. 3.

RECOMMENDATION NO. 95

A woman who applies for maternity benefits under the Maternity Benefits Act of 1941 is obliged to undergo a medical examination, otherwise the benefit may be refused.

The Hours of Work Act of 1946 prohibits the employment of women at night except for certain cases. Employment of women in certain kinds of painting work and on underground work in mines is prohibited. There are, however, no special regulations on the night work and hours of work, etc., for pregnant and nursing women.

See also under Convention No. 3.

France

CONVENTION NO. 103

Labour Code (Bk. I, ss. 29 and 29(a); Bk. II, ss. 54 (a) ff.).

Social Security Code (Bk. III, Title II, Cap. III).

Mother and Child Protection Act of 2 September 1941.

Decree of 29 October 1945 (Cap. V).

Model rules for primary social security funds attached to the order of 19 June 1947 (as amended).

Departmental Employment Regulations for Agriculture, issued under sections 983 ff. of the Rural Code.

Decree No. 50-444 of 20 April 1950 (as amended) respecting the financing of social insurance in agriculture.

Decree No. 50-1225 of 21 September 1950 (as amended) to issue public administrative regulations respecting social insurance in agriculture.

Sections 29 and 29 (a) of the Labour Code, which apply to women wage earners in all branches of employment, stipulate that absence from work by a woman during the six weeks before and the eight weeks after confinement (11 weeks after confinement in the event of illness due to the pregnancy or confinement) may not constitute grounds for termination of the contract of employment by the employer; should such termination take place, the woman is entitled to damages. She must notify the employer of the reason for her absence, but may leave her work without notice and without paying compensation. Section 2 of the Act of 1941 states that any employer who terminates a contract of employment by reason of the pregnancy or confinement of a woman wage or salary earner is liable to a fine or imprisonment.

Sections 54 (a) to (e), dealing with maternity leave, apply to "any industrial or commercial establishment of whatever nature ...". They have been extended to cover wage earners in public and government establishments, as well as the professions, and the courts have ruled that they are also applicable to agricultural establishments engaged in operations of an industrial character (e.g. farm co-operatives). In addition, most of the employment regulations for agriculture issued under sections 983 ff. of the Rural Code repeat the provisions of section 54 (a) of the Labour Code, thereby giving women workers in agriculture the same protection as those in industry.

Section 54 (a) stipulates that women workers may not be employed for a total of eight weeks before and after confinement, including the six weeks following confinement.

Sections 54 (b) to (e) provide that women who are nursing their children must be given two 30-minute breaks per day for this purpose and lays down standards for the premises provided. Although not covered by these provisions, women wage earners in purely agricultural establishments are, in practice, given the necessary time off to nurse their babies.

Maternity insurance comprises the refund of medical, pharmaceutical and hospital expenses arising out of pregnancy, confinement and their consequences, and a daily allowance for a maximum of 14 weeks (including six weeks before and eight weeks after confinement) on condition that a woman stops all work for a minimum of six

weeks. The total allowance is equal to half the assessable wage for contribution purposes at the time of stopping work (or two-thirds of this wage with effect from the thirty-first day after stopping work if the woman has at least two dependent children). In the event of illness arising out of pregnancy or confinement, an insured person is entitled to benefit under the sickness insurance scheme throughout the whole of her absence from work.

Under the family allowances scheme grants are payable to a woman on the occasion of three antenatal examinations and one postnatal examination. A woman who is nursing her child receives a monthly allowance and, in the event of physical inability to do so or of sickness certified by a doctor, she is entitled to milk vouchers if the child is being cared for at home.

In some circumstances a woman is also entitled to an antenatal allowance and a maternity allowance.

The legislation is enforced by the Labour Inspectorate and the Inspectorate of Social Legislation in Agriculture.

A circular was issued on 30 October 1962 providing that, when confinement takes place after the anticipated date, a woman remains entitled to her reduced wage until the actual date of the confinement subject to a maximum of 14 weeks.

Ratification of the Convention has been prevented by the following difficulties: French legislation does not provide for additional antenatal leave in the event of illness arising out of pregnancy; daily benefit is equal to only half the basic wage (instead of two-thirds); the law does not require employers to pay women in respect of nursing breaks, although this is provided for by certain collective agreements.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Federal Republic of Germany

CONVENTION No. 103

Maternity Protection Act of 24 January 1952 (*Bundesgesetzblatt (BGBl.)*, Part I, 30 Jan. 1952, No. 5, p. 69), as amended by the Young Persons Protection Act of 9 August 1960 (*BGBl.*, Part I, p. 665). Federal Insurance Code of 15 December 1924 (*Reichsgesetzblatt*, Part I, p. 779) (*L.S.* 1924—Ger. 10) (Bk. II), as amended by the Act of 12 July 1961 (*BGBl.*, Part I, p. 913).

The existing legislation substantially conforms to the provisions of the Convention, though the following discrepancies exist.

Article 4 of the Convention. Under section 12 of the above Act a woman not compulsorily insured under the statutory insurance scheme is entitled to claim continued payment of her regular wage from her employer during specified protected periods.

Article 5. Under section 7 of the Act a nursing period of at least 45 minutes must be granted if the continuous working period of the mother exceeds four-and-a-half hours. It has not been determined whether this provision permits a nursing period for a continuous working period of less than four-and-a-half hours.

Article 6. The highest provincial authority responsible for labour protection may, in exceptional cases, declare notice of dismissal to be unlawful and also arrange that the pregnant woman receives maternity benefits under section 13 of the Act. Domestic servants and daily maids may be given notice of dismissal after the fifth month of pregnancy.

The Government is considering amendments to the present legislation but it is not yet possible to foresee whether they will make ratification possible.

RECOMMENDATION No. 12

See under Recommendation No. 95.

RECOMMENDATION No. 95

Existing legislation does not provide for facilities for the care of children during the day, but many undertakings voluntarily provide them. In many other respects the requirements of the Recommendation are observed. In view of the proposed amendment to the legislation the Government does not now propose to adopt further measures in application of the Recommendation.

Supervision of the application of existing legislation is entrusted to labour inspectors who have the same powers as local police authorities, including the power to inspect premises at any time.

See also under Convention No. 103.

Ghana

CONVENTION No. 3

Labour Ordinance (*The Laws of Ghana*, Cap. 89).

Civil Service Regulations.

Under section 77 of the above ordinance a female employee in an industrial, commercial or agricultural undertaking is entitled to maternity leave six weeks before and after her confinement, during which period she receives her wages and free medical care in government hospitals. During working hours she is entitled to one nursing period of one hour under the ordinance. Civil service employees are entitled to only half-an-hour under the above regulations. Section 78 further authorises more prolonged absence if certified by a medical officer and protects the woman from dismissal because of such absence.

The above regulations and collective agreements generally follow the law in this matter. If the definition of industrial undertaking contained in section 75 of the above ordinance is revised as recommended, full effect would be given to Article 1, paragraph 1 (*d*), of the Convention. There are no difficulties preventing the ratification of the Convention.

CONVENTION No. 103

Article 3, paragraph 4, of the Convention. It is not intended to give effect to this provision.

Article 4, paragraphs 4, 5 and 8. Since there are no compulsory social insurance or social assistance fund schemes, it would be difficult to apply these provisions.

Article 7, paragraph 1. The application of the Convention to domestic work will present difficulties, but because of the exceptions contained in this paragraph this would not necessarily prevent ratification.

See also under Convention No. 3.

RECOMMENDATION No. 12

No measures would be taken to give effect to provisions of the Recommendation not yet applied, because of the cost involved.

See also under Convention No. 3.

RECOMMENDATION No. 95

No measures would be taken to give effect to provisions of the Recommendation not yet covered by national legislation and practice. Modifications in respect of Paragraph 2, subparagraph 1, Paragraph 3, subparagraph 1, and Paragraph 4, subparagraph 1, of the Recommendation may be necessary and also in respect of its application to domestic work for wages in private households.

See also under Convention No. 3.

Guatemala

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Charter : Legislative Decree No. 1.

Labour Code: Decree of the Congress No. 1441 of 5 May 1961 (*El Guatemalteco*, 16 June 1961, No. 14, p. 145).

Organic Law of the Guatemalan Social Security Institution : Decree of the Congress No. 295 of 30 October 1946 (L.S. 1946—Gua. 2).

Decision No. 211 of the Board of Governors of the Guatemalan Social Security Institution, embodying the regulations governing maternity and child protection.

Decision No. 230 of the Institution, relating to the application of the regulations governing maternity and child protection.

Decision No. 138 of the Management of the Institution, relating to the furnishing of evidence of entitlement to a survivor's pension.

Decision No. 257 of the Board of Governors of the Institution, relating to the medical limits to the maternity and child protection programme.

The legislation and regulations governing maternity protection make no distinctions as regards their application, and every woman worker is covered. The standards in question are general in scope, embracing all undertakings and places of employment within the territory of the Republic in all branches of production, and are binding upon all employers and undertakings, whatever their nature, existing or to be established in the future, and upon all inhabitants of the Republic, without distinction as to nationality.

Section 152 of the Labour Code contains the following provisions: Every pregnant woman worker shall be entitled to a rest period with pay of 30 days before and 45 days after confinement. The woman concerned shall not be entitled to leave her employment unless she furnishes a medical certificate stating that the confinement will probably take place within five weeks reckoned from the date of the issue of the

certificate. Every medical practitioner who is employed in any post for remuneration by the State or by a state institution shall be bound to issue this certificate free of charge; on production of the certificate the employer shall give a receipt. A woman to whom such a rest period has been granted shall be entitled to payment of her wages by her employer, unless she is entitled to benefit from the Guatemalan Social Security Institution, in which case the provisions laid down in the regulations issued by the said Institution shall apply; she shall be entitled to return to her post on the termination of the rest period after confinement or, if the said period is prolonged, to return to the same post or to another post with equivalent remuneration suited to her capacities, skill and qualifications. In the case of accidental miscarriage or the premature birth of a stillborn child the rest period with pay mentioned above shall be reduced by one-half. If the woman concerned remains absent from her work for a period longer than the period granted, as a result of sickness caused by the pregnancy or confinement which incapacitates her for work, she shall retain her right to benefit for such time as may be necessary for her recovery, provided that it does not exceed three months reckoned from the time when she ceased work. The payment of wages during maternity leave shall be subject to the condition that the woman worker abstains from work and shall be suspended if evidence is found that the woman worker concerned is engaged in other work for remuneration.

Section 153 of the Labour Code provides that every mother while nursing her child shall be allowed a break of half-an-hour twice a day or, if she prefers it, a break of 15 minutes every three hours, for the purpose of nursing her child. Wages must be paid for such breaks.

Under section 155 of the Code every employer who employs more than 30 women is bound to provide a special room suitably equipped to enable mothers to nurse their children under the age of three years without risk and where they may leave their children during working hours under the care of a suitable person appointed and paid by the employer. The equipment should be of a simple character within the means of the employer concerned in the opinion of the General Inspectorate of Labour and subject to its approval.

Under section 151 (b) of the Labour Code it is unlawful to discriminate between married and unmarried women in their work on account of their marital status, to dismiss women workers exclusively on account of pregnancy or because they are nursing their children or to require pregnant women to perform work which requires considerable physical effort during the three months prior to their confinement.

Every employer who employs five or more workers is obliged to belong to the social security scheme. In calculating this minimum number of employees account should not be taken of homeworkers or of members of the employer's family, even though it is the duty of the employer to notify the authorities of the full number of his employees, including homeworkers and members of his family. In the case of employers not affiliated to the social security scheme, or in areas not covered by the Institution, the employers themselves must pay the cash benefits.

In the event of sickness, employment injury, prenatal and postnatal leave and other contingencies involving incapacity, where the worker is entitled to benefit from the Guatemalan Social Security Institution, the employer must pay only the contributions prescribed by the regulations issued by the Institution. If the worker is not entitled to the corresponding benefit from the Institution or if the employer's liability is not legally established in some other manner, the only obligation upon the latter is to release the worker pending his complete recovery, provided that this takes place within the prescribed time limit and that the following rules are complied with: (1) if the worker has been in continuous employment for between two and six months he must be paid half his wages for a month; (2) if he has been in continuous employment for between six and nine months he must be paid half his wages for

two months; and (3) if he has been in continuous employment for nine months or more he must be paid half his wages for three months.

The regulations governing maternity and child protection prescribe the manner and conditions in which the Guatemalan Social Security Institution must provide medical, hospital, financial and other benefits for the protection of the mother and her child. Section 13 of these regulations lays down that the Board of Governors of the Institution shall determine, by means of separate agreements, the localities or geographical districts where the regulations are to be applied, as well as the phases to be covered and such procedure as is deemed to be appropriate for bringing the scheme into operation. Section 1 of Decision No. 230 of the Guatemalan Social Security Institution provided, in effect, that as from May 1953 the Department of Guatemala should be covered by the regulations governing maternity and child protection, subject to the arrangements set forth in the said agreement. Section 2 of the agreement authorised payment of benefit in respect of the prenatal and confinement phase, it being left for the management to determine the date and conditions in which provision of the supplementary foodstuffs and nursing allowance corresponding to the postnatal phase would begin.

The following maternity benefits of a medical nature are furnished by the Social Security Institution under the regulations governing maternity and child protection.

During the prenatal phase there are medical examinations once a month during the first six months of pregnancy and once a fortnight during the seventh and eighth months. Treatment is given by the Institution's physicians in the event of illness or complications arising out of pregnancy or in the event of miscarriage (section 26).

During the confinement phase (as from the date on which maternity leave begins) there are regular examinations (weekly), plus additional examinations where necessary, obstetrical care during and after the confinement, and care of the new-born baby (section 27). The examinations may take place at the Institution's consulting rooms or at the woman's home, depending on her state of health. Where circumstances so require, admission to hospital earlier than the normal date will be authorised (sections 28 and 29).

Obstetrical care during and after the confinement is provided at the Institution's maternity centres, or at the woman's home wherever possible (section 30). During the 45 days following confinement both mother and child are entitled to such care as they may need. The Institution provides a layette for each new-born baby.

In the postnatal phase protection extends over six months in the case of the mother and two years in the case of her child (section 34). Illnesses due to pregnancy which are diagnosed are treated by the medical services of the Institution (section 36). Mothers unable to breast-feed their babies receive supplementary foodstuffs or milk (sections 37 and 38). Women who are not entitled to medical benefit under the social insurance scheme may avail themselves of the public assistance services.

During the period of prenatal and postnatal leave, and during any time in which a woman worker is entitled to medical benefit on account of sickness caused by pregnancy or confinement, the Institution pays a cash allowance equal to the amount of the wage (sections 48 and 49 of the regulations governing maternity and child protection). This allowance is payable for a maximum of three months. If the leave is prolonged, the cash benefit during this further period will be two-thirds of the wage.

The Ministry of Labour and Social Welfare is responsible for the application of the labour legislation as far as the administrative aspects are concerned. The General Labour Inspectorate ensures that these provisions are properly complied with, particularly those relating to the provision of maternity benefits. The Guatemalan Social Security Institution, through its branch offices and inspectors, also ensures compliance with the provisions on maternity protection.

The employers and the workers, either directly or through their organisations or through their representatives on joint bodies, co-operate with the labour and social welfare authorities in order that the maternity and child protection programme may be implemented in the best way possible.

As yet no modifications have been made in the national legislation as regards the matters dealt with in the Convention, but the Ministry of Labour and Social Welfare has plans for the ratification of the Convention as part of the periodic reform of legislation, social institutions and practice. With this end in view the advice of the competent authorities is now being sought.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Haiti

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961, Extraordinary, Nos. 1-A, 1-B, 1-C and 1-D) (L.S. 1961—Haiti 1) (ss. 97, 378-390, 570 and 594-611).

Act of 17 September 1958 (s. 35 (b)).

Article 1 of the Convention. Any woman is entitled to maternity leave, under the legislation, irrespective of her occupation or the type of establishment in which she is employed, whether industrial, commercial or agricultural. The compulsory insurance scheme does not cover women working exclusively for their husbands, or children under the age of 18 working exclusively for their parents without receiving an agreed wage.

Article 2. The term "woman" designates any person of the female sex, irrespective of age, religious beliefs or marital status (section 375 of the Labour Code).

Article 3. Any woman, on production of a medical certificate stating the presumed date of confinement, will be entitled to maternity leave, during which she will be paid at the same rate as if she continued to work. This leave will total 12 weeks, of which four will have to be taken before confinement and six afterwards; the remainder of the leave will be taken as the woman herself wishes. Payment in respect of the leave will be made by the Social Insurance Institute (I.D.A.S.H.) whenever a woman qualifies under the maternity insurance scheme. These provisions, however, will only come into force when a compulsory maternity insurance scheme is established. Pending this, section 35 (b) of the Act of 17 September 1958 still regulates maternity leave. This section is worded as follows: "Any working woman is entitled to a maternity leave of ~~six~~ weeks without loss of earnings. She shall cease all work before the presumed date of confinement and shall not resume work until three weeks thereafter."

When confinement takes place after the presumed date the antenatal leave is in all cases extended until the actual date of confinement and the amount of leave

which must be taken after confinement may not thereby be shortened. In the event of a miscarriage or the premature birth of a non-viable child a woman worker is entitled, on production of a medical certificate, to between two and four weeks' leave with pay at the same rate as the wage she was receiving at the beginning of her leave. If the child is viable, she is subject to the normal maternity leave arrangements.

If, in view of pregnancy and confinement, a woman's job would be harmful to her health, her employer must, on production of a medical certificate, give her an opportunity of changing her job within the same establishment. Should such a transfer be impossible, she is entitled to unpaid leave not exceeding 90 days (without prejudice to the regulations governing maternity leave).

Article 4. The employer will make up the difference between the maternity allowance paid by I.D.A.S.H. and the wage payable to an expectant mother. In cases where I.D.A.S.H. is not required to pay a maternity allowance, the obligation prescribed by this Article falls wholly on the employer. The contribution rate for the sickness and maternity insurance scheme is 4 per cent. of the insured person's basic wage; depending on the level of this basic wage, half, three-quarters or all of the contribution will be payable by the employer.

In respect of pregnancy and confinement I.D.A.S.H. will grant insured persons the following medical benefits: (a) any care by doctors, dentists and nurses which may be thought necessary, including surgical operations and hospital treatment; (b) medicines, prosthetic and orthopaedic appliances, etc.

The time spent in hospital may not exceed 30 days in one year, except in certain special cases specified by I.D.A.S.H.

Cash benefits in the event of maternity will be the same as in the event of sickness (50 per cent. of the basic wage) and subject to the same conditions. They will be payable to insured persons irrespective of the legal status of the child. Miscarriage and its consequences will entitle a woman to sickness benefit, but no cash benefit will be payable in the event of criminal abortion. Allowances will be paid for not more than 84 days, i.e. six weeks before the presumed date of confinement and six weeks afterwards. Payment will be suspended if a woman receives other benefits in the form of sick pay or if she continues to receive her wages.

Article 5. Any mother nursing her child is entitled to two half-hour breaks per day or, if she wishes, to a 15-minute break every three hours. She must be paid for these breaks (section 389 of the Labour Code).

Article 6. An employer must keep a woman's job open for her while she is on maternity leave or sick leave caused by her pregnancy.

The Women's Department of the General Directorate of Labour is responsible for enforcing the laws and regulations dealing with maternity protection.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Any employer with more than 50 women workers is required to provide a nursery so that mothers can safely feed their children under the age of two and leave them during working hours in the care of a qualified person, who must be selected and paid by the employer. Several employers may combine to establish central nurseries (section 390 of the Labour Code).

Honduras

CONVENTION No. 3

Labour Code: Decree No. 189 of 1 June 1959 (*La Gaceta*, 15-18 and 20-23 July 1959, Nos. 16827-16834) (*L.S.* 1959—Hon. 1).

Social Insurance Act: Decree No. 169 of 15 October 1957 (*La Gaceta*, 12 Dec. 1957, No. 16356, p. 1) (*L.S.* 1957—Hon. 4).

Under the Labour Code a pregnant woman worker shall be granted leave, which shall be remunerated for the four weeks preceding her confinement and for the six weeks thereafter, and shall retain her job and all rights conferred by her contract of employment. Where the remuneration is not constant (e.g. work at piece or job rates), account shall be taken of the average remuneration. For the purposes of the leave a woman worker shall furnish a medical certificate indicating the fact that she is pregnant, the probable date of her confinement, and the date of commencement of the leave, which must begin at least four weeks before the confinement (section 135).

The difference between the remuneration due to the woman worker and the maternity allowance granted by the Honduran Social Security Institute shall be paid by the employer. If the Institute is not required to grant a maternity allowance, the full remuneration shall be paid by the employer (section 136).

Where a woman worker has a miscarriage or gives birth to a premature stillborn child, she shall be entitled to between two and four weeks' leave, which shall be remunerated at the rate she earned at the commencement of the leave. For this, she shall furnish her employer with a medical certificate stating that she has had a miscarriage or premature confinement, giving the date thereof and indicating the length of time for which she needs to rest. If she is absent for longer than the allotted time on account of sickness due to the pregnancy or confinement, she shall likewise be entitled to the privileges conferred in connection with prenatal and postnatal leave for such time as is necessary for her recovery, subject to a maximum of three months (section 137).

Where a woman is absent from her work for longer than three months on account of sickness due to pregnancy or confinement and which renders her incapable of work, she shall be granted leave for such time as is necessary for her recovery; she shall not be entitled to remuneration during such leave, but shall retain her job and all rights conferred by her contract of employment (section 138).

The grant of a maternity allowance to a woman worker during the periods before and after her confinement shall be subject to her resting during that time and may be suspended if it is established that she is engaged in other remunerated work except housework (section 139).

A woman worker is entitled to two breaks of 30 minutes each during the day to enable her to feed her child for such time as the child is less than six months old. The employer shall be required to grant other rest periods if the woman worker furnishes a medical certificate indicating the reason therefor (section 140).

Persons employing more than 20 women workers shall provide premises where mothers can safely feed such of their children as are under three years old and where they can leave them during working hours (section 142).

No woman worker may be dismissed because she is expecting or nursing a child. There shall be a presumption that she has been dismissed on this ground if the dismissal takes place during her pregnancy or the three months following her confinement. A woman worker who is dismissed without authorisation shall be entitled to compensation equal to 60 days' pay in addition to any compensation due under the contract of employment, and also to payment in respect of the ten weeks of paid leave if she has not already taken it (section 144).

A woman worker may be dismissed during her pregnancy or the three months following her confinement only with the permission of the General Inspectorate of Labour. Such permission shall be granted only on one of the grounds for termination of the contract of employment indicated in section 112. A decrease in output due to pregnancy is not a ground for dismissal (section 145).

If an employer does not grant the paid leave, the woman worker concerned shall be entitled by way of compensation to twice the remuneration due for any leave not granted (section 146).

It shall not be lawful to employ an expectant mother on work requiring considerable exertion, or on night work for longer than five hours (section 147).

Any citizen may report a contravention of the provisions concerning the protection of women and young persons (section 148).

Under the above Act insured women shall be entitled in the event of maternity to such medical attendance as is necessary before and after confinement and to cash benefit. The Institute may also provide nursing benefit and a layette for the child (section 39).

Under the regulations for the application of compulsory social insurance, maternity benefits shall include cash benefit and care before and after confinement, such medical and surgical care in hospital and such pharmaceutical care as may be necessary, as well as a nursing allowance and transport (section 30).

In order to become entitled to a maternity allowance an insured woman worker must have to her credit a minimum of 75 days of contribution during the ten months preceding the date on which she starts her leave before confinement (section 31); otherwise, she shall retain her right to the paid leave referred to in section 135 of the Labour Code (section 32).

In addition to insured women workers, the following persons are entitled to the above-mentioned benefits: the *de jure* or *de facto* wife of a worker; a dismissed woman worker and the *de jure* or *de facto* wife of a dismissed worker where loss of employment occurs during pregnancy; and, in the event of the death of an insured person, his *de jure* or *de facto* wife provided that she was pregnant on the date of his death (section 33).

The maternity allowance is payable during the six weeks before and after childbirth and is subject to the beneficiary's resting and refraining from engaging in remunerated work during that time (section 34).

If the actual date of childbirth is in advance of that indicated as probable, the period during which the allowance preceding confinement is payable shall be reduced. If the actual date is later than that indicated as probable, however, the period in question shall be correspondingly extended. But if the extension would amount to more than 15 days the allowance shall be granted only on presentation of a new medical certificate (section 35).

The maternity allowance shall be equal to 66 per cent. of the basic remuneration (section 36).

If incapacity for work continues after the expiry of the period during which the maternity allowance is payable, the right thereto shall continue in the form of sickness allowance. The procedure shall be similar where a complication in the pregnancy results in incapacity for work in advance of the period during which the allowance preceding confinement is payable (section 37).

A miscarriage is considered as sickness for the purposes of the allowance (section 38).

Medical care shall be such as may be necessary for the birth to take place in the most favourable conditions for the mother and child (section 39); the period of confinement shall be spent in a hospital belonging to the Institute, or at home provided that the hygienic and social conditions there are satisfactory (section 40).

Care after confinement shall be granted for a period of 45 days. If after the expiry of this period the insured person is still unwell, medical care shall continue to be granted under the heading of sickness benefit (section 41).

The Ministry of Labour and Social Assistance and the Honduran Social Security Institute are the authorities responsible for ensuring the application of the above-mentioned provisions.

It is not possible at present to indicate the modifications which will be necessary with a view to the adaptation and application of the international instruments and which are now under consideration. These modifications will be notified in due course.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Hungary

RECOMMENDATION No. 12

See under Recommendation No. 95.

RECOMMENDATION No. 95

Labour Code: Legislative Decree No. 7 of 1951 (*Magyar Közlöny (M.K.)*, 31 Jan. 1951) (L.S. 1951—Hun. 1) as amended by Legislative Decrees No. 25 of 1953 (L.S. 1953—Hun. 1) and No. 26 of 1962.

Decree of the Council of Ministers No. 53 of 28 November 1953, as amended by Government Decree No. 46 of 24 December 1962 in application of the Labour Code.

Legislative Decree No. 39 of 31 December 1955 concerning workers' sickness insurance (*M.K.*, 30 Dec. 1955, No. 132, p. 851) (L.S. 1955—Hun. 1).

Decree of the Ministry of Labour No. 101 of 1963 concerning the regulation of maternity leave for women wage earners.

Government Decision No. 1008 of 28 March 1961 concerning institutions for children.

Decree of the Ministry of Public Health No. 128 of 1956 concerning the regulation of the organisation and operation of crèches.

Paragraph 1 of the Recommendation. Legislative Decree No. 26 of 1962 increased maternity leave to 20 weeks, consisting of antenatal leave of four weeks and postnatal leave of 16 weeks. The postnatal leave may be extended by four weeks on the proposal of the doctor.

Paragraph 3. Legislation fixes the amount of reimbursement of the expenses of keeping children in the many institutions which exist for children.

Paragraph 4. From the time of diagnosis of the pregnancy until six months have elapsed since the confinement, an undertaking cannot terminate the employment of a woman wage earner except by disciplinary sanction (section 96 of the Labour Code). The disciplinary sanction of dismissal may not take effect during maternity

leave (section 2 of Decree No. 46 of 24 December 1962). A woman wage earner may also request unpaid leave for the purpose of caring for her child until the child is three years old. Employment may not be terminated during that period.

Paragraph 5. The application of this Paragraph is ensured by section 95, subsections 2, 3, and 4, of the Labour Code.

Iceland

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Civil Service Regulations of 15 June 1954.

Social Insurance Act, No. 40 of 1963.

There are no general provisions in force concerning maternity leave for women except those pertaining to leave and absence due to illness in the above regulations, under which an expectant mother shall be entitled to leave of absence with full pay for a total of 90 days. If a longer leave is necessary in the judgment of doctors, this shall be regulated by the provisions relating to sick leave. The regulations do not divide the length of maternity leave into prenatal and postnatal parts.

Women are entitled to maternity allowance from the State Social Insurance Administration for each confinement. Hospital care is provided free of charge. An unmarried mother who has to stop work and loses her income owing to her confinement may receive from the Social Insurance Administration additional monetary aid for a total period of three months before and after confinement; in such cases the Administration has the right to reclaim the expenses from the child's father or from the municipality where he is domiciled.

There are no regulations concerning the rights of mothers to be absent from their work for the purpose of taking care of their children. Nor are there any general provisions prohibiting employers from terminating the service of women while they are absent on maternity leave.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

India

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Maternity Benefit Act of 12 December 1961 (*The Gazette of India*, No. 57, 13 Dec. 1961, Extraordinary) (L.S. 1961—Ind. 2).

Employees' State Insurance Act, 1948 (*The Gazette of India*, 19 Apr. 1948, Extraordinary) (L.S. 1948—Ind. 3), as amended up to 1 January 1963.

Maternity Benefit (Mines) Rules, 1963.

Employees' State Insurance (General) Regulations, 1950 (*The Labour Manual*, Vol. III, Allahabad, 1959).

Plantations Labour Act, 1951 (*The Gazette of India*, No. 50, 3 Nov. 1951, Extraordinary) (L.S. 1951—Ind. 5).

State Shops and Commercial Establishments Acts.

Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (*India Code*, Vol. 5).

Central Public Works Department Contractors' Labour Regulations.

Although the Act of 1961 applies in the first instance to plantations, mines and factories, it can be extended to any other industrial, commercial or agricultural establishment. Maternity benefits will continue to be available under the existing state enactments and the Act of 1951 until the Act of 1961 is gradually brought into force by the state governments. This Act provides for 12 weeks' maternity leave with pay. A medical bonus is provided if no prenatal, confinement and postnatal care is provided by the employer free of charge. The Act also provides for two breaks of 15 minutes for nursing the child until it is 15 months old.

A woman worker cannot be discharged during maternity leave.

The authority responsible for the administration of this Act is the Coal Mines Welfare Commissioner for coal mines and the Chief Inspector of Mines for mines other than coal. The factory inspectorates of state governments are entrusted with the supervision of the application of the Act in factories and on plantations.

The Act of 1948 applies at present to all non-seasonal factories employing 20 or more persons and using power. Its provisions are being implemented progressively and have so far been extended to almost all major industrial centres. It provides for 12 weeks' maternity leave at full pay. Free medical care is provided. The procedure concerning dismissal is generally the same as under the Act of 1961.

The authority entrusted with the supervision of the application of this Act is the Employees' State Insurance Corporation.

In Andhra Pradesh, Mysore, Orissa and Rajasthan women employees in shops and commercial establishments are entitled to maternity benefits.

Under the relevant rules issued under the Act of 1955 women journalists are entitled to maternity leave, which may extend up to three months, with full wages.

Employees of the central and state governments are entitled to maternity leave and in some cases to the reimbursement of medical expenses.

Women workers in the building and construction industries are not, at present, entitled to maternity benefits. Employees of the Central Public Works Departments, Defence and Railways, however, are entitled to eight weeks' leave under the Central Public Works Department Contractors' Labour Regulations.

The collective agreements dealing with maternity benefits cover a very small fraction of the working force.

The main obstacle to ratification is the source from which cash benefits are paid, since the benefits available under the Act of 1961 are to be paid by employees alone. Ratification therefore cannot yet be considered.

RECOMMENDATION No. 12

There are no legislative provisions concerning maternity protection for women wage earners employed in agricultural undertakings. The facilities available for women workers in plantations have been given in the report on Convention No. 103.

It may not be feasible to extend the benefits to women wage earners in agriculture, at least in the near future.

RECOMMENDATION No. 95

See under Convention No. 103.

Iran

CONVENTION No. 3

Labour Act of 17 March 1959 (L.S. 1959—Iran 1).

Workers' Social Insurance Act of 11 May 1960.

Article 1 of the Convention. Under section 3 of the Act of 1960 employers must insure all their wage earners irrespective of the nature of their remuneration or the form, nature and validity of their contracts of employment.

Article 2. Under the legislation the term "child" is of general application.

Article 3. Maternity leave is for 12 weeks. Under section 57 of the Act of 1960 an insured woman is entitled during this period to maternity benefit at the rate of two-thirds of her last wage on condition that she does not work at all. Section 58 of the Act entitles an insured woman or the wife of an insured man to examinations and treatment before, during and after confinement. In either case a person qualifies for benefit by paying at least 90 days' contributions during the six months before confinement. If medical care or in-patient treatment is necessary for more than 12 weeks, an insured woman receives benefit under the sickness insurance scheme.

Section 19 of the Act of 1959 requires an employer to grant nursing mothers a half-hour break every three hours. This break is reckoned as working time. If the number of babies exceeds ten, the employer is required to provide a crèche for them.

Article 4. Under section 18 of the Act of 1959 an employer may not dismiss a woman during her maternity leave.

The Supervisory Board of the Social Insurance Organisation and the labour inspectors are responsible for enforcing the laws and regulations on this subject.

CONVENTION No. 103

For legislation see under Convention No. 3.

Contributions to the social insurance scheme are paid jointly by employers and workers. They are at the rate of 18 per cent. of wages (13 per cent. being payable by the employer and 5 per cent. by the worker). The full cost of maternity insurance benefits is met by the Social Insurance Organisation.

Women who are not entitled to benefit under the social insurance scheme receive medical assistance from such bodies as the Imperial Social Service Organisation, the Maternity Protection Home, the Child Protection Centre, the university and municipal hospitals, etc.

RECOMMENDATION No. 95

For the benefits made available under the maternity insurance scheme see under Article 3 of Convention No. 3. Higher standards can always be laid down in individual contracts between employers and women workers or by collective agreements.

Under section 58 of the Social Insurance Act the benefits include layettes.

Sections 17 and 20 of the Labour Act give general protection to women workers by forbidding their employment on arduous or unhealthy jobs, as well as by night. There are no special regulations to protect expectant mothers.

Iraq

CONVENTION No. 103

Labour Law, No. 1, 1958 (*Al-Waqayi'û al' Iraqiya*, 16 Mar. 1958, No. 4115) (*L.S.* 1961—Iraq 1B), as amended (*Al-Waqayi'û al' Iraqiya*, 25 June 1963, No. 821) (*L.S.* 1963—Iraq 1).

Civil Service Law, No. 24, 1960, as amended.

Social Security Law, No. 27 of 17 May 1956 (*Al Waqayi'û al Iraqiya*, 2 June 1956, No. 3799) (*L.S.* 1956—Iraq 1), as amended.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Ireland

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Social Welfare Act, No. 11, 1952 (*L.S.* 1952—Ire. 1), as amended by Acts No. 25 of 1960 (*L.S.* 1960—Ire. 1A), No. 24 of 1956 (*L.S.* 1960—Ire. 1B) and No. 36 of 1958 (*L.S.* 1960—Ire. 1C).

Social Welfare (Maternity Allowance) Regulations, No. 375, 1952.

Health Act of 1953 (ss. 16, 17 and 25).

Maternity and Child Health Services Regulations, 1954 (*Statutory Instruments*, 1954, No. 98), as amended.

Articles 1 and 2 of the Convention. Generally all women between the ages of 16 and 70 employed under a contract of employment or apprenticeship in industrial, non-industrial and agricultural undertakings are insured for the purpose of maternity benefit.

Article 3. While there is no legislation providing for maternity leave, the maternity allowance payable is intended to relieve a woman of the necessity of working immediately prior and subsequent to confinement.

Article 4. Subject to certain contribution conditions a maternity benefit is payable to qualified insured women by means of a lump-sum maternity grant and a weekly maternity allowance normally both for the six weeks preceding and following confinement, and provision is made that when the confinement occurs later than expected the allowance continues to be payable until the expiration of the sixth week thereafter.

The Maternity and Infant Care Scheme provides for prenatal, confinement and postnatal care free of charge to certain categories of persons, the main criteria being that these persons would be unable without undue hardship to provide the necessary services. A woman entitled to the services in question may choose any one of the

doctors who have agreed to provide maternity services on behalf of the local health authority. Necessary examinations and medical care are matters between the doctor and the patient.

Hospital services are available for the mother, infant or both as may be necessary and include any essential specialist services while the patient is an in-patient.

Article 5. There is no legislation providing for the interruption of her work by a woman nursing her child.

Article 6. The question of notice of dismissal during absence from work on maternity leave is not covered by legislation.

The Ministers of Social Welfare and Health are entrusted with the supervision of the application of the legislation and regulations relating to social welfare (maternity benefits) and the Maternity and Infant Care Scheme respectively.

In order to ratify the Convention new legislation will be necessary to provide for maternity leave, interruption of work for nursing the child and procedures in regard to notice of dismissal during maternity leave. The introduction of such legislation is not at present contemplated.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Israel

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Employment of Women Law of 1954 (*Sefer Ha-Chukkim*, No. 160, 1953-54, p. 154).

National Insurance Law of 18 November 1953 (*ibid.*, 27 Nov. 1953, No. 137, p. 6) (*L.S.* 1953—*Isr.* 3), as amended by the Acts of 18 April 1957 (*L.S.* 1957—*Isr.* 3A), 31 July 1957 (*L.S.* 1957—*Isr.* 3B), 27 June 1955 (*L.S.* 1957—*Isr.* 3C) and 3 August 1959 (*L.S.* 1959—*Isr.* 2).

Articles 1 and 2 of the Convention. Maternity benefits are provided for every working woman, irrespective of the economic branch of her employment. The legislation covers the provisions of Article 2 as regards the terms "woman" and "child". Women under 18 years of age are not entitled, as of right, to maternity benefits, but the National Insurance Institute has discretionary power to grant maternity benefits in such cases and has in fact regularly granted them.

Article 3, paragraphs 1, 2 and 3. Where a female worker is shortly to give birth, her employer shall grant her maternity leave of 12 weeks, including a period of not less than six weeks after the delivery. The maternity leave may be shortened with the consent of the worker and the approval of a physician, if the child is not alive, provided that the leave includes not less than three weeks after delivery.

Paragraph 4. There is no provision in the legislation corresponding to that of this paragraph. However, postnatal leave has never been shortened in practice.

Paragraphs 5 and 6. Every female worker may be absent from her work during her pregnancy if and to the extent that a physician certifies that her condition so

requires. No maximum duration of this leave has been or may be fixed under the legislation. After the expiration of the maternity leave a female worker is allowed to be absent from her work up to six months from the beginning of the leave if and to the extent that her condition so requires.

Article 4. An insured person who is an employee of a self-employed person is entitled to maternity benefits to be paid by the National Insurance Institute.

Article 5. A female worker is entitled to nursing breaks for an hour every day. Such breaks do not affect remuneration.

Article 6. An employer shall not dismiss a female worker during her maternity leave or during her medically certified absence within a period of six months from the expiry of the maternity leave, and shall not give her notice of dismissal which would expire during such absence.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

An employer shall not dismiss a female worker during her pregnancy, whether or not she is on maternity leave, unless authorised to do so by the Minister of Labour, who shall not give such authorisation if, in his opinion, dismissal is requested in connection with pregnancy. This provision does not apply to a female worker in occasional or temporary employment.

An employer shall not employ pregnant women at night or during overtime hours or during the weekly rest.

See also under Convention No. 103.

Italy

CONVENTION No. 103

Constitution (art. 37).

Act No. 860 of 26 August 1950 respecting the physical and economic protection of working mothers (*Gazzetta Ufficiale (G.U.)*, 3 Nov. 1950, No. 253) (*L.S.* 1950—It. 2).

Act No. 986 of 12 December 1950 prohibiting the dismissal of working mothers during pregnancy and confinement.

Act No. 394 of 23 May 1951 respecting the safeguarding of their employment for working mothers (*G.U.*, 15 June 1951, No. 134) (*L.S.* 1951—It. 2).

Act No. 35 of 18 January 1952 to extend health care insurance to workers employed on family domestic services (*G.U.*, 7 Feb. 1952, No. 32) (*L.S.* 1952—It. 1).

Presidential Decree No. 568 of 21 May 1953 respecting standard regulations for giving effect to Act No. 860.

Article 37 of the Constitution states the principle that working conditions for female workers should enable them to fulfil their essential family functions and ensure adequate protection for mothers and children. This principle is also embodied in the Act of 26 August 1950 and in subsequent relevant regulations giving effect to it.

Moreover, Act No. 7 of 9 January 1963, prohibiting the dismissal of female workers on account of marriage, covers new categories of working mothers, such as salaried employees, for whom employers were previously required to pay maternity benefits.

Existing legislative provisions have been included in many collective agreements, which refer to the protective regulations laid down in the existing legislation.

Many collective agreements provide better protection than is afforded by the Act of 26 August 1950 as amended; thus a collective agreement dated 21 December 1962 provides that female workers in credit banks shall be entitled to four months' absence from work with pay.

The Act of 26 August 1950 applies to all activities covered by the Convention, with the exception of homeworkers and paid domestic work in private households. Under section 2 of the Act rules respecting the physical and economic protection of female homeworkers and domestic workers shall be drawn up. The Act of 1952 regulates the medical and health care, including obstetrical aid, to which female household workers are entitled.

Under the Presidential Decree of 1953 relatives by blood or marriage are excluded from maternity protection benefits only as far as the third degree, on condition that they live with and are dependent on the employer.

Article 3, paragraphs 1 to 3, of the Convention. Section 5 of the Act of 26 August 1950 provides for minimum compulsory leave of 14 weeks and of three months plus eight weeks in industry, of which 18 weeks must be granted after confinement.

Paragraphs 4 to 6. Sections 5 to 7 of the Act guarantee the extensions prescribed by these paragraphs, even in the case of pre-existing pathological states which have been aggravated by pregnancy. Moreover, female workers are also entitled to an additional period of six months during which their jobs will be reserved for them.

Article 4. Maternity protection is an integral part of general sickness insurance; thus female workers covered by sickness insurance also enjoy maternity benefits consisting of cash and other benefits for female workers and of non-cash benefits for dependants of insured male workers. Section 17 of the Act of 26 August 1950, as amended, provides that female workers employed by private undertakings are entitled to a daily wage equal to 80 per cent. of regular wages for the entire period of compulsory leave. Civil servants are entitled to full wages.

Unskilled agricultural workers and female homeworkers receive a lump-sum compensation under sections 22 and 25 of the Act.

Section 23 of the Act regulates the payment of the costs of childbirth and maternity. Women who are not entitled to such benefits generally receive assistance from such institutes and agencies as the Maternity and Child Welfare Fund or Communal Assistance Agency.

Benefits in compensation for the cost of medicines and medical care are provided under sections 8 and 22 of the Act of 26 August 1950, which concern agricultural workers. These benefits include prenatal and postnatal out-patient care by specialists, the assistance of a registered midwife freely chosen by the beneficiary, a complete layette free of charge and accommodation in a maternity home or ward.

The Act of 1952 extends sickness insurance to the aforesaid workers if they are employed continuously for a daily minimum of four hours.

Article 5. Sections 9 and 10 of the Act of 26 August 1950 and the provisions of the relevant regulations provide for two daily nursing periods of one hour each during the year following childbirth for female workers who breast-feed their children. These periods are considered working hours for the purposes of the working day and wages. The labour inspectorate may adjust the timing of rest periods where appropriate or assign nursing mothers to more favourable shifts.

Article 6. Section 3 of the Act of 26 August 1950 prohibits dismissal during the entire period of pregnancy and for one year following confinement on production of a medical certificate.

The labour inspectorate supervises the application of the legislation.

The Government intends to undertake the procedure for ratifying the Convention without delay.

RECOMMENDATION NO. 12

Section 22 of the Act of 26 August 1950 as amended provides for the payment of a lump-sum maternity benefit to female workers in agriculture by the National Sickness Insurance Fund, in addition to all-expense confinement coverage.

RECOMMENDATION NO. 95

The only standards of the existing legislation which fail to correspond with the provisions of the Recommendation relate to the prohibition of night work and special allowances for pregnant women and nursing mothers.

Paragraph 3, subparagraph (2), of the Recommendation. Sections 11 to 13 of the Act of 26 August 1950 and the provisions of the relevant regulations of 21 January 1953 cover the various aspects relating to the obligation for the various undertakings to establish hygienic premises, employment of qualified personnel for the care of children placed in nurseries, etc. Section 25 of the regulations sets out the rules respecting the promotion, setting up and financing of nursing rooms and day care establishments in agriculture for areas in which the economy is dependent on day labourers, wage earners and co-operative labour.

Paragraph 5. This Paragraph is given effect by section 4 of Act No. 860 of 26 August 1950, which prohibits the carrying of heavy objects or the performance of work which is fatiguing or harmful to the health of pregnant women during the three months following the confinement and seven months during the nursing period. Section 17 of the Act states that pregnant and nursing mothers assigned to work other than their regular jobs shall suffer no loss of wages.

Under the provisions of Act No. 693 of 26 April 1934 the prohibition of night work by women in general is prescribed in respect of the industrial sector only. The remaining sectors of the economy are therefore not included.

Act No. 1079 of 30 October 1953 prohibits overtime in the case of wage earners and salaried employees in so far as industrial undertakings are concerned. Although other branches are not covered by this Act, the interpretation of the Ministry of Labour (circulars No. 112 dated 28 May 1953 and No. 156 dated 20 May 1955, point 36) and current practice covers nursing women by this prohibition.

Should the Government adopt legislation in this field, provisions will be based, to the maximum extent compatible with national legislation and practice, on the standards set in the Recommendation.

See also under Convention No. 103.

Ivory Coast

CONVENTION NO. 103

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), amended by Decree No. 55-567 of 20 May 1955.

General Order No. 5254 IGTL/ANOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337) (L.S. 1954—F.W.A. 2).

Order No. 8868 ITLS/CI of 13 December 1955 instituting a family benefits scheme for wage earners covered by the Labour Code in the Ivory Coast (*Journal officiel de la Côte d'Ivoire*, 15 Dec. 1955, p. 1041) as amended by Decree No. 59-28 of 22 April 1959 (*ibid.*, 1959, p. 497).

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

The provisions of the Labour Code dealing with the employment of women apply to all women wage earners, irrespective of the industry in which they are employed.

Section 116 of the Code states that any interruption of service on confinement shall not be deemed to constitute a cause for breaking the contract; any woman whose pregnancy is medically certified or is manifest is entitled to suspend her contract of employment for 14 consecutive weeks, including the six weeks following the confinement.

The General Order of 1954 states that women may not be employed for a total of eight weeks before and after confinement, including the six weeks following confinement.

The employer is forbidden to compel a pregnant woman to work during the two weeks preceding her confinement.

Section 116 of the Code states that the suspension of a wage earner's contract of employment at the time of her confinement may be extended by three weeks in the event of certified illness arising out of her pregnancy or confinement. During this time a woman is entitled to free treatment and to half the wage she was receiving when she stopped work. In addition, she is entitled to an antenatal allowance (subject to medical examination) and a maternity allowance. The former is payable by the Equalisation Fund at the rate of 700 francs a month as follows: two months' allowance after the first examination; four months' allowance after the second examination; the balance after the third examination. The maternity allowance, consisting of payments in respect of 12 months at the rate of 700 francs a month, is payable in three instalments. In the event of a multiple birth, each birth is regarded as a separate case of maternity. Wages at half the usual rate are payable as long as the contract of employment is suspended (i.e. 14 weeks, or 17 weeks in the event of sickness due to pregnancy or confinement) and are paid by the Family Benefits Equalisation Fund from a special account which is financed by contributions from employers.

Under section 117 of the Code a mother is entitled to nursing breaks with pay totalling one hour per day for 15 months following the birth of her child.

The order of 1954 states that this hour must be divided into two periods of 30 minutes each, one during the morning and the other during the afternoon. A mother must be able to nurse her child at her place of work, and a special nursing room must be set aside for this purpose in or near any establishment employing more than 25 women.

During a woman's absence on maternity leave her employer may not give her notice under pain of incurring the penalties laid down in section 228 of the Code.

The laws and regulations for maternity protection are enforced by the Minister of Labour and Social Affairs, operating throughout the labour inspectorate.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Japan

CONVENTION No. 3

Article 3, clause (c), of the Convention. The period during which a nursing allowance is payable is not extended where a doctor or certified midwife makes a mistake in estimating the date of confinement.

See also under Convention No. 103.

CONVENTION No. 103

Labour Standards Act: Law No. 49 of 5 April 1947 (*Official Gazette (O.G.)*, 7 Apr. 1947, No. 303, p. 1) (*L.S.* 1947—Jap. 3).

Mariners' Act: Law No. 100 of 1947 (*O.G.*, 1 Sep. 1947, Extra (1), p. 1) (*L.S.* 1947—Jap. 5).

Rule 10-4 of the National Personnel Authority (Maintenance of Health and Safety of Employees), 1957.

Policy for administering the law concerning salary of employees in the Regular Service, 1951.

Health Insurance Act: Law No. 70 of 1922 (*Kampo*, No. 2914, 22 Apr. 1922) (*L.S.* 1922—Jap. 3).

Seamen's Insurance Law: Law No. 73 of 1939.

Law concerning National Public Employees' Mutual Aid Association: Law No. 128 of 1958.

Law concerning Local Public Employees' Mutual Aid Association: Law No. 152 of 1962.

Daily Life Protection Law: Law No. 144 of 1950.

Article 1 of the Convention. The above legislation applies to all workers except employers' relations living under the same roof with the employer, and domestic employees.

Article 2. No discrimination exists in respect of illegitimate children.

Article 3. Legislation generally provides that employers shall not employ a woman for six weeks before childbirth, when she requests such leave during that period, and for six weeks after the confinement. During the fifth week after the confinement the employer may assign her at her request to a job which is medically approved as appropriate to her condition. Though no specific provisions exist, the practice is to extend the leave before the presumed date of confinement by any period elapsing between the presumed and actual date of birth.

Article 4. Cash and medical benefits are provided, the latter being restricted to cases of abnormal confinement. Under sections 12, 15 and 16 of the law of 1950 the state and local public authorities provide financial assistance to those unable to meet the necessary expenses incurred in prenatal, confinement and postnatal care.

Both the Act of 1922 and Law No. 100 of 1947 provide that the insured person shall be entitled to a childbirth allowance equal to 60 per cent. of her daily salary for the period she is absent from work within the 42 days before and 42 days after the date of confinement. In addition, on the birth of the child an amount equal to 50 per cent. of her normal monthly remuneration and a nursing allowance of 2,000 yens are also payable to cover maternity expenses.

Similar provisions exist under the laws of 1958 and 1962 respectively, which provide a sum equal to 80 per cent. of a woman's daily salary during the period she is absent from work within the 42 days before and the 42 days after confinement, as well as a grant equal to her monthly salary and a nursing allowance of 2,400 yens to which she is entitled upon the birth of the child.

Article 5. The Labour Standards Act allows a woman two periods a day of at least 30 minutes to nurse her baby during the first year after birth. These periods are not counted as working hours and are therefore not subject to remuneration.

In the case of national public employees similar provisions apply, except that these periods are included as working hours and are remunerated accordingly.

Article 6. An employer cannot dismiss a woman absent from work on maternity leave during such absence and for 30 days thereafter, except where the approval of the administrative office has been obtained or where the continuation of the enterprise has been rendered impossible by reason of natural calamity or other inevitable cause.

The application of Law No. 49 of 1947 is the responsibility of the Labour Standards Bureau in the Ministry of Labour. Provisions of this Act particularly concerning the welfare of women and minors are administered by the Director of the Women's and Minors' Bureau of the Ministry of Labour. With respect to the enforcement and revision of the Labour Standards Act a Labour Standards Council composed of an equal number of members representing workers, employers and the public interest respectively has been set up in the Labour Standards Bureau of the Ministry of Labour and in each prefectural labour standards office.

Law No. 100 and related regulations are under the supervision of the Seamen's Bureau in the Ministry of Transportation and the local maritime bureau in each district. A Mariners' Labour Relations Commission has been established, consisting of representatives of mariners, shipowners and the public interest.

The Health Insurance Act and the Seamen's Insurance Act are under the jurisdiction of the Ministry of Welfare, which has established a similar tripartite Social Insurance Council.

Both the National Public Employees' Mutual Aid Association, which is supervised by the Ministry of Finance, and the various Local Public Employees' Mutual Aid Associations have established councils consisting of an equal number of experts, officers of the administrative authorities concerned and persons representing the members of the particular associations.

The legislation conforms in principle to the Convention. Though certain provisions of the Convention differ from or are not found in national legislation no changes in national legislation are immediately anticipated to give effect to these provisions

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Child Welfare Act: Law No. 164 of 1947.

Paragraph 2 of the Recommendation. Pregnant women and nursing mothers are encouraged by prefectural governors, etc., to receive health guidance concerning pregnancy and childbirth, or nursing care at health centres. Women unable to receive midwifery services through hospitalisation for economic reasons are taken into maternity homes and receive services necessary for their health and well-being.

Paragraph 3. Legislation provides that cities, towns, villages or other bodies may establish day nurseries and infant homes to ensure sufficient care of infants. It is also provided that the State and the prefecture may subsidise private infant homes or day nurseries, where they meet certain requirements, to cover the expenses required for their repair or expansion and the purchase of equipment.

The Ministry of Welfare is responsible for fixing the minimum standards concerning the equipment and management of child welfare facilities after consultation with the Central Welfare Council. These standards are maintained by the submitting

of reports and supervision by officials who are empowered to recommend dissolution or suspension of facilities which fail to meet them.

Paragraph 5. The legislation generally provides that no employer shall employ women between the hours of 10 p.m. and 5 a.m. except in particular enterprises specifically provided for, nor for overtime periods of more than two hours a day, six hours a week (12 hours in two weeks where necessary for the settlement of accounts) and 150 hours a year despite agreements to the contrary between an employer and his respective employees. Under the Seamen's Act work between the hours of 8 p.m. and 5 a.m. is prohibited.

The law provides that where a pregnant woman so requests the employer shall transfer her to a lighter job. Legislation also exists which prohibits the employment of women in dangerous or harmful jobs and in jobs which require the conveyance of heavy goods.

Jordan

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Code: Act No. 21, 14 May 1960 (*Al-jarida al-rasmiya*, 21 May 1960, No. 1491, p. 511) (L.S. 1960—Jor. 1).

Article 1 of the Convention. No legislation concerning maternity protection in agriculture has yet been issued since most women workers in agriculture assist their husbands and are not wage earners.

Articles 3 and 4. Women workers employed in regulated establishments are entitled to leave of three weeks before and three weeks after confinement.

A woman employed in a regulated establishment shall be entitled to a grant for the period of maternity leave on condition that she has worked in the establishment for at least 180 days during the 12 months immediately preceding the anticipated date of confinement. The amount of the maternity grant shall be equal to half the woman's average remuneration.

The legislation prohibits the employment of pregnant women at night in non-industrial occupations. Under the holiday system applicable in government departments women are granted paid maternity leave of one month. Such leave shall not be counted as sick leave. If the woman cannot resume her duties after her maternity leave because of illness she shall receive sick leave according to the provision governing such leave.

The delay in the ratification by the Government of Conventions Nos. 3 and 103 is due to economic conditions, since married women constitute only 3 per cent. of the total number of workers. Moreover, because of serious unemployment, employers prefer to engage male rather than female workers.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Kenya**CONVENTION No. 3**

See under Convention No. 103.

CONVENTION No. 103

No general legislative provisions exist for maternity protection or for maternity allowances, the present policy being to leave the matter of application of maternity protection provisions to be registered in collective agreements or by statutory wage councils, where such exist, in industries or trades employing many women workers.

The Convention is not applied at present.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Kuwait**CONVENTION No. 3**

Labour (Private Sector) Act, 1959 (*Kuwait al-Yawm*, No. 216, 15 Mar. 1959).

National Health Service Act.

Public Assistance Act, 1962.

Under section 26 of the Act of 1959 a pregnant woman is granted leave of absence of 30 days before and 40 days after confinement, which leave may be extended to 100 days if the mother proves her illness by approved sick report. During the said leave of absence the mother shall be paid her full salary, and shall not be dismissed because of such absence.

Under the National Health Service Act medical care for a pregnant woman before and after delivery is guaranteed. Sections 5 and 7 of the Public Assistance Act provide that pregnant women and nursing mothers shall be entitled to public assistance also.

The state of development does not permit ratification of the Convention.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

There is no need to adopt the provisions of the Recommendation in view of the non-existence of farming and the absence of women farm workers in Kuwait.

RECOMMENDATION No. 95

Several measures being applied in Kuwait are in accordance with the provisions of the Recommendation. These are as follows: (a) maternity leave of 70 days'

absence from work; (b) extended period of 100 days for illness certified by a medical report; (c) medical care in hospital before and after confinement; (d) prohibition of night work to women in general and of overtime work to pregnant women; (e) prohibition of the performance by women of work which is harmful to their health.

Luxembourg

CONVENTION No. 103

Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (*Mémorial*, 31 Mar. 1932, No. 17, p. 177) (L.S. 1932—Lux. 1).

Act of 24 April 1954 to establish a Social Insurance Code (Bks. I and IV) (*Mémorial*, 24 Apr. 1954).

Consolidated text, dated 20 April 1962, of the Acts respecting the legal regulation of the contracts of service for salaried employees in private employment (*ibid.*, 21 June 1962, No. 32-A, p. 499) (L.S. 1962—Lux. 1).

Article 1 of the Convention. The foregoing regulations apply to women employed in industrial and commercial establishments, whether public or private. They do not cover women farm workers, homeworkers, domestic servants or civil servants, for whom separate arrangements are made. Nor do they apply to industrial and commercial establishments in which only members of the employer's family are employed.

Article 3. It is forbidden to employ women during the six weeks following confinement. They are entitled to leave work six weeks before confinement on production of a medical certificate.

Article 4. Under the legislation insured women who have been members of one or more sickness funds for at least ten months during the 24 months preceding the confinement, including at least five months in the year immediately preceding it, are entitled to the following maternity benefits from the fund to which they belong: (a) during confinement, to attendance by a midwife and if necessary to medical care, pharmaceutical products and a stay in a maternity home or clinic; (b) to maternity benefit equal to sickness benefit for six weeks before and six weeks after confinement (at the rate of 70 per cent. of normal earnings); (c) to a nursing allowance for 12 weeks after confinement, at a daily rate which may not exceed one-quarter of the maximum maternity benefit.

The benefits referred to in (a) and (c) above are covered by a lump-sum allowance of 1,800 or 2,300 francs, depending on whether confinement takes place at home or in a hospital. Additional benefit is payable in the event of surgery.

Article 5. A working mother who nurses her child is entitled to two nursing breaks a day of half-an-hour each.

Article 6. It is forbidden for an employer to dismiss a working woman, whether married or not, who absents herself from work during the six weeks before and the six weeks after confinement. If she is absent for a longer period, owing to illness certified as being due to pregnancy or childbirth, dismissal may not take place for three months. An employer may not give notice during these periods of leave or on a date which would result in the notice expiring during that time.

Breaches of the regulations governing maternity leave and protection against dismissal are punishable by fines.

The laws and regulations on this subject are enforced by the labour inspectorate.

The Act of 20 April 1962 sets higher standards of maternity protection in the case of women salary earners in private employment.

Luxembourg is also taking an active part in the efforts of the Benelux Economic Union and the European Economic Community to level up national standards.

The only obstacle in the way of ratifying the Convention is the fact that existing legislation provides for maternity leave only in the case of women in industrial or commercial establishments.

RECOMMENDATION No. 12

Women wage earners in agriculture are subject to compulsory insurance with the Regional Workers' Insurance Funds. They thus enjoy the same advantages as women workers in the industrial and commercial sectors as far as sickness and maternity benefits are concerned, although present legislation only makes provision for maternity leave for the latter.

See also under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Malagasy Republic

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Decree No. 62-152 of 28 March 1962, prescribing conditions of employment for children, women and expectant mothers (*Journal officiel*, 7 Apr. 1962).

Section 1 of the above decree provides that expectant mothers may not be employed on jobs which are beyond their strength or may be dangerous to them. Section 6 makes it an offence to require an expectant mother to carry, push or drag any heavy load; this prohibition also covers the three weeks following the resumption of work after confinement.

Under section 20 of the same decree a mother nursing her child is entitled to a total of one hour off during the working day. This must be taken in the form of two 30-minute breaks, one in the morning and the other in the afternoon. A woman must be able to nurse her child in a special room at her place of work, which must be provided either in or near the establishment if it employs more than 25 women.

No woman may be employed for a period of eight weeks in all before and after her confinement, nor may she be employed during the six weeks following her confinement (section 21 of the decree). In addition, section 77 of the Labour Code allows expectant mothers to stop work for 14 consecutive weeks, including six weeks after confinement.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Malaysia

States of Malaya

CONVENTION No. 3

Labour Code (*Federation of Malaya Statutes*, Cap. 154) and equivalent Labour Codes of states and settlements.

Employment Ordinance, No. 38, 27 June 1955 (*L.S.* 1955—Mal. 2), as amended by Ordinance No. 43 of 11 December 1956 (*L.S.* 1956—Mal. 1).

Legal Notifications Nos. 365 and 366 of 1957.

Employment Regulations of 1957.

Under the Employment Ordinance every female labourer as defined by that ordinance and Legal Notifications Nos. 365 and 366, whether employed in industrial, commercial or agricultural undertakings, is entitled to abstain from work for 30 days before and 30 days after confinement. During this period she is entitled to a maternity allowance of \$2.20 a day, payable by her employer. No specific legal provisions exist concerning time off for female workers to nurse their children. Under the Employment Ordinance, during the period a female labourer is absent from her work either before or after confinement it is unlawful for her employer to give her notice of dismissal at such time that the notice would expire during her absence unless such absence exceeds three months.

With respect to a large number of persons employed in private undertakings—commercial, industrial or agricultural—not covered by the Employment Ordinance or Labour Code, collective agreements provide for maternity leave with pay. The period of entitlement is generally one month before and one month after confinement.

Public employees in Government and certain public departments are subject to government general orders which provide for maternity leave with full pay up to 42 days with extension of leave in certified cases as sick leave on full pay for a further 90 days. Further extension of sick leave may be granted where certified necessary.

The Department of Labour and Industrial Relations in the Ministry of Labour is responsible for the administration of the Employment Ordinance and Labour Code.

No modifications of the present legislation are contemplated at present. The provisions of the Convention are regarded as appropriate for federal action in respect of the States of Malaya.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Sarawak

CONVENTION No. 3

Labour Ordinance, 1952.

Labour (Maternity Benefits) Rules, 1954 (*Government Gazette*, 21 May 1954, Part II).

General Order No. 182 (I) (revised 15 Sep. 1963).

The Labour Ordinance of 1952 provides that every female worker shall be entitled to be absent from work during the period of four weeks before and after confinement, and during the period while she is so absent the worker shall be paid a maternity benefit calculated in accordance with the Labour (Maternity Benefits) Rules, 1954.

For a pregnant employee of the Government, the above general order in effect provides for extraordinary leave up to a maximum of five weeks with full pay if she has completed not less than 180 days' service and on half pay if she has completed not less than 80 days' service. Such leave, if considered warranted by a government medical officer, may be extended for any further period of up to a maximum of three weeks. A further period of extraordinary leave on half pay up to a maximum of four weeks may be granted subject to approval of the State Secretary and certified warranted by a government medical officer. Under the Labour Ordinance an employer of a female worker shall not give her notice of termination of employment while she is absent from her work in accordance with the provisions of section 84.

The Commissioner of Labour is responsible for the application of the Labour Ordinance.

The general orders are administered by Federal and State Secretaries. The conditions of employment of all established staff of the civil service are covered by the general orders.

It is not yet intended to take any measures to give immediate effect to the provisions of the Convention.

CONVENTION No. 103

It is not yet intended to take any measures to give immediate effect to the provisions of the Convention.

See also under Convention No. 3.

RECOMMENDATION No. 12

It is not yet intended to take any measures to give immediate effect to the provisions of the Recommendation.

See also under Convention No. 3.

RECOMMENDATION No. 95

The Labour Ordinance of 1952 prohibits the termination of an appointment within three months before confinement. It is not anticipated that there would be any opposition to extending the period to continue until one month at least after the end of the period of maternity leave.

It is not yet intended to take any measures to give immediate effect to the provisions of the Recommendation.

See also under Convention No. 3.

Singapore

CONVENTION NO. 3

No difficulties are expected to be encountered which will prevent or delay the ratification of this Convention; it can be declared as applicable to the territory subject to certain modifications.

CONVENTION NO. 103

Labour Ordinance, No. 40, 1955.

Industrial Relations Ordinance, No. 20, 1960 (*Government Gazette*, 4 Mar. 1960, Supplement).

Article 1 of the Convention. Maternity protection provided under the Labour Ordinance applies to all women employed in the undertakings and occupations set out in this Article who conform to the description of "workman" under section 2 of the said ordinance. The ordinance does not cover women wage earners working at home. Existing collective agreements and individual contracts of service provide for maternity protection to women wage earners in some non-industrial occupations.

Article 2. The requirements of this Article are covered by the Labour Ordinance and generally observed in practice.

Article 3, paragraphs 1 and 2. Under section 98 (1) of the Labour Ordinance a "female workman" is entitled to abstain from work for periods of four weeks each before and after confinement. In order to take advantage of these provisions she is required to give notice to her employer that she expects to be confined within one month of the date of such notice.

Paragraph 3. There is no statutory provision concerning maternity leave to employees not covered by the Labour Ordinance. However, such employees would be entitled to maternity leave as provided in individual contracts of service, collective agreements or arbitration awards. In private industrial and commercial establishments collective agreements provide for periods of leave of one month before and one month after confinement. Female employees in the employment of the Government and statutory bodies are granted periods of leave before and after confinement, but such leave is treated as ordinary sick leave. The total number of days given differs from 42 to 60 days.

Paragraph 4. There is no legal provision for the extension of leave before confinement by any period elapsing between the presumed date of confinement and the actual date of confinement, but in practice where this happens employers usually give the necessary extension.

Paragraph 6. There is no legislative provision for extending the period of maternity leave as a result of illness arising out of pregnancy or confinement. However, where such illness arises and is certified by a medical practitioner, a woman could make use of the ordinary sick leave of 28 days in each year (section 48 of the Labour Ordinance). In the case of those female employees who are not covered by the Labour Ordinance they would, in similar circumstances, be able to take sick leave as provided for in the contracts of service or collective agreements.

Article 4. Under the Labour Ordinance "female workmen" receive maternity benefits in cash at the rate of \$2 to \$4 per day. In the case of employees who are not covered by the Labour Ordinance but who are entitled to maternity benefits under the individual contracts of service or collective agreements, the employees continue to draw their normal salaries from their employers during the period of leave. There is no legislative provision dealing with medical benefits. However, women employees are entitled to free medical benefits provided by the Government.

Under legislation and practice the paid benefits are borne by the employer and not provided out of public funds or by means of a system of compulsory insurance.

As regards employees who do not fall within the scope of the Labour Ordinance the Public Scheme may, in appropriate cases, provide them monetary assistance which is subject to the total income and the number of dependants of the applicant. A system of compulsory social insurance has not been established. Under legislation and practice the employer is liable for the cost of maternity benefits due to women employed by him.

Article 5. There is no provision giving effect to the requirements of this Article. In practice, however, the purpose of this Article is covered by nine crèches set up by the Government in densely populated urban areas.

Article 6. Under the Labour Ordinance it shall not be lawful for a woman's employer to give her notice of dismissal during maternity leave. The employer has the right to terminate the contract of service of a female employee who has been granted maternity leave only if she works for another employer during her leave.

The application of the Labour Ordinance is supervised by the Commissioner for Labour.

In view of the differences between the Convention and the national legislation and practice, and of the cost of maternity protection, a difficulty arises which may prevent or delay ratification.

RECOMMENDATION No. 12

The legislation and practice do not distinguish between women wage earners employed in agricultural undertakings and those employed in industrial or commercial undertakings.

The number of women employed in agriculture is negligible.

RECOMMENDATION No. 95

Paid maternity benefits provided for by the Labour Ordinance exceed two-thirds of the previous earnings of the woman concerned. None of the benefits mentioned in Paragraph 2 (6) of the Recommendation is provided.

With the exception of night work prohibition under section 50 (1) of the Labour Ordinance, the legislation does not contain any other provisions with respect to the working conditions of pregnant women and nursing mothers.

Mali

CONVENTION No. 103

Labour Code: Act No. 62-67/AN-RM of 9 August 1962 (*Journal officiel (J.O.)*, 15 Oct. 1962, No. 128) (*L.S.* 1962—Mali 1) (ss. 230-240).

Social Welfare Code: Act No. 62-68/AN-RM of 9 August 1962 (*J.O.*, 15 Oct. 1962).

Order No. 5254 IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337) (*L.S.* 1954—F.W.A. 2).

Article 1. The foregoing laws and regulations apply to women wage earners employed in establishments of all kinds, whether agricultural, commercial or industrial, public or private, religious or secular, even if they are vocational training establishments, and also to women wage earners employed by private individuals.

Article 2. The term "woman" means any person of the female sex, whether married or unmarried, irrespective of her age, nationality or religious beliefs.

Article 3. At the time of her confinement, a woman is entitled to maternity leave of 14 consecutive weeks, consisting of six weeks before and eight weeks after confinement. She may not be employed for a consecutive period of seven weeks which must include the three weeks before the presumed date of confinement. If owing to illness she cannot resume work at the end of her maternity leave, the suspension of her contract of employment for six months as provided by the Code in case of sickness takes effect as from the first day of her maternity leave.

Article 4. During her maternity leave a woman is entitled to free care, i.e. attendance by a general practitioner and the supply of pharmaceutical products (subject to the restrictions laid down by the Social Welfare Code) and continues to draw the same wage that she was earning at the time of stopping work; this wage is payable by the National Social Welfare Institute. Payment is made in respect of the actual period of absence during the six weeks before and eight weeks after confinement. A daily allowance is also payable during all or part of the extra three weeks' leave granted whenever a woman is unable to resume work because of the consequences of pregnancy or childbirth.

Article 5. A mother who is nursing her child is entitled to nursing breaks at her place of work for 15 months after the birth of the child. These breaks may not exceed one hour a day and may not entail any cut in wages.

Article 6. Any expectant mother is entitled to break her contract of employment if she gives her employer 24 hours' notice (except in the event of *force majeure*) without having to pay compensation. The same applies during the 15 months following the birth of the child.

The labour inspectors are responsible for enforcing the foregoing laws and regulations.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Paragraph 3 of the Recommendation. Nursing breaks consist of two 30-minute periods, one during the morning and the other during the afternoon. A special room must be set aside for this purpose in every establishment.

Paragraph 4. Any employer wishing to dismiss a wage earner who has been on his payroll for more than three months must secure the consent of the labour inspectorate. This will be refused in the case of an expectant mother unless she has committed a serious offence or the firm itself is being wound up.

Paragraph 5. The order of 19 July 1954 specifies certain types of work which may not be performed by expectant mothers. Section 1 of this order forbids generally the employment of expectant mothers on work beyond their strength or which might otherwise be dangerous.

Mauritania

CONVENTION No. 103

Labour Code: Act No. 63-023 of 23 January 1963 (*Journal officiel*, 20 Feb. 1963, No. 106, p. 53) (L.S. 1963—Mau. 1).

General Order No. 5254 IGTLs/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337) (L.S. 1954—F.W.A. 2).

The above legislation applies to all branches of the economy—industry, commerce and agriculture.

Under section 33, Book II of the Labour Code, any woman whose pregnancy is medically certified is entitled to leave her work without notice.

At the time of her confinement she is entitled to suspend her contract for 14 weeks, of which eight must be after her confinement, and this interruption may not be held to justify breach of her contract. This period may be extended by three weeks, during which the employer may not give notice.

It is forbidden to employ any woman during the six weeks following her confinement. For 15 months following the birth of her child a mother is entitled to nursing breaks totalling one hour in each working day.

Under the family benefits legislation a woman is entitled to her full wage during the compulsory suspension of her contract of employment for a period not exceeding the length of notice to which she is entitled. After this time limit she receives half pay.

The laws and regulations are enforced by the labour inspectorate.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Mexico

CONVENTION No. 3

Constitution (*Diario Oficial (D.O.)*, 5 Dec. 1960) (L.S. 1960—Mex. 1) (art. 123).

Federal Labour Act (*D.O.*, 28 Aug. 1931, No. 51) (L.S. 1931—Mex. 1), as amended by decrees of 31 December 1955 (*D.O.*, 7 Jan. 1956, No. 6) (L.S. 1955—Mex. 1), 31 December 1956 (*D.O.*, 31 Dec. 1956, No. 50) (L.S. 1956—Mex. 2) and 30 December 1959 (*D.O.*, 31 Dec. 1959, No. 50) (L.S. 1959—Mex. 1).

Act of 31 December 1942 respecting Social Insurance (*D.O.*, 19 Jan. 1943, No. 15) (L.S. 1942—Mex. 1), as amended by decrees of 3 February 1949 (*D.O.*, 28 Feb., 1949, No. 48, p. 2) (L.S. 1949—Mex. 1), 29 December 1956 (*D.O.*, 31 Dec. 1956, No. 50, p. 14) (L.S. 1956—Mex. 1) and 30 December 1959 (*D.O.*, 31 Dec. 1959, No. 50, p. 34) (L.S. 1959—Mex. 2).

Act respecting the Government Servants' Social Security and Welfare Institution.

Federal Act respecting government servants.

Collective agreement for the petroleum industry.

Collective agreement for the Mexican National Railways.

Under the Constitution a woman worker shall be entitled to three months' maternity leave, to two daily breaks to nurse her child and to medical and obstetrical treatment as necessary.

The Federal Labour Act stipulates that during the period of her pregnancy a woman shall not be employed on dangerous work or on work requiring considerable physical effort; she shall be entitled to six weeks' leave before and six weeks' leave after confinement, on full pay; if, as a result of her pregnancy or confinement, she is incapable of work, the leave before or after confinement shall be extended as necessary, and she shall, in that event, receive half pay; as long as she nurses her child she

shall be entitled to two breaks of 30 minutes each per day; she shall be entitled to retain her job for a period of up to one year after the date of childbirth (section 100-B).

Section 56 of the Social Insurance Act provides that an insured woman shall be entitled, during pregnancy, at confinement, and during the period following the confinement, to the necessary obstetrical attendance and pecuniary benefit equal to the pecuniary sick benefit; this benefit shall be paid to the insured woman for 42 days before and 42 days after the confinement. A supplement shall be added to this benefit for eight days prior to the confinement and 30 days thereafter, and shall be equal to 100 per cent. of the fixed pecuniary benefit. This supplement shall be paid only on condition that the insured woman does not perform any work for remuneration during the two periods concerned. The same section provides for a nursing allowance when the mother is physically incapable of breast-feeding her child and for the supply of a layette on the birth of the child.

Under section 26 of the Act respecting the Government Servants' Social Security and Welfare Institution, a woman employee, or the wife or living companion of an employee, shall be entitled to the necessary obstetrical attendance, to a nursing allowance and to a layette.

In addition, section 25 of the Federal Act respecting government servants provides that a woman employee shall be entitled to one month's leave before confinement and two months' leave thereafter, as well as to two breaks of 30 minutes each per day to feed her child.

Under the collective labour agreement for the petroleum industry a woman worker shall be entitled to 42 days' leave before confinement and 45 days' leave thereafter, with normal remuneration. This agreement also provides that a woman worker shall perform light work during the three months preceding her confinement, that she shall be allowed two breaks of one hour each per day to feed her child, and that if a woman worker is incapable of resuming her work after the leave period provided for she shall then be considered as being on ordinary sick leave and shall be subject to the relevant provisions of her contract of employment.

The collective labour agreement for the Mexican National Railways provides for six months' leave before and six months' leave after confinement, on full pay, and for an extension of up to 60 days on half pay in the event of incapacity for work due to the pregnancy or confinement. It also provides for two breaks of half-an-hour each for feeding the child.

The Supreme Court of Justice, the central and federal conciliation and arbitration boards and the arbitration courts are responsible for the application of these provisions from the legal point of view; administrative responsibility for their application rests with the Department of Labour, the labour directorates of the governments of the federal units, the safety and social services institutions and the Social Insurance Institute.

In certain cases the provisions of the Convention have served as a guide to the legislators.

A previous Department of Labour was of the opinion that it was not possible to ratify the Convention in view of the national legislation. Now it is considered that the obstacles to ratification have almost been overcome.

CONVENTION No. 103

The present Convention has not been ratified in view of existing legislation. It is felt preferable to amend the legislation so that this instrument can be ratified in the future.

See also under Convention No. 3.

RECOMMENDATION No. 12

Under section 6 of the Social Insurance Act the Federal Government may, on the recommendation of the Social Insurance Institute, prescribe the dates and detailed procedure for the extension of compulsory social insurance to wage earners in agriculture. This has already been done in some parts of the country.

See also under Convention No. 3.

RECOMMENDATION No. 95

Section 107 of the Federal Labour Act forbids the employment of women in dangerous or unhealthy jobs, except when, in the opinion of the appropriate authority, all necessary measures have been taken and all necessary equipment installed for their protection. Section 108 of the Act lists, among other dangerous jobs, the lubrication and cleaning of machines, the handling of automatic or circular saws, work underground or under the sea, the manufacture of explosives or inflammable substances and any others that may be specified by law.

See also under Convention No. 3.

Morocco

CONVENTION No. 3

For legislation see under Convention No. 103.

The main difficulty preventing ratification of the Convention relates to the length of time during which a woman who is absent from her work shall be paid an allowance: the Convention provides for 12 weeks, whereas the legislation provides for only ten weeks. Although it is not provided by law that a woman worker shall be paid benefits sufficient for the maintenance of herself and her child, in practice the hospitals and dispensaries under the Ministry of Health provide free care to all those in need of it. In addition, mutual aid societies, membership of which is not, however, compulsory, grant special maternity benefits.

CONVENTION No. 103

Decree of 2 July 1947 to regulate employment (*Bulletin officiel du Protectorat de la République française au Maroc (B.O.P.M.)*, 17 Oct. 1947, No. 1825, p. 1028) (L.S. 1947—Mor. 1), amended and supplemented by the decree of 5 August 1950 (*B.O.P.M.*, 5 Jan. 1951, No. 1993, p. 2) (L.S. 1950—Mor. (Fr.) 2).

Dahir No. 1-59-148 of 31 December 1959 to set up a social security scheme (*Bulletin officiel*, 22 Jan. 1960, No. 2465, p. 170) (L.S. 1959—Mor. 2), as amended by Dahirs No. 1-60-104 of 25 June 1961 and No. 1-61-249 of 7 September 1963.

A woman can suspend her employment for 12 consecutive weeks before and after confinement. This suspension does not entitle her employer to terminate the contract of employment, provided she notifies him of the reason for her absence. Similarly, on production of a medical certificate, a woman can extend her leave to 15 weeks without her employer being able to dismiss her.

It is also forbidden for an employer to assign mothers to jobs during the six weeks following childbirth. A working woman is entitled to a daily allowance for ten weeks, including not more than six before her confinement and not more than eight afterwards, on condition that she does not engage in any wage-earning employment during this time. The allowance is equal to half her average daily wage and is paid by the National Social Security Fund.

If a mother nurses her child she is entitled to two half-hour breaks a day for this purpose.

Only women employed in industrial and commercial occupations are entitled to a daily maternity allowance; those in other occupations and those engaged in domestic service do not receive an allowance. Some firms belong to mutual benefit schemes which provide medical benefits and grants on confinement, but membership of such schemes is not compulsory. Payment in respect of nursing breaks is not required by the legislation. The benefits required by the Convention would place an extra burden on employers or the State which would be undesirable in view of the present economic situation, since the birth rate in Morocco is one of the highest in the world. It is not therefore possible at present to amend existing legislation.

Enforcement of the laws and regulations is the responsibility of the labour inspectorate. Police officers also have power to investigate breaches of the law.

RECOMMENDATION No. 12

Dahir No. 1-57-182 of 9 April 1958 to determine the conditions of employment and remuneration for wage earners in agriculture (*Bulletin officiel*, 16 May 1958, No. 2377, p. 781) (L.S. 1958—Mor. 1).

In agriculture suspension of work by a woman for 12 consecutive weeks during the period which precedes and follows confinement shall not entitle the employer to terminate the contract of service. During one year from the date of her delivery any woman who is nursing her child shall each day be allowed during working hours a nursing break of half-an-hour in the morning and half-an-hour in the afternoon without reduction of wages.

The enforcement of the laws or regulations is entrusted to officials of the Agricultural Labour Inspectorate.

At the present time it is not planned to adopt measures enforcing those provisions of the Recommendation not yet covered by national legislation or practice. For the time being it is not planned to extend to women wage earners in agriculture the granting of benefits during the periods when women are authorised to be absent from work. It should, however, be stressed that women employed in agriculture do only part-time work; in general they are engaged in seasonal work, and it would be difficult for them to fulfil the conditions for entitlement to these benefits laid down by the legislation now in force in industry and commerce.

RECOMMENDATION No. 95

Order by the Minister of Labour and Social Affairs dated 14 July 1962 prescribing standards for the layout, hygiene and supervision of nursing rooms.

Decree of 24 January 1953 respecting the calculation and payment of remuneration, company stores, and lawful and unlawful subcontracting (*Bulletin officiel du Protectorat de la République française au Maroc (B.O.P.M.)*, 1 May 1953, No. 2114, p. 615) (L.S. 1953—Mor. (Fr.) 1).

Order of the Vizier of 30 September 1950 respecting the weights which may be carried, drawn or pushed by women and children (*B.O.P.M.*, 17 Nov. 1950, No. 1986, p. 1412) (L.S. 1950—Mor. (Fr.) 1).

Decree No. 2-56-1019 of 6 September 1957 concerning the dangerous operations prohibited to women and children (*Bulletin officiel*, 20 Sep. 1957; No. 2343, p. 1231) (L.S. 1957—Mor. 4).

For one year after their confinement, women nursing their children are entitled to half-an-hour's break in the morning and a further half hour in the afternoon during working hours. During these daily breaks, a mother can nurse her child either in a special room attached to her place of work or outside the establishment, whichever she prefers. A special nursing room must be provided in or near any

establishment employing more than 50 women over the age of 15. Standards regarding the layout, hygiene and supervision of these nursing rooms and nurseries are laid down in the order of 1962.

During her statutory leave before and after confinement a woman does not lose any of her seniority rights. This absence is regarded as time actually worked for the purpose of the legislation on seniority bonuses and holidays with pay.

No measures are in preparation to implement the provisions of the Recommendation which are not yet covered by national law or practice. The level of maternity benefits as defined in Paragraph 2 of the Recommendation is the main obstacle to its implementation. Furthermore, the time off allowed to nursing mothers is one hour per day, as against the one-and-a-half provided for by the Recommendation. In addition, a woman's employment is only protected during the statutory maternity leave, whereas the Recommendation states that protection should begin as from the date when the employer is notified by medical certificate of her pregnancy and should continue until one month at least after the end of the period of maternity leave. Lastly, there are no special regulations dealing with the performance of night work, overtime and arduous jobs by expectant or nursing mothers.

See also under Convention No. 103.

Netherlands

CONVENTION NO. 3

As a result of compulsory insurance provided for by the order respecting sick funds of 1941, a woman worker shall be entitled to all necessary medical care throughout the period during which she is absent from work on account of pregnancy or confinement, on condition that, and for as long as, she receives the cash benefit to compensate for loss of income granted under the Sickness Insurance Act or the equivalent public administrative regulation. The benefit granted under the Sickness Insurance Act shall be paid as from the first day of the last six weeks preceding the probable date of confinement and for the duration of incapacity for work attributable to the confinement up to a maximum of 52 weeks but in no case for less than six weeks after the date of confinement. The benefit is equal to the daily wage.

Compulsory insurance is confined to workers whose regular cash remuneration from one or more gainful occupations does not exceed 9,700 florins per year. In principle the insurance provides benefits in kind, including all necessary medical and pharmaceutical treatment. A woman engaging in remunerated employment as a result of which she is covered by the Sickness Insurance Act, or by an equivalent public administrative regulation, shall be entitled to prenatal, obstetrical and post-natal treatment provided by a midwife or, in default thereof, by a family physician. The family physician may, if necessary, call in a specialist, and, if necessary for medical reasons, an insured woman may be entitled to hospital treatment for a maximum period of one year.

The Sick Funds Council, on which the employers' and workers' organisations are represented, is responsible for the supervision and enforcement of sickness insurance. The Council comes under the authority of the Minister of Social Affairs and Public Health.

The only obstacle to ratification of the Convention is the fact that, since 1 January 1964, a woman whose regular remuneration from one or more gainful occupations exceeds 9,700 florins per annum is not covered by compulsory insurance. A Bill to amend the Sickness Insurance Act, which proposes the removal of the wages ceiling, was tabled with the Chamber of Deputies of the States General on 25 April 1963.

CONVENTION No. 103

Women who are not entitled to medical benefits under the compulsory insurance scheme and who are themselves unable to afford the cost may apply for assistance from the medical branch of their local welfare service (under the general regulations issued in application of the Needy Persons (Insurance) Act). The medical branch does not itself provide the medical care, but either pays the contribution for voluntary membership of a sickness fund or else meets the cost of the medical care received. The existing regulations on compulsory sickness insurance (annexed to the Needy Persons (Insurance) Act) meet the requirements of the Convention as regards medical benefits.

See also under Convention No. 3.

RECOMMENDATION No. 12

Under the order respecting sick funds there is no difference between women wage earners in agriculture and women employed in other sectors as far as compulsory sickness insurance is concerned.

See also under Convention No. 3.

RECOMMENDATION No. 95

Paragraph 2, subparagraph (2), of the Recommendation. The medical benefits provided under the compulsory sickness insurance scheme already cover the forms of care mentioned, with the exception of care during confinement at home or in a maternity clinic. In addition, payment is made in respect of confinement in a clinic only if it is medically necessary.

Subparagraph (3). Medical benefit is afforded with a view to maintaining, restoring and improving the health of mothers and their ability to work. The benefits include a grant of 55 florins on confinement. Care during confinement at home is given by private agencies which are subsidised by the Government. There are dispensaries for babies and young children throughout the country.

See also under Convention No. 3.

New Zealand

CONVENTION No. 3

Social Security Act, 1938 (L.S. 1938—N.Z. 1), as amended.

Factories Act, 1946 (*New Zealand Statutes Reprint, 1908-1957*) (L.S. 1946—N.Z. 4).

Teachers' Leave of Absence Regulations, 1951 (*Statutory Regulations, 1951*).

Under section 38 (1) of the above Act no woman shall be permitted to work in a factory during the period of six weeks immediately following her confinement.

Regulation 5 (c) of the above regulations provides that the Education Board may grant leave with full salary to a married female teacher for six weeks before her confinement and for a further period of six weeks after confinement if the teacher resumes service within six months after confinement and serves continuously for six weeks thereafter.

Women are not engaged in construction and only to a limited extent in transport and mining. Usually the women cease to work well before confinement and resume only after the child is of day-nursery age. Sections 80 and 95 of the Social Security Act, 1938, provide that all women are entitled to maternity benefit, which includes all

necessary medical and nursing attendance, maintenance and care at confinement for 14 days after the birth of the child, antenatal and postnatal medical advice and treatment. The mother receives a family benefit from the birth of the child until the child reaches 16 years.

The Act of 1946 is administered by the Department of Labour and the regulations by the Education Department.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

There is no provision in the New Zealand legislation granting maternity protection to women employed in agriculture other than that benefit available to women generally under the national scheme of social security. No modifications are contemplated.

RECOMMENDATION No. 95

See under Convention No. 3 and Recommendation No. 12.

Niger

CONVENTION No. 3

Labour Code: Act No. 62-12 of 13 July 1962 (*Journal officiel*, 25 Aug. 1962, special issue, No.4, p. 60).
General Order No. 5254 IGTLs/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 31 July 1954, No. 2722, p. 1337) (*L.S. 1954—F.W.A.*, 2).

Order No. 27-15/N of 8 December 1955 instituting family allowances in favour of wage earners in Niger (*J.O.A.O.F.*, 1 Jan. 1956).

Order No. 218/ITLS/N of 26 January 1956 laying down the rules governing the Niger Family Benefits Equalisation Fund.

Under section 114 of the Code any pregnant woman whose condition has been medically certified or whose pregnancy is apparent may leave her employment without being liable to pay compensation for breach of contract. On the occasion of her confinement every woman is entitled to interrupt her employment for 14 consecutive weeks, eight of which shall be after the confinement, without such interruption of service being considered as grounds for breach of contract. This interruption may be extended by three weeks in case of sickness duly certified and resulting from pregnancy or childbirth. During this period she may not be dismissed by her employer.

During maternity leave every woman is entitled to receive from the Fund family allowances, reimbursement of confinement expenses and medical care expenses if any, as well as half of the wage she was earning at the time she stopped working. She retains the right to benefits in kind chargeable to the employer.

For a period of 12 months from the birth of the child the mother is entitled to rest periods for feeding the baby, the total duration of which may not exceed one hour a day.

Legislation differs from the Convention in respect of one point, namely that maternity allowances are due only for a maximum period of 14 weeks, which may be increased by three weeks in case of sickness resulting from pregnancy or confinement,

even in cases where the doctor or midwife made a mistake in estimating the date of confinement.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

All legal provisions concerning maternity protection apply to women workers in agriculture under the same conditions as in other occupations.

RECOMMENDATION No. 95

There are, under the Ministry of Health, a service for the protection of mothers and infants and five dispensaries administered by the Family Allowances Equalisation Fund. This Fund distributes free layettes and *boubous* and pays prenatal maternity allowances.

National legislation differs from the Recommendation on the following points. Maternity allowances equal 50 per cent. instead of 100 per cent. of wages. There is no provision for reimbursing visits at the patient's home or dental care. The nursing break is one hour instead of two. After the end of maternity leave employment is protected for a period of three weeks instead of one month. The same applies to arduous work. There is no provision for the right to transfer to less arduous work without loss of pay after maternity leave.

Nigeria

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Code Ordinance (*Laws of the Federation of Nigeria and Lagos*, 1958, Cap. 91), (Cap. 9 Part 2).

General Orders Nos. 03301-03306 and 16303 covering civil servants.

Article 1 of the Convention. The terms of this Article are more comprehensive than either the general orders, which refer solely to persons employed in the public services of the governments of the Federation, or the Labour Code, which applies only to women employed in industrial, non-industrial and agricultural undertakings as defined in the Convention, and excludes women in domestic service.

Article 2. This provision is covered by section 144 of the Labour Code, except that no reference is made to race or creed.

Article 3. Section 145 of the Labour Code makes provision for a total of 12 weeks' maternity leave. Many employers in fact are at present granting maternity leave of 14 weeks or more. This includes the right to leave work upon the production of a medical certificate given by a qualified medical practitioner stating that the confinement will take place within six weeks, and a minimum of six weeks following a confinement.

The federal Government's General Order (Administrative Code) No. 03302 provides in effect that where a woman government servant exhausts her maternity

leave entitlement of 12 weeks her further absence from work due to ill-health is counted against her sick-leave entitlement. According to General Order No. 16303 the period of sick leave which may be allowed should not exceed 183 days during any period of 12 months and thereafter sick leave on half pay, subject to a maximum of 365 days' sick-leave in any period of four years or less. Any sick leave allowed in excess of 365 days during a period of four years is without pay.

Article 4. This provision is not given effect in national legislation. Medical benefits are not available, and cash benefits are the responsibility of the individual employer, who may insure himself against such a contingency. However, government-employed women are paid benefits out of public funds representing not less than 50 per cent. of their normal salary during confinement, which is in excess of that at present provided by legislation.

Article 5. Section 145 (1) allows half-an-hour twice daily during working hours for purposes of nursing.

Article 6. This provision is covered by section 146 of the Labour Code.

In spite of the exemption provisions of Article 7 it is not considered possible, given the present level of development, to ratify the Convention.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Section 149 of the Labour Code provides for a general prohibition of night work by women, irrespective of whether they are pregnant or are nursing children.

Norway

CONVENTION No. 3

Act No. 2 of 7 December 1956 respecting the protection of workers (*Lovtidend*, 31 Dec. 1956, No. 45, p. 1235) (*L.S.* 1956—Nor. 2), as amended by Act No. 1 of 28 November 1958 (*L.S.* 1958—Nor. 2). Sickness Insurance Act No. 2, 2 March 1956 (*Lovtidend*, 26 Mar. 1956, No. 10, p. 156) (*L.S.* 1956—Nor. 1), as amended in 1957 and 1958 (*L.S.* 1958—Nor. 1 A-D).

Under section 31 of the Act of 7 December 1956 a woman shall not be permitted to work during the six weeks following her confinement.

As the Act does not apply to transport undertakings mentioned in Article 1 of the Convention, there are difficulties which prevent ratification.

CONVENTION No. 103

Act No. 3 of 31 May 1963 respecting the conditions of employment of domestic servants (*Lovtidend*, 15 July 1963, No. 21, p. 562) (*L.S.* 1963—Nor. 1).

Article 3, paragraph 4, of the Convention. No extension of the periods of maternity leave with pay as provided for in this paragraph is prescribed by the Sickness Insurance Act of 1956.

Article 4, paragraph 3. The medical benefits mentioned are not strictly complied with by the Act of 1956 as far as it concerns private hospitals.

Paragraph 6. The cash benefit stipulated in this paragraph is at a rate higher than that provided for in the Act of 1956.

See also under Convention No. 3.

RECOMMENDATION No. 12

Equal benefits in cases of pregnancy and confinement are provided to women employed in agriculture and in industry.

RECOMMENDATION No. 95

The prescribed maternity leave should be extended by six weeks if it is proved that the woman concerned is suffering from antenatal or postnatal complications.

Some undertakings have established facilities for the nursing or day care of infants by furnishing crèches, kindergartens and infant homes. Such facilities are occasionally financed and subsidised by the public.

The provisions of the Recommendation dealing with the protection of women from dismissal go beyond those laid down in the Workers' Protection Act of 1956.

The Minister of Prices and Salaries has decided that a woman in the civil service during her legal absence from work before and after confinement maintains her seniority rights for up to one year.

An order of 31 March 1916 prohibits employment of pregnant women in specified undertakings. The Workers' Protection Act of 1956 does not provide for prohibition of night work or overtime work for women during the maternity period. However, in section 5 of the Act it is pointed out that when employees are put to work regard shall be had to their age, skill, and other qualifications which enable them to perform the work in a safe and proper manner.

Pakistan

CONVENTION No. 3

Mines Maternity Benefit Act, 1941 (*L.S.* 1941—Ind. 1), as amended by the Act of 16 April 1945 (*The Gazette of India*, 21 Apr. 1945, Part IV, p. 20) (*L.S.* 1945—Ind. 2), and by the Act of 27 January 1950 (*The Gazette of Pakistan*, 1 Feb. 1950, Extraordinary, p. 41) (*L.S.* 1950—Pak. 1).

West Pakistan Maternity Benefit Ordinance, 1958 (*The Gazette of West Pakistan*, 22 Dec. 1958, Special Number).

East Bengal Maternity Benefit (Tea Estates) Act, 1950 (*The Dacca Gazette*, 22 May 1950, Extraordinary).

Bengal Maternity Benefit Act, 1939, as amended by the East Pakistan Ordinance of 1960 (*ibid.*, 28 Dec. 1960, Extraordinary).

Employees Social Insurance Ordinance, 1962 (*The Gazette of Pakistan*, 25 May 1962, No. 777).

Factories Act of 20 August 1934, as modified up to 1 August 1946 (*L.S.* 1946—Ind. 1) and subsequently amended by the Act of 11 March 1947 (*The Gazette of India*, 11 Mar. 1947, p. 234) (*L.S.* 1947—Ind. 3).

The Act of 1941 provides for maternity leave to female mineworkers on the surface for six weeks before and six weeks after childbirth at the rate of 75 paise per day. In the case of underground workers the period is 16 weeks at the rate of 6 rupees per week. Under the ordinance of 1958 female workers employed in factories covered by the Factories Act, 1934, are entitled to maternity leave for six weeks before and six weeks after the birth of their children with cash benefit at the rate of average daily earnings. The Act of 1950 applies to factories as well as plantations and provides for maternity leave for six weeks before and six weeks after childbirth at the

rate of 1 rupee per day. Provisions also exist for prenatal and postnatal medical care. The Act of 1939 is more extensive and covers all persons engaged by an employer for manual, clerical, skilled or unskilled labour. The period of maternity leave is six weeks before and six weeks after childbirth.

Provisions exist in all the above laws for a qualifying period of employment and prohibition of work during maternity leave.

Besides the Acts of 1939 and 1941 the ordinance of 1962 provides for maternity benefits to insured women workers in certain industries and establishments. Under this ordinance an insured woman is entitled to cash benefits for a period of six weeks before and six weeks after confinement. The ordinance also provides for prenatal and postnatal medical care. It has, however, not yet been enforced. When it is enforced, other laws relating to maternity benefits, in so far as they are inconsistent with the provisions of the ordinance, will cease to have effect.

The provincial governments are responsible for the administration of the above-mentioned laws. Under present circumstances it is difficult to extend the maternity benefits provided for in the Convention to female workers who are employed in all the undertakings which have been included in " industrial undertakings " (Article 1)

CONVENTION NO. ~~103~~

See under Convention No. 3.

RECOMMENDATION NO. 12

See under Convention No. 3.

RECOMMENDATION NO. 95

See under Convention No. 3.

Peru

CONVENTION NO. 3

See under Convention No. 103.

CONVENTION NO. 103

Act No. 13724 of 18 November 1961 to institute a social insurance scheme for salaried employees (*El Peruano*, 20 Nov. 1961, No. 6173, p. 1) (*L.S.* 1961—Per. 3A).

Act No. 8433 of 12 August 1936 respecting compulsory social insurance (for wage earners) (*L.S.* 1936—Peru 2).

The above-mentioned laws cover salaried female employees in both public and private employment, female wage earners in public and private employment, and the wives of state civil servants and private employees.

The Salaried Employees' Social Insurance Scheme established by the Act of 1961 is compulsory and covers maternity risks. It covers salaried employees in private and public employment and insured persons wishing to continue their membership of the scheme after ceasing to be compulsorily insured (sections 1, 2 and 14 of the Act).

Benefits consist of cash allowances in the form of daily maternity and nursing allowances, and the following treatment: general and special medical and obstetrical

care; hospital care; examinations, special treatments, medicines and therapeutic requisites; and dental care (section 63 of the Act).

Salaried private employees are entitled to all the benefits enumerated; those in public employment are entitled only to treatment and nursing allowances; the wives of insured persons are entitled to obstetrical care from the sixth month of pregnancy.

The maternity allowance is equal to the sickness allowance and is granted during 42 days before and 42 days after the confinement, on condition that the woman refrains from any remunerative employment.

The employer is required to grant a complete physical rest to women in receipt of maternity allowances.

The nursing allowance is equal to one-thirtieth of 50 per cent. of the minimum insurable monthly pay and is granted until the child is eight months old. This allowance may be wholly or partly in the form of milk vouchers.

The Wage Earners' National Social Insurance Fund established by the Act of 1936 covers maternity. During pregnancy, confinement and the puerperium the female worker is entitled to general and special medical, hospital and pharmaceutical care (section 34). During the 36 days preceding and the 36 days following confinement she is also entitled to 50 per cent. of her salary, always provided that she refrains from remunerated work during this period.

Entitlement to these benefits is contingent upon four weekly contributions having been paid during the 90 days preceding the confinement.

The Act also provides for entitlement to a nursing allowance until the child is eight months old; this allowance may be in cash or in milk vouchers.

If after the 36 days subsequent to the confinement the woman is still incapacitated for work, the ordinary sickness benefits are granted (section 37).

The maternity benefits granted by both the salaried employees' insurance and the wage earners' insurance scheme free the employer from the obligations devolving on him under sections 14 and 15 of Act No. 2851: to grant maternity leave of 20 days before and 40 days after confinement and to pay the woman 60 per cent. of her wage during these 60 days.

The bodies responsible for enforcing the laws and regulations relative to the Convention are the Sickness and Maternity Fund of the Salaried Employees' Social Insurance Scheme and the Wage Earners' National Social Insurance Fund.

The regulations in force, although less far-reaching than the provisions of the Convention, are not in contradiction with them.

Under article 123, paragraph 21, of the Constitution, Congress is the authority competent to ratify the Convention. The Government has fulfilled its obligation by transmitting the Convention to the legislature.

Philippines

CONVENTION NO. 3

Woman and Child Labour Law: Act No. 679 of 8 April 1952 (*L.S.* 1952—Phi. 1), as amended (*L.S.* 1954—Phi. 2).

Revised rules and regulations implementing Act No. 679.

Department Order No. 9 of 1963.

Republic Act No. 2714 creating the Bureau of Women and Minors.

Under Department Order No. 9 of 1963, as a matter of policy maternity benefits and other benefits provided for are extended to both married and unmarried women.

Maternity leave with pay is provided for six weeks before the expected date of the delivery and eight weeks after normal delivery or miscarriage. The female

employee receives not less than 60 per cent. of her regular or average weekly wages, and the employer pays the cash benefits. Any woman producing a medical certificate stating that delivery will probably take place within six weeks is entitled to such benefit. The leave may be extended without pay on account of illness medically certified to arise out of the pregnancy or delivery, or miscarriage rendering the woman unfit for work. The pregnant employee shall be required to apply for such leave in writing, accompanying her application by a medical certificate showing the expected date of the delivery. If the pregnant woman fails to apply a full six weeks prior to the date of delivery, the employer shall not be required to pay benefits or be subject to penalties unless such failure is due to ignorance of the employee concerned. After confinement, the employee is entitled to at least one half-hour twice a day during her working hours with full pay for a maximum of one year in order to nurse her child.

Prolonged absence on account of illness shall not be a valid ground for discharge, and the employer is also prohibited from dismissing a female employee during her maternity leave.

The Bureau of Women and Minors and the regional offices of the Department of Labour are responsible for the supervision of the legislation and the regulations.

The delay in the ratification of this Convention was caused because the Social Security Act was not yet enacted when the Philippines became a member of the I.L.O. and there was no other system of insurance that could possibly provide for the benefits.

CONVENTION No. 103

Section 8 of Act No. 679 also covers women employed in agriculture.

RECOMMENDATION No. 12

Republic Act No. 3844, known as the Agricultural Land Reform Code.

Under section 39 of the above text farm workers enjoy the same rights and opportunities in life as industrial workers.

RECOMMENDATION No. 95

See under Convention No. 3.

Poland

CONVENTION No. 3

Act of 17 February 1922 respecting the state civil service (*Dziennik Ustaw (D.U.)*, 1949, No. 11, text 72).

Act of 2 July 1924 relating to the employment of women and young persons (*D.U.*, No. 65, text 636, p. 962) (*L.S.* 1924—Pol. 2), as amended by the Act of 5 August 1926 (*D.U.*, No. 86, text 591) (*L.S.* 1926—Pol. 1) and the Act of 26 February 1951 (*D.U.*, 1 Mar. 1951, No. 12, text 94, p. 101) (*L.S.* 1951—Pol. 2A).

Ordinance of 16 March 1928 respecting employment contracts of professional workers, as amended.

Act of 28 March 1933 respecting social insurance (*D.U.*, 1933, No. 51, text 396) (*L.S.* 1933—Pol. 5), as amended (*D.U.*, 1934, No. 95, text 855, p. 2000) (*L.S.* 1934—Pol. 4), (*D.U.*, 25 Oct. 1944, No. 9, p. 91) (*L.S.* 1946—Pol. 2), (*D.U.*, 4 Apr. 1949, No. 18, text 109, p. 287) (*L.S.* 1949—Pol. 1A).

Ordinance of the Council of Ministers of 2 November 1945 respecting employment in the Polish State Railways (*D.U.*, No. 52, text 299), as amended.

Act of 28 April 1952 respecting service on board ships of the Merchant Marine and international lines (*ibid.*, No. 25, text 171).

Act of 27 April 1956 respecting the rights and obligations of teachers (*ibid.*, No. 12, text 63) (ss. 20 ff.).

Act of 5 November 1958 respecting higher institutes of learning (*ibid.*, No. 68, text 336).

Act of 10 December 1959 respecting service in prisons (*ibid.*, No. 69, text 436).

Collective labour agreements for the metal trades, the woodworking industries, agriculture, etc.

Every pregnant woman employed in industrial and commercial undertakings, offices, transport and communications, and in any other type of undertaking, even in a non-profit-making establishment, is entitled to 12 weeks' paid leave, of which at least two weeks must be taken before confinement and at least eight weeks must be taken after confinement. The two remaining weeks are taken at the choice of the woman concerned, either before the two weeks preceding confinement or following the authorised period of absence after confinement.

Professional women workers receive their full salary, paid by the undertaking where they are employed, throughout the period of their absence from work on account of pregnancy or confinement; during this period women manual workers receive a confinement allowance paid by the social insurance funds and equal to 100 per cent. of their average wage.

The above-mentioned women workers are entitled to free medical care and to free treatment during confinement; an error on the part of a physician with regard to the expected date of confinement cannot affect a woman's right to the statutory leave due to her after confinement or her right to receive her remuneration or an allowance during that period.

A woman is entitled to two breaks of half-an-hour each per day to feed her child.

A woman employed in an undertaking for at least three months cannot be dismissed during pregnancy or during the period of leave following her confinement.

A pregnant woman engaged in heavy work must, from the sixth month of pregnancy onwards, be given employment more suited to her condition and must receive remuneration at least equal to the average wage which she earned during the last three months in her previous job. Night work is prohibited for women as from the fourth month of pregnancy and for women with children under one year old.

The authorities responsible for ensuring the application of the legal provisions in this field are the bodies administering the labour undertakings, the trade unions (in particular the General Inspectorate for Employment Protection, attached to the Central Council of Trade Unions, which acts through the technical labour inspectors and the social inspectors), as well as the arbitration boards and the courts, which are responsible for settling any disputes. In addition, general supervision is exercised by the office of the Attorney-General.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

Circular No. 29 of the Prime Minister, dated 21 August 1948, concerning maternity leave for women employed in administration, offices, work establishments, undertakings and other state bodies.

Under the above-mentioned circular, and also under the agricultural collective agreement of 1960, the provisions of the Act of 2 July 1924 concerning the work of adolescents and women are applicable in state and socialised farms. Women workers in agriculture, with the exception of seasonal workers, are insured for sickness and maternity and enjoy the benefits granted to women workers in general.

RECOMMENDATION No. 95

Act of 2 July 1924 relating to the employment of women and young persons (*Dziennik Ustaw (D.U.)*, No. 65, text 636, p. 962) (*L.S.* 1924—Pol. 2), as amended by the Act of 5 August 1926 (*D.U.*, No. 86, text 591) (*L.S.* 1926—Pol. 1) and the Act of 26 February 1951 (*D.U.*, 1 Mar. 1951, No. 12, text 94, p. 101) (*L.S.* 1951—Pol. 2A).

Ordinance of the Council of Ministers dated 28 February 1951 respecting work prohibited to women (*D.U.*, No. 12, text 96 (as amended)).

Ordinance of the Council of Ministers dated 21 August 1959 respecting general conditions of health and hygiene in new and modernised establishments (*D.U.*, No. 53, text 316).

The ordinance of 1959 states that nursing rooms must be set aside at places of employment.

The Act of 1924 requires establishments employing more than 100 women to provide nurseries. There are now nurseries in every district, while others are attached to places of employment. Their cost is borne by the State, and parents are required to pay only a small charge; in some special cases they pay no charge at all.

The schedule of jobs which may not be performed by women attached to the ordinance of 1951 contains special prohibitions in the case of expectant or nursing mothers.

Rumania

CONVENTION No. 103

Constitution of 5 April 1948 (*Monitorul Oficial*, Part I A, 13 Apr. 1948, No. 87bis, p. 3379) (*L.S.* 1948—Rum. 1) (s. 81).

Labour Code of 30 May 1950 (*Scănteia*, 31 May 1950) (*L.S.* 1950—Rum. 1), amended by Decrees No. 369 of 13 July 1956 (*Buletinul Oficial (B.O.)*, 24 July 1956, No. 20, p. 137) (*L.S.* 1956—Rum. 1), No. 90 of 18 February 1958 (*B.O.*, 22 Feb. 1958, No. 9, p. 85) (*L.S.* 1958—Rum. 1) and No. 266 of 19 July 1960 (*B.O.*, 21 July 1960, No. 12, p. 90) (*L.S.* 1960—Rum. 1).

Decree No. 246 of 1958 (ss. 1 and 2).

The legislation on maternity protection applies to all women wage earners without distinction, irrespective of their legal status or the nature of their occupation (industrial, agricultural, etc.).

The statutory maternity leave consists of 112 days, i.e. 52 days before the presumed date of confinement and 60 days afterwards.

During maternity leave a woman is entitled to a maternity allowance, together with free medical attendance (sections 1, 2 and 5 of Decree No. 246 of 1958 and section 105 of the Labour Code).

The maternity allowance during pregnancy and lying-in is at the rate of 90 per cent. of the scheduled monthly wage for a woman who has worked uninterruptedly for a minimum of 12 months and 70 per cent. in other cases.

Qualified medical attendance, including hospital care where necessary, is available to the entire population.

Both during pregnancy and after confinement women receive special attention from the health service.

Maternity benefit is payable under the social insurance scheme, which is compulsory for all wage earners. The scheme receives financial aid from the State, and contributions are paid only by the employers.

Maternity benefits are automatically payable to all women who comply with the necessary conditions (sections 103 to 107 of the Labour Code).

Section 92 (1) provides for nursing breaks. The length of these breaks and the times at which they may be taken are specified in works rules, but the interval between them may not exceed three hours, while each break may not last longer than half-an-

hour (section 92 (2)). These breaks are reckoned as normal working time (section 92 (3)).

An employer may terminate a contract of employment if a woman does not resume work more than three months after the expiry of her maternity leave because of inability to work as a result of her pregnancy or confinement (section 20 (i) of the Labour Code).

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Decision of the Council of Ministers No. 586 of 1951, as amended by Decisions No. 3159 and No. 3790 of 1953.

There are nurseries in factories, institutions and also in each district to which workers can send their children up to the age of three. They make a limited contribution, based on their earnings and the number of their children, to cover part of the cost. The remainder of the cost is borne by the State (see the decision of 1951 as amended by the decisions of 1953).

The nurseries are operated by qualified staff and are subject to strict medical supervision.

Maternity leave is counted for seniority purposes (section 133 (f) of the Labour Code), and a woman is entitled to keep her job with the same pay, since her contract of employment is only suspended.

Expectant and nursing mothers may not be required to work overtime (section 59 of the Labour Code) nor may they be assigned to arduous or unhealthy jobs (section 88 (1)).

Expectant mothers employed in arduous jobs are assigned to easier work without loss of pay (section 90 (1) of the Labour Code). Section 90 of the Code forbids night work by nursing mothers and women who are more than five months pregnant.

Rwanda

CONVENTION No. 3

There is no specific legislation relating to the matters covered in the Convention.

The pregnancy of a woman wage earner is treated as a non-occupational disease, and the woman concerned enjoys the same rights in the event of maternity as she would for a non-occupational disease; the contract of employment is suspended during the period of her incapacity (two months) when she is provided with care and paid two-thirds of her salary.

A draft Labour Bill, which is now under discussion, takes account of most of the provisions of the Convention.

Certain difficulties were encountered with the draft in that the interruption of work for six weeks—especially by much-needed office workers—may disrupt business. For the same reason, employers may resent the fact that women leave their employment for good without notice.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

The pregnancy of women employed in agriculture is treated as a non-occupational disease.

The provisions of the draft Labour Bill will also cover women workers in agriculture. The difficulties encountered in industry and commerce do not arise in agriculture, where the qualifications of women workers on maternity leave are not such as to render them irreplaceable. However, it does not seem desirable to have different conditions for agriculture and industry or commerce.

See also under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3 and Recommendation No. 12.

Sierra Leone

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

There is no legislation with regard to maternity protection. However, administrative regulations and collective agreements provide for protection to women workers during and after pregnancy. Under government general orders, a pregnant woman officer may be granted maternity leave on full pay. Such leave is counted against the period of sick leave allowed in one year. Any additional leave not covered by the entitlement to sick leave is counted against the vacation leave and any further period of leave is granted without pay. The length of leave granted is determined on the basis of the physical condition of the woman and infant. Normally, an expectant mother is granted maternity leave two weeks before and six weeks after the confinement. A woman officer is required to report pregnancy not later than the sixteenth week; failure to comply with this will render her ineligible for the grant of paid maternity leave.

A number of undertakings having female staff grant paid maternity leave to expectant employees even if there is no formal agreement in this respect. The Government also provides maternity clinics, free of charge, for all pregnant women who attend the clinics, whether or not they are in government services and, for those who can afford it, a domiciliary service for which a fee is paid.

The country achieved independence recently and needs time to be able to give full consideration to the provisions of the Convention.

RECOMMENDATION No. 12

Women are not normally employed in agriculture. The few women who are employed in government experimental farms enjoy the maternity protection provided for by government general orders.

RECOMMENDATION No. 95

There is no law giving effect to the provisions of the Recommendation. The government regulations and collective agreements give some degree of maternity

protection to pregnant women. In government services, for example, all women receive full pay during their permitted maternity and vacation leave. Additional full pay leave up to six months is given to certain categories of established female officers if a medical officer certifies that a woman's postnatal condition renders her unfit to resume work. Thereafter, on a medical officer's recommendation, she may be granted further sick leave on half pay.

Collective agreements do not contain provisions covering the terms of the Recommendation in so far as they relate to additional maternity leave. In practice, however, some of the larger commercial undertakings treat cases on their merit in regard to maternity leave, additional to that provided for in the collective agreements. The grant of maternity leave is accepted by employers, and in general a woman does not lose her employment because she is granted maternity leave, nor does she forfeit her promotion rights. With the possible exception of government road transport services and the health services, women are not engaged in industries which require them to work at night. In the industries where women are employed, they are generally not required to perform any tasks involving hard labour.

No measures are contemplated to give effect to the provisions of the Recommendation.

Spain

CONVENTION NO. 103

Act of 14 December 1942 to establish compulsory sickness insurance (*Boletín Oficial del Estado* (B.O.E.), 27 Dec. 1942, No. 361, p. 10592) (L.S. 1942—Sp. 4).

Sickness Insurance Regulations of 11 November 1943 (B.O.E., 23 Nov. 1943).

Insurance Act of 18 June 1942 to extend maternity benefits (*ibid.*, 3 July 1942, No. 184).

Decree of 9 July 1948 respecting compulsory sickness insurance (*ibid.*, 27 July 1948, No. 209) (s. 5).

Ministerial Order of 15 November 1956 respecting sickness insurance and benefits to pregnant women (*ibid.*, 22 Nov. 1956, No. 327).

Decree No. 331 of 4 June 1959 respecting social insurance, to revise standards and increase the participation of undertakings in their administration (*ibid.*, 8 June 1959, No. 136).

Decree of 22 June 1956 to approve the consolidated text of the legislation relating to industrial accidents (*ibid.*, 15 July 1956, No. 197, p. 4614) (L.S. 1956—Sp. 1), as amended by decree of 6 December 1957 (B.O.E., 14 Dec. 1957).

Act No. 62 of 22 July 1961 to establish a national unemployment insurance scheme (*ibid.*, 24 July 1961, No. 175, p. 11006) (L.S. 1961—Sp. 6) (s. 13).

Decree No. 413 of 2 March 1961 to make provision for the financial and administrative organisation of the national mutual benefit scheme for agricultural workers (B.O.E., 14 Mar. 1961, No. 62, p. 3886) (L.S. 1961—Sp. 3), and statutes issued under Ministerial Order of 21 June 1961 (B.O.E., 4 July 1961, No. 158) (ss. 1, 6-10 and 75-80).

Decree No. 56 of 17 January 1963 concerning bases for contributions (*ibid.*, 19 Jan. 1963).

Ministerial Order of 20 February 1963 (*ibid.*, 9 Mar. 1963, No. 59).

Ministerial Order of 27 June 1963 (*ibid.*, 29 June 1963, No. 155).

Act of 26 December 1958 respecting social insurance for personnel employed by the State and by local corporations and autonomous bodies (*ibid.*, 29 Dec. 1958, No. 311).

Act No. 193 of 28 December 1963 to define the basic principles of social security (*ibid.*, 30 Dec. 1963, No. 312, p. 18181; errata: *ibid.*, 28 Jan. 1964, No. 24, p. 1182) (L.S. 1963—Sp. 1).

Various ministerial orders which extend social insurance benefits to certain categories of workers.

Article 1 of the Convention. Sickness insurance, which includes maternity insurance, is obligatory for all workers from the age of 14 who are not self-employed, whose earnings calculated for insurance contribution purposes do not exceed 66,000 pesetas per annum, and who are of Spanish, Spanish-American, Portuguese, Philippine, Andorran or Brazilian nationality. Nationals of other countries will be covered when agreements have been concluded and in conformity with these agreements.

Sickness and maternity insurance coverage is also granted to the following categories of workers, for whom special systems exist: agricultural workers, both self-employed and working for an employer; workers employed at sea and in ports; domestic servants, including casual workers; salaried employees of the State or official civil or military autonomous bodies, who do not have the status of civil servants.

Wives of workers not covered by sickness insurance are covered for the purposes of maternity benefits in kind without their being required to pay special contributions.

Article 3. The insurance scheme provides for the following benefits for women: a compulsory rest period with payment of 60 per cent. of the wage during the six weeks following the confinement, even in the event of the death of the child—this period may be extended by medical prescription to cover the six weeks preceding confinement; a voluntary rest period with payment of 60 per cent. of the wage during the six weeks preceding the date of confinement estimated by the insurance medical officer, and extendable up to the actual date of the confinement; a nursing allowance (ten weeks for one child and 15 weeks for more than one child); a supplementary grant in the case of the birth of more than one child, consisting of an amount per child equal to the corresponding benefit for the compulsory rest period (it is planned to set up nursing rooms and crèches in undertakings); examinations and medical care given by doctors and midwives during pregnancy; hospital care during confinement for a maximum of eight days in normal cases, and for as long as necessary in the event of complications.

In the event of involuntary suspension of work, entitlement to maternity benefits is maintained for as long as entitlement to unemployment insurance exists. Maternity benefits in cash and sickness benefits in cash may not be received concurrently, and the insured person is entitled to choose between them. Additional benefits are authorised subject to agreement between the National Provident Institution and undertakings or groups of undertakings which apply for them under a single collective agreement. Casual agricultural workers are entitled only to health benefits. There is no provision for benefits for female agricultural workers, although the wives of male agricultural workers belonging to this category are entitled to them.

Section 166 of the Employment Contracts Act approved by the decree of 31 March 1944 provides that every woman worker who has entered the eighth month of pregnancy shall be entitled to stop working on production of a medical certificate stating that the confinement will take place within approximately six weeks, and to remain absent from work for an equal period of time subsequent to the confinement. Under section 167 of the same Act, the employer must keep the woman's job open for her during the period for which she is obliged or authorised to be absent from work. The employer's obligation to keep a job open remains in force for a maximum of 20 weeks in cases when the woman abandons her work or remains absent for periods longer than those specified in section 166 on the grounds of medically certified sickness resulting from the pregnancy or confinement and incapacitating her for work. No error made by a medical officer in the calculation of the date of confinement shall in any case prejudice the rights previously recognised to women workers during pregnancy or maternity.

Article 4. The benefits referred to in this Article are granted under sickness insurance (see under Article 3). With regard to cash health benefits provided for in legislation dealing with labour, health and welfare, the necessary information is not available at the present time.

Article 5. Section 168 of the Employment Contracts Act provides for one hour of rest per day, which can be divided into two periods of half-an-hour each, for women

who are nursing their children. These breaks may be taken at the mothers' convenience, subject to their informing the management on commencement of work of the times chosen, and they are in no way deductible from working hours.

Article 6. See the remarks under Article 3 regarding the employer's obligation to keep the post open, under section 166 of the Employment Contracts Act. In addition—under the Act of 1942 concerning compulsory sickness insurance, the regulations of 1943 and additional provisions—for the purposes of medical assistance and benefits maternity is regarded as a sickness constituting one of the contingencies covered by sickness insurance.

Article 7. The social insurance dealt with in this report covers almost all the categories of occupations which the Convention allows as exceptions, only homeworkers being excluded from sickness insurance benefits.

The following authorities are responsible for the enforcement of social insurance legislation: sickness and maternity insurance in general—the National Provident Institution; agriculture—the National Mutual Fund for Agriculture; domestic service—the National Domestic Service Mutual Fund; fishing—the National Provident Institution and the Marine Social Institution.

Studies are being made of the possibilities of developing the new Act of 1963, which is designed to extend the benefits and treatment provided for in the present legislation. Neither legislation nor administrative practice stand in the way of ratification of the Convention. There is no necessity to adopt any measures whatsoever in order to meet the provisions of the Convention, because the legislation already embodies provisions for the protection of women which are equivalent to, and in some cases more far-reaching than, those of the Convention.

RECOMMENDATION No. 12

Women workers in agriculture are entitled to maternity insurance benefits in the same way as those employed in industry. Women workers and wives covered by the sickness insurance scheme for agricultural workers are entitled only to medical benefit.

See also under Convention No. 103.

RECOMMENDATION No. 95

Paragraph 1 of the Recommendation. In normal cases the extended period of 14 weeks provided for by the Recommendation is not granted, although the leave period of 12 weeks (six before and six after confinement, or more in the event of a mistake in fixing the probable date of the confinement) may be extended on a doctor's orders.

Paragraph 2. Cash benefits do not normally reach the level recommended. Insured women receive medical benefits similar to those laid down in the Recommendation. The sickness-maternity insurance scheme also pays a nursing allowance and a cash grant in the event of a multiple birth. State health and welfare legislation also contains provisions for maternity protection.

Paragraph 3. There are regulations dealing with the provision of nursing rooms and crèches at places of work.

Paragraph 4. See under Convention No. 103, Article 3, in connection with sections 166 and 167 of the Employment Contracts Act.

Paragraph 5. The decree of 26 July 1957 specifies the jobs prohibited to women and young persons as being dangerous and unhealthy; it also imposes restrictions based on age and sex in respect of jobs involving the lifting of weights. Section 1 (*e*) of this decree prohibits the employment of women, irrespective of age, in jobs which may be harmful to their health because they involve undue physical exertion or which are detrimental to their home life.

See also under Convention No. 103.

Sweden

CONVENTION NO. 3

Act of 21 December 1945 to prohibit the dismissal of employees on the grounds of marriage and pregnancy.

Workers' Protection Act of 3 January 1949 (*Svensk Författningssamling (S.F.)* 12 Jan. 1949, No. 1) (*L.S.* 1949—Swe. 1).

Public Insurance Act of 25 May 1962 (*S.F.*, 10 July 1962, No. 381, p. 903).

Article 1 of the Convention. The Act of 1949 only covers women employed in handicraft or industrial work, construction work, mines, quarries or gravel pits or similar places, timber cutting or charcoal burning, the transport of persons and work in hotels, cafés or restaurants. However, the Act of 1945 covers women employed in all activities, except women in commerce and offices who have worked in the enterprise for than one year.

Article 3, clause (a). Section 35 of the Act of 1949 which concerns maternity leave and protection against dismissal, is less rigid than the Convention. The Act allows the woman after confinement to work before the six weeks' period expires if it is medically certified that she can do so without detriment to herself or the child.

Clause (*b*). Maternity insurance is compulsory and covers women who are Swedish nationals as well as other women registered in the country for census purposes. To qualify for cash benefits the insured woman must have her residence in the country. A maternity allowance of 900 crowns is payable for a single birth and is increased, in multiple births, by 450 crowns for each additional child. A supplementary sickness allowance is payable provided that immediately prior to the confinement or the expected date the woman was included in Sickness Allowance Class No. 3 or higher for a period of at least 270 consecutive days. The supplementary sickness allowance is 1 to 23 crowns per day. The maximum amount is payable only if the woman has an annual income of at least 21,000 crowns. Sickness allowance is payable from the sixtieth day preceding the expected day of confinement and not later than from the date of delivery, as long as the woman abstains from gainful work. Maternity insurance and supplementary sickness allowance are calculated to provide compensation for two-thirds of the income lost, up to about 22,000 crowns a year. The insurance refunds the amount charged in the hospital for treatment if delivery takes place in a hospital referred to in the Act. Otherwise it refunds only that portion of the cost corresponding to the amount charged in a public ward of a local hospital.

The maternity insurance benefits are defrayed from health insurance fees paid by the insured and employers as well as by the Government.

Article 4. The Act of 1945 provides that a female employee who has been continuously employed for more than one year shall not be dismissed because of pregnancy or confinement or absence from her work for such reasons.

The labour inspection officers and municipal supervision representatives supervise the observance of the Act of 1949 and of the directions issued in pursuance thereof.

The scope of the Act of 1949 has been extended by an amendment which came into force on 1 January 1964. "Every activity" is substituted for "every concern", and the Act now covers administrative personnel, etc.

CONVENTION No. 103

For legislation see under Convention No. 3.

Article 3 of the Convention. Maternity leave is not compulsory, since if the woman produces a medical certificate she is entitled to take up work before the expiry of her leave. A legal right to additional leave in case of illness does not exist. Such a provision would not seem necessary.

Article 4. The legislation satisfies the requirements of the Convention regarding the size of cash benefits.

The differences between the Convention and the legislation are considered obstacles to ratification. No measures have been considered with a view to ratification.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

For legislation see under Convention No. 3.

The maximum leave, which is granted only in the case of industrial and similar work, is, under the Workers' Protection Act, altogether 12 weeks. The Act of 1945 provides maximum leave of six months in connection with childbirth.

The extension of the protected period may be of such length that neither maternity benefits nor benefits under the health insurance scheme would be payable under the legislation. The legislation does not grant full compensation for loss of earnings, nor does it grant dental care entirely free. There are no provisions in the Workers' Protection Act regarding child care nor any concerning hours of work for pregnant women.

Switzerland

CONVENTION No. 3

Federal Act of 18 June 1914/27 June 1919 relating to work in factories (*Feuille fédérale*, 1919, III, p. 854) (*L.S.* 1919—Switz. 3) (s. 69).

Ordinance of 11 November 1944 respecting processes in which the employment of young persons and women is forbidden in arts and crafts (s. 6, subs. 2).

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 (*L.S.* 1920—Switz. 1) (s. 8, subs. 2, and s. 15).

Ordinance of 10 November 1959 respecting the employment relationships of officials employed in the general administration of the Confederation (*Recueil des lois fédérales*, 24 Nov. 1959) (s. 8, subs. 4 (b)).

Ordinance of 10 November 1959 respecting the employment relationships of wage earners employed in the general administration of the Confederation (*ibid.*) (s. 8, subs. 3 (b)).

Executive Ordinance III, in application of the federal order respecting the Swiss watch industry (work outside the factory) dated 22 December 1961 (s. 17).

Federal Act of 13 June 1911 respecting sickness and accident insurance (s. 14).

Code of Obligations of 30 March 1911, revised on 18 December 1936 (ss. 335 and 344).

Model employment contracts, collective labour agreements and administrative provisions.

Under the federal provisions women workers employed in factories, small-scale watchmaking undertakings, transport and communications undertakings operated or licensed by the Confederation, and in the federal civil service, shall not be permitted to work during the six weeks following their confinement (in factories, this period shall be extended to eight weeks upon their request). They may not be dismissed during this period. Under the regulations respecting officials and wage earners employed in the general administration of the Confederation, the employment contracts of pregnant women shall not be terminated during the six weeks preceding confinement. Pregnant women employed in factories or small-scale watchmaking undertakings shall be entitled, by simple notice thereof, to leave work instantly or not come to work. They shall not be dismissed on this account or, in the above-mentioned small-scale undertakings, on account of being pregnant. Pregnant women employed in undertakings to which the Act relating to work in factories does not apply, or in undertakings which are not operated or licensed by the Confederation, shall be entitled, by simple notice thereof, to leave work instantly, but they are not protected against dismissal.

The payment of wages during the authorised period of absence from work is governed by federal law in the case of transport and communications undertakings operated or licensed by the Confederation and by administrative provisions in the case of the civil service. In addition, under the Code of Obligations, employers are required to pay the wages of their employees who are prevented from working on account of sickness. However, the right to wages in these circumstances continues only for a relatively short period and is obtained only after a relatively long period of service. There is an increasing tendency in legislation to deal with sickness and maternity together.

In collective labour agreements, the obligation for employers to pay wages has given way to the payment by employers of part of the sickness insurance allowances. This practice is provided for in the model cantonal contracts of employment for domestic servants. The inclusion in agreements of special provisions respecting pregnancy and confinement is still rare.

Within the framework of sickness insurance, which is not compulsory, the sickness funds are required to grant pregnant women the benefits provided for in case of sickness for a period of at least six weeks. If a pregnant woman works while receiving an allowance the amount of her remuneration may be deducted from her allowance. A nursing allowance of at least 20 francs is granted to women who breast-feed their children for a period of ten weeks.

The federal and cantonal authorities responsible for the protection of workers are also responsible for the enforcement of the provisions respecting maternity protection.

The Government considers that it will not be in a position to ratify the Convention as long as the legal protection of pregnant women is not increased and until there are more detailed regulations in respect of certain points. It is not possible, at present, to envisage making sickness insurance compulsory at the federal level or introducing compulsory maternity insurance. In addition, the maternity benefits provided under the Act respecting sickness and accident insurance are inferior to those provided for under the Convention, both as regards their nature (benefits both in cash and in kind cannot be taken together; insufficient cash benefits) and as regards the length of time during which they are granted. Despite the fact that the revised Act, which has been approved by Parliament, provides for an increase in the amount and duration of maternity benefits, this does not make it possible to meet the requirements of the Convention.

According to a draft text prepared by a committee of experts set up to revise the provisions respecting contracts in the Code of Obligations, an employer shall not be

permitted to terminate the contract of a woman who has been in his employment for at least two years during the eight weeks following confinement or during the eight weeks preceding confinement. The obligation of employers to pay wages established by section 335 of the Code of Obligations is also being applied to pregnant women to an increasing extent.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

Federal Act of 3 October 1951 for the improvement of agriculture and the protection of the peasant population.

Section 96 of the above Act provides that the cantons shall determine the conditions of employment in agriculture for their territories by drawing up standard labour contracts. These contracts embody provisions concerning benefits to be granted by the employer in the event of sickness of the employee, in accordance with sections 335 and 344 of the Code of Obligations. The canton of the Valais has established a protection period of six weeks counting from the time of delivery, during which the woman may not be dismissed. This period may be extended on production of a medical certificate.

RECOMMENDATION No. 95

Under the federal legislation on employment in factories, arts and crafts, it is forbidden to employ women by night and in certain jobs which might endanger their health. Expectant and nursing mothers may not be employed on double shift work by day, nor may they be required to change their working day except with their express consent. In arts and crafts, expectant or nursing mothers may not be employed in jobs which are beyond their strength.

The Government states that it is unable to apply the Recommendation.

Syrian Arab Republic

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

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).

Agricultural Labour Code: Law No. 134 of 4 September 1958 (*Al-jarida al-rasmiya*, 4 Sep. 1958).

Article 3 of the Convention. The foregoing Codes entitle a working woman to maternity leave on submission of a medical certificate stating the date on which confinement can be expected. In industry and commerce she is entitled, under section 133 of the Labour Code, to 50 days' leave in all, covering the antenatal and postnatal period.

In agriculture, an expectant mother who has served the same employer for at least six months is entitled to maternity leave of 50 days (section 53 of the Agricultural Labour Code).

Under section 133 of the Labour Code (which is applicable to industry and commerce) no woman may be employed during the 40 days following her confinement. Under section 53 of the Agricultural Labour Code a woman may not return to her work until 30 days after her confinement.

As regards the extension of antenatal leave, if confinement does not take place on the anticipated date, a woman is allowed to deduct this extension from her annual holiday without prejudice to her postnatal leave (40 days by law).

If a woman worker falls sick before her confinement, and the sickness is medically certified as being due to her employment, she is subject to section 63 of the Labour Code, under which she is entitled to sick leave without prejudice to her statutory postnatal leave.

In industry and commerce a woman worker who falls sick is entitled to an extra six months' leave after confinement on production of a medical certificate (section 135 of the Labour Code). In agriculture, if a woman cannot return to work at the end of her maternity leave, she is entitled to a maximum of two months' leave for convalescence (section 54 of the Agricultural Labour Code).

Article 4. In industry and commerce a woman worker on maternity leave is entitled to 70 per cent. of her wage after seven months' continuous service with the same employer. In agriculture she is entitled to half her wage.

The Ministry of Health is responsible for the protection of mothers and children, and a large number of special centres have been established for this purpose. There is no maternity insurance scheme, and employers are responsible for the payment of any wages in kind. However, workers belonging to trade unions enjoy certain advantages.

Article 5. Under section 137 of the Labour Code a nursing mother is entitled to two breaks of at least half-an-hour a day during the 18 months following her confinement. In agriculture she is entitled to breaks not exceeding a total of one hour a day during the six months following expiry of her maternity leave. These breaks are regarded as working time and are paid as such.

Article 6. Section 135 of the Labour Code prohibits dismissal of any woman worker while on maternity leave. Nor may an employer give notice of dismissal during this period or at such a date that the notice would expire while the woman is still absent.

The authority responsible for enforcing the laws and regulations concerning this Convention is the Ministry of Social Affairs and Labour. The foregoing laws and regulations were passed after the adoption of the Convention by the International Labour Conference. The difficulties in the way of applying the Convention are both financial and technical in character, but the necessary action to apply it will be taken as soon as circumstances permit.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

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).

A women worker who is expecting a child is entitled to various benefits provided by the Directorate of Mother and Child Welfare. Midwives and medical auxiliaries visit expectant mothers who are registered with them. Their assistance is free of

charge, as are any examinations and tests. All the centres operated by the Directorate issue milk free of charge to mothers. There are also three special establishments where mothers can nurse their children; these establishments are subsidised by the State, and their number is due to be increased. The Ministry of Health supervises all these establishments and ensures that the health regulations are enforced.

Under section 131 of the Labour Code it is forbidden to employ women by night between 8 p.m. and 7 a.m. In agriculture, night work by women is also forbidden except at harvest time and during the tobacco-picking season.

There are no statutory provisions scheduling jobs which are arduous or unhealthy for working women or their children and therefore prohibited. However, in practice women are not allowed to perform the types of work listed in Paragraph 5, subparagraph 3, of the Recommendation.

The authority responsible for enforcing the laws and regulations on this subject is the Ministry of Social Affairs and Labour.

As soon as circumstances permit it is intended to pass legislation to apply the Recommendation.

Tanzania

CONVENTION No. 3

Employment Ordinance (*The Laws of Tanganyika*, Cap. 366).

The Employment Ordinance provides that a female worker in any industrial or commercial undertaking shall not be required to work during the period of six weeks before or after her confinement. It further provides that if she is nursing her child she shall be allowed half-an-hour twice a day during work for this purpose.

The authority responsible for the administration of the Employment Ordinance is the Labour Commissioner.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

Shift work is comparatively rare and presents no special problems. The Employment Ordinance provides that, with limited exceptions, no woman may be employed in an industrial undertaking between the hours of 6 p.m. and 6 a.m.

See also under Convention No. 3.

Tunisia

CONVENTION No. 3

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; corrigenda, *ibid.*, 28 Apr. 1950, No. 34, p. 642) (*L.S.* 1950—Tun. 1), amended on 14 March 1960 by Legislative Decree No. 60-10.

Act No. 60-30 of 14 December 1960 respecting the organisation of social security schemes (*Journal officiel de la République tunisienne*, 13-16 Dec. 1960, No. 57, p. 1602), amended on 15 July 1963.

Section 16 of the above decree provides for the suspension of work by a woman for 12 consecutive weeks in the period preceding and following her confinement. No woman shall be employed during the four weeks following her confinement.

Under section 17, nursing mothers shall be entitled to a nursing break of one hour (two periods of half-an-hour each) each day during working hours. A special nursing room shall be provided in establishments employing more than 50 women over 15 years of age.

The Act of 1960, as amended in 1963, stipulates that pregnant wage earners are entitled to maternity allowance provided they carried on paid work for 120 days in the four calendar quarters preceding the quarter in which confinement takes place. The daily allowance is fixed at 50 per cent. of the daily wage.

The application of the legislative provisions on this subject is entrusted to labour inspectors and controllers.

CONVENTION No. 103

See under Convention No. 3 and Recommendation No. 12.

RECOMMENDATION No. 12

Decree of 18 February 1954 respecting the employment of women and children in agriculture (*Journal officiel tunisien*, 19 Feb. 1954, No. 15, p. 241) (*L.S.* 1954—Tun. 2).

The above decree provides protection in the agriculture sector similar to that provided in industry and commerce by the decree of 6 April 1950. In section 6 it provides for the interruption of work by a woman for 12 consecutive weeks during the period preceding and following her confinement, and she is also prohibited from working for four weeks after such confinement. Under section 34 of the Act of 14 December 1960 women employed in agriculture receive maternity benefits only when they or their husbands are in the enterprise specifically covered.

See also under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3 and Recommendation No. 12.

Turkey

CONVENTION No. 3

Labour Code: Act No. 3008 of 8 June 1936 (*Resmî Gazete (R.G.)*, 1936, No. 330, p. 6621) (*L.S.* 1936—Turk. 2), as amended, in particular by Act No. 5518 of 25 January 1950 (*R.G.*, 31 Jan. 1950, No. 7420, p. 17695).

Act No. 1593 of 24 April 1930 respecting public health (s. 155).

Act No. 4772 of 27 June 1945 respecting insurance against industrial accidents and occupational diseases and maternity insurance (*R.G.*, 7 July 1945, No. 6051, p. 9021) (*L.S.* 1945—Turk. 1), amended by Acts No. 5019 of 1947 (*R.G.*, 26 Feb. 1947, No. 6542, p. 11930) (*L.S.* 1947—Tur. 2), No. 5564 of 1950 (*R.G.*, 6 Mar. 1950, No. 7449), No. 6707 of 1956 (*R.G.*, 11 Apr. 1956, No. 9282), No. 6917 of 1957 (*R.G.*, 23 Feb. 1957, No. 9543, p. 16474) (*L.S.* 1957—Tur. 3A), and No. 7232 of 1959 (*R.G.*, 3 Mar. 1959, No. 10149).

Sickness and Maternity Insurance Act, No. 5502, 4 January 1950 (*R.G.*, 10 Jan. 1950, No. 7402, p. 17549) (*L.S.* 1950—Tur. 1), amended by Acts No. 6709 of 1956 (*R.G.*, 11 Apr. 1956, No.

10149), No. 6901 of 1957 (*R.G.*, 13 Feb. 1957, No. 9534, p. 16406) (*L.S.* 1957—Tur. 2) and No. 7317 of 1959 (*R.G.*, 11 June 1959, No. 10228, p. 21877) (*L.S.* 1959—Tur. 3).

Regulations concerning the conditions of employment of expectant and nursing mothers, as well as day nurseries and feeding rooms.

Article 3 of the Convention. Section 155 of the Act of 1930 prohibits the employment of women in factories, workshops or public or private undertakings during the three weeks preceding and the three weeks following their confinement. In addition, section 25 of the Labour Code provides that the duration of this compulsory rest period may be prolonged to six weeks before and six weeks after confinement, if this is required by the state of health of the person concerned.

Section 18 (as amended) of the Act of 1950 provides that a woman worker shall be granted a daily allowance equal to two-thirds of her daily earnings during the six weeks preceding and the six weeks following her confinement, on condition that she does not work or receive wages during the said periods. Section 17 (as amended) of the same Act makes it compulsory to pay an insured woman or the uninsured wife of an insured man a nursing allowance at a rate to be fixed by the Ministry of Labour. If two or more children are born, this allowance is doubled.

Section 12 (as amended) of the Act provides as follows: "Confinement care shall be granted to every insured woman or uninsured wife of an insured man, and shall consist of medical attendance and the necessary medicaments and medical supplies at confinement. Such attendance shall be given in the insured person's home by a midwife appointed by the Workers' Insurance Institution. Where necessary the confinement may be attended by a qualified medical practitioner, and where the medical practitioner or the midwife deems it necessary the insured woman or the uninsured wife of an insured man may be admitted for confinement care to a medical institution."

Under section 5 of the above regulations a nursing mother shall be allowed half-an-hour's break twice a day, in the morning and in the afternoon, to feed her child.

Article 4. Section 26 of the Labour Code prohibits the dismissal of a woman worker during her leave before and after confinement.

The Ministry of Labour and the Workers' Insurance Institution are jointly responsible for the application of the above-mentioned provisions.

The national legislation prohibits the employment of women during only three weeks preceding and three weeks following confinement; these periods may be extended to six weeks only if this is required by the state of health of the person concerned. Except as regards this provision, the standards laid down by the Convention are fully applied. The adoption of other provisions is not contemplated at present.

CONVENTION No. 103

The Labour Code excludes agriculture, establishments where employees are normally engaged in clerical work, and domestic service in private households. Furthermore, owing to the absence of special legislation on conditions of work and social security for persons in the foregoing occupations, it is impossible to extend the standards of maternity protection laid down by the Convention to women in these branches of employment. Lastly, an insured woman or the uninsured wife of an insured worker is required to apply to a doctor or midwife designated by the Workers' Insurance Institution and to receive hospital care in establishments operated by that body.

Apart from these provisions, the standards of the Convention are the same as those of the legislation.

Work on a labour code for agriculture is now in progress. It is very probable that this draft code will contain clauses on social security for agricultural workers, including maternity protection. If so, the main difficulties in the way of ratifying the Convention will be overcome, and its provisions will be applicable to women employed in agriculture.

The new Social Insurance Act, which is due to be promulgated very shortly, contains clauses dealing with establishments where employees are mainly engaged in clerical work, but it excludes domestic service in private households. It is not intended, for the time being, to modify the existing practice in order to give insured women workers the opportunity of choosing their doctor and the public or private establishment in which they will receive treatment.

See also under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Regulations concerning the conditions of employment of expectant and nursing mothers, as well as day nurseries and feeding rooms.

Section 4 of the above regulations stipulates that nursing rooms must be provided for children under the age of one year and nurseries for those between the ages of one and six.

Section 50 of the Labour Code forbids the employment of women and girls by night in industry, irrespective of their age. There is, however, no regulation forbidding overtime working by women, although under section 37 of the Code their consent is necessary before they can be asked to do so.

Under section 177 of the Public Health Act expectant mothers may not be employed on jobs which are recognised to be arduous and dangerous to their own health or that of their child during the three months before confinement. In addition, section 3 of the above regulations forbids nursing mothers to work in arduous and dangerous jobs if a medical examination shows that such jobs would be harmful to their health. There is a special regulation scheduling these arduous and dangerous jobs; this schedule covers the types of work listed in the Recommendation.

The Ministry of Labour and the Workers' Insurance Institution are jointly responsible for enforcing the laws and regulations. It is not at present planned to make any changes.

See also under Convention No. 3.

Ukraine

RECOMMENDATION No. 12

Legislation concerning women workers in industry, particularly the parts of the Labour Code dealing with maternity protection, applies in full to women employed on state farms. As regards collective farms, provision for maternity protection is made in the farms' rules which are drawn up by the members on the basis of the legislation in force. In a joint letter of 1 October 1956 the Ministry of Health and the Ministry of Agriculture of the U.S.S.R. recommended that, in making changes in their rules, the collective farms should have regard to the most recent legislative

provisions regarding maternity protection for women workers, in particular to the provision of 112 days' maternity leave. The collective farms of the Ukraine have now made corresponding changes in their rules.

Women in agriculture have the same right to free medical assistance as other women.

RECOMMENDATION NO. 95

Constitution.

Labour Code.

Penal Code.

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 8 July 1944 to increase state aid for pregnant women, mothers of large families and unmarried mothers, to extend the system of maternity and child welfare and to institute the honorary title of "Mother Heroine", the Order of "Glory of Motherhood" and the "Motherhood Medal".

Regulations concerning the granting of state social insurance benefits approved by order of the All-Union Central Council of Trade Unions of the U.S.S.R., dated 5 February 1955, in accordance with an order by the Council of Ministers of the U.S.S.R. dated 22 January 1955 (*Sobranie Postanovlenii*, 1960, pp. 540-573).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 March 1956 to extend the period of maternity leave (*Vedomosti*, 30 Mar. 1956, text 154, p. 163) (*L.S.* 1956—U.S.S.R. 2).

Regulations concerning the grant and payment of assistance to pregnant women, mothers of large families and unmarried mothers, approved by Order of the Council of Ministers of the U.S.S.R. No. 879 of 29 June 1956.

National Pensions Act of 14 July 1956 (*Vedomosti*, 28 July 1956, text 313, p. 388) (*L.S.* 1956—U.S.S.R. 4).

Paragraph 1 of the Recommendation. Under section 132 of the Labour Code women wage earners and salaried employees are granted 56 days' leave before confinement and 56 days' leave after it. In cases of abnormal or multiple birth the latter period is extended to 70 days. The maternity leave is due irrespective of the period of employment in the undertaking or institution. It is granted on the basis of a medical certificate issued by a competent body. Ordinary leave may be taken in connection with the maternity leave if the woman so wishes. The management is required to allow a woman at her request additional leave (without pay) for up to three months following the maternity leave or any ordinary leave taken in connection therewith. The programme of the Communist Party foresees a further extension of the length of maternity leave.

Paragraph 2. All women wage earners are entitled to a maternity allowance from the insurance, irrespective of the period of service. The minimum allowance (two-thirds of the remuneration) is paid to women who have been in the service of the undertaking or institution for less than one year. All others, as well as some women workers with less than a year's service, receive a higher rate of allowance: those with three years' over-all employment, including two years' uninterrupted service in the particular undertaking, innovators or high-output workers with one year's over-all employment, as well as women under 18 years of age with one year's uninterrupted service in the undertaking, receive 100 per cent. of their remuneration for the whole of the maternity leave. Under section 100 of the Constitution all citizens receive medical care free of charge. Effective provision of this care is ensured by a broad and constantly growing network of medical services for women. If one of an infant's parents has a low rate of pay, a layette is provided and a nursing grant is made.

Mothers of large families receive a lump-sum grant and monthly allowances. The former is paid to every mother who already has two children on the birth of the third and each subsequent child; in addition, the monthly allowance is paid in respect of the fourth and each subsequent child starting when a child completes its first year and continuing until its fifth year is completed. Unmarried mothers receive a state

allowance until the child is 12 years of age. If an unmarried mother has three or more children, she receives both kinds of allowances; as an unmarried mother and as a mother of a large family. Working mothers of large families receive also other advantages: whereas in general a woman is entitled to an old-age pension at the full rate on completion of her 55th year and after having been employed for not less than 20 years, a woman who has given birth to five or more children and brought them up to the age of eight years is entitled to a pension at the age of 50 if she has been employed for 15 years. Mothers of large families are also presented with special medals and orders and given the honorary title of "Mother Heroine".

Paragraph 3. Under section 134 of the Labour Code nursing mothers must have breaks in their work additional to those in general application; such breaks may not be less frequent than once in three-and-a-half hours and may not last for less than half-an-hour. They are counted as time worked. The breaks may be allowed more frequently if the child's health so requires. If the woman has two or more children at a single birth, the length of the breaks is determined ad hoc according to medical opinion. Undertakings where many women are employed provide special nursing rooms which are maintained at the expense of the undertaking.

Other action is also taken to reduce the burden of women workers who have children. For this purpose there are a great and increasing number of nurseries, kindergartens and nursery schools.

Paragraph 4. Legislation lays down strict safeguards for expectant and nursing mothers. Dismissal of expectant and unmarried mothers with children under one year of age is permitted only in exceptional circumstances—for instance if the undertaking closes down—with the consent of the local trade union committee. Whatever the ground for dismissal, it cannot take effect while the woman is on maternity leave. Expectant and nursing mothers retain their previous jobs. Refusal to engage a woman for employment because she is pregnant or refusal to engage a woman who is nursing her child and reduction of pay or dismissal of a woman for the said reasons constitute a criminal offence.

Paragraph 5. Night or overtime work is prohibited for expectant and nursing mothers. A pregnant woman may not be sent on a service mission without her consent.

There is a list of harmful jobs which may not be done by women. Furthermore, if an expectant or nursing mother finds it hard to do her normal job, she is transferred on medical recommendation to other, easier work in the same establishment without any reduction of earnings.

U.S.S.R.

RECOMMENDATION NO. 12

For legislation see under Recommendation No. 95.

The laws and regulations concerning women employed in industry are applicable also to women employed in state agricultural undertakings.

Payment of maternity allowances to women collective farmers is made from the collective funds of individual farms. The duration of maternity leave for women collective farmers and the amount of maternity allowance and birth grant are determined by the members of each collective farm in its rules in accordance with the standards laid down in labour legislation. Section 14 of the Standard Rules for agricultural co-operatives provides for two months' maternity leave with an allow-

ance equal to half the average value of a work day. Collective farms have, however, included in their rules new provisions for maternity leave and benefit at the levels laid down for women wage earners and salaried employees. Government organs have also suggested to collective farms a review of the maternity provisions in their rules with a view to increasing the length of leave and the amount of the allowance. Thus, by a letter to collective farms of 1 October 1956 the Ministries of Health and Agriculture recommended that in amending farm rules it should be borne in mind that by Ukase of the Presidium of the Supreme Soviet dated 26 March 1956 maternity leave for women wage earners and salaried employees is fixed at 112 days.

On medical recommendation women are transferred with normal pay to lighter work or work nearer home during pregnancy and, if necessary, during nursing.

Conformity with legislation is secured by a system of state and public control through the Public Prosecutor-General, who acts through a system of public prosecutors' offices. The activities of the various ministries and departments in matters of labour are supervised by the State Labour and Wages Committee of the Council of Ministers. Trade unions are also entitled to check conformity with legislation through their factory and local committees. The technical inspection services of the trade union councils supervise occupational safety and health on collective farms, while the Ministry of Health supervises application of the rules regarding maternity protection and medical care for mothers and children.

No modification of the legislation is necessary for the application of the Recommendation.

RECOMMENDATION No. 95

Constitution of the U.S.S.R. (ss. 120 and 122).

Constitutions of the Federated and Autonomous Republics.

Labour Code of the U.S.S.R.

Penal Code of the R.S.F.S.R.

Labour Codes of the Federated Republics.

Ukase of the Presidium of the Supreme Soviet of 26 March 1956 to extend the period of maternity leave (*Vedomosti*, 30 Mar. 1956, text 154, p. 163) (*L.S.* 1956—U.S.S.R. 2).

Ukase of the Presidium of the Supreme Soviet of 19 May 1949 to increase state assistance to mothers of large families and unmarried mothers.

Regulations concerning the granting of state social insurance benefits approved by Order of the Presidium of the All-Union Central Council of Trade Unions, dated 5 February 1955, in accordance with an Order by the Council of Ministers dated 22 January 1955 (*Sobranie Postanovlenii*, 1960, pp. 540-573).

Instruction by the Ministry of Health No. 10-103/14-116 of 2 September 1963.

Ukase of the Presidium of the Supreme Soviet of 8 July 1944 to increase state aid for pregnant women, mothers of large families and unmarried mothers, to extend the system of maternity and child welfare and to institute the honorary title of "Mother Heroine", the Order of "Glory of Motherhood" and the "Motherhood Medal".

Ukase of the Presidium of the Supreme Soviet of 25 November 1947 respecting state assistance to mothers (*Sbornik Zakonov S.S.S.R., 1938-1961*, Moscow, 1961).

Regulations concerning the grant and payment of assistance to pregnant women, mothers of large families and unmarried mothers, approved by Order of the Council of Ministers No. 879 of 29 June 1956.

Standard Rules for agricultural co-operatives.

Paragraph 1 of the Recommendation. The labour legislation provides for maternity leave of 16 weeks consisting of 56 days before and 56 days after confinement. The Ukase of 1956 extends postnatal leave to 70 days in the case of abnormal or multiple birth in the circumstances listed in the instruction of 1963. The management of the undertaking is also required by law to allow the mother additional leave without pay for up to three months following maternity leave or ordinary leave

taken in connection with it; and such additional leave is deemed to be time worked for the calculation of the period of uninterrupted employment.

Paragraph 2. All women workers are entitled to maternity allowances under the state social insurance scheme, which vary from two-thirds to 100 per cent. of normal pay according to the period of employment. In addition, a grant may be given for the layette and for nursing.

In addition to these cash benefits the State also provides considerable regular assistance to mothers. Thus under the Ukase of 1944 provision is made for increases in state assistance to expectant mothers, mothers of large families and unmarried mothers.

Section 120 of the Constitution provides for the free grant of medical care to workers, and throughout the country there is a network of special state medical services, including women's and children's consultation services. Careful attention is paid by children's medical officers and visiting nurses to the correct feeding and general welfare of babies.

Paragraph 3. Under section 134 of the Labour Code of the R.S.F.S.R. mothers must receive work breaks for the purpose of nursing, the period of which is laid down in the rules of the undertaking but must be of at least half-an-hour every three-and-a-half hours. Nursing rooms are provided free of charge in undertakings and offices and are inspected by the district consultation service or medical service at the place of employment.

Paragraph 4. Section 139 of the Penal Code of the R.S.F.S.R. provides that refusal to engage a woman for employment because she is pregnant or nursing, and dismissal for these reasons, shall be punished by corrective labour for one year or discharge. The management can dismiss an expectant or nursing mother only in exceptional circumstances and with the consent of the competent trade union body. A woman on maternity leave cannot be transferred to other work nor have her rate of pay reduced. A woman who leaves her employment voluntarily because of childbirth is deemed to have remained in uninterrupted employment for a period of one year from the date of birth.

Paragraph 5. Section 131 of the Labour Code of the R.S.F.S.R. provides that expectant and nursing mothers shall not do night work (i.e. between 10 p.m. and 6 a.m.) or overtime. A pregnant woman may be transferred to lighter work without reduction in pay for the whole period of pregnancy if a medical practitioner thinks fit. The doctor may recommend the kind of work to which the woman should be transferred, and the management is obliged to give effect to this recommendation.

For supervision of the relevant legislation see under Recommendation No. 12.

United Kingdom

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

National Insurance Act of 1 August 1946 (9 and 10 Geo. 6, ch. 67) (L.S. 1946—U.K. 3) as amended in 1953, 1954, 1957, 1960 and 1963.

National Insurance Act (Northern Ireland), 1946, as amended in 1953, 1960, 1963 and 1964.

Family Allowances and National Insurance Acts, 1952 and 1961.

Factory and Workshop Act, 1901.

Public Health Act of 31 July 1936 (26 Geo. 5, and 1 Ed. 8 1935-36, ch. 49).

National Health Service Act, 1946 (9 and 10 Geo. 6, ch. 81) (*L.S.* 1946—U.K. 5).

National Health Service (Scotland) Act, 1947.

Health Services Act (Northern Ireland), 1948.

Nurseries and Child Minders' Regulation Act, 1948.

Factories Act of 22 June 1961 (9 and 10 Eliz. 2, ch. 34) (*L.S.* 1961—U.K. 1).

Factories Acts (Northern Ireland), 1938, 1949 and 1959.

National Assistance Act of 13 May 1948 (11 and 12 Geo. 6, ch. 29), as amended in 1959.

National Assistance Act (Northern Ireland), 1948, as amended in 1959.

National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954 (*Statutory Instruments*, 1954, No. 189), as amended in 1955 (*ibid.*, 1955, No. 498).

National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations, 1955 (*ibid.*, 1955, No. 493), as amended in 1957 (*ibid.*, 1957, No. 2077), 1960 (*ibid.*, 1960, No. 2422) and 1963 (*ibid.*, 1963, No. 394).

National Insurance (General Benefit) Regulations, 1948 (*ibid.*, 1948, No. 1278), as amended in 1957 (*ibid.*, 1957, No. 1888) and 1960 (*ibid.*, 1960, No. 1282).

National Insurance (Medical Certification) Regulations, 1948 (*ibid.*, 1948, No. 1175), as amended in 1952 (*ibid.*, 1952, No. 992).

National Insurance (Married Women) Regulations, 1948 (*ibid.*, 1948, No. 1470).

National Insurance (Overlapping Benefits) Regulations, 1948 (*ibid.*, 1948, No. 2711), as amended in 1952 (*ibid.*, 1952, No. 422), 1953 (*ibid.*, 1953, No. 756), 1957 (*ibid.*, 1957, No. 1889) and 1959 (*ibid.*, 1959, No. 1290).

National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (*ibid.*, 1948, No. 211).

National Insurance (Reciprocal Agreement with Great Britain) Order (Northern Ireland), 1948 (*Statutory Rules and Orders*, 1948, No. 45).

National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (*ibid.*, 1953, No. 123), as amended in 1954 (*ibid.*, 1954, No. 35) and 1955 (*ibid.*, 1955, No. 72).

National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1955 (*ibid.*, 1955, No. 7), as amended in 1957 (*ibid.*, 1957, No. 269), 1961 (*ibid.*, 1961, No. 3) and 1963 (*ibid.*, 1963, No. 36).

National Insurance (General Benefit) Regulations (Northern Ireland), 1948 (*ibid.*, 1948, No. 208) as amended in 1957 (*ibid.*, 1957, No. 239) and 1960 (*ibid.*, 1960, No. 143).

National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1961 (*ibid.*, 1961, No. 180).

Various regulations issued under the National Health Service Acts and National Assistance Acts.

Article 3 of the Convention. Legislation does not fully meet the requirements of this Article, but the employment of women in factories or workshops is prohibited under section 205 of the Act of 1936 for four weeks after childbirth. Similar protection is provided in section 61 of the Act of 1901 (as applied by section 181 of the Act of 1961) for Scotland and the County of London, to which the Act of 1936 does not extend.

The only collective agreements known to cover maternity protection are for local authorities' employees and the electricity supply industry.

Article 4. Cash maternity benefits are provided under a compulsory contributory scheme which covers all employed, self-employed and unemployed persons. Special provisions have been made for the insurance of married women, who may choose whether or not to pay contributions. The National Insurance Scheme provides for three types of maternity benefit. The maternity grant is a lump sum paid before or after confinement on the basis of contributions paid by a married woman or her husband or an unmarried mother. The home confinement grant is payable if the woman is confined otherwise than in free hospital accommodation provided under the National Health Service. The maternity allowance is payable weekly to working

married women, unless they have elected not to pay contributions, and to unmarried mothers, but it cannot be paid on a husband's contributions. The maternity allowance, which may be increased for an adult or child dependant, can be claimed at any time from the beginning of the ninth week before the expected date of confinement normally until three months after it. The allowance is subject to adjustment by reference to other social insurance benefits due to the claimant for the same period as provided for in the National Insurance (Overlapping Benefits) Regulations. Maternity benefits are paid out of the National Insurance Fund, which consists of contributions by insured persons, employers and the Exchequer.

Medical benefits are provided as part of the comprehensive health service established under the National Health Service Acts, in which special provision is made for the care of mothers and young children, including advice and care during the ante-natal period, confinement and the puerperium.

In most cases women entitled to maternity benefits under the National Insurance Acts will receive in addition any assistance which may be due to them under the National Assistance Acts.

Article 5. The Act of 1961 provides that women should be granted intervals for meals and rest, but legislation does not permit mothers to interrupt work for the purpose of nursing.

Article 6. No legislation protects women from dismissal before or after confinement, but it is customary for them to be re-employed when they re-apply for work.

The Ministry of Pensions and National Insurance is responsible for administration of cash maternity benefits. Enforcement of the Act of 1936 is entrusted to the local authority and of Part VI of the Act of 1961 to the Ministry of Labour. The national insurance schemes in Great Britain and Northern Ireland are operated as far as possible as if they constituted a single system.

There is at present no proposal to modify the law and practice in relation to maternity benefits.

RECOMMENDATION NO. 12

See under Convention No. 103.

RECOMMENDATION NO. 95

For legislation see under Convention No. 103.

Paragraph 3, subparagraph (2), of the Recommendation. Local health authorities are empowered under the National Health Service Acts to provide subsidised day nurseries for children under five years of women who are the sole breadwinners (not of all working women) or for children under five who need day care on health grounds. Some nurseries are also provided by employers.

Paragraph 4, subparagraph (3). Women have no right to the preservation of seniority during absence or to reinstatement after confinement.

Paragraph 5, subparagraph (1). Part VI of the Act of 1961 prohibits the employment of women at night and restricts the amount of overtime of women generally.

Subparagraph (2). No work prejudicial to the health of pregnant or nursing women is designated by any authority.

Aden**CONVENTION No. 3**

Administrative and other provisions exist in regard to matters dealt with in the Convention.

Under paragraph 15 of Government Circular No. 2/62 concerning revised leave regulations female staff of two years' continuous service may receive six weeks' paid maternity leave every three years, and unpaid leave without the three-year limitation on production of a certificate from a government doctor. Few women are employed since most observe *pardah*.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

The Recommendation is inapplicable since there are no agricultural wage earners.

RECOMMENDATION No. 95

See under Convention No. 3.

Bahamas**CONVENTION No. 3**

Government regulations and negotiated agreements of the Bahamas Electricity Corporation provide maternity leave of 28 days every three years. In negotiated agreements of the Bahamas Airways Limited the maternity leave is 24 days and in the agreements for hotels it is 21 days every three years. There is no legislation on the subject.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Basutoland**CONVENTION No. 3**

No provisions exist in regard to the Convention.

Regulations governing female employees on the permanent staff of the public service permit the taking of accrued vacation leave for the purposes of maternity leave.

Heads of government departments are entrusted with the supervision of the application of the existing regulations.

The new Employment Bill shortly to be presented before the legislature will apply the Convention to such extent as is determined by local needs and customs.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Bechuanaland

CONVENTION No. 3

Employment Law, No. 10, 1963.

Under the above law a woman in any public or private industrial, agricultural or commercial undertaking shall not be permitted to work during the six weeks following her confinement and shall have the right to leave her work six weeks before her confinement. The Act further provides that while absent from work she shall be paid not less than 25 per cent. of her normal wages and that if she nurses a child she shall be allowed half-an-hour twice a day during working hours for this purpose.

When a woman is absent from work in accordance with the law no employer shall give her notice of dismissal.

The law is enforced by the Legal Branch of the Government.

CONVENTION No. 103

For legislation see under Convention No. 3.

The Employment Law of 1963 applies most of the provisions of the Convention in respect of industrial and agricultural workers but not domestic servants.

Although it gives effect to some of the provisions of the Convention, medical benefits are not paid. Moreover, cash benefits are provided by the employer only at the rate of 25 per cent. of the wages.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

For legislation see under Convention No. 3.

It is not yet proposed to amend the Employment Law to give full effect to the Recommendation.

Bermuda**CONVENTION No. 3**

No legislative or other provisions exist with regard to maternity protection. No modifications have been made in the legislation or practice to give effect to the Convention. Although some measures of public social security are contemplated, maternity protection is not provided for.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

British Guiana**CONVENTION No. 3**

There is no legislation applying the Convention, but the Legislative Council has recommended to the Government the enactment of legislation to provide for maternity leave with pay for women workers throughout the country.

In a few commercial undertakings antenatal and postnatal leave is already granted by employers. Recently the trade union movement has made representations on behalf of women workers for the granting of maternity benefits.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

There is no legislation on this subject, nor is there any provision for maternity benefits through collective bargaining.

RECOMMENDATION No. 95

Employment of Women, Young Persons and Children Ordinance (Cap. 107).
Factories (Health and Welfare) Regulations, No. 16, 1951.

Although there is no legislation concerning maternity protection, women, whether pregnant or not, are protected to some extent by the above-mentioned legislation.

The above ordinance provides that no woman shall be employed at night in an industrial undertaking, except to the extent to which such employment is permitted under the schedule to the ordinance. The schedule to the ordinance includes the Night Work (Women) Convention (Revised), 1934 (No. 41).

The above regulations provide that no female shall be employed in a factory more than eight hours in a day or 44 hours in a week.

The above legislation is supervised by the Department of Labour.

British Honduras**CONVENTION No. 3**

Labour Ordinance, No. 15, 1959.

Labour (Maternity Protection) Regulations, 3 September 1960 (*Statutory Instruments*, 1960, No. 34).

Labour Ordinance (Domestic Servants' Application) Regulations, 26 January 1963 (*ibid.*, 1963, No. 3).

Under section 171, subsection 1, of the above ordinance a woman shall not be permitted to work during the six weeks following her confinement and has the right to leave her work if she produces a medical certificate that her confinement will probably take place within six weeks. During her absence the employer is required to pay at least one-third of her wages, provided that during the 12 months preceding her confinement she was employed by the same employer for at least 155 days. These provisions apply to domestic servants who have worked with the same employer for at least 12 consecutive months (regulations of 1963). There is no system of insurance providing free medical care, but medical services are provided in public hospitals free or for a nominal charge. Such services include prenatal, confinement and post-natal care. There is no provision for nursing periods, however, as the interruptions are granted when requested by the employee.

Under section 172, if as a result of illness medically certified the woman is unable to work, the employer is prohibited from giving her notice of dismissal during that period.

The Labour Department, through its inspection service is responsible for enforcing the labour laws.

CONVENTION No. 103

General Order No. 185.

Under the Labour (Maternity Protection) Regulations, 1960, a woman shall be entitled to an extension of leave of a maximum of 30 days due to illness because of pregnancy, if such absence is medically certified.

Under the above general order a married woman employed in the government service for at least two years is granted leave on pregnancy for a period of 56 days immediately preceding the expected date of delivery and for the same period after such date, during which time she receives full pay for a period equal to one-half of the vacation leave for which she is eligible, together with one-half of her sick leave, up to 56 days. She is also entitled to half pay for the remainder of such periods or 12 weeks, whichever is less.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Brunei**CONVENTION No. 3**

Labour Enactment, No. 11, 1954.

Article 1 of the Convention. This Article is incorporated in section 2 of the above enactment.

Article 3. Under section 83 (1) a woman is entitled to four weeks' maternity leave before and after confinement and also to maternity benefits calculated in accordance with section 82 (2) and (5).

Article 4. This is incorporated in section 9 of the enactment.

CONVENTION No. 103

For legislation see under Convention No. 3.

Under section 82 (2) to (5) cash and medical benefits are provided. No provision is made in the enactment for interruptions of work for nursing.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Dominica

CONVENTION No. 3

See under Convention No. 103.

CONVENTION No. 103

The Government accepts the principle that if legislation is to be introduced to give effect to these matters it should be uniform throughout the territories. It is felt, however, that maternity protection can be more effectively and expeditiously dealt with through existing collective bargaining facilities than by legislation.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Falkland Islands

CONVENTION No. 3

There are no industrial undertakings which employ women.

A decision is reserved on the introduction of legislation concerning confinement and maternity leave.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3

Fiji

CONVENTION No. 3

Labour Ordinance, No. 23, 1947 (*The Laws of Fiji*, Cap. 22).

Section 3 of the above ordinance contains a definition of industrial and commercial undertakings similar to those in the Convention.

Section 61 of the ordinance requires an employer to allow a woman employed in a commercial or industrial undertaking to leave her work on production of a medical certificate that her confinement will probably take place within three weeks, and not to permit her to work for three weeks after her confinement. During such leave the employee should receive not less than 25 per cent. of her normal wages. A woman employee who is nursing a child should receive half-an-hour twice a day during working hours for this purpose.

Under section 62 no employer shall give notice of dismissal to a woman receiving maternity leave or absent because of illness certified to arise out of pregnancy or confinement until her absence has exceeded a period of six weeks.

The Labour Department supervises the application of the legislation.

New draft legislation will give effect to the provisions of the Convention, except that no provision is made for free attendance by a doctor or certified midwife as required by Article 3 (c). State medical facilities are, however, available at a nominal charge to women undergoing confinement.

CONVENTION No. 103

For legislation see under Convention No. 3.

At the present stage of development it is impossible to accept the provisions of Article 4 of the Convention. There is no compulsory social insurance, and Article 4 (8) is not applied by the provisions of the Labour Ordinance or by the new draft legislation (see under Convention No. 3).

RECOMMENDATION No. 12

There are no provisions relating to the matters dealt with in the Recommendation (see under Convention No. 3).

RECOMMENDATION No. 95

For legislation see under Convention No. 3.

As yet there is no social insurance scheme, and it is therefore impossible to comply with the provisions of Paragraphs 2 and 3 of the Recommendation.

Gambia**CONVENTION No. 3**

See under Convention No. 103.

CONVENTION No. 103

Gambia General Orders (1959 edition) (Caps. 4, 13 and 17/8).

On production of a medical certificate all married women are granted four months' leave on half salary calculated to cover approximately ten weeks before and six weeks after confinement. The earned leave is counted against this period but paid at full salary. Unmarried women are granted the same leave without salary excepting the earned leave. In practice seniority rights are preserved and the period is increment-earning. Additional sick leave may be granted. Free medical attention, including attendance by a certified midwife, is given. In the absence of any national social security scheme no additional benefit is paid.

The services of a probationer whose training is interrupted by pregnancy will be terminated but upon application she will be considered for re-employment. This is mainly applied to the employees of the Medical Department.

An unmarried female teacher who becomes pregnant is requested to resign or her services are terminated. In practice application for re-employment is considered on its merit. In the event of re-employment she enjoys the same salary as paid before confinement.

The majority of commercial firms grant maternity leave of six weeks before and six weeks after confinement.

An amendment of the general orders to cover all women is under consideration. The practice in the Education and Medical Departments in terminating the services of unmarried women is also being considered. The only employer of agricultural labour in Gambia is the Government, whose employees are covered by the general orders. The poor economic situation of the country and the relatively small number of women workers prevent the Convention from being fully applied.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

See under Convention No. 103.

Gibraltar**CONVENTION No. 3**

Social Insurance Ordinance (*The Laws of Gibraltar*, Cap. 166).

St. Bernard's Hospital (Fees and Charges) Rules.

St. Bernard's Hospital Ordinance (*ibid.*, Cap. 23).

Leave and Passage Regulations.

The Social Insurance Ordinance establishes a maternity grant payable to women in insurable employment in industrial undertakings and commerce if certain contribution conditions are satisfied by themselves or their husbands. The above rules

provide that any woman, whether or not in insured employment, who is ordinarily resident in Gibraltar or under permit of residence may receive free prenatal and postnatal treatment in the government hospital. Charges may be made for the period of hospitalisation on a prescribed sliding scale under which few women employed in industry or commerce pay hospital fees. There is also provision for waiving the fees in case of need recommended by the Department of Labour and Social Security.

The Leave and Passage Regulations provide for married women officers of the Government of Gibraltar to be granted leave for six weeks prior to and three weeks subsequent to confinement on full pay as part of their general sick leave entitlement. A non-statutory public assistance scheme covers any woman who leaves her employment up to six weeks before her confinement and for three weeks afterwards. Because very few married women are in the labour force, maternity protection as envisaged in this Convention presents no urgent problem from the community point of view.

The application of the relevant legislation is supervised by the Director of Labour and Social Security. There are advisory committees and appeals machinery on both the social insurance and public assistance schemes within which employers and workers are associated.

None of the above-mentioned measures was specifically introduced to comply with the requirements of this Convention, although they have resulted from the influence of the relevant international standards. The standards set by the Convention are generally accepted as an aim of policy to be achieved as soon as circumstances permit within the general development of the social services.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

The Recommendation is not applicable as the geographical characteristics of the territory preclude the development of agriculture.

RECOMMENDATION NO. 95

Paragraph 2 of the Recommendation. The comprehensive medical and health service provided under the St. Bernard's Hospital Ordinance for all persons residing in Gibraltar, including pregnant women during the prenatal and postnatal period of confinement, covers medical practitioner and specialist out-patient and in-patient care, dental care, maternity services in hospital by qualified midwives, nursing care in hospital, etc. Domiciliary treatment by a medical practitioner and the attention of a qualified visiting district nurse is also available to persons in receipt of public assistance and their dependants.

The benefits provided by the Medical and Health Service are afforded to protect the health of the woman and of her child as well as her ability to work. There are also recognised welfare bodies, in some cases subsidised by the Government, which supply layettes for needy families.

Gilbert and Ellice Islands

CONVENTION NO. 3

See under Convention No. 103.

CONVENTION No. 103

Labour Ordinance, No. 6, 1951.

The formal employment of women is limited to offices, laundries, hospitals, stores and households and is rarely under formal contract. Although Part VIII of the Labour Ordinance provides for continued benefits to pregnant women and nursing mothers, under indigenous custom they resign their positions as pregnancy advances, and as employment of mothers of infants is viewed with some repugnance by the indigenous population such women seldom seek re-employment. Working mothers are permitted time for the nursing of babies.

RECOMMENDATION No. 12

No women are employed in agricultural undertakings.

RECOMMENDATION No. 95

See under Convention No. 103.

Grenada

CONVENTION No. 3

No legislation exists for any of the matters dealt with in the Convention. Collective agreements provide for maternity leave only in a few industrial and commercial undertakings. These agreements provide for six weeks' leave every two years with full pay for married women and without pay for unmarried women. No further measures are contemplated.

CONVENTION No. 103

No legislation exists for any of the matters dealt with in the Convention.

By administrative provisions married women permanently in the civil service may receive maternity leave not exceeding one month on full pay. Temporary employees and unmarried women receive no such leave.

Agricultural workers receive no maternity leave but get free prenatal, confinement and postnatal care.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Guernsey

CONVENTION No. 3

A woman can receive free medical attention by a doctor or a certified midwife during and after her period of pregnancy, and benefits for herself and her child if without these she and her child would suffer. It is customary for the woman to terminate her employment after she has become pregnant and not later than six

weeks before the expected week of confinement. A married woman rarely resumes employment after confinement. Unmarried mothers return to employment after confinement but only with the permission of a doctor. No measures would be adopted to give effect to the Convention.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

Pregnant women are encouraged to avail themselves of the general health services provided. Nursing mothers are never employed. Under the law relating to women and young persons, 1926, the employment of women during the night is prohibited.

Hong Kong

CONVENTION No. 3

General Government Orders Nos. 1250-1256.

There is no general legislation prescribing maternity benefits. General Government Orders Nos. 1250 to 1256 cover paid maternity leave for government staff. Certain private employers also grant maternity benefits voluntarily to their employees.

In industry women workers are generally granted leave before confinement and re-engaged when they are fit. Women usually stop work from two to four weeks before and resume it about four weeks after confinement. Factories with clinics normally provide free antenatal treatment. Undertakings try to ensure that women stop work at a reasonable time before confinement, and some insist on this in factory regulations. Sometimes employers or fellow-workers give money after the birth of a child. Several large concerns grant full or part pay during maternity leave, while others contribute to the expenses of confinement or make advances of pay. Commercial offices usually grant pre-confinement leave and four weeks' post-confinement leave, mostly with pay.

In the public service paid maternity leave of up to 12 weeks is granted to married officers, provided they have completed 12 months' service and had six months' continuous resident service. Otherwise unpaid leave may be granted. The amount of leave is recommended by a government medical officer, but no woman may resume duty until four weeks after confinement. If more than 12 weeks of absence are required, leave without pay to bring the total up to six months or more may be granted on the recommendation of a government medical officer or a medical board.

No modifications have been made in territorial practice in application of the Convention. No steps have been taken to introduce legislation because until basic economic needs are met there is little chance of general social security schemes being introduced.

While it is aimed to introduce legislation to cover Article 4 of the Convention it will not be possible to adopt measures in the near future to give effect to its other provisions.

CONVENTION No. 103

For legislation see under Convention No. 3.

Apart from the maternity leave granted by the Government and certain private employers, women workers benefit from steadily increasing medical facilities provided by the Government and private agencies. The Government and voluntary welfare agencies offer free maternity and child care.

No modifications have been made in practice to apply the Convention, and no steps have been taken to introduce legislation. It is not practicable to confer maternity benefits on women agricultural wage earners, whose number is very small.

RECOMMENDATION No. 12

There is no legislation providing benefits for women employed in agriculture. No steps have been taken to implement the Recommendation. Agricultural workers form a small part of the total working population and it is impracticable to provide for women agricultural workers maternity benefits which cannot be provided for women workers in general.

No legislative measures are contemplated to apply the Recommendation, but the Government will continue to expand maternal and child health services directly or through voluntary agencies.

RECOMMENDATION No. 95

For legislation see under Convention No. 3.

In time it might be possible to give progressive effect to Paragraph 4 of the Recommendation.

Jersey

CONVENTION No. 3

Insular Insurance (Jersey) Law, 1950, as amended.

The employer has the discretion of determining whether maternity leave or leave for the purpose of nursing a child should be granted. Under the provisions of the above law a woman shall be entitled to receive from the insurance fund a maternity grant of £10, provided she or her husband has made the necessary contribution (section 19 (a)). Under section 19 (b) the woman receives an additional grant of £12 if she has been confined at a place other than a public hospital.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

There is no provision for the granting of nursing breaks during working hours.

Malta ¹

CONVENTION NO. 3

Decision on the Convention is reserved. No provisions exist dealing with maternity protection.

It is the general practice for women to leave employment on marriage, and this is a condition of service in the public sector of employment.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

See under Convention No. 3.

RECOMMENDATION NO. 95

See under Convention No. 3.

Isle of Man

CONVENTION NO. 3

National Insurance (Isle of Man) Acts, 1948, 1950, 1951, 1956 and 1961.

Family Allowances National Insurance and Social Services Act, 1952.

National Insurance Act, 1954.

National Insurance (No. 2) (Isle of Man) Act, 1955.

Old-Age Pensions, Family Allowances and National Insurance (Isle of Man) Acts, 1956 and 1959.

Family Allowances and National Insurance Orders, 1956, 1959 and 1962.

National Insurance Orders, 1956, 1957, 1959, 1961 and 1963.

National Insurance (Claims and Payments) Regulations, 1949.

National Insurance (Contributions) Regulations, 1949.

National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) Regulations, 1949.

National Insurance (Maternity Benefit) Regulations, 1950.

National Insurance (General Benefit) Regulations, 1951.

Under section 65 of the Act of 1948 the provisions of the relevant regulations in Great Britain are deemed to have effect in the Isle of Man. Maternity benefit is on a contributory basis. The insured woman is entitled to a lump-sum maternity grant of £16 which may be claimed from the beginning of the ninth week before the expected week of confinement up to the end of three months after confinement and to a maternity allowance of £3 7s. 6d. weekly paid for 18 weeks beginning 11 weeks before the expected week of confinement. She may be entitled also to a lump-sum home confinement grant of £6 if her baby was not born in a public hospital. The wife of the insured can claim a maternity grant and home-confinement grant on her husband's insurance or on her own. The National Health Service provides medical care for all residents of the Isle of Man.

There exists an unemployment problem in the area, which is small and non-industrial; therefore only few married women are employed in industry. In these circum-

¹ This territory became independent on 21 September 1964.

stances it has not been considered necessary to introduce legislation to give effect to the provisions of Articles 3 (d) and 4 of the Convention.

Women who fail to qualify for maternity benefits because of insufficient contributions are entitled to receive national assistance grants at a calculated rate.

The Isle of Man Board of Social Services administers the insurance and assistance schemes.

CONVENTION No. 103

No modifications of existing practice have been considered.

See also under Convention No. 3.

RECOMMENDATION No. 12

Women employed in agricultural undertakings are equally covered under the national schemes.

See also under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Mauritius

CONVENTION No. 3

Employment and Labour Ordinance (*The Laws of Mauritius*, Cap. 214).

Article 3, clause (d), of the Convention. Section 22A of the above ordinance provides that a female employee who is nursing a child shall be allowed half-an-hour twice a day during working hours for this purpose without reduction in wages.

CONVENTION No. 103

Article 3 of the Convention. As regards sugar estates section 23 (1) of the Employment and Labour Ordinance provides that every female labourer employed and resident on the estate may abstain from work for one month before and after confinement and receive from her employer a maternity allowance of 10 rupees.

Article 4. Free antenatal services are provided in government institutions and by the Maternity and Child Welfare Society, which receives a grant from the Government. These services are also provided free in social welfare centres built by the Sugar Industry Labour Welfare Fund. Confinement at home or in hospital is also free, except for the rare cases of private patients who are delivered in hospital.

Article 5. See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

No provisions exist in regard to any of the matters dealt with in the Recommendation.

Montserrat**CONVENTION No. 3**

There is no legislation applying the provisions of the Convention, but they are applied in practice. The economic situation of the territory precludes the granting of maintenance benefits out of public funds or by means of insurance. The Government Health Service provides free prenatal and postnatal care as well as free attention during confinement and hospital treatment.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

Labourers' Medical Attendance Ordinance, No. 9, 1871.

There is no legislation applying the provisions of the Recommendation, but they are applied in practice. Under the above ordinance needy women shall receive all the necessary medical and surgical aid without cost.

RECOMMENDATION No. 95

See under Convention No. 3.

Northern Rhodesia¹**CONVENTION No. 3**

Through its health services the Government provides prenatal, confinement and postnatal medical care at fee-paying and non-fee-paying hospitals and at clinics and dispensaries. In addition, some women employed in shops and offices may receive cash maternity benefits from private medical aid funds to which they and their employers make regular contributions. Assistance in the form of food and maintenance is given by the Government to destitute women. By administrative practice the Government normally grants two months' unpaid maternity leave to its women employees.

No other provisions in regard to the matters dealt with in the Convention exist, and it is not usual for industrial and commercial undertakings to provide maternity benefits or special care for pregnant women and mothers.

No modifications have so far been made in law or practice with a view to giving effect to any of the provisions of the Convention.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

¹ This territory became independent on 24 October 1964 under the name of Zambia.

RECOMMENDATION No. 95

Employment of Women, Young Persons and Children Ordinance.

The above ordinance prohibits the employment of women during the night in industrial undertakings except in certain emergencies.

The ordinance is supervised by inspecting officers of the Ministry of Labour and Mines.

No measures to give effect to the provisions of the Recommendation are at present contemplated.

Nyasaland ¹

CONVENTION No. 3

Very few women are employed in any industrial or commercial undertakings. When further employment opportunities for women are available consideration will be given to introducing maternity protection legislation. In the Unified Teaching Service Conditions of Employment married female teachers are granted three months' leave on half pay during confinement.

CONVENTION No. 103

In the present state of development the application of this Convention is impracticable. Such measures of social security as are envisaged in the Convention are beyond the financial resources of Nyasaland.

RECOMMENDATION No. 12

The majority of women in agriculture are engaged in light tasks on tea and tobacco plantations, and they attend work or not as they please. It is not necessary therefore to legislate at this stage on maternity protection.

RECOMMENDATION No. 95

No action has yet been taken to implement Convention No. 103. It is therefore not possible at this time to indicate what action is likely to be taken on the Recommendation.

St. Helena

CONVENTION No. 3

There are no industrial undertakings in which women are employed, and only one commercial undertaking. Women in practice are granted 12 weeks' maternity leave with pay. There is no system of insurance since the territory cannot afford such. Attendance at antenatal and postnatal clinics is free, and hospital charges are very small. Under a World Health Organisation scheme dried milk is provided to nursing mothers and their infants.

¹ This territory became independent on 6 July 1964 under the name of Malawi.

CONVENTION No. 103

All women employed in agricultural undertakings are granted 12 weeks' maternity leave.

RECOMMENDATION No. 12

See under Convention No. 103.

RECOMMENDATION No. 95

Maternity leave is sometimes extended beyond 12 weeks if certified to be necessary on medical grounds. In most cases women are paid fully for any leave they are entitled to at the commencement of their maternity leave and half pay thereafter. Since only few women are employed in undertakings there is no need for special facilities for nursing and day care of infants. Women are not employed on work prejudicial to their health.

St. Lucia

CONVENTION No. 3

Employment of Women Ordinance (*Revised Laws of St. Lucia*, 1957, Cap. 99).

The Administrator-in-Council is empowered under the above ordinance to make regulations for restricting, prohibiting or regulating the employment of women before or after childbirth, but no such regulations have yet been made.

In the public service an administrative regulation permits married women in the teaching service to receive three months' maternity leave, usually consisting of two months' prenatal and one month's postnatal leave. Full wages are paid during the first two months and half wages during the third month. Employment is fully secured.

The Government has recently been offered technical assistance in social security, and it is hoped that an examination of the question of maternity protection will be undertaken during the survey which is to be made. It is therefore not yet proposed to make regulations under the ordinance.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Seychelles

CONVENTION No. 3

At the present moment only married women government officers are eligible for six weeks' maternity leave on full pay—normally to start, as far as possible, two weeks before the birth of their child.

This is similarly applied to unestablished staff after the completion of six months' continuous service. They are eligible for free medical attention on the same basis as established staff and for up to one month's sick leave on full pay followed by one month on half pay. Married women are granted maternity leave on this basis and may also use any vacation leave they may be entitled to.

CONVENTION No. 103

See under Convention No. 3.

RECOMMENDATION No. 12

See under Convention No. 3.

RECOMMENDATION No. 95

See under Convention No. 3.

Solomon Islands

CONVENTION No. 3

Labour Ordinance (Cap. 28).

Under section 79 (2) of the above ordinance an employer must pay not less than 25 per cent. of wages during absence for pregnancy. There is no provision for benefits to be paid out of public funds or by a system of insurance. The medical department provides prenatal, confinement and postnatal care in the main urban centres and trained nurses and midwives to provide such care in the rural areas. The Commissioner of Labour and the district commissioners and district officers make frequent visits to places of employment.

The Protectorate has not developed to the stage where it can afford to give full effect to the requirements of the Convention.

CONVENTION No. 103

Public Hospitals and Dispensaries Rules.

The provisions under sections 79 and 80 of the Labour Ordinance apply to all women employees.

Section 79 provides for six weeks' leave before and six weeks' leave after confinement.

Rule 19 (2) of the above rules provides for prenatal and postnatal care for out-patients at the Central Hospital.

RECOMMENDATION No. 12

See under Conventions Nos. 3 and 103.

RECOMMENDATION No. 95

Sections 79 and 80 of the Labour Ordinance provide that a woman nursing a baby shall have half-an-hour off twice a day to do so and that she may not be dismissed during absence because of her confinement.

Southern Rhodesia

CONVENTION NO. 3

Industrial Conciliation Act, No. 29, 1959 (L.S. 1959—S.R. 1).

The employment of married women is normally on a temporary basis under temporary conditions. Such employees usually resign before confinement. All industrial undertakings covered by collective agreements or employment regulations have provisions and conditions of service for nursing mothers to be allowed nursing periods amounting to 60 minutes a day, with no deduction from wages.

Supervision of the application of the agreements is through officials of the Ministry of Labour and appointed inspectors. The Convention has been accepted.

CONVENTION NO. 103

Women are not employed in agricultural occupations except on a casual basis. African women workers generally are provided with free antenatal and postnatal care by qualified medical staff, and with free hospitalisation. Only in regard to actual confinement is a nominal charge for hospitalisation made.

In its present state of development the territory is not in a position to prescribe the provisions of the Convention by national legislation.

RECOMMENDATION NO. 12

See under Convention No. 3.

RECOMMENDATION NO. 95

Medical services are free only to African women, but most other women are assisted directly, or through their husbands, by contributory medical-aid societies. Night work for all women other than nurses or midwives is expressly forbidden.

Swaziland

CONVENTION NO. 103

Employment Proclamation, No. 51, 1962.

Article 1 of the Convention. Section 43 of the above proclamation applies to women engaged in industrial and commercial (but not agricultural) undertakings as defined in section 2. Whereas the definition of "industrial undertaking" is similar to that contained in the Convention, the definition of "commercial undertaking" does not cover clauses (c) and (h) of paragraph 3 of this Article.

Article 2. According to section 2 of the proclamation "woman" means a female of the apparent age of 18 years or upwards.

Article 3. Section 43 provides that a female employee shall have the right to leave her work if she produces a medical certificate stating that her confinement will take place within six weeks. A female employee will not be required to work during the period of six weeks after and six weeks before confinement. No extension of the period of maternity leave is provided for in the proclamation.

Article 4. No paid maternity leave or medical benefits are provided. There is no social insurance or any other public scheme for provision of cash or medical benefits.

Article 5. Under section 43 (1) (c) of the proclamation a female employee is allowed half-an-hour twice a day during work to nurse her child, which would count as working time, except in piece-work employment.

Article 6. Section 43 of the proclamation does not permit an employer to dismiss an employee during maternity leave.

Article 7. Section 43 of the proclamation applies to transport undertakings but to none of the categories listed under causes (b), (c) and (d) of paragraph 1 of this Article. There is no provision for exemption of non-industrial occupations to which the proclamation applies.

The application of the legislation is entrusted to the Labour Commissioner and his inspectorate, the courts and the police.

Fuller application of the Convention cannot be secured at the present stage of economic development. It would be impracticable to compel employers to pay wages and medical benefits during maternity leave since this would discourage them from employing pregnant women, and the State cannot provide for such payment through a social security scheme.

United States

CONVENTION No. 3

Federal Legislation.

Railroad Unemployment Insurance Act, 1938, as amended.

State Legislation.

New Jersey.

Temporary Disability Benefits Act.

Oregon.

Mercantile Order.

Washington.

Industrial Welfare Committee Orders.

As indicated in a bulletin attached to the Government's report maternity benefit provisions for employed women, voluntary benefit plans, union management plans and state and federal legislation and regulation provide various types of maternity benefits for millions of women. Since the publication of this bulletin legislation has been passed as indicated below.

The New Jersey Temporary Disability Benefits Act provides that women workers to whom the Act applies are entitled to cash benefits for disability existing during the four weeks immediately preceding and following childbirth.

In the state of Washington the provisions of the Industrial Welfare Committee Orders were revised in 1962 to prohibit employment for four months before and six weeks after childbirth.

In Rhode Island in 1962 the period during which cash benefits for maternity leave are payable after childbirth was extended from six weeks to eight weeks.

The Oregon Mercantile Order recommends that an employer should not employ a female at any work during the six weeks preceding and four weeks following the birth of her child unless recommended by a licensed medical authority.

The 1959 amendments to the Railroad Unemployment Insurance Act provide maternity benefits to women in the railroad industry.

CONVENTION NO. 103

See under Convention No. 3.

RECOMMENDATION NO. 12

See under Convention No. 3.

RECOMMENDATION NO. 95

See under Convention No. 3.

Upper Volta

CONVENTION NO. 103

Labour Code: Act No. 26-62-AN of 7 July 1962, promulgated by Decree No. 348-PRES-LAN of 17 August 1962 (*Journal officiel*, 18 Aug. 1962, No. 33bis, Extraordinary, p. 823).

General Order No. 5254 IGTL/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337) (L.S. 1954—F.W.A. 2).

The legislation on maternity protection applies to all forms of employment. The maternity leave prescribed by the Code (section 123) is 14 weeks, of which six must be taken after confinement. In the event of illness the leave may be extended by three weeks.

Section 19 of the order of 1954 stipulates that women may not be allowed to work for a total of eight weeks before and after confinement; of these, six weeks' rest must be taken after the confinement.

Under section 123 of the Code a woman is entitled, during her 14 weeks' maternity leave, to payment of her confinement expenses in a public hospital by the Social Provident Fund and, where necessary, to medical care, together with the full wage which she was receiving at the time of suspending her contract of employment. During this time she remains entitled to any benefits in kind she may have been receiving.

Section 124 of the Code entitles a mother to time off to nurse her child for 15 months following its birth. The total time taken off in this way may not exceed one hour per working day.

An employer may not give notice to a woman worker during her 14 weeks' leave, or the extra three weeks which may be granted in the event of illness (section 123 of the Code).

Venezuela

CONVENTION NO. 103

Constitution of 23 January 1961 (*Gaceta Oficial (G.O.)*, 23 Jan. 1961, No. 662, Extraordinary, p. 1).

Labour Act of 21 October 1947 (*G.O.*, 3 Nov. 1947, No. 200, Extraordinary, p. 1) (L.S. 1947—Ven. 2).

Regulations issued under the Labour Act of 30 November 1938.

Organic Act respecting compulsory social insurance: Decree No. 316 of 5 October 1951, and Decree No. 317 to issue regulations for its application (*G.O.*, 8 Oct. 1951, No. 310, Extraordinary, p. 1) (L.S. 1951—Ven. 2A and B).

Regulations governing employment in agriculture and stockbreeding: Decree No. 119 of 4 May 1945 (*G.O.*, 10 May 1945, No. 132, p. 28) (L.S. 1945—Ven. 2).

Article 1 of the Convention. Under section 8 of the Labour Act all undertakings, businesses or establishments, whatever their nature, whether public or private, existing at present or to be established in future within the territory of the Republic, are subject to the provisions of this Act, with the exception of the provisions specifically declared by the Act itself or the regulations issued in pursuance thereof to be applicable only to certain industries.

The Act of 1951 does not apply to workers employed in agriculture or stock-breeding, homeworkers whose conditions of employment cannot be placed on the same footing as ordinary workers, domestic workers, temporary workers, workers who perform work for two or more employers, and persons who carry out or perform work in public services or establishments.

Article 2. Although the social legislation does not define the terms "woman" and "child", both are used in the same sense as in the Convention.

Article 3. Section 109 of the Labour Act provides that maternity leave shall begin six weeks before confinement and last for six weeks after confinement. This period may be extended owing to medically certified illness, whether a result of pregnancy or a result of confinement, that renders the woman unfit for work.

Section 60 of the regulations of 1945 provides that during the six weeks preceding and the six weeks following confinement a woman worker may perform only light tasks which she can carry out without causing harm either to her health or to that of her child. Section 61 of the same regulations provides that a woman who, as a consequence of pregnancy or confinement, is temporarily rendered unfit for work of any kind shall retain her right to her post so long as she remains unfit.

Article 4. Section 109 of the Labour Act provides that during maternity leave (including extension for illness arising out of pregnancy or confinement) the woman will be entitled to an allowance sufficient for the maintenance of herself and her child, adding that this allowance will be payable when the maternity insurance system has been set up in accordance with Part V of this Act.

Section 9 of the Act of 1951 provides that, in case of maternity, an insured woman worker is entitled to the necessary obstetrical attendance and to a daily cash benefit equal to the daily cash sickness benefit. Section 77 of the same Act provides that the insured woman will, in case of maternity, be entitled to prenatal care and obstetrical attendance, stipulating that in order to receive the daily cash benefit the woman concerned must not perform any work for remuneration during that period and must have paid contributions for at least 13 weeks during the 12 months immediately preceding the date of confinement.

National legislation differs from the Convention as regards the free choice of doctor and hospital. In this regard section 99 of the Act of 1951 provides that medical benefits will be supplied only in the patient's home or in the services established by, or under contract to, the insurance scheme, and that the institution will determine the mode of repaying expenses resulting from the medical care provided to insured persons outside the regions covered by the insurance scheme, according to the corresponding scale.

Various texts contain special provisions on this subject. Thus, the collective agreement of 1960 between the Venezuelan Gulf Refining Company and the Federation of Venezuelan Petroleum Workers stipulates that the company will ensure 100 per cent. of the basic wage during the 12 weeks of maternity leave. In the petroleum industry there are provisions according to which a pregnant woman worker is entitled to 50 per cent. of her basic wage during the six months preceding confinement and to her full wage during the six weeks following confinement.

Article 5. Under section 111 of the Labour Act during the nursing period women are entitled to two half-hour breaks daily, at times fixed by themselves, for the purpose of nursing their infants.

Under section 112 of the same Act any establishment which employs more than 30 women must provide a crèche attached to but independent from the workplace, where the women can nurse their infants under one year of age and leave them while at work. This section adds that the plans for such crèches must be submitted to the competent labour inspectorate for approval. Section 63 of the regulations of 1945 provides that a nursing mother shall not be paid a wage less than that of the other women employed on similar work in the same agricultural undertaking.

Article 6. Section 110 of the Labour Act provides that in case of illness arising out of pregnancy or confinement during the maternity leave or its extension the woman shall retain her right to her post.

Section 61 of the regulations of 1945 provides that a woman who is temporarily rendered unfit for work of any kind as a consequence of pregnancy or confinement retains her right to her post so long as she remains unfit.

In order to ratify the Convention section 60 of the regulations of 1945 and section 92 of the Act respecting compulsory social insurance would have to be amended and the compulsory social insurance scheme extended so as to cover the entire national territory and those categories of workers who are not yet covered by the scheme. Alternatively, making use of the right granted by Articles 7 and 10 of the Convention, it could be ratified if declarations were made for all those exceptions which are authorised by national legislation.

RECOMMENDATION No. 12

See under Convention No. 103, especially regarding the exclusion of agricultural workers from the provisions of the Labour Act and the Organic Act respecting compulsory social insurance, as well as the articles cited of the regulations governing employment in agriculture and stockbreeding.

RECOMMENDATION No. 95

Regarding the protection of the health of women workers during the maternity period, section 108 of the Labour Act and section 59 of the regulations governing employment in agriculture and stockbreeding prohibit employment of pregnant women on work which, because of the considerable physical effort required or for any other reason, is liable to cause a miscarriage or prevent the normal development of the foetus.

Yugoslavia

RECOMMENDATION No. 12

See under Recommendation No. 95.

RECOMMENDATION No. 95

Employment Relationships Act (consolidated text) (*Službeni List (S.L.)*, 3 May 1961, No. 17) (L.S. 1957—Yug. 2 ; 1958—Yug. 1; 1961—Yug. 1A).

Health Insurance Act (*S.L.*, 30 May 1962, No. 22, text 268) (L.S. 1962—Yug. 1).

Paragraph 1 of the Recommendation. The foregoing enactments cover all persons in an employment relationship irrespective of the industry or occupation in which they work, or whether they are employed in the socialist sector or by a private employer.

Under these enactments every woman is entitled to paid maternity leave of 105 days (section 70 of the Health Insurance Act). There is no provision for special leave for women in the event of illness arising out of confinement, but under the health insurance scheme any woman worker is entitled to leave and benefit in the event of sickness. If an insured woman has, on the recommendation of a doctor, begun her maternity leave more than 45 days before her confinement, the length of her postnatal leave is not reduced as a result.

Paragraph 2. Under section 70 of the Health Insurance Act the benefit payable during maternity leave is at the rate of 100 per cent. of the basic wage for the purpose of calculating benefit (i.e. all earnings in respect of normal working hours) if a woman has belonged to the social insurance scheme for at least six consecutive months (or 12 non-consecutive months) during the past two years, and 80 per cent. of the basic wage if she does not qualify for membership.

All the forms of protection and medical care mentioned in this Paragraph are provided under section 31 of the Health Insurance Act.

In addition to the benefit payable during maternity leave a woman is entitled to a special maternity grant and to a layette grant which may not be less than 8,000 dinars.

Paragraph 3. An insured woman is entitled to work part time for six months following her confinement in order to be able to nurse her child; on the recommendation of a doctor of the public health service this period may in exceptional cases be extended to eight months. During this time the woman receives the appropriate proportion of her wage or personal income, plus an allowance from the health insurance scheme in respect of the time not worked. On the expiry of this period of six or eight months a mother who has no relative to look after the child is entitled to work part time until the latter is three years old. There is also a network of child care agencies run by communes, housing collectives and a number of large undertakings.

Paragraph 4. Under the Employment Relationships Act an expectant mother or a woman with a child under the age of eight months may not be dismissed. In exceptional cases, e.g. if the undertaking is being wound up, an expectant mother may be dismissed if she is more than three months pregnant (the employment relationship ceases completely on expiry of the notice of liquidation). In such a case, however, she is entitled until confinement to unemployment benefit based on her last monthly earnings; after confinement she is covered by the health insurance scheme.

Paragraph 5. The Employment Relationships Act forbids night work and overtime by expectant mothers and by women with children under the age of 12 months. A woman with a child under the age of seven may not be required to work overtime unless she gives her written consent. The same Act also forbids the employment of expectant mothers on arduous and unhealthy jobs. Women in jobs which are forbidden during pregnancy must be assigned to easier work without loss of pay (section 75 of the Employment Relationships Act).

The relevant legislation is enforced by the labour inspectorate. The trade unions also play an active part in helping to apply the legislation, e.g. they can suggest to the appropriate committee in an undertaking that certain types of employment should be forbidden (section 79 of the Employment Relationships Act).

Communication of Copies of Reports to Representative Organisations
(Article 23, Paragraph 2, of the Constitution)

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: *Argentina, Australia, Austria, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, France, Federal Republic of Germany, Ghana, Guatemala, Haiti, Honduras, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jordan, Luxembourg, Malagasy Republic, Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Portugal, Sierra Leone, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, United Kingdom, United States, Venezuela.*

The Government of *Iran* has stated that copies of the reports have been sent to the representative employers' and workers' organisations.

The Government of *Albania* has indicated that copies of its reports have been communicated to the Directors-General of the central enterprises and to the Central Council of Trade Unions.

The Governments of *Byelorussia* and the *U.S.S.R.* have stated that copies of their reports have been sent to the Central Council of Trade Unions and to the directors of different undertakings in their respective countries.

The Governments of *Bulgaria, Czechoslovakia, Poland* and *Rumania* have indicated that copies of their reports have been sent to the Central Council of Trade Unions in their respective countries.

The Government of *Spain* has stated that copies of reports have been sent to the National Organisation of Spanish Trade Unions.

The Government of *Hungary* states that copies of its reports have been communicated to the National Council of Trade Unions.

The Government of *Malaysia* states that the reports will be placed before the National Joint Labour Advisory Council.

The Government of the *Ukraine* has stated that copies of its reports have been sent to the Republican Council of Trade Unions and to the directors of numerous industrial and agricultural undertakings.

The Government of *Yugoslavia* has indicated that copies of its reports have been communicated to the Central Council of the Trade Union Confederation of Yugoslavia, to the Standing Conference for Women's Social Activities and to the Federal Chamber of Economy.

REPORT III
(PART IV)

International Labour Conference

FORTY-NINTH SESSION
GENEVA, 1965

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION OF CONVENTIONS
AND RECOMMENDATIONS**

(Articles 19, 22 and 35 of the Constitution)

GENEVA
International Labour Office
1965

09661

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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 on the action taken with regard to Conventions and Recommendations held its 35th Session in Geneva from 15 to 27 March 1965. The Committee has the honour to present its report to the Governing Body.

2. Since the Committee's last meeting a number of changes have occurred in its composition. The Committee must record first of all with profound regret the death of one of its members, Professor E. KOROVIN, whose eminence in the field of international law enabled him to make a distinguished contribution to its work; the Committee wishes to give expression here to its sense of loss at the demise of Professor Korovin. Professors H. BATIFFOL and A. R. QUEIRÓ have tendered their resignations, for personal and professional reasons; the members were unanimous in expressing their appreciation of the valuable services which these former colleagues have rendered the Committee over a number of years including, in the case of Mr. Battifol, the task of Reporter at its last two sessions. On the other hand five new members have been appointed by the Governing Body: Mr. J. MORELLET (France), Mr. S. PETRÉN (Sweden), Mr. E. RAZAFINDRALAMBO (Malagasy Republic), Mr. O. SARAIVA (Brazil) and Mr. J. VILFAN (Yugoslavia). The Committee was pleased to welcome these new members at its present session.

3. Accordingly, the composition of the Committee is now 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. Günther BEITZKE (Federal Republic of Germany),
Professor of Civil Law and of Private International Law at the University of Bonn;
Director of the Institute of Private International Law and Comparative Law at the University of Bonn;

Mr. Choucri CARDAHI (Lebanon),
former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; 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 and Political Economy at the Universities of Lima;
former Minister of Foreign Affairs; Member of the Advisory Council on Foreign Affairs; Vice-President of the Inter-American Commercial Arbitration Commission; President of the Peruvian Red Cross Society;

- Mr. Arnold GUBINSKI (Poland),
Doctor of Laws; Professor of Law at the University of Warsaw;
- Mr. Paul M. HERZOG (United States),
President, American Arbitration Association, 1958-63; Associate Dean, School of Public Administration, Harvard University, 1953-57; Chairman of the National Labor Relations Board, 1945-53, and of the New York State Labor Relations Board, 1937-44; Member of United States Government delegation to the International Labour Conference, 1950;
- Begum Raana Liaquat Ali KHAN (Pakistan),
Ambassador to Italy; Honorary Member, International Montessori Association; former Ambassador to the Netherlands and to Tunisia; former Professor of Economics at the Indraprastha College, Delhi; former delegate to the United Nations General Assembly; former Member of the Syndicate and the Senate of the Karachi University Executive Committee, and of the Managing Body of the Pakistan Red Cross Society; first recipient of the International Gimbel Award for services to humanity (1961-62);
- Mr. H. S. KIRKALDY (United Kingdom),
Barrister; Vice-President of Queen's College in the University of Cambridge; formerly Professor of Industrial Relations in the University of Cambridge; member of the United Kingdom delegation to the sessions of the International Labour Conference, 1929-44;
- Mr. S. KURIYAMA (Japan),
President 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;
- Mr. Jean MORELLET (France),
Honorary Councillor of State; Member of the Higher Court of Arbitration of Collective Labour Disputes;
- 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. Sture PETRÉN (Sweden),
President of the Court of Appeal of Svea; former Deputy Vice-President of the Labour Court; Member of the Permanent Court of Arbitration; Chairman of the European Commission on Human Rights; Member of the Administrative Tribunal of the United Nations;
- Mr. E. RAZAFINDRALAMBO (Malagasy Republic),
President of the Cassation Division of the Supreme Court of Madagascar; Lecturer in the Faculty of Law and Economics of the University of Tananarive and in the Malagasy Institute of Judicial Studies; Member of the committees responsible for drafting the Malagasy codes of law;
- 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;

Mr. Oscar SARAIVA (Brazil),

Judge of the Federal Court of Appeal; former Judge of the Supreme Labour Court; former Legal Adviser to the Ministry of Labour, Industry and Commerce; former President of the Permanent Commission on Labour Legislation in Brazil; Professor of Administrative Law at the University of Brasilia;

Mr. Joza VILFAN (Yugoslavia),

Member of the Permanent Court of Arbitration; former Attorney-General of Yugoslavia; former Head of the Yugoslav Mission to the United Nations; former Ambassador of Yugoslavia to India.

4. All the members of the Committee participated in the work of the present session.

5. The Committee elected Sir Ramaswami MUDALIAR as Chairman, and Mr. García SAYÁN as Reporter of the Committee. Sir Grantley ADAMS acted as Reporter on general questions affecting non-metropolitan territories.

6. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories¹;
- (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 action²;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions and on Recommendations selected by the Governing Body.³

7. Approximately 3,000 reports—on the application of Conventions ratified by States Members and on the application of Conventions in 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 a number of general reports on the application of Conventions in respect of which detailed reports were not requested this year.

II. General

8. From 1 January to 31 December 1964, 155 ratifications of Conventions were registered; 97 of these were new ratifications; 58 resulted from the continuance by

¹ I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part I), to the 49th Session of the International Labour Conference (Geneva, 1965).

² Idem: *Summary of Information on the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference*, Report III (Part III), to the same session.

³ Idem: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), to the same session.

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 1964, 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. Similarly, Tanzania, which came into being through the union of two separate countries (Tanganyika and Zanzibar) recognised that it remained bound by the Conventions formerly accepted as regards its constituent units. The total number of ratifications at the time of the adoption of the Committee's report amounted to 3,039. Information concerning the declarations of application of Conventions to non-metropolitan territories will be found in paragraph 38 below.

9. The Committee learned of the measures of implementation which other international organisations have decided upon or have under consideration to assess the effect given to the instruments framed under their auspices, and is following these developments with particular interest, because repeated reference has apparently been made in the other organisations to the I.L.O.'s experience in the field of systematic international supervision. The Committee believes that, in those cases where I.L.O. standards have the same general aim as instruments framed elsewhere, such as in the sphere of discrimination, the experience and results of its examinations may prove relevant, and indeed helpful, whenever measures of implementation are under review in other organisations.

10. The Committee recalls in this connection that in 1957, on the occasion of the 30th anniversary of its establishment, it had spelled out the principles which, in its view, are essential to the satisfactory performance of its delicate task. Its members, whom the Governing Body has appointed in a personal capacity, are called upon to determine without fear or favour the extent of compliance by all States with their obligations under the Constitution and the Conventions of the International Labour Organisation. This tradition of complete independence and impartiality requires the Committee to base its findings on a meticulous examination of the laws, regulations and practice of ratifying States. The Committee is also deeply conscious of the fact that it could not hope to carry out its assignment without the confidence of the Governing Body and the Conference, nor without the co-operation and support of the Governments upon which any attempt at international supervision necessarily depends for its operation and success.

11. As noted by the Committee on previous occasions, the difficulties experienced by some countries in discharging their obligations in relation to Conventions and Recommendations may possibly be overcome with the assistance of the I.L.O. Activities to this effect take various forms, such as advice in the drafting or revision of labour legislation, fellowships to study the method of preparation of reports, etc. The Committee was informed that a new development recently occurred in this field of technical co-operation, when a special training course on national and international labour standards was held for senior labour officers from English-speaking countries in Africa. The Committee trusts that courses of this kind may be of assistance to governments by facilitating compliance with international obligations in certain of the cases which it has had to draw to their attention.

12. The Committee was also informed that, following a suggestion made in its general conclusions of 1962 on the Forced Labour Conventions and Recommendations, a research programme of the International Labour Office on the relationship

between the requirements of economic and social development and the application of these Conventions was carried forward actively in 1964 and will be continued in 1965. This research comprises in particular on-the-spot surveys in various countries, undertaken at the request or with the consent of their governments. The matters covered include experiments in the field of training and utilisation of young people for economic and social purposes within the framework of national services (in certain cases in connection with, or as a substitute for, compulsory military service), or experiments aimed more generally at ensuring or promoting the direct participation of the population in development work. This research programme is intended to bring out more clearly the practical problems which have arisen in relation to certain provisions of the above-mentioned Conventions, and thus to provide a solid basis for drawing up constructive proposals for the future. The Committee looks forward with interest to the results of this research, which will provide it with a useful picture of these practical aspects and which may help in solving difficulties of application to which it had drawn attention, in particular, in the general conclusions contained in its 1962 report.

13. Finally, the Committee learned with interest that the subject selected by the Governing Body for reports under article 19 in 1966 is Hours of Work. As these reports will be before it in 1967, the Committee considers that, here also, the practical aspects of the problem could be brought more clearly into focus if the governments' reports would contain statistical information on hours actually worked, including hours worked in addition to the normal hours fixed by legislation or otherwise. The Committee considers that information of this kind would greatly assist in ensuring that its comprehensive survey two years hence will proceed on as factual a basis as possible.

III. Supply and Examination of Reports on the Application of Ratified Conventions

14. Under the two-yearly procedure inaugurated in 1960, with the approval of the Governing Body and the Conference Committee, detailed reports on the application of ratified Conventions are normally due only on one group of Conventions. Those before the Committee this year therefore related, as a rule, to the period 1 July 1962-30 June 1964 and concerned 49 Conventions.¹ In addition detailed reports were also 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. These reports therefore usually covered the period 1 July 1963-30 June 1964. The Committee also examined a number of reports received too late for examination at its previous session.

15. The number of detailed reports requested from governments on the situation in the metropolitan territory of States Members amounted to 1,495.² At the end of the present session of the Committee 1,265 reports had been received at the Office. A list showing the reports received classified according to countries and Conventions

¹ Conventions Nos. 1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112.

² The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in paragraph 41 below.

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.

16. The Committee also had before it general reports from States on the other Conventions which they have ratified and for which no detailed reports were requested as well as 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. Among the countries which supplied such a general report, on all or some of the Conventions for which no detailed reports were due or requested, 13¹ were good enough to send full reports, often 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.

17. It will be noted from the statistical appendices that the proportion of detailed reports received is in excess of 84 per cent. Of the 110 States from which such reports had been requested, 73 have supplied all those which were due. The Committee was also glad to find that many of the reports show improvement, in their presentation and content, over those of previous years.

18. While thus expressing its satisfaction that there has been progress in the quality of the information available and that the proportion of reports is also the highest for several years past, the Committee is bound to point out, on the other hand, that there remain a sizable number of cases where governments still continue to ignore their fundamental obligation of sending reports on the Conventions which they have ratified.

19. No reports at all have so far been received for the current reporting period from the following countries: Bolivia, Ecuador, Guinea, Honduras, Iceland, Jordan, Lebanon, Liberia, Libya, Mali, Panama, El Salvador, Senegal, Sudan, Republic of South Africa, Trinidad and Tobago, Venezuela and Viet-Nam. As the reporting obligation is one of the most basic accepted under the Constitution of the International Labour Organisation and in ratifying Conventions, the Committee addresses an urgent appeal to the governments concerned not to fail to supply all the reports due in future.

20. The need to send reports by the date requested also bears stressing once again because it is essential to the functioning of the machinery of examination that reports should be available in good time. The Committee has emphasised in the past the seriousness of the situation created by the low proportion of reports received by the date due, i.e. 15 October. The relevant figure was less than 15 per cent. this year, but the percentage rose rapidly in the course of the weeks following the above date to over 42 per cent by 1 December 1964.

21. If the reports are supplied very late, however, the Committee finds it increasingly difficult to examine them with all the care they deserve. It must point out, therefore, that all or most of the reports of the following countries arrived after the opening of the present session, i.e. five months later than the date due: Netherlands

¹ Albania, Cyprus, Denmark, Haiti, India, Kenya, Malaysia (States of Malaya), New Zealand, Philippines, Portugal, Sierra Leone, Ukraine, Uruguay.

(Surinam) (Conventions Nos. 2, 5, 11, 13, 17, 19, 27, 29, 42, 62, 81, 87, 88, 94, 95, 96, 101, 105); Nicaragua (Conventions Nos. 2, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 21, 22, 23, 27, 28, 29); Pakistan (Conventions Nos. 1, 11, 14, 15, 21, 27, 32, 59, 87, 90, 96, 98, 106, 107, 111); Rumania (Conventions Nos. 1, 7, 9, 14, 15, 27, 100); and United Arab Republic (Conventions Nos. 81, 87, 88, 89, 94, 95, 96, 98, 100, 101, 105, 106, 107, 111). The following other countries also sent two or more reports which only arrived in the course of the session: Denmark (Conventions Nos. 100, 111); Jamaica (Conventions Nos. 8, 11, 15); and Yugoslavia (Conventions Nos. 11, 87, 89, 98, 111). In certain of these cases the Committee had to defer the examination of the reports to its next session. It greatly regrets the resulting delay, and strongly urges the governments concerned to supply all their future reports by the date requested.

22. In some cases all or most of the reports arrived over four months after the date due (Belgium—15 reports; Burma—7 reports; Peru—33 reports), or over three months after the date due (Albania—11 reports; Bulgaria—33 reports; Burundi 8 reports; Byelorussia—12 reports; Chile—9 reports; Gabon—11 reports; Ghana—9 reports; Greece—10 reports; Guatemala—22 reports; Jamaica—4 reports; Portugal—8 reports; Upper Volta—11 reports; Yugoslavia—21 reports). Here also the Committee appeals to the governments in question to avoid such delays in future.

23. A total of 134 reports due for the first time since the ratification of the relevant Conventions was received from 34 countries. In certain cases these reports arrived too late, however, to permit the Committee to undertake the particularly thorough examination required after the entry into force of a Convention for the country concerned. The Committee regrets that it was necessary in such cases to postpone consideration of these reports to its next session: Burma (Convention No. 63); Costa Rica (Convention No. 107); Guatemala (Convention No. 110) and Peru (Conventions Nos. 32, 53, 55, 56, 58, 68, 77, 78, 112, 113, 114).

24. The following 11 countries, which were also due to supply first reports on certain Conventions for examination by the Committee this year, have failed to do so: Cameroon (Western Cameroon) (Convention No. 97); Costa Rica (Convention No. 11); Ecuador (Conventions Nos. 35, 37, 39, 105 and 111); Greece (Conventions Nos. 87, 90, 98 and 105); Lebanon (Conventions Nos. 26, 45, 52, 81, 89 and 90); Liberia (Convention No. 104); Libya (Conventions Nos. 88, 89, 95, 96, 98, 100 and 104); Malaysia (Sabah) (Conventions Nos. 15 and 16); Mali (Convention No. 105); Mauritania (Conventions Nos. 22 and 23); and Senegal (Conventions Nos. 81, 89, 96, 99, 100 and 102). In addition, five countries from which first reports were due for examination in 1964 have again failed to supply the reports in question: Algeria (Convention No. 10); Ecuador (Conventions Nos. 2 and 24); Guinea (Convention No. 105); Lebanon (Convention No. 14); Libya (Convention No. 52). One country (Honduras), from which first reports were already due for examination in 1963, has again failed to supply them (Conventions Nos. 78, 106, 108 and 111). One country (Panama) has again failed to supply first reports which were originally due for examination in 1962 (Conventions Nos. 30, 42 and 45); 1961 (Conventions Nos. 52, 87 and 100); and 1960 (Conventions Nos. 3, 12 and 17).

25. In making its examination of the reports submitted by governments on ratified Conventions, the Committee has followed its normal practice: Conventions are allocated to individual members of the Committee for preliminary examination, and the reports received by the Office in sufficient time are circulated to the members in advance of the session. The observations and direct requests, both of a general nature and on individual reports, resulting from this procedure are examined and

approved by the Committee as a whole. The observations 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. Reference is also made to cases where the Committee has noted the receipt of information previously requested by it.

26. It is obvious that the effective working of the present procedure depends on governments' supplying detailed reports as called for, 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.

27. In pursuance of this procedure, the International Labour Office has, during the past months, communicated with 17 governments and requested them to supply further information. This figure is somewhat lower than that of last year and would seem to show that governments are increasingly aware of the importance of replying fully to the observations and requests addressed to them. While four of the governments concerned responded to the request addressed to them, the following countries did not reply to this request as regards the Conventions indicated: Albania (Nos. 6, 10), Belgium (Nos. 87, 98), Bulgaria (No. 43), Chile (No. 17), Colombia (Nos. 24, 25, 26), Cuba (No. 67), Guatemala (Nos. 79, 89, 94), Iraq (No. 111), Malaysia (Sarawak) (No. 94), Mexico (Nos. 63, 106), Portugal (No. 107), Upper Volta (No. 111), Uruguay (Nos. 1, 26, 27, 30, 43, 52, 62, 73, 103).

28. The task of examination is also jeopardised if Conventions in respect of which observations or requests are pending have not been reported upon at all. In such cases, no information is usually available on the points previously raised, so that the Committee is obliged to repeat them once more. The Committee found that it had to proceed in this manner as regards the following countries and Conventions: Bolivia (Conventions Nos. 5, 14, 19, 26, 42, 96); Chile (Conventions Nos. 36, 63); Congo (Brazzaville) (Conventions Nos. 33, 41); Congo (Leopoldville) (Conventions Nos. 4, 29); Costa Rica (Conventions Nos. 99, 100, 111); Dominican Republic (Conventions Nos. 1, 87, 98, 105, 106); Ecuador (Conventions Nos. 26, 29, 95, 98, 100); Ghana (Conventions Nos. 26, 108); Greece (Conventions Nos. 95, 102); Guinea (Conventions Nos. 4, 5, 6, 13, 18, 29, 41, 81, 95, 98, 111, 112, 113, 114); Honduras (Conventions Nos. 29, 45, 87, 95, 98, 100); Iceland (Convention No. 100); Jamaica (Convention No. 97); Jordan (Convention No. 105); Liberia (Conventions Nos. 29, 58, 87, 98, 110, 111, 112); Libya (Conventions Nos. 29, 105, 111); Mali (Conventions Nos. 5, 14, 18, 29, 87); Pakistan (Conventions Nos. 29, 105); Portugal (Conventions Nos. 14, 106); Rumania (Conventions Nos. 3, 24); El Salvador (Convention No. 107); Senegal (Conventions Nos. 5, 29, 33, 87); Sudan (Convention No. 98); Tanzania (Convention No. 105, and Conventions Nos. 5, 7, 97 for Zanzibar); Turkey (Conventions Nos. 15, 58); Upper Volta (Convention No. 87); Uruguay (Conventions Nos. 15, 24, 58, 59, 60, 94, 97); Venezuela (Conventions Nos. 1, 2, 3, 5, 6, 7, 11, 13, 14, 22, 26, 27, 29, 41); Viet-Nam (Convention No. 14); Yugoslavia (Conventions Nos. 48, 56, 102).

29. The Committee regrets that it has thus been unable to pursue its examination in the absence of the information it had asked for at its previous sessions. It draws

the attention of the governments concerned to the fundamental importance of supplying their reports and replies so as to make it possible for 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 Conventions.

30. The Committee is glad to record, on the other hand, that its past observations and direct requests have also led to measures of implementation. In reviewing the effect of the comments it had made at previous sessions the Committee noted during the present meeting, as it did last year, that a sizable number of governments have taken account of these comments and have introduced changes in their legislation or practice. The Committee is pleased to be able to record that over 50 such cases of progress, relating to 39 countries (29 States Members and 10 non-metropolitan territories), came to its attention this year. The list of the countries and Conventions involved is as follows:

Countries	Conventions Nos.
Albania	52
Brazil	11
Bulgaria	30, 42
Byelorussia	103
Colombia	24, 25
Dahomey	87
Denmark	106
France	3, 62
Gabon	87
Federal Republic of Germany	87
Greece	1, 14
Hungary	3
India	26
Italy	3, 60
Ivory Coast	29
Japan	21
Kuwait	1, 30
Mauritania	87
Netherlands	87
Norway	30
Peru	10, 11, 24, 25
Portugal	7, 105
El Salvador	12
Sierra Leone	88
Spain	20
Sweden	102
Turkey	98
Ukraine	103
U.S.S.R.	103
* * *	
Australia :	
New Guinea	11
Papua	11
France:	
Overseas Departments (French Guiana, Martinique, Reunion)	62
Netherlands:	
Surinam	95
United Kingdom:	
Barbados	11
Bechuanaland	50, 64, 86
Brunei	105
Southern Rhodesia	84
Seychelles	5, 7, 82
Swaziland	26

31. 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. In addition to those listed in paragraph 30 above, a number of other cases came to the attention of the Committee where noticeable progress has been made in order to satisfy the requirements of ratified Conventions. The Committee greatly appreciates the measures taken by governments in 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 gives concrete expression to the governments' desire to discharge their obligations, but also provides welcome support for the task entrusted to the supervisory bodies of the I.L.O.

IV. Examination of the Practical Application of Conventions

32. The Committee has stressed in the past that it cannot limit its examination to ascertaining legislative compliance with ratified Conventions, but must also concern itself with the degree of practical application. It looks forward therefore to the opportunity, at its next session, of carrying out a comprehensive review of the effect given to the I.L.O.'s standards on labour inspection in all the member States of the Organisation, on the basis of the reports to be supplied on this subject under articles 19 and 22 of the Constitution.

33. Pending this general survey, the Committee has again attempted, this year, to determine to what extent the governments' reports supply the statistical and other data on practical application requested in the forms of report approved by the Governing Body. The Committee found that 26 per cent. of the reports examined contain specific information of this kind and that a further 8 per cent. of the reports expressly indicate the absence of any violations of the legislation, etc. The Committee is grateful to the governments which were good enough to provide the information called for in the report forms.

34. The Committee must point out, however, that certain countries (Albania, Burma, Ceylon, Congo (Leopoldville), Hungary, Indonesia, Kuwait, Malagasy Republic, Nicaragua, Pakistan) have not supplied any data whatever on practical application; still others (Austria, Bulgaria, Cameroon, Canada, Colombia, Cuba, Czechoslovakia, Dahomey, Denmark, Gabon, Guatemala, Jamaica, Luxembourg, Mexico, Niger, Nigeria, Peru, Philippines, Rumania, Sierra Leone, Spain, Togo, Tunisia, Ukraine, U.S.S.R., United Arab Republic, Uruguay) have done so only in a small proportion of their reports. The Committee therefore draws attention, once again, to the essential importance of full information not only on the legislation but also on the practical effect given to I.L.O. Conventions. It appeals to the governments to take account, in their detailed reports, of all the questions appearing in the forms approved by the Governing Body.

35. One of these questions relates to decisions which may have been given by national tribunals, if such decisions involve questions of principle which have a bearing on the application of a ratified Convention. The Committee thanks the 15 States Members which have sent in information on almost 30 cases of this kind. Though necessarily limited, information of this nature helps to throw additional light on the actual implementation of labour legislation and hence of the international standards involved.

36. Another question in the report forms asks whether the representative organisations of employers and workers, which receive copies of the reports, have made any comments either of a general kind or in connection with the reports, regarding the practical fulfilment of the requirements of a Convention. As in the past, only a

relatively small number of such comments came to the notice of the Committee, regarding the application of Conventions in the Federal Republic of Germany (Conventions Nos. 98 and 102), Mexico (No. 111), Niger (No. 105), Norway (No. 100), Uganda (No. 26), U.S.S.R. (Nos. 87, 98, 103) and the United Kingdom (No. 32). The Committee considers that similar observations, in addition to the ten thus available, would have contributed materially to its appreciation of the day-to-day application of Conventions. It hopes that the workers' and employers' organisations will make increasing use, in future, of the possibility to participate actively in the I.L.O.'s supervisory procedure.

V. Application of Conventions in Non-Metropolitan Territories

37. The Committee noted that the Conference had in 1964 adopted an instrument for the amendment of the Constitution of the Organisation, providing for the deletion of article 35 (concerning the application of Conventions to non-metropolitan territories) and its replacement by new provisions in article 19. As this instrument has not yet come into force, however, the Committee's work in relation to non-metropolitan territories for the time being remains unchanged.

Declarations concerning the Applicability of Conventions

38. Since the Committee's last session, 356 declarations under article 35 of the Constitution concerning the applicability of Conventions to non-metropolitan territories have been registered by the Director-General of the International Labour Office (two of these declarations were made by the Netherlands, the remainder by the United Kingdom). They included 78 declarations of application or acceptance without modification and 36 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. At present the total number of declarations registered is 2,354, and includes 1,093 declarations of application or acceptance without modification and 150 declarations of application or acceptance with modifications.

39. The continuing progress in the extension of obligations under ratified Conventions to non-metropolitan territories may be seen by comparing the position with that when the Committee met in 1962. Then, in respect of altogether 74 territories, there were 1,072 declarations of application or acceptance without modification, representing an average of between 14 and 15 per territory. In the three intervening years the number of territories remaining subject to article 35 of the Constitution has fallen to 56. The 1,093 declarations of application or acceptance without modification which are now registered in respect of these remaining territories accordingly represent an average of almost 20 per territory.

Reports Examined

40. 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 et seq. 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.

41. A total of 1,220 detailed reports on the application of Conventions in non-metropolitan territories had been requested for the reporting period in question. Of these, altogether 1,119—that is 91.7 per cent.—have been supplied. In each of the past three years more than 90 per cent. of the reports requested have been supplied and this year's figure represents the highest percentage so far attained.

42. The Committee has noted that, while a number of reports on the application of Conventions in non-metropolitan territories contained information also on the practical application of the relevant legislative provisions (such as statistics, particulars of inspection activities, court decisions, etc.), no such information was given in reports of certain territories (Netherlands: Netherlands Antilles, Surinam; United Kingdom: Basutoland, Bermuda, Dominica, Falkland Islands, Gilbert and Ellice Islands, Grenada and St. Helena). The Committee hopes that the governments concerned will make further efforts to provide information of the kind mentioned above, so that it may be able to satisfy itself that Conventions are being implemented, not only in law, but also in practice.

VI. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

43. 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 47th (1963) Session, namely: the Guarding of Machinery Convention, 1963 (No. 119); the Guarding of Machinery Recommendation, 1963 (No. 118); and the Termination of Employment Recommendation, 1963 (No. 119);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) Session to its 46th (1962) Session (Conventions Nos. 87 to 118 and Recommendations Nos. 83 to 117);
- (c) replies to the observations and direct requests made by the Committee during its 1964 Session.

47th Session

44. The Committee has noted with pleasure that the governments of the 34 member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 47th Session: Albania, Australia, Bulgaria, Byelorussia, Canada, Central African Republic, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, France, Ghana, Federal Republic of Germany, India, Israel, Ivory Coast, Japan, Kuwait, Luxembourg, New Zealand, Norway, Philippines, Rumania, Republic of South Africa, Sweden, Switzerland, Togo, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Yugoslavia.

45. Moreover, the governments of eight countries have submitted to the competent authorities certain of the instruments adopted at the 47th Session of the

Conference, or have ratified Convention No. 119, which was adopted at that session: China, Congo (Brazzaville), Guatemala, Jordan, Malagasy Republic, Niger, Senegal, Sierra Leone.

46. In the majority of cases the procedure for submission has been completed either within the normal time limit of 12 months or within the exceptional time limit of 18 months, as required by article 19 of the Constitution of the International Labour Organisation.

31st to 46th Sessions

47. The Committee has noted that since its last session the following eight countries have submitted the instruments adopted at the 46th Session of the Conference, bringing the total number of countries having fulfilled this obligation in regard to the said instruments to 46: Argentina, Belgium, Central African Republic, Ceylon, Cyprus, Czechoslovakia, Italy, Yugoslavia.

48. The Committee has also noted that a number of countries have now supplied information concerning the submission to the competent authorities of various instruments adopted by the Conference since its 31st Session: these countries include Indonesia, with respect to the instruments adopted from the 33rd to the 38th Session.

49. 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 to the competent authorities the Conventions and Recommendations adopted by the Conference.

General Assessment

50. Section III of Part Two of this report contains the individual observations which the Committee has felt obliged to make regarding the information supplied by certain governments. Requests have also been made directly to other governments, primarily with a view to obtaining additional information; a list of these is to be found at the end of the above-mentioned Section III. The Committee notes with regret in this connection that, despite its repeatedly having drawn the attention of governments to the need to reply to the observations and requests made, the majority of the member States concerned have failed to do so. In these circumstances it is becoming difficult for the Committee to evaluate to the full the extent to which governments comply with the obligations incumbent upon them by virtue of article 19 of the Constitution of the International Labour Organisation. The Committee has consequently requested the International Labour Office to follow in this case the practice already adopted for the reports on the application of ratified Conventions. Thus the Office would examine the information immediately upon receipt in order to ascertain whether the Committee's comments have been taken into account and whether the governments have furnished the information and documents called for in the Memorandum adopted by the Governing Body in this connection; if this is not the case, the Office would contact the governments concerned, requesting that the required information be sent, failing which the Committee would be unable to carry out its task properly.

51. Furthermore, the over-all situation with regard to the obligation of member States to submit to the competent authorities the instruments adopted by the Conference continues to give the Committee serious cause for concern as the years go by. Out of a total of 108 States which were Members of the Organisation at the time of the 47th Session, only 33 have submitted to the competent authorities, within the required time limit, all the instruments adopted at that session. The discussions

which took place in the Conference Committee and the explanations given by the Committee of Experts had given grounds for the belief that a better understanding prevailed as to the importance of the obligations stemming from article 19 of the Constitution, and consequently it had seemed that considerable progress was to be hoped for in this connection. It is therefore highly regrettable that so many governments continue to disregard a fundamental obligation under the Constitution of the I.L.O., which they have freely undertaken to observe on becoming Members of the Organisation. If the position does not improve, one of the essential processes in the international labour standards machinery will be severely impaired. The Committee feels that it must appeal earnestly to these governments, in the hope that they will spare no effort to take the necessary steps as soon as possible to submit to the competent authorities the instruments in respect of which such action has not yet been taken.

52. Moreover, perusal of the information supplied by governments leads the Committee to believe that it would not be ill-advised to clarify certain aspects of the obligation imposed by article 19 of the Constitution.

53. As regards the nature of the competent authorities, the Committee deeply regrets to note that some governments still do not consider it necessary to submit the instruments adopted by the Conference to the most representative national legislative body. The Committee will not reiterate the comments it made earlier in this connection beyond recalling that the obligation to submit, an underlying purpose of which is to inform the public, cannot be considered to have been fully complied with unless the instruments are brought to the attention of the body in question. The Committee hopes that the governments concerned will reconsider their position in this matter, as some others have already done. It has given the Committee satisfaction to note that following its observations the Yugoslav Government has instituted a new procedure whereby it has been possible for it to submit the instruments adopted at the 45th, 46th and 47th Sessions of the Conference not only to the Executive Council but also to the Federal Assembly.

54. Respecting the bearing of the obligation, the Committee wishes once again to draw the attention of the governments of member States to the fact that they must submit to the national authorities in whom the power to legislate is vested all the Conventions and Recommendations adopted by the Conference, and not only those on which they feel able to take positive action. Pursuing the same line of thought, the Committee would like to stress that it is not enough for a government simply to express an opinion on the instruments; they must actually be placed before the legislative body.

55. As regards the form which the submission should take and the nature of the information and documents required in this connection, the Committee observes that the majority of governments fail to follow the indications given in the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities* adopted by the Governing Body at its 140th Session. Strict conformance to this Memorandum, in addition to facilitating the preparation along uniform lines of the summary of information to be submitted to the Conference under article 23 of the Constitution of the International Labour Organisation, would enable both the Committee and the Conference to make a better assessment of the manner in which governments fulfil their obligations.

56. The Committee trusts that in the light of the foregoing considerations it will find a marked improvement in the situation next year.

VII. Reports Submitted by Governments on Unratified Conventions and on Recommendations

57. The reports which governments were requested by the Governing Body to supply under article 19 of the Constitution related to four instruments dealing with maternity protection: the Maternity Protection Convention, 1919 (No. 3), the Maternity Protection Convention (Revised), 1952 (No. 103), the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12), and the Maternity Protection Recommendation, 1952 (No. 95).

58. The number of reports received from States Members, under article 19 of the Constitution, on these Conventions and Recommendations reached 311 of a total of 413 reports requested, i.e. 75.3 per cent., a substantial improvement over the corresponding figure of 65.7 per cent. last year. Moreover, 129 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.

59. The Committee's general conclusions arising from the examination of the reports on 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.

60. In accordance with the practice followed in prior years, these general conclusions were prepared on the basis of a preliminary examination by a Working Party of two members of the Committee chosen by it at its previous session.

* * *

61. The Committee would like to emphasise once again the great work that has been done during the year and the valuable assistance rendered to the Committee by the officials of the I.L.O. whose competence and devotion to duty has earned the appreciation of every member of the Committee.

Geneva, 27 March 1965.

(Signed) A. RAMASWAMI MUDALIAR,
Chairman.

E. GARCÍA SAYÁN,
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

Algeria. The Committee notes that the first report on Convention No. 10 which was already due last year has not been received. Moreover, certain 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 trusts all reports due will be supplied in the future and will indicate whether copies have been sent to the representative employers' and workers' organisations.

Argentina. The Committee notes that the reports on certain Conventions (Nos. 8, 22, 23, 27, 32, 68, 73) merely indicate, in reply to previous observations, that the Government has the intention of giving legislative effect to these instruments to the greatest possible extent. Towards the close of the Committee's session it received from the Government, moreover, copy of a memorandum on the measures required to bring the national legislation into conformity with these Conventions and with a number of other international labour Conventions.

While the Committee has not been able to examine this memorandum, it takes due note that studies have been undertaken by the Government in order to achieve compliance with the Conventions which Argentina has ratified. It trusts that these studies will lead to the early removal of the various divergencies to which the Committee has been drawing attention for some time past.

Bolivia. The Committee notes with regret that the reports due have not been received. As this is the eighth occasion in nine years that the Government has failed to comply with its reporting obligation under article 22 of the Constitution, the Committee can only draw the attention of the Governing Body and the Conference to the fact that it lacks the information required to satisfy itself that Bolivia is securing the effective observance of the Conventions it has ratified.

Burma. As the Committee had already pointed out in 1964, 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 trusts that future reports will indicate whether copies have been sent to the employers' and workers' organisations.

Burundi. The Government again refers to the draft Labour Code currently in preparation, which is to give effect to I.L.O. standards to the greatest extent possible. The Committee hopes that the Government's next reports will contain full information on the application of the various Conventions ratified by Burundi.

Cameroon. The Committee notes that the reports concerning Eastern Cameroon merely indicate that copies have been communicated to employers' and workers' organisations, in accordance with article 23, paragraph 2, of the Constitution, but without specifying the names of the said organisations. The Committee hopes that future reports will indicate the names of the employers' and workers' organisations to which copies have been sent.

Colombia. The Committee has noted the new Bill to revise the Labour Code with a view to bringing its provisions into conformity with various Conventions ratified by Colombia. It hopes that this Bill, which was submitted to Congress in November 1964, will soon be adopted.

Congo (Leopoldville). The Committee notes that the reports merely indicate that copies have been communicated to the employers' and workers' organisations, in accordance with article 23, paragraph 2, of the Constitution, but do not contain the names of the organisations concerned.

The Committee trusts that the future reports will indicate the names of the employers' and workers' organisations to which copies have been sent.

Dominican Republic. The Committee notes with regret that only one of ten reports due has been received. Moreover, this report 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 that they will indicate whether copies of the reports have been sent to the employers' and workers' organisations.

Ecuador. The Committee notes with regret that the reports due have not been received, including eight first reports of which two (Nos. 2 and 24) were requested for the second time.

As this is the fourth occasion in five years that the Government has failed to comply with its reporting obligation under article 22 of the Constitution, the Committee can only draw the attention of the Governing Body and the Conference to the fact that it lacks the information required to satisfy itself that Ecuador is securing the effective observance of the Conventions it has ratified.

Guinea. The Committee notes with regret that for the second consecutive year the reports due have not been received, including the first report on Convention No. 105 which was requested for the second time.

The Committee expresses the earnest hope that the Government will not fail in future to discharge its reporting obligation.

Honduras. The Committee notes with regret that for the second year in succession the reports due have not been received, including four first reports (Conventions Nos. 78, 106, 108, 111) which were requested for the third time.

The Committee must draw attention to this persistent failure to supply reports and it hopes that the Government will not fail in future to fulfil this fundamental obligation.

Iraq. The Committee notes that six of the 11 reports received do not indicate whether copies have been sent to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution.

The Committee hopes that all reports will specify in future whether copies have been sent to the employers' and workers' organisations.

Iceland. 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.

Jordan. The Committee notes with regret that the report due has not been received. The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Lebanon. The Committee notes with regret that none of the seven first reports due has been received, including that on Convention No. 14 which was due for the second time in succession.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Liberia. 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.

Libya. The Committee notes with regret that for the second consecutive year the reports due have not been received, including eight first reports of which one (Convention No. 52) was due for the second time in succession.

The Committee trusts that the Government will not fail in future to discharge its reporting obligation.

Malawi. The Committee was informed towards the end of its session that by letter of 17 March 1965 the Government of Malawi has accepted the obligations of the Constitution of the International Labour Organisation in accordance with its article 1, paragraph 3, and has become a Member of the Organisation. In its communication the Government confirmed the obligations previously entered into on behalf of Nyasaland by the United Kingdom in respect of eight Conventions (Nos. 11, 12, 26, 45, 65, 86, 98, 99) and ratified an additional eight Conventions (Nos. 19, 81, 89, 97, 100, 104, 107, 111). The Government's communication stated, on the other hand, that it is unable to accept four Conventions—Forced Labour Convention, 1930 (No. 29), Recruiting of Indigenous Workers Convention, 1936 (No. 50), Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), Abolition of Forced Labour Convention, 1957 (No. 105)—previously accepted on its behalf by the United Kingdom Government.

The Committee was also informed, in this connection, that in acknowledging the Government's communication the Director-General of the I.L.O. drew the Government's special attention to the fact that its unwillingness to honour the obligations under the above-mentioned four Conventions, accepted on its behalf by the United Kingdom, represented a major departure from the practice followed by other governments which have joined the Organisation in recent years including the 29 African States which in becoming Members have confirmed the obligations under instruments of general application previously accepted on their behalf by the States formerly responsible for their international relations. The Director-General also referred in his letter to the resolutions adopted by the First and Second African Regional Conferences of the I.L.O. (Lagos, 1960, and Addis Ababa, 1964), which had drawn the attention of all African countries which in future become Members of the I.L.O. to the importance of continuing to apply Conventions already declared to be applicable, including in particular the Conventions on the protection of certain fundamental human rights. The Director-General indicated that the Government's letter would be brought to the attention of the Governing Body and of the Conference and voiced the hope, without at this stage expressing any view on the legal questions

which may be involved, that the Government may be able to give further consideration to the question in the light of the elements mentioned in his letter.

The Committee looks forward in these circumstances to learning in due course of any developments which may occur in this connection.

Malaysia. The Committee notes with regret that the reports due, two of which are first reports, have not been supplied for the state of Sabah.

Moreover, the reports received for the state of Singapore merely indicate that copies have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution, but do not specify the names of the organisations concerned.

The Committee trusts that all the reports will be supplied in future and that they will specify the names of the employers' and workers' organisations to which copies have been sent.

Mali. 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.

Nicaragua. The Committee notes that 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 trusts that the reports will indicate in future whether copies have been communicated to employers' and workers' organisations.

Panama. The Committee must draw attention for the fifth consecutive year to the total disregard on the part of the Government of the obligation under article 22 of the Constitution to supply reports on ratified Conventions. Nine first reports out of ten Conventions ratified have again not been supplied this year. Among these, three (Conventions Nos. 30, 42 and 45) have been due for four years, three (Conventions Nos. 52, 87 and 100) for five years, and three (Conventions Nos. 3, 12 and 17) for six years.

Despite the repeated assurances given by the Government representatives to the Conference Committee that measures would be taken so that these reports would be sent at the earliest possible date, the situation thus remains unchanged. In these circumstances the Committee can only once again draw the attention of the Governing Body and the Conference to the fact that it lacks the information required to satisfy itself that Panama is securing the effective observance of the Conventions it has ratified.

El Salvador. The Committee notes that the report due has not been received. The Committee hopes that the Government will not fail in future to discharge its reporting obligation.

Senegal. The Committee notes with regret that the reports due have not been received. The Committee hopes that the Government will not fail in future to discharge its reporting obligation.

Republic of South Africa. The Committee notes with regret that the report due has not been received. The Committee hopes that the Government will not fail in future to discharge its reporting obligation.

Sudan. The Committee notes with regret that the reports due have not been received. As this is the third occasion in four years that the Government has failed to comply with its reporting obligation under article 22 of the Constitution, the Committee can only draw the attention of the Governing Body and the Conference

to the fact that it lacks the information required to satisfy itself that the Sudan is securing the effective observance of the Conventions it has ratified.

Tanzania. The Committee notes that all the reports received deal exclusively with the application of Conventions in Tanganyika and that no reports have been supplied in respect of Zanzibar.

The Committee hopes that all the reports will be supplied in future.

Togo. The Committee notes that 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 hopes that future reports will indicate whether this has been done.

Trinidad and Tobago. The Committee regrets to note that no reports have been received. The Committee hopes that the Government will not fail in future to discharge its reporting obligation.

U.S.S.R. The Committee has been pointing out for a number of years that it is unable to consult the Labour Codes in force in the various republics of the Union. A Government representative indicated in the Conference Committee in 1964 that the new Labour Codes which were being drafted in accordance with the Basic Principles of Labour Legislation would be forwarded to the I.L.O. as soon as adopted.

The Committee takes due note of this assurance and trusts that this documentation will become available in the near future.

Venezuela. The Committee notes with regret that for the second consecutive year the reports due have not been supplied. This situation is all the more regrettable because a Government representative had assured the Conference Committee in 1964 that administrative measures were to be taken to ensure that future reports would be submitted in due time.

The Committee can only draw attention to the Government's persistent failure to comply with the fundamental obligation to supply reports, and hopes that all reports will be supplied in future.

Viet-Nam. The Committee notes with regret that the reports due have not been received. The Committee hopes that the Government will not fail in future to discharge its reporting obligation.

Western Samoa. The Committee wishes to place on record its appreciation of the action taken by the Government in supplying reports on three Conventions which had been declared applicable on behalf of Western Samoa prior to its attaining independence.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Federal Republic of Germany, Spain.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 1: Hours of Work (Industry), 1919

Colombia (ratification: 1933). The Committee takes note of the explanation given by the Government to the Conference Committee in 1963, and in its report, in reply to the observation made in 1963. According to the report, the average

maximum of actual hours of work is 49 hours in the food industry, 49 in the beverages industry, 48 in the printing, paper and publishing industry and 50 in the petroleum industry.

The Committee ventures however to draw attention to the fact that under the terms of the Convention the normal hours of work in a week are fixed at 48 hours except for the cases prescribed therein. Since the figures cited in the Government's report are still in excess of the normal hours of work, the Committee must renew its request to the Government to take the necessary steps with a view to securing the full application of the Convention.

Article 4, Article 6 and Article 8, paragraph 1 (c), of the Convention. The Committee takes note of the text of the Bill designed to bring the Labour Code into line with the Convention.

Article 5 and Article 7, paragraph 1 (b). The Committee notes that under national legislation it is not possible to conclude agreements concerning the redistribution of hours of work over a period longer than one week, as authorised by Article 5 of the Convention. It hopes that, should any changes occur in the future, the Government would not fail to supply full information on this point in accordance with Article 7, paragraph 1 (b), of the Convention.

Article 7, paragraph 1 (a). The Government states that Decree No. 1278 of 23 July 1931, which contains a list of processes classed as necessarily continuous in character, remains in force. The Committee must therefore point out once again that the Government should take steps:

- (a) to ensure that only those processes in any industry or branch which are necessarily continuous in character, should remain on this list;
- (b) to ensure that the schedules of working hours established and approved in regard to the necessarily continuous processes in no case provide for working hours exceeding 56 per week on the average, and if possible to communicate copies of such schedules to the I.L.O.

The Committee expresses the hope that the Bill, to which the Government refers, will be adopted without further delay so as to give full effect to the Convention.

Czechoslovakia (ratification: 1921). The Committee notes the Government's statement at the Conference Committee in 1964 that many provisions of the ministerial directives regulating, *inter alia*, overtime, are not intended for publication outside the national territory. It also notes that the draft Labour Code, which is to determine new rules respecting overtime and which has been under preparation since 1957, has not yet been adopted.

On the other hand, the Committee notes from the Government's supplementary report that various measures have been taken through the ministries concerned, the State Bank, the State Wages Commission and the trade unions to implement a policy of reduced overtime. Whilst appreciating these measures, the Committee hopes that the Government will soon be in a position to indicate that the Labour Code or other provisions have been adopted so as to ensure that the working of overtime is prohibited except in the circumstances specified under Article 6 of the Convention.¹

Dominican Republic (ratification: 1933). The Committee regrets to note that the report for the period 1962-64 has not been supplied. It takes note, however, of the statement made by a Government representative to the Conference Committee in

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

1964 that a Bill, designed to revise the entire labour legislation and to adapt it as far as possible to international labour standards, was under preparation.

Recalling that the Convention was ratified over 20 years ago, the Committee trusts that the new legislation will give full effect to the provisions of the Convention and, in particular, as regards the points referred to below, raised repeatedly in the observations made in previous years:

- (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.

Further, the Committee must point out once again that, in compliance with Article 6, paragraph 2, of the Convention, the maximum number of additional hours of work must be determined by regulations after consultation with the employers' and workers' organisations concerned.

The Committee can only express the hope that provisions to implement fully the terms of the Convention will be enacted without further delay.¹

Greece (ratification: 1920). Following the observation made in 1964, the Committee notes with satisfaction from the Government's reply to the Conference Committee in 1964 and from the report for 1963-64 that Royal Decrees No. 612 of 9 October 1963, No. 315 of 30 May 1963 and No. 286 of 28 May 1964 have extended the eight-hour day to all remaining categories of railwaymen.

Haiti (ratification: 1952). The Committee thanks the Government for its reply to the observation made in 1964 and in particular for the information sent in reply to the requests on Article 5 and Article 7 (1) (a) of the Convention.

Article 1 of the Convention. The Committee notes that the Government recognises the need to modify section 104 of the Labour Code in order to eliminate any possible doubt (application of the Code to certain undertakings including land transport, covered by the Convention), but that the necessary modification is not to be made in the immediate future. The Committee hopes nevertheless that in view of the importance of the undertakings excluded, action will be taken at an early date to introduce the necessary modification and ensure compliance with Article 1 of the Convention.

Article 6. The Committee notes with regret that the Government supplies no information in regard to the application of this provision of the Convention. It must, therefore, point out once again that section 100 of the Labour Code, which permits up to 20 hours overtime per week, 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.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Kuwait (ratification: 1961). The Committee notes with satisfaction that section 34 of the Labour (Private Sector) Act was amended in 1964 so as to provide that normal working hours shall not exceed eight hours a day and 48 a week.

Nicaragua (ratification: 1934). The Committee notes with interest that, in reply to the observations made by the Committee over a number of years, the Government states that the Labour Code is to be amended at a very early date so as to give effect to the provisions of the Convention.

Article 1 of the Convention. The Committee notes with interest that section 169 of the Labour Code, which authorises working hours up to 60 per week for workers in land transport other than urban transport, is to be amended so as to extend to this category of workers the 48-hour week prescribed in the Code. It hopes that this provision will soon be enacted.

Article 5. The Committee notes the Government's statement that, in granting authorisation of redistribution of hours of work over a period of three weeks, under section 168 of the Code, the organisations of workers and employers concerned are consulted.

Article 3 and Article 6, paragraph 1 (*b*). The Committee notes that the Government will bear in mind the desirability of issuing regulations to determine the special cases in which overtime may be worked (after consultation with the employers' and workers' organisations). It hopes, accordingly, that such regulations will soon be issued and will ensure compliance with the Convention.

Article 6, paragraph 2. The Committee notes that the Government will bear in mind the need to bring the legislation into conformity with the Convention as regards the maximum number of additional hours which may be worked. It hopes therefore that a provision to this effect will be inserted in the draft Labour Code.

Article 8. The Committee notes that the Government will bear in mind the need to make provisions requiring every employer to notify hours of work and rest periods by means of posting of notices or in another approved manner (paragraph 1 (*a*) and (*b*) of Article 8) and 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 hopes therefore that measures to this effect will soon be taken.

The Committee trusts that the Government will make every possible effort to secure the adoption of the measures referred to above, without any further delay, and that these will ensure the full application of the Convention.

Peru (ratification: 1945). The Committee notes that no further information is supplied in the Government's report regarding the enactment of the Bill—mentioned by the Government representative at the Conference in 1964—tabled on 17 January 1964 and which was to restrict hours of work and bring the legislation into conformity with the Convention.

However, the Committee also notes that a draft Labour Code is being prepared. It trusts that this text will give effect to the many observations made over the past years on the application of this Convention and more particularly that it will ensure that the additional hours in excess of eight a day and 48 a week may be worked only within the limits prescribed in Articles 3, 4, 5 and 6 of the Convention. It also trusts that the draft Code will soon be enacted and that this will obviate the need for any further observations on this Convention.

Rumania (ratification: 1921). See General Report, paragraph 21.

Spain (ratification: 1929). The Committee refers to the observations and requests made in recent years regarding certain divergencies between the national provisions

and those of Conventions Nos. 1 and 30, and regarding the difficulty of obtaining a clear idea of the effect given to these Conventions because of the multiplicity of texts applicable in regard to hours of work.

The Committee recalls that, since 1958, the Government has on several occasions referred to a comprehensive draft regulating conditions of work which was being prepared, and that the Government's intention in this respect had been welcomed both by the Committee of Experts and by the Conference Committee.

The Committee regrets therefore that, although the Government representative at the Conference Committee in 1964 again referred to the promulgation of the proposed text, no new information was supplied either on this occasion or in the Government's report on any progress made in the enactment of the said draft.

Accordingly, the Committee can only reiterate its hope that the draft prepared by the Government will remove any obscurities or divergencies as regards the application of Conventions Nos. 1 and 30 (full account being taken of the various points raised in previous observations) and that it will be promulgated at an early date.¹

Uruguay (ratification: 1933). The Committee regrets that the Government's report contains no information in reply to the direct request made in 1964, which was as follows:

Article 4 of the Convention. The Committee notes the Government's statement in its report for 1960-62, which arrived too late to be examined in 1963, that although a list has not been drawn up of the processes classed as necessarily continuous for the purpose of section 22 of the Decree of 29 October 1957, such processes are referred to in the arbitral decisions or agreements relating to section 25 of the Decree. In view of the requirement of Article 7, paragraph 1 (a), of the Convention that the Government should communicate a list of the processes classed as necessarily continuous, the Committee would be grateful if the Government would supply a list of the processes covered by the above-mentioned decisions and agreements. It would also be glad to know whether, apart from this list relating to section 25 of the Decree (i.e. operations calculable by period of 48 hours), there are no processes where, in accordance with section 22 of the Decree, an average 56-hour week is worked.

Article 5. The Committee takes note of the information supplied in the report concerning the distribution of hours of work in accordance with section 21 of the Decree in exceptional cases authorised by the National Institute of Labour. However, as already requested in 1959, it would be glad to have full information on the schedules to be presented by the Executive under section 12 of the Decree, respecting hours of work covering longer periods.

Article 6. In reply to the Committee's request for information concerning special regulations issued under section 15 of the Decree authorising permanent and temporary exceptions to the maximum working hours provisions, the Government refers to two examples of such regulations, both adopted prior to the Decree of 1957. The Committee would be grateful if the Government would supply a complete list of all such regulations which are at present in force and would supply copies thereof.

The Committee notes that the Government has not stated, as requested in 1959 and 1962, what provisions ensure that such regulations should fix the maximum of additional hours permitted in conformity with Article 6, paragraph 2. It trusts that the Government will not fail to supply information in this regard in its next report.

Article 8. The Committee thanks the Government for supplying a specimen copy of the notice which notifies workers of their hours of work in accordance with paragraph 1 (a) of this Article. It would be glad if the Government would also provide, as already requested, a specimen copy of the register mentioned in section 59 of the Decree which records all additional hours worked and which is required by paragraph 1 (c) of this article.

The Committee trusts that the Government will not fail to supply the information referred to above.

Venezuela (ratification: 1944). The Committee notes with regret that the report for 1963-64 has not been received, and that, therefore, no information is

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

available in reply to the requests made in 1961, 1963 and 1964, which were as follows:

The Committee . . . notes that the amendment of the Labour Act is being considered and hopes that on this occasion it will be possible to introduce the small modifications indicated below.

Article 1 of the Convention. The Committee understands that the Labour Act is fully applicable to wage-earning workers directly employed by the nation, and that recourse is not had therefore to the clause of section 6 which provides that such workers shall be covered by the Labour Act and Regulations only "in so far as they are applicable to the type of services which they render and to the requirements of the public administration". Consequently, there should be no difficulty in abolishing this proviso, which might lead to divergencies between the Convention on the one hand and the national legislation on the other.

Article 2. The Committee notes the Government's statement that, in virtue of section 56 of the Labour Regulations, members of the employer's family—up to the fourth degree—who are in permanent paid employment are assimilated to persons employed in a confidential capacity and are consequently excluded from the scope of the hours of work provisions whether or not the undertaking is a family one. The Committee points out that the Convention permits the exemption of family workers only as regards "an undertaking in which only members of the same family are employed" and that members of the employer's family cannot normally be excluded from the hours of work provisions in undertakings where outside workers are employed; it is of course understood that should a member of the employer's family be in fact employed in a confidential capacity, he may be excluded from the hours of work provisions—this in conformity with section 65 of the Labour Act and Article 2 (a) of the Convention. The Committee hopes therefore that measures will be taken to bring section 56 of the Labour Regulations into conformity with Article 2, first paragraph of the Convention.

Article 6. The Committee notes with interest that provision is to be made in the draft amendment of the Labour Act, now in hand, ensuring that not only overtime due to pressure but also additional hours worked in cases of emergency, are remunerated at a higher rate.

The Committee hopes that the Government will supply information in its next report on any developments which may occur in regard to the amendment of the Labour Act, particularly in relation to the various points mentioned above, as well as copies of any texts issued under section 6, second paragraph, and section 65 of the Labour Act in respect of autonomous institutes.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Chile, Dominican Republic, Greece, Haiti, India, Kuwait, Nicaragua, Portugal, Spain, Syrian Arab Republic, United Arab Republic.*

Information supplied by *New Zealand* in answer to a direct request has been noted by the Committee.

Convention No. 2: Unemployment, 1919

Nicaragua (ratification: 1934). See General Report, paragraph 21.

Venezuela (ratification: 1944). In 1962 and 1964 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, a request regarding certain other points is being addressed directly to *Venezuela*.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 3: Maternity Protection, 1919

Argentina (ratification: 1933). In its observation of 1964 the Committee had requested the Government to indicate whether women workers who did not fulfil the conditions prescribed by section 35 of Decree No. 80229 of 1936 are entitled to maternity benefits. In its reply to this observation the Government states that under the case law established by the National Supreme Court, the maternity benefits prescribed by section 2 of Act No. 11933 of 1934 are payable subject to no conditions whatsoever and that all women are entitled to these benefits, even if they do not fulfil the conditions laid down by section 35 of Decree No. 80229.

The Committee notes this statement and hopes that the above-mentioned case law can be confirmed by the adoption of a legislative provision when a revision of the relevant national legislation is carried out (particularly Decree No. 80229). Meanwhile, the Committee requests the Government to supply the texts of any relevant judicial decisions with the next report.

Bulgaria (ratification: 1933) In reply to the requests made in the course of previous years, the Government states that some of the Committee's remarks will be taken into consideration when the Labour Code is next revised.

The Committee hopes that this revision can be completed at an early date and that the national legislation will be brought into full harmony with the Convention in respect of the various points which were the subject of previous comments, especially as regards the following Articles of the Convention: 3 (a)—compulsory postnatal leave, and 3 (c)—granting of maternity benefits to all women covered by the Convention and not only to those having satisfied the qualifying period laid down by the Labour Code and section 44 of the regulations of 1958 to apply the Code.

With regard to the latter point, the Committee would be grateful if the Government would indicate, pending the revision of the existing legislation, how maternity benefits are ensured to women who have not satisfied the qualifying period referred to above.

Chile (ratification: 1925). In reply to the observation and requests made by the Committee in previous years in connection with the application of Article 4 of the Convention (prohibition of dismissal for any reason during maternity leave) the Government declares its intention to study at an early date the necessary amendments to national legislation to suspend the application to women workers on maternity leave of sections 9 and 164 of the Labour Code respecting valid grounds for dismissal.

The Committee notes this statement with interest and trusts that the measures referred to above will be taken at an early date.

Colombia (ratification: 1933). The Committee notes the Government's reply to the observations made in previous years. With regard to Article 4 of the Convention (prohibition of dismissal for any reason whatsoever during absence on maternity leave or in case of extension of the maternity leave as a result of illness due to pregnancy or confinement) the Committee notes with interest that under the new Bill to revise the Labour Code the employer must keep a woman worker's post open during the period prescribed by the Convention and that any notice of dismissal during this period or at such time that the notice would expire during the woman's absence on leave is null and void.

The Committee further notes that the new revising Bill will give effect to Article 3 (d) of the Convention (nursing periods) by providing for two periods of 30 minutes each which are counted as normal working time and are so remunerated.

The Committee trusts that the revision of the Labour Code to bring the national legislation into harmony with the Convention in respect of both the above-mentioned

points and Articles 3 (a) and (b) (maternity leave of 12 weeks) and 3 (c) (granting of maternity benefit in case of extension of the maternity leave as a result of the mistake of the medical adviser in estimating the date of the confinement) will be completed at an early date, all the more so as this Convention was ratified over 30 years ago.

The Committee urges the Government to provide information on the progress made in this direction.¹

France (ratification: 1950). The Committee takes note with satisfaction of Circular No. TMO C/27 of 7 December 1962 inviting the employers concerned to observe strictly the provisions of Article 3 (d) of the Convention, according to which a woman shall in any case, if she is nursing her child, be entitled to two nursing periods of half an hour each for this purpose.

With regard to Article 3 (c) of the Convention (mistake of the medical adviser in estimating the date of confinement), the Committee notes that under the two last paragraphs of the instructions issued in October 1962 to the regional directors of the social security scheme inviting them to take account of the principles established by the decision of the Court of Cassation of 28 March 1962, the total period for which benefits are granted may "in no case" exceed 14 weeks, although this interpretation does not preclude daily benefits under sickness insurance in case of pathologic pregnancy. The Committee draws the Government's attention to the fact that the Convention, which was recognised to prevail over national law by the above-mentioned decision, provides for no restriction of the period of maternity benefits in case the presumed date and the actual date of confinement do not coincide. Accordingly, and in view of the fact that the normal length of maternity leave is 14 weeks in France, the Committee would appreciate being informed of the way in which effect is given to the principles established by the above-mentioned decision when an extension of maternity leave due to a mistake in estimating the date of confinement exceeds two weeks and the woman concerned is not able to establish that the pregnancy is accompanied by complication entitling her to benefits under the sickness insurance scheme.

With regard to Article 4 (prohibition of dismissal for any reason during maternity leave), the Committee refers to its general conclusions concerning the effect given in various countries to the instruments relating to maternity protection (Part Three of this report, paragraphs 196-226) and trusts that the Government will take the necessary measures with a view to bringing the national legislation into full conformity with the Convention on the above point as well.

Federal Republic of Germany (ratification: 1927). The Committee notes the information provided by the Government, both in the report for 1963-64 and at the Conference Committee in 1964 in reply to the observations made in the course of previous years in connection 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 of 30 minutes each; and Article 4—general prohibition of dismissal.

Article 3 (c) of the Convention. The Committee notes that under the Federal Social Assistance Act of 1961 (sections 11, 23 and 38), maternity benefits are granted to all women who cannot themselves meet their subsistence needs or who cannot provide for them "in a satisfactory manner". These benefits are also granted under section 11 (2) to women whose income or assets are sufficient to meet their subsistence needs but who cannot "engage in certain activities that are necessary"

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

to this subsistence. As the Government refers to the above Act in its reply in connection with the application of Article 3 (*c*) of the Convention to female salaried employees, whose earnings exceed the ceiling established by national legislation for admission to the insurance scheme, the Government is requested to indicate whether the women workers concerned are entitled to benefits under sections 21-23 and 38 of the Federal Social Assistance Act. If so, please provide particulars of the practical application of this provision. The Committee further observes that a contribution towards the cost of such assistance, as provided by section 11 (2) of the Act of 1961, is contrary to the Convention, which prescribes that medical benefits shall be completely free.

Articles 3 (*d*) and 4. The Committee has noted the Bill to revise the Maternity Protection Act of 1952 and regrets that it does not modify any of the provisions of the national legislation along the lines of the above Articles of the Convention. In these circumstances the Committee is bound to draw the Government's attention once again to the discrepancies pointed out for several years and hopes that the national legislation will be brought into conformity with the Convention without delay.¹

Hungary (ratification: 1928). Referring to the observations made in the course of previous years in connection with the application of Article 4 of the Convention (general prohibition of dismissal during maternity leave), the Committee takes note with satisfaction of Decree No. 46 of 1962 referred to in the Government's report on the Maternity Protection Recommendation, 1952 (No. 95), submitted under article 19 of the Constitution. This decree modifies section 96 of the Labour Code and provides that the disciplinary measure which, under this section, constitutes the only valid ground for the dismissal of a woman worker from the time of the certification of pregnancy until the end of the sixth month following her confinement, cannot take effect during the period of maternity leave.

Italy (ratification: 1952). Referring to its previous observations in connection with the application of Article 3 (*c*) of the Convention to certain categories of women workers whose maternity benefits were paid by the employer, the Committee notes with satisfaction that Act No. 7 of 9 January 1963 extends the benefits granted under the insurance scheme to all categories of women workers including salaried and similar women workers.

Nicaragua (ratification: 1934). The Committee notes with interest from the information provided by the Government in reply to the observations and requests made in previous years that account will be taken of the provisions of Article 3 (*d*) of the Convention (two nursing periods of 30 minutes each) when the Labour Code is next revised.

The following remarks are made with regard to other points of discrepancy.

Article 3 of the Convention (scope). The Government admits that the Act of 1955 respecting social security and the regulations to apply the Act provide for the exemption from compulsory insurance (and thereby from maternity benefits) of the members of the employer's family who work for his account, whereas the Convention provides for the sole exemption of undertakings in which *only* members of the same family are employed.

Article 3 (*a*) and (*b*). (Maternity leave of 12 weeks and compulsory postnatal leave.) The Government states that, although section 129 of the Labour Code fixes

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

maternity leave at 12 weeks, the provision of the National Constitution which lays down a prenatal leave of 20 days and a postnatal leave of 40 days (neither of the two above provisions making postnatal leave compulsory) should be interpreted as amending section 129 of the Labour Code. The Government further states that it has not been considered necessary to modify this interpretation, inasmuch as the social security scheme, which lays down a maternity leave of 12 weeks in conformity with the Convention, will be gradually extended to greater numbers of women workers. The Committee observes, however, that this scheme is applied at the present time only in certain parts of the country and considers that measures should, therefore, be taken with a view to ensuring that women workers who are not covered by the social security scheme may enjoy a maternity leave of 12 weeks, six of which must compulsorily be taken following confinement as provided by the Convention.

Article 3 (*c*) (maternity benefits). 1. The Committee notes the Government's statement that working women who are not covered by compulsory insurance can obtain maternity benefits from the public assistance institutions where the employer is under no obligation to continue payment of their wages. The Committee hopes, however, that the general extension of the social security scheme can be accomplished at an early date so that these benefits will no longer be the direct responsibility of the employer.

2. With regard to the granting of benefits in case of extension of prenatal leave due to a mistake in estimating the date of the confinement, the Committee notes the Government's statement that in practice no error of the doctor or certified midwife can preclude a woman from receiving these benefits. In these circumstances the Committee hopes that the Government will be able to give legislative effect to the established practice.

Article 4 (prohibition of dismissal). The Government states that although a woman worker can be dismissed during the period of pregnancy or nursing for various legitimate reasons listed under section 119 of the Labour Code, she cannot be dismissed during her absence on maternity leave. The report further states that the Ministry of Labour has consistently interpreted the relevant legal provisions along these lines. The Committee takes note of these statements and hopes that the practice of general prohibition of dismissal during maternity leave can be given statutory force in conformity with the Convention.

The Committee trusts that the Government will not fail: (*a*) to take the necessary measures at an early date to bring the national legislation into conformity with the Convention, which was ratified over 30 years ago; (*b*) to extend the social security system to all categories of women workers throughout the national territory; (*c*) to supply full particulars of the progress accomplished with regard to points (*a*) and (*b*) referred to above.¹

Venezuela (ratification: 1944). As no report has been received, the Committee regrets to observe that the Government has again failed to answer the observation and requests made in previous years. The Committee is bound, therefore, to refer again to this matter and trusts that the Government will not fail to supply the information requested on various points relating to the application of the following Articles of the Convention.

Article 1—scope; and 3 (*c*)—(granting of cash maternity benefits to certain categories of women workers not covered by compulsory insurance and in case of a mistake in assuming the date of confinement). These points are raised in a new direct request.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Bulgaria, Chile, Colombia, Cuba, Gabon, Greece, Ivory Coast, Luxembourg, Mauritania, Spain, Venezuela, Yugoslavia.*

Convention No. 4: Night Work (Women), 1919

Afghanistan (ratification: 1939). Following the numerous observations made by the Committee regarding the adoption of legislation to give effect to the terms of the Convention, the Government indicates that the Convention is applied by section 83 of the draft Labour Law to be enacted in 1965 and that in practice women are not employed in industrial undertakings at night.

The Committee ventures to point out that the draft Labour Law (as communicated to the I.L.O.), while defining the term "night" in conformity with Article 2 of the Convention, does not contain any provision prohibiting night work for women in industry. The Committee trusts therefore that an express provision prohibiting night work by women in industrial undertakings will be included in the Labour Law so as to give effect to the Convention, and urges the Government once more to take the necessary steps without further delay.

Albania (ratification: 1932). The Committee notes that this Convention on which observations were made in previous years has been denounced by Albania.

Chile (ratification: 1931). The Government's report states that the Bill which is intended to bring section 48 of the Labour Code of 1931 into full compliance with Article 3 of the Convention (prohibition of night work for all women in industrial undertakings whether they are engaged on manual work or not) has been submitted to the legislative body.

Recalling that the first observation on this point was made over 25 years ago, the Committee can but express its earnest hope that the Government will make every possible effort to secure the enactment of the Bill at the earliest date.¹

Colombia (ratification: 1933). In reply to the observations made by the Committee in previous years on the need for adopting provisions designed to prohibit night work by women in conformity with the Convention, the Government's report states that a Bill was introduced in November 1964 which prescribes, *inter alia*, that "women, irrespective of age, shall not be employed at night in any industrial undertaking, except in undertakings in which only the members of the same family are employed".

The Committee trusts that the Government will not fail to make every possible effort to adopt this Bill with a view to giving effect to the Convention which was ratified over 30 years ago.¹

Guinea (ratification: 1959). The Committee in 1964 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 required.

Nicaragua (ratification: 1934). The Committee notes with regret that the report does not contain any new information in reply to previous observations.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.¹

Peru (ratification: 1945). Following the observations made by the Committee since 1950 with regard to the discrepancy existing between section 10 of Act No. 2851 of 1918 and Article 6 of the Convention (which allows the reduction of the night period to ten hours only in seasonal undertakings and in exceptional circumstances), the Government's report indicates that a Bill designed to bring the above section into conformity with the Convention has been submitted to Parliament.

The Committee notes this information with interest and trusts that the Bill will be enacted in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi*, *Congo (Brazzaville)*, *Congo (Leopoldville)*, *Guinea*, *Laos*.

Convention No. 5: Minimum Age (Industry), 1919

Bolivia (ratification: 1954). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous request, which was as follows:

The Committee notes from the report for 1959-61 that a new Labour Code which is being prepared will ensure the application of Article 4 of the Convention (the keeping of registers of all persons under the age of 16 years and of the dates of their birth).

The Committee further notes that section 57 of the Labour Code of 26 May 1939 permits the employment of children under 14 years of age for the purposes of apprenticeship. Since Article 2 of the Convention does not provide for any such exemption (except in the case of work done by children in authorised technical schools, under Article 3), it would be glad if the Government, when drafting the new Code, would also remove this important discrepancy with the provisions of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Colombia (ratification: 1933). The Committee notes that the new Bill submitted to Congress in November 1964 contains a prohibition to employ children under 14 years of age as well as an obligation for the employers to keep a register of all persons under 18 years of age, with an indication of their date of birth.

As this Convention was ratified more than 30 years ago and as the Government had indicated since 1955 that it would make every effort to ensure its application, the Committee trusts that the above-mentioned Bill will be adopted in the near future.

Denmark (ratification: 1923). The Committee notes with regret that the Government in its report merely repeats once more its promise to consider prescribing a

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

register for all young persons under 16 years of age, as provided by Article 4 of the Convention. As this point has been raised since 1956 the Committee is obliged to insist that the Government do everything possible in order to give effect to the provisions of Article 4 of the Convention without any further delay.

Nicaragua (ratification: 1934). The Committee notes with regret that the report for 1962-64 contains no new information. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 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.

Venezuela (ratification: 1944). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous request, which was as follows:

In a direct request of 1961 the Committee had asked for more specific information concerning the scope and the possible application of sections 89 to 91 of the Minors' Statute of 30 December 1949 which provide for certain exceptions regarding the employment of minors, not allowed under the Venezuelan Labour Act.

The Committee notes from the Government's reply that these exceptions have not been applied in practice. In these circumstances the Committee trusts that the relevant provisions will be repealed so as to ensure full legislative compliance with Article 2 of the Convention and that the Government's next report will indicate the action taken in this connection.

The Committee would also be grateful if the Government would supply the text of the Minors' Statute, as already requested in 1961.

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 points are being addressed directly to the following States: *Albania, Congo (Brazzaville), Guinea, Haiti, India, Ivory Coast, Malaysia (Singapore), Mali, Mauritania, Niger, Rumania, Senegal, Sierra Leone, Spain, Switzerland, Tanzania (Zanzibar), Uganda, Upper Volta, Zambia.*

Information supplied by *Cameroon (Eastern Cameroon), Gabon, Kenya, Malta, Togo* in answer to direct requests has been noted by the Committee.

Convention No. 6: Night Work of Young Persons (Industry), 1919

Albania (ratification: 1932). The Committee notes with regret that the report does not contain the information requested in 1963 and 1964, which was as follows:

Section 3 of the Decree of 9 April 1962 (No. 3489) prohibits night work of young persons under 18 years of age "in industrial occupations". Since the Labour Code available to the Committee does not contain a definition of the term "industrial occupations", the Committee would be grateful if the Government would provide in the next report additional information on this point as well as any legal texts relating thereto. It also hopes that the next report will contain information on the practical application of the Convention (point V of the report form).

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

Guinea (ratification: 1959). In 1964 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.

Hungary (ratification: 1928). The Committee notes from the Government's report that the completion of the current study will shortly make it possible to determine what measures should be taken in order to satisfy the requirements of the Convention. It trusts that the Government will not fail to make every possible effort to eliminate the long-standing discrepancy between the legislation and Article 2 of the Convention which prohibits night work by young persons between the ages of 16 and 18 years.

Nicaragua (ratification: 1934). See under Convention No. 4.¹

Venezuela (ratification: 1933). In 1964 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: *Guinea, Laos, Upper Volta, Venezuela*.

Convention No. 7: Minimum Age (Sea), 1920

Nicaragua (ratification: 1934). The Committee notes with regret that the report contains no information in reply to its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Portugal (ratification: 1960). Following its requests of 1962 and 1963, the Committee notes with satisfaction that Legislative Decree No. 41643 of 23 May 1958 amending the main text of Legislative Decree No. 23764 of 13 April 1934 concerning the minimum age of children employed on maritime work, has been extended to the overseas provinces by Order No. 19525 of 27 November 1962.

Venezuela (ratification: 1944). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Government indicates in reply to the direct request of 1961 that the register which section 114 of the Labour Act of 1947 requires every employer to keep is not used in practice. The Committee

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

trusts that the Government will take steps to bring this register into force, thus ensuring conformity with Article 4 of the Convention, and that a specimen copy of the register will be supplied with its next report.

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: *Jamaica, Sierra Leone, Spain, Tanzania (Zanzibar)*.

Information supplied by *China, Colombia, Dominican Republic* in answer to direct requests has been noted by the Committee.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Argentina (ratification: 1933). The Committee has taken note of the information supplied by a Government representative at the Conference Committee in 1964 that a Bill to bring the national legislation into conformity with the Convention will be considered shortly by the House of Representatives. The Committee has also noted the Government's statement, reiterated in the report, of its firm proposition to adapt, as far as possible, the national legislation to the provisions of the Convention.

The Committee is bound to repeat that the limitation imposed by article 1004 of the Commercial Code by which compensation against unemployment resulting from loss or foundering of a vessel is payable only until the day when the vessel would have reached its port of destination, is contrary to the Convention which provides that compensation shall be paid for all 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. The Committee hopes that the Government will not fail to take the necessary steps with a view to bringing the national legislation into harmony with the Convention.

Colombia (ratification: 1933). The Committee has taken note of the information supplied in the Government's report indicating that there has been no change in the draft Labour Code and that the Government has presented a Bill "proposing to modify certain sections of the existing Labour Code", which Bill, among other modifications, adds a paragraph to section 249 of the existing Labour Code, with a view to bringing it into line with the provisions of the Convention.

The Committee trusts that the proposed modification, which is currently being studied by the Senate, would be adopted in the near future and would bring national legislation into line with this Convention which was ratified in 1933.

Mexico (ratification: 1937). The Committee has taken note of the adoption of the Navigation and Maritime Trade Act, section of which 6 provides that "no provision of the same shall be applied contrary to treaties, agreements and international Conventions duly ratified to which Mexico is a party". The Committee observes, however, that this new Act contains no provision relating to compensation for shipwreck and that consequently it cannot consider that the proviso contained in the above-mentioned section 6, which does no more than stipulate that the provisions of the Act shall not be applied in a manner contrary to the provisions of international Conventions, completely does away with the divergencies between certain provisions of the national legislation and the Convention to which attention has been drawn on a number of occasions since 1955.

From the point of view of internal legislation, it must be admitted that the situation established by section 126, paragraph 12, of the Federal Labour Act, which

imposes two conditions for the payment of unemployment benefit (the existence of insurance coverage and actual payment of the insurance claims to the employer) neither of which is provided for in the Convention, still exists.

Furthermore, on several occasions and most recently in 1963, the Committee has requested the Government to confirm whether the insurance to which section 211 of the General Communications Act refers includes payment of compensation for unemployment arising out of shipwreck. In reply, a Government representative told the Conference Committee in 1964 that this section of the General Communications Act required, for the authorisation of departure of vessels, established proof that the crews of the vessels were covered by industrial accident and social security insurance, adding that such insurance must guarantee to the workers the payment of all allowances to which they were entitled, including unemployment benefit.

If, as stated by the Government, this insurance provides for the actual payment of unemployment benefit in conformity with the Convention, the Committee considers that there should be no difficulty in amending section 126, paragraph 12, of the Federal Labour Act to bring it into line with the Convention by removing the conditions attached therein to the payment of benefit. In the event of a dispute, a worker might be deprived of benefit at the time when it is most needed.

The Committee considers, moreover, that the reasons which a Government representative gave the Conference in 1962 cannot be regarded as convincing. The representative declared that "it was necessary to protect the shipping industry in Mexico, and accordingly the payment of unemployment indemnities was subject to the actual payment of insurance benefits to the shipowner", and that those indemnities had priority over all others.

For the above reasons the Committee must insist that the Government amend the national legislation by removing the conditions attached to the payment of benefit under section 126, paragraph 12, of the Federal Labour Act. The Committee also requests the Government to supply the text of the provisions governing insurance schemes established under section 221 of the General Communications Act.¹

Nicaragua (ratification: 1934). The Committee notes with regret that the report contains no new information. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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).

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Rumania (ratification: 1930). The Committee has noted the Government's statement that section 20 of the Labour Code which provides the possibility of the

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

abrogation of a contract of employment if the undertaking ceases to operate for a period of one month, is not contrary to the Convention since the term "unit" (undertaking) does not refer to a vessel on which seamen are employed but to the only enterprise of navigation which exists in Rumania. The Committee has also noted that a Government representative at the Conference Committee in 1963 referred to section 20 of the Labour Code in similar terms as it did in the report, and added that this section had never been applied, and it was for that reason that the repeal of this provision was being considered. The Committee considers that since this provision has not been applied there would be no difficulty in repealing it, and trusts that the Government will take the necessary measures in the near future to bring the national legislation into line with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Malaysia (Singapore)*, *Peru*, *Spain*.

Information supplied by *Malta*, *Nigeria* and *Sierra Leone* in answer to direct requests has been noted by the Committee.

Convention No. 9: Placing of Seamen, 1920

Colombia (ratification: 1933). The Committee notes with regret that no progress has yet been made in adopting the draft Labour Code, section 15 of which provides for the establishment of an employment service and to which the Government has referred for a number of years. In these circumstances the Convention ratified 32 years ago still remains without any effect and the Committee can only urge once more that the necessary legislative measures be taken without further delay to provide for the placing of seamen in conformity with the provisions of the Convention.¹

Mexico (ratification: 1939). The Government states, in reply to the direct request of 1963, that the next report will indicate the progress achieved in establishing a joint advisory committee of shipowners and seafarers in particular at the port of Vera Cruz, in conformity with Articles 4, paragraph 1 (*a*), and 5 of the Convention. As the Committee has had occasion to refer to this matter since 1957, it takes due note of this assurance and trusts that the above committee will be set up without further delay.

Nicaragua (ratification: 1934). The Committee notes with regret that the report contains no new information. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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: *Peru*, *Poland* and *Spain*.

Information supplied by *Cuba* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 10: Minimum Age (Agriculture), 1921

Peru (ratification: 1960). Further to its previous requests the Committee notes with satisfaction that section 37 of the Minors' Code, adopted in 1962, fixes the age for the admission of children to employment in agriculture at 14 years (Article 1 of the Convention).

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In addition, requests regarding certain points are being addressed directly to the following States: *Albania, Gabon, Malta, Peru, United Kingdom*.

Convention No. 11: Right of Association (Agriculture), 1921

Albania (ratification: 1957). See under Convention No. 87 in respect of workers in agricultural co-operatives.

Brazil (ratification: 1957). The Committee thanks the Government for the information and documentation supplied.

The Committee notes with satisfaction that section 136 of the Rural Labour Code (Act No. 4214 of 2 March 1963) eliminates the former difference in treatment between agricultural and industrial workers with respect to protection against acts of discrimination, and that section 111 eliminates the difference with regard to the protection of collective agreements.

The Committee has also been able to confirm that the requirements concerning the documents which agricultural workers' unions must submit and the approval of their rules by the Minister of Labour, which are laid down in sections 7 and 25 of Ministerial Order No. 355-A of 20 November 1962 issued under Legislative Decree No. 7038, do not in substance differ from those applicable to industrial workers.

The Committee must, however, repeat its observation concerning section 3 of Ministerial Order No. 355-A. Section 517 of the Consolidated Labour Laws establishes the principle that trade unions can be organised on a district, municipal, inter-municipal, state or inter-state basis and, in exceptional cases, on a national basis and that the area upon which a trade union is based is defined with the consent of the Minister of Labour. On the other hand, section 3 of Ministerial Order No. 355-A limits rural trade unions to their respective municipal area, which can be enlarged only if, in the opinion of the Minister of Labour, this is warranted for exceptional reasons.

The Committee trusts that the Government will not fail to take the measures necessary to eliminate this difference between rural and industrial trade unions in order to bring national legislation into conformity with the Convention.

Bulgaria (ratification: 1925). The Committee notes with regret that the report sent this year merely refers to the previous reports, and does not reply to the direct request made in 1964. The Committee hopes that the Government will not fail to reply in its next report to the direct request, which is again being addressed to it this year.

Byelorussia (ratification: 1956). See under Convention No. 87.

Chile (ratification: 1925). The Committee understands that the Government has prepared, with the assistance of an I.L.O. expert, a draft Bill on trade union organisation, the provisions of which apply without distinction to industrial workers and persons engaged in agriculture.

The Committee trusts that the early adoption of this Bill will at last bring the legislation into full conformity with the Convention.¹

Nicaragua (ratification: 1934). The Committee has noted the report supplied by the Government. It observes that the report contains no new information, and it is bound, therefore, to repeat its previous observation, which was as follows:

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 hopes that the Government will make every effort to take the necessary action without further delay.

Peru (ratification: 1945). Referring to its observation of 1963, the Committee notes with satisfaction that the system of *arrendires* (share-croppers) and *allegados* (sub-tenants performing certain services)—who were previously deprived of the right of association—has been completely and permanently abolished throughout the country. In this connection it is noted that section 237 of Act No. 15037 of 21 May 1964 respecting agrarian reform has abolished all contracts which make the grant of land use subject to the performance of personal services, even when these are remunerated in cash. The same section provides that labour legislation shall *ipso jure* apply to all forms of personnel service.

Poland (ratification: 1924). See under Convention No. 87.

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Venezuela (ratification: 1944). The Committee notes with regret that the Government has not supplied any report for 1963-64. However, the Committee has taken note of the information supplied by a Government representative to the Conference Committee in 1964 to the effect that the agricultural labour regulations expressly recognise the rights of association and combination of agricultural workers in the same conditions as for workers in industry. The Committee observes that this statement does not appear to coincide with the statement made 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 agreements and by the law on agrarian reform, and in addition, new draft regulations concerning agricultural work which remedy deficiencies of the regulations now in force have been submitted to Congress". The Committee trusts that the new draft regulations will soon be adopted thereby eliminating all divergencies which have been pointed out between agricultural and industrial workers and securing "to all those engaged in agriculture the same rights of association and combination as to industrial workers".

The Committee requests the Government to keep it informed of all 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: *Argentina, Bulgaria, Congo (Leopoldville), Cuba, Czechoslovakia, Ethiopia, Ivory Coast, Malaysia (Sarawak, Singapore), Malta, Rumania, Spain, Turkey, United Arab Republic, Zambia*.

Information supplied by *China, Greece, Rwanda* in answer to direct requests has been noted by the Committee.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

El Salvador (ratification: 1957). The Committee notes with satisfaction that section 290 of the recently enacted Labour Code amends section 29 of the Occupational Hazards Act and provides for compensation in the form of a life pension in case of permanent total disability, thus abolishing the limit of ten years previously laid down by the aforementioned section of the Act.

This provision eliminates the former discrepancy between the Occupational Hazards Act (having general application including agriculture) and the Social Security Act (having limited application and not including agriculture at the present time).

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A request regarding certain other points is being addressed directly to *Peru*.

Convention No. 13: White Lead (Painting), 1921

Argentina (ratification: 1936). In its reply to the observations of 1962 and 1964 the Government indicates that Legislative Decree No. 7601 of 5 July 1957 which prohibits the use of paints containing white lead in the internal painting of buildings is applied in the various provinces and that none of the exceptions authorised by this Decree is used. However, as pointed out previously by the Committee, Decree No. 7601 provides, on the one hand, that the prohibition of the use of white lead and any products containing these pigments does not apply to the other painting

operations in which the use of these products is considered necessary and, on the other hand, that regulations shall specify conditions in which the use of paints containing such products is permitted.

As the report again fails to indicate any measures taken with a view to bringing the national legislation into conformity with the Convention and does not contain any information on the results of the work of the special committee which, according to the report for 1959-61, had been established for this purpose, the Committee can only refer to its previous observations and urge the Government once again to adopt national legislation:

- (a) 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);
- (b) defining, as regards areas of Argentina other than the city of Buenos Aires (where the use of white lead in paint is generally prohibited), paint operations in which the use of white lead, sulphate of lead and any products containing these pigments is necessary.

The Committee trusts that the Government will not fail to take the necessary measures so as to give full effect to this Convention, which was ratified almost 30 years ago.

Guinea (ratification: 1959). The Committee notes with regret that once again the report has not been received. The Committee is bound, therefore, to repeat the following observation:

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.

Nicaragua (ratification: 1934). The Committee notes with regret that no new information has been supplied in reply to its previous observation, which was as follows:

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 once again the report has not been received. The Committee is bound, therefore, to repeat the following observation:

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.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

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 more than 30 years ago.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Congo (Brazzaville), Senegal and Upper Volta.*

Convention No. 14: Weekly Rest (Industry), 1921

Bolivia (ratification: 1954). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous requests made in 1963 and 1964, which were as follows:

- (1) The Committee notes that the Government has not indicated whether the term "public employee", as used in section 1 of the Labour Regulations, covers workers and employees in public undertakings or works, and trusts that the Government will not fail to supply this information.
- (2) The Committee notes with interest that a new Labour Code is being prepared. It hopes that this text will provide for compensatory rest, in accordance with Article 5 of the Convention, and for the implementation of the Convention as a whole.
- (3) The Committee would be glad if the Government would supply information relating to any relevant decisions given by courts of law and to the practical application of the Convention, as requested under Points IV and V of the report form.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

China (ratification: 1934). The Committee regrets to note from the statistics furnished by the Government concerning the practical effect given to the Convention that in a large number of industrial undertakings the length of the weekly rest period is less than 24 hours, and that in certain others no provision is made for weekly rest.

The Committee continues to hope that the draft Labour Code, under which, according to assurances the Government has been giving since 1961, the scope of the national legislation respecting weekly rest is to be extended to include workers not covered by the laws concerning factories and mines, will shortly be adopted and that appropriate steps will be taken to give practical effect to this Convention, which was ratified more than 30 years ago.

Colombia (ratification: 1933). Following its previous observations, the Committee notes with interest that Act No. 72 of 28 May 1931 and Act No. 6 of 19 February 1945 ensure the right to weekly rest for workers in public works and other state undertakings.

Greece (ratification: 1929). The Committee has noted with interest the extension by Royal Decrees Nos. 315/63 and 612/63 of the provisions on weekly rest to cover steam-engine staff on the railways. The Committee notes, however, from the information communicated by the Government to the Conference Committee in 1964 that one-tenth of all railwaymen have as yet no official entitlement to a weekly rest break. The Committee trusts that the Government will spare no effort to ensure that the Convention is applied to all railway workers.

Turkey (ratification: 1946). Further to its previous observations the Committee notes with interest that a Bill to amend, *inter alia*, section 44 of the Labour Act of 1936, so as to ensure that weekly rest is granted to all categories of industrial undertakings without distinction as to the number of persons employed or the importance of the area concerned, is being presented to the Grand National Assembly. The Committee hopes that the Bill will be enacted at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Chad, Colombia, Congo (Leopoldville), Hungary, India, Iraq, Kenya, Malaysia (Sarawak), Mali, Morocco, Niger, Poland, Portugal, Spain, Upper Volta, Venezuela, Viet-Nam, Yugoslavia.*

Information supplied by *Denmark* in answer to a direct request has been noted by the Committee.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Nicaragua (ratification: 1934). The Committee notes with regret that the report contains no information in reply to its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ceylon, Kenya, Malaysia (Sarawak), Mauritania, Morocco, Sierra Leone, Spain, Tanzania (Tanganyika), Turkey, Uruguay.*

Information supplied by *China, Colombia, Ghana, Switzerland* in answer to direct requests has been noted by the Committee.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Nicaragua (ratification: 1934). The Committee notes with regret that the report contains no new information. The Committee is bound, therefore, to repeat once again its previous observation, which was as follows:

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.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

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

Convention No. 17: Workmen's Compensation (Accidents), 1925

Chile (ratification: 1931). The Committee has taken note of the Government's reply to the observation made in 1964, to the effect that the Compulsory Insurance (Industrial Accidents) Bill, which provides for the amendment of the Labour Code to bring the relevant provisions into line with those of Article 5 of the Convention, has not yet been passed by Congress, but that it is hoped that it will be discussed shortly, as the Government is endeavouring to speed up action on all Bills concerned with an improvement in the conditions of workers.

The Committee trusts that the Government will do all it can to ensure that this Bill is passed as soon as possible in order that full effect may be given to a Convention 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: *Burma, Burundi, Chile, Congo (Leopoldville), Cuba, Kenya, Mauritania, Syrian Arab Republic.*

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Guinea (ratification: 1959). In 1962 the Committee had made a direct request, repeated in 1964, concerning the application of this Convention. The report on this Convention not having been received for the second consecutive time, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply the next report due on this Convention 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: *Algeria, Congo (Leopoldville), Guinea, Mali, Senegal, Syrian Arab Republic, United Arab Republic, Upper Volta, Yugoslavia.*

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Requests regarding certain points are being addressed directly to the following States: *Algeria, Bolivia, Burundi, Cameroon (Eastern Cameroon), Cuba, Gabon, Kenya, Malaysia (Sarawak), Mauritania, Senegal, Syrian Arab Republic.*

Information supplied by *Burma, Congo (Leopoldville), Indonesia and United Arab Republic* in answer to direct requests has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 20: Night Work (Bakeries), 1925

Colombia (ratification: 1933). The Committee notes with regret that, in spite of the many observations addressed to the Government on this matter, there are still no measures ensuring the application of the Convention. It notes, however, that the Government had decided to submit to Congress in August 1964 a new Bill which would empower the Executive to regulate matters relating, *inter alia*, to night work in bakeries.

The Committee expresses the earnest hope that this Bill has now been submitted, and enacted, and that the Government has issued the necessary regulations prohibiting night work in bakeries and ensuring full compliance with Articles 1, 2, 3 and 4 of the Convention.

Spain (ratification: 1932). Following its previous observations, the Committee notes with satisfaction from the information supplied by the Government that the Order dated 9 June 1964 of the General Directorate of Labour Regulation amends section 33 of the Regulation of 12 July 1946 relating to night work in bakeries so as to increase from six to seven consecutive hours the period during which work in bakeries is prohibited, comprising the interval between 10 p.m. and 4 a.m. (Article 2 of the Convention).

The Committee would be glad if the Government would include in its next report its reply to the first part of the observation made in 1964, which read as follows:

The Committee had pointed out in its observation made in 1963 a contradiction between the Regulations 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 Regulations. 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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Peru, Spain, Sweden*.

Convention No. 21: Inspection of Emigrants, 1926

Japan (ratification: 1928). The Committee notes with interest that a new Law known as the Japan Emigration Service Law (No. 124 of 1963) has been enacted for the establishment of an emigration service which entrusts the inspectors, among other duties, with the protection of emigrants on board ship.

Convention No. 22: Seamen's Articles of Agreement, 1926

Argentina (ratification: 1950). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1964, according to which the Committee set up to revise the Code of Commerce has proposed the amendment of section 986 of the Code with a view to bringing it into conformity with the Convention. In view of the fact that the Government has been referring to the revision of the legislation for ten years and that, furthermore, numerous divergencies have been pointed out between the national law and the Convention, the

Committee trusts that the new legislative text giving full effect to the provisions of the Convention will be enacted without any further delay.¹

Colombia (ratification: 1933). Further to the observations made in 1962 and 1964, the Committee has taken note of the statements made by a Government representative at the Conference Committee in 1964 to the effect that new legislation may shortly be adopted to give effect to the Convention. In view of the fact that presently no legislative text exists giving express effect to the various provisions of the Convention, the Committee trusts that the Government will not fail to take all the measures necessary for the enactment of legislation on the matter.¹

Federal Republic of Germany (ratification: 1930). The Committee has taken note of the Government's report from which it appears that consultations between the Government and the maritime industrial organisations as regards the application of Article 9 of the Convention are not yet terminated. Consequently, the Committee can only reiterate, as it did in 1962 and 1964, 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 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 again draws the Government's attention to the obligations it has assumed in ratifying the Convention and appeals again to it to re-examine its position and consider measures to amend the Act in force so as to bring it into conformity with the provisions of 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

Nicaragua (ratification: 1934). The Committee notes with regret that no progress has been made as regards the adoption of new legislation giving effect to the Convention. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Venezuela (ratification: 1944). Since 1960 the Committee has 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.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

The Committee trusts that the Government will not fail to supply a 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: *Malaysia (Singapore), Peru, Venezuela, Yugoslavia*.

Convention No. 23: Repatriation of Seamen, 1926

Colombia (ratification: 1933). Further to the observations which it made in 1962 and 1964, the Committee takes note of the statement made by a Government representative at the Conference Committee in 1964, that a study had been undertaken, in the course of the reorganisation of the Ministry of Labour, and it was hoped that new legislation would shortly be adopted to give full effect to the Convention. On the other hand, the Committee notes, from the information contained in the Government's report, that an arbitration award of April 1964 established that "on termination of the agreement, the undertaking shall pay the seaman's transportation to the port where he was engaged".

In these circumstances the Committee trusts that the Government will find no obstacle in taking all necessary measures with a view to adopting legislation giving effect to the Convention.¹

Nicaragua (ratification: 1934). The Committee notes with regret that no progress has been made as regards the adoption of new legislation giving effect to the Convention. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 give effect to the provisions of the Convention 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

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In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 24: Sickness Insurance (Industry), 1927

Colombia (ratification: 1933). The Committee thanks the Government for the information supplied in its report on the progress made in the introduction of non-professional sickness insurance and has noted that the insurance scheme has been extended to new areas and has increased substantially the number of persons covered. The Committee hopes that the Government will continue to take the necessary steps with a view to extending the insurance scheme to the whole country and to all categories of workers covered by the Convention (which does not provide for these

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

exceptions) and that the Government will not fail to provide in its future reports information on the progress made in this regard.

Peru (ratification: 1945). The Committee thanks the Government for the information supplied in its report on the progress made in extending the scope of the sickness insurance scheme to other territories (the new provinces in which it is applied), as well as to other sectors of economic activity (by Supreme resolution No. 181 of 26 November 1962 which relates to insurance for wage earners, and by Legislative Decree No. 4248 of 30 November 1962, which relates to insurance for salary earners, the benefits of the sickness insurance scheme have been extended respectively to itinerant tradesmen, and to travelling salesmen, and wholesale salesmen).

The Committee has also taken note of the statement by a Government representative in the Conference Committee in 1964, which was confirmed in the report, that a committee had been set up to study the revision of the sickness insurance system with a view to covering all workers, including domestic servants. The Committee trusts that this revision will soon be completed and that the scope of the sickness insurance scheme will be extended at an early date to cover all the workers in the whole country including domestic servants as required by Article 2 of the Convention. The Committee would be glad if the Government would without fail supply information on the progress made in this regard.

Rumania (ratification: 1929). The Committee notes with regret that the reports for 1961-63 and for 1963-64 have not been received. The Committee is bound, therefore, to repeat again 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.¹

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-64 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Colombia, Peru, Yugoslavia*.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Colombia (ratification: 1933). See under Convention No. 24.

Peru (ratification: 1960). See under Convention No. 24 as regards the extension of sickness insurance to regions of the country not yet covered.

Uruguay (ratification: 1933). The Committee regrets to note that according to the report for 1962-64 no progress has been made on the application of the Convention. In these circumstances the Committee is bound to repeat its previous observation, which may be found under Convention No. 24.

The Committee hopes that the Government would take all steps to ensure the adoption of the necessary measures without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Colombia, Peru*.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Bolivia (ratification: 1954). The Government has once more submitted no report. Although the Convention was ratified 11 years ago, the only information ever supplied by the Government was a brief report in 1962 indicating that the General Labour Act, 1939, provided for the fixing of minimum wages periodically by the Minister of Labour (but making no mention of a legislative decree of 6 January 1944 and a decree of 22 January 1944 issued thereunder, which contain detailed provisions concerning the fixing of minimum wages). As the Government has not replied to the Committee's repeated requests for clarification of the position and for information on the practical application of the legislative provisions, the Committee is unable to ascertain whether or to what extent the Convention is effectively observed. It urges the Government to supply full information, in accordance with the report form adopted by the Governing Body, without further delay.

Czechoslovakia (ratification: 1950). The Committee notes with interest from the Government's reply to the observation of 1963, that it intends to repeal section 5 of Act No. 244/1948, so as to prevent any abatement of minimum rates of wages (Article 3, paragraph 2 (3), of the Convention).

The Committee trusts that it will be possible to repeal this provision in due course.

Ecuador (ratification: 1954). Article 3, paragraph 2 (1), of the Convention. Further to its observations and requests made since 1957, the Committee notes that no measures have been taken by the General Directorate of Labour to consult the representatives of employers' and workers' organisations before minimum wage machinery is applied in a given trade. The Committee must therefore reiterate the hope that appropriate measures will be adopted to give full effect to this requirement of the Convention.

Article 5. The Committee also regrets to note that no statistics have been made available as to the number of workers covered by wage-fixing machinery, although the Government had stated in 1958 that it had already begun the preparation of a general report containing, *inter alia*, a list of trades, or parts thereof in which minimum

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

wage-fixing machinery exists, the approximate numbers of workers covered, the minimum rates of wages fixed and, where appropriate, any important measures affecting minimum rates. The Committee urges the Government to supply this information without further delay.

India (ratification: 1955). Referring to its previous direct requests, the Committee notes with satisfaction that, by the Ministry of Labour's circular letters of 10 May 1963 and 29 April 1964, state governments and union territories were advised to give employers and workers an opportunity to offer comments on any proposals for granting exemptions under sections 3 (1 A), 26 (2) and 26 (2 A) of the Minimum Wages Act, or to refer such proposals to the Advisory Boards provided for in the Act, in accordance with Article 2 of the Convention.

Uruguay (ratification: 1933). The Committee notes that the report of the National Institute of Labour and Related Services, referred to in the Government's report as containing the information required by Article 5 of the Convention, only lists the trades for which minimum wage rates were fixed in 1963 but does not contain any information as to the approximate numbers of workers covered, the minimum rates of wages fixed and the more important of the other conditions, if any, established relevant to the minimum rates, as also required by the aforementioned Article.

As the Committee has felt required to make observations and requests repeatedly since 1952 in this respect, it trusts that the Government will not fail in all future reports to provide all the information called for by Article 5.

Venezuela (ratification: 1944). The Committee regrets that the Government has supplied no report. However, it notes the statement made by a Government representative to the Conference Committee in 1964 that it had not been deemed necessary to establish minimum wage boards under the Labour Act, because collective agreements existed for all branches of industry covering more than 1 million workers.

The Committee would appreciate being advised, however, as to what machinery is in force to assure the fixing of minimum wages—

- (a) in commerce; and
- (b) in homeworking trades (as the Convention provides for machinery whereby minimum wages can be fixed in particular for workers in such trades).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Australia, Brazil, Cameroon (Western Cameroon), China, Colombia, Congo (Leopoldville), Gabon, Guatemala, Iraq, Luxembourg, Mauritania, Mexico, Nicaragua, Nigeria, Peru, Portugal, Rwanda, Spain, Syrian Arab Republic, Tanzania, Togo, Uganda, Upper Volta.*

Information supplied by *Chad, Congo (Brazzaville), Malta, Morocco, United Arab Republic* in answer to direct requests has been noted by the Committee.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Argentina (ratification: 1950). The Committee regrets to note that despite its numerous observations no progress has been made in implementing Article 1, paragraph 4, of the Convention under which national legislation shall determine "whether the obligation for having the weight marked (on a package) shall fall on the consignor or on some other person or body". As the Government has considered taking appropriate measures to this effect for a number of years, the Committee trusts that the necessary legislation will be adopted without further delay.

Cuba (ratification: 1954). As the Government reiterates, in reply to the previous requests, that under the prevailing practice it is the clear obligation of the consignor to mark the weight on heavy goods transported by vessels, the Committee wishes to point out once again that by virtue of Article 1, paragraph 4, of the Convention the person or body responsible for such marking is to be determined by legislation. The Committee trusts therefore that the Government will find it possible to take appropriate legislative measures.

India (ratification: 1931). The Committee notes with interest from the reply to its observation of 1963 that the question of appointment of inspectors under the Marking of Heavy Packages Act is likely to be decided shortly and that certain interim measures have been already taken. The Committee hopes that these appointments will be made at an early date.

Indonesia (ratification: 1933). In its reply to the observation of 1963 the Government states that in those Indonesian ports which are not used for export purposes, "packages weighing more than 1,000 kilogrammes are not obtainable" and that, therefore, it is unnecessary to extend the implementation of the Convention to such ports. While noting this information, the Committee expresses the hope that the Government will ensure the gradual extension of the application of the Convention to the remaining ports so as to ensure that any heavy packages which might be loaded there in future will be duly marked in accordance with the Convention. The Committee would also appreciate it if the future reports would contain detailed information on the practical application of the Convention, as required under the report form.

Nicaragua (ratification: 1934). The Committee notes with regret that no progress has been made in giving effect to the Convention. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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

Portugal (ratification: 1932). In its direct request of 1963 the Committee had pointed out that the provision of section 1 (2) of Decree No. 20611, dated 11 December 1931, to provide for the marking of weight of heavy packages, under which the margin of error up to 10 per cent. of the marked weight is authorised as a general rule, is not in conformity with the Convention which allows for such margin only "in exceptional cases where it is difficult to determine the exact weight" (Article 1 (2) of the Convention). As, according to the report, the Government considers it possible to take appropriate legislative measures to eliminate this discrepancy, the Committee hopes that the next report will indicate the progress made in this respect.

As regards the application of the Convention in the overseas provinces of Portugal, the report states that the provisions of the Convention have been extended to these provinces by Decree No. 20221 of 5 December 1963. As this Decree does not, however, prescribe specific measures to give effect to the provisions of the Convention in the overseas provinces, as was done by the Decree of 11 December 1931 with respect to metropolitan Portugal, the Committee hopes that the Government will take the necessary legislative measures so as to ensure the effective application of the provisions of the Convention in the overseas provinces.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Uruguay (ratification: 1933). The Committee regrets to note that the Government has not replied to the direct request of 1964 with regard to the application of Article 1, paragraph 4, of the Convention. Since the Decree of 10 August 1938 (to which the Government referred as giving effect to this Convention) only requires the marking of weight on packages and does not specify whether this obligation shall fall on the consignor or some other person, the Committee must point out once more that, by virtue of Article 1, paragraph 4, of the Convention, the person or body responsible for such marking is to be determined by national legislation. The Committee trusts that the Government will not fail to issue in the near future appropriate regulations in order to give effect to the above provision of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Luxembourg, Netherlands, Pakistan, Peru, Spain and Venezuela*.

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

Convention No. 28: Protection against Accidents (Dockers), 1929

Nicaragua (ratification: 1934). The Committee notes with regret that no progress has been made in giving effect to the Convention. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

The Committee notes that the Government refers once again in its report to sections 182, 183 and 184 of the Labour Code, which 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

In addition, requests regarding certain other points are being addressed directly to the following States: *Ireland, Luxembourg*.

Convention No. 29: Forced Labour, 1930

Bulgaria (ratification: 1932). The Committee notes the information supplied in the Government's report for 1962-63 (which was received only after the Committee's session in 1964) and the statements made by the Government's representative in the Conference Committee in 1964.

1. As regards the Special Labour Service, the Committee pointed out in its previous observations that the call-up of persons under compulsory military service laws for assignment to units engaged on non-military works (such as construction projects and agricultural work) was contrary to the Convention, since, under Article 2, paragraph 2 (a), of the Convention, compulsory military service was excepted from its scope only when used for work of a purely military character. The Government's report adduced no new information in this regard. The Committee notes with interest, however, that in replying to the discussion in the Conference Committee in 1964, the Government's representative stated that the Government would do all in its power in the matter. The Committee accordingly hopes that the Government's next report

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

will give full information on the measures taken or proposed to be taken to bring the relevant legislation into conformity with the Convention.

2. As regards the execution of local public works under schemes of self-taxation of the population, the Government claimed, both in its report and in its statements to the Conference Committee, that the relevant legislation (Act of 6 February 1958 and Ordinance of 14 February 1961) did not impose compulsory labour, but concerned services rendered voluntarily. In particular, the Government stated that the fact of imposing age limits for participants in self-taxation schemes and of excluding certain persons (such as sick or disabled persons or pregnant women) from participation did not evidence the compulsory character of the schemes, these rules constituting protective measures.

The Committee has re-examined the relevant legislation in the light of the Government's explanations. It feels unable, however, to change its view that, as at present drafted, this legislation deals not with voluntary, but with compulsory labour. The provisions of the Act of 1958 fixing the number of hours of labour (sections 3 and 8), determining liability to self-taxation in terms of place of domicile or length of residence (section 6), limiting liability to participation in only one self-taxation scheme in any calendar year (section 5) or exempting from self-taxation persons who have performed their normal military or labour service in the course of the year concerned (section 9 (*d*)) can be understood only on this basis.

The Committee accordingly once more expresses the hope that the legislation will be revised so as to bring it into conformity with the Convention (Articles 1 and 10).

Congo (Leopoldville) (ratification: 1960). The Committee notes with deep regret that for the last five years the Government has not supplied any report on this Convention, nor has any information been provided in answer to the direct requests made by it in 1962, 1963 and 1964. In these requests the Committee pointed out that according to the Government's reports national legislation still permitted certain forms of compulsory labour (Ordinance of 11 June 1940 on compulsory portorage, etc., and Decree of 10 May 1957 concerning compulsory cultivation and communal labour) and also commented on certain provisions in relation to the application of Article 2, paragraph 2 (*a*), (*b*) and (*c*), and Article 25 of the Convention.

The Committee urges the Government to supply full information on the various points raised in the request in a report for the period ending 30 June 1965.

Ecuador (ratification: 1954). The Committee notes with profound regret that the Government has once more failed to supply a report on this Convention. It recalls that the Committee has had occasion to comment on the application of certain provisions of the Convention since 1959. Notwithstanding the repeated requests and observations the Government has persistently omitted to supply information on the matters mentioned therein, which related to the application of Article 2, paragraph 2 (*a*), (*c*) and (*e*).

The Committee is once more addressing a direct request to the Government and urges it to supply full information on the points raised therein, since in the absence of such information the Committee cannot be satisfied that the above-mentioned provisions of the Convention are being observed.

Guinea (ratification: 1959). The Committee notes with regret that the Government has once more failed to supply a report on this Convention. Accordingly no information is available in answer to its observation of 1964. In this observation the Committee had noted the Government's statement that agricultural work undertaken by the army, in accordance with the compulsory military service laws, was of great

economic importance, as it made possible increased rice production, and had drawn 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. The Committee once more expresses the hope that the Government will take the necessary measures to ensure that the agricultural work in question is carried out by voluntary labour, instead of conscripts, thus ensuring the observance of the Convention in this respect.

The Committee is also repeating a direct request of 1963 and 1964 to the Government concerning the application of Article 2, paragraph 2, of the Convention, and "human investment" schemes. It trusts that the Government will not fail to supply full information on the matters mentioned therein.

Honduras (ratification: 1957). The Committee notes with regret that the Government has once more failed to supply a report, and that accordingly no information is available on the following matters which have been the subject of comment by the Committee since 1960:

1. 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.

2. According to the Government's statement in 1961, section 98 of the Penal Code, under which prisoners might be placed at the disposal of private persons, was no longer applied, and was to be repealed by a new Penal Code about to be submitted to the National Congress. Please supply information on the progress made in this connection.

3. Please supply the full text of the Police Act.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Ivory Coast (ratification: 1960). The Committee thanks the Government for the detailed information supplied in answer to its observation made in 1964.

1. Articles 1 and 4 of the Convention. The Committee notes with interest the Government's statement that the effect of section 2 of the Labour Code adopted in 1964 (which prohibits forced or compulsory labour absolutely), read together with section 201 (which repealed all provisions contrary to the Code), has been to repeal Act No. 63-4 of 17 January 1963 and Decree No. 63-48 of 9 February 1963, which permitted compulsory call-up for employment. The Committee also notes the Government's statement that the Act and Decree of 1963 had never been applied

in practice. A direct request seeking further clarification on certain aspects of these matters is being addressed to the Government.

2. Article 2, paragraph 2 (a). The Committee notes with interest the Government's statements that it has been decided to separate the armed forces and the civic service, that the latter will be organised on the basis of voluntary enlistment, and that the previous legislation is being brought into harmony with the new organisation. The Committee hopes that the Government will in its next report be able to supply copies of the amending legislation, and that this legislation will ensure, in conformity with the Convention, that conscripts called up under compulsory military service laws may be used only on work of "a purely military character".

3. Article 2, paragraph 2 (c). The Committee notes with interest the Government's statement that the provisions of Order No. 134 of 20 April 1951, which authorised prison labour to be hired out to private undertakings, are out of date and are to be replaced by new decrees which are now being prepared. The Committee hopes that the Government will in its next report be able to supply copies of the amending legislation.

Liberia (ratification: 1931). In the course of the proceedings of the Commission appointed under article 26 of the I.L.O. Constitution to examine a complaint concerning the observance of this Convention by Liberia, the representatives of the Liberian Government gave repeated undertakings that it would in future make full and requisite reports concerning the application of the Convention, in accordance with the requirements of the I.L.O. Constitution. The Commission recorded and accepted these assurances, and made recommendations concerning the administrative arrangements which should be made to ensure that there would in future be no failure to present reports in due time. In 1964 the Committee had to note that the report for the period ending 30 June 1963 had reached the International Labour Office three months after the date fixed by the Governing Body for the submission of reports, and consisted merely of brief indications on two points arising out of the report of the Commission appointed under article 26. The Government subsequently (in June 1964) supplied more detailed information.

The Committee notes with deep concern that the Government's report for 1963-64 has not been received, notwithstanding the undertakings given with all formality to the Commission appointed under article 26 of the I.L.O. Constitution. This failure is made all the more serious as, in the absence of a report, information is lacking on the action taken with regard to other recommendations made by the Commission appointed under article 26 concerning the substantive provisions of the Convention, as follows:

Paragraphs 419 and 420 of the Commission's report. The Commission had recommended that certain legislative amendments (affecting section 1502 of the Labour Practices Law and section 346 of the Penal Law) should be adopted in the legislative session of 1963-64. The Government, in the supplementary report of June 1964, stated that a Bill incorporating the necessary amendments had been passed by the House of Representatives, but could be presented to the Senate only during the 1964-65 session. In the absence of further information, there is no indication that the recommended amendments have been adopted.

Paragraph 421. The Commission recommended that, pending the issue of a revised edition of the Liberian Code of Laws, a supplement to the existing Code should be issued without delay containing the texts of international labour Conventions ratified by Liberia and indicating the sections of the Code which had been repealed consequent upon such ratification. In its supplementary report of June 1964 the Government stated that the Conventions in question were to be reproduced

in a Handbook of Labour Law, the first issue of which it expected to distribute in September 1964. In the absence of any further information, there is no indication that the recommendations of the Commission appointed under article 26 have been implemented.

Paragraphs 444, 449 and 451. The Commission had noted that it had been agreed between the Government and the Firestone Plantations Company to eliminate from the company's concession the clause by which the Government undertook to assist the company to secure an adequate supply of labour. It recommended that the necessary legislative approval to this change should be sought and granted during the legislative session of 1962-63. No evidence is available, almost two years after the time limit set by the Commission, that its recommendation has been implemented.

The Commission had recommended that a similar provision in the concession agreement between the Liberian Government and the Liberian Mining Company should be rescinded and the necessary legislative approval sought and secured not later than the legislative session of 1963-64. No information is available as to action taken to implement this recommendation.

The Commission had further recommended that a thorough review be made of all outstanding concessionary contracts with a view to the abrogation not later than the legislative session of 1963-64 of any provisions contained in them concerning government assistance in securing labour. The Government indicated in its supplementary report of June 1964 that such a survey was being made. No further information is available regarding the implementation of the Commission's recommendation.

Paragraph 446. The Committee notes the statement in the Government's supplementary report of June 1964 that it had informed itself concerning the employment practices of various concerns in Liberia and that no programme similar to the "Chiefs' Assistance Programme" formerly operated by the Firestone Plantations Company had been found.

Paragraph 453. The Commission appointed under article 26 recommended that the Government should make a thorough review of current policy and practice as regards the construction and maintenance of secondary roads and the manner in which such policy was implemented throughout the country, with a view to eliminating any abuses which might be found to exist. The Government stated in its supplementary report of June 1964 that, as the recruiting laws covered possible abuses in the matter, no additional specific steps had been taken. It thus appears that the review recommended by the Commission has not been undertaken.

Paragraphs 454 to 459 and Part IV of the report form adopted by the Governing Body. In its observations of 1964 the Committee asked for detailed information on the development of the labour inspection services provided for in the labour legislation adopted in 1961 and on 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. In its supplementary report of June 1964, the Government gave information concerning inspection visits to industrial and commercial establishments. No information has been given concerning labour inspection in the agricultural sector, although it is in this sector that some of the major difficulties in the application of the Convention have existed in the past.

The Commission appointed under article 26 had also emphasised the importance of a comprehensive manpower policy (including a public placement service) as a guarantee against a relapse into mobilisation of forced labour for development. The Government's supplementary report of June 1964 indicated that the groundwork for a countrywide public employment system was being laid. No subsequent information as to the action taken is available.

In conclusion the Committee must draw attention to the fact that, in the absence of a report, it has been unable to satisfy itself that measures have been taken to implement a number of important recommendations of the Commission appointed under article 26, although in several cases the time limits set by the Commission for the necessary action have gone by. The Committee urges the Government to take all necessary action without delay, to supply detailed information on the measures already taken, and in future to supply full reports by the date fixed by the Governing Body, in accordance with the formal undertakings given by it to the Commission appointed under article 26.¹

Mali (ratification: 1960). In 1963 the Committee had made a direct request concerning the application of this Convention, which in the absence of a reply in the Government's report was repeated in 1964. The Committee regrets that no report has been received, and must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply a report for examination by the Committee at its next session, and that it will provide full information on the matters mentioned in the Committee's direct request.

Nicaragua (ratification: 1934). In 1964 the Committee noted with regret that the Government had once more failed to reply to the requests which it had made ever since 1959, in which it requested the Government:

- (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); and
- (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 regrets to note that neither the legislation mentioned under (a) nor the information mentioned under (c) has been supplied, and that only the text of one section of the Act of 1945 mentioned in (b)—which does not enable the Committee to ascertain the precise position resulting from this Act—has been provided. The Committee accordingly urges the Government to provide all the legislation and information in question without further delay.¹

Pakistan (ratification: 1957). The Committee regrets that for the second successive year no report on this Convention has been supplied, and that therefore no information is available in answer to the direct request made in 1962 and repeated in 1964. It trusts that the Government will supply a report containing full information on these matters for examination by the Committee at its next session.

Peru (ratification: 1960). The Committee notes with satisfaction, from the information supplied in answer to its previous direct requests, that Act No. 15037 of 21 May 1964 containing the Agrarian Reform Law provides for the abolition of all "anti-social" forms of labour (e.g. personal services as payment for use of land). As the Government had indicated in previous reports that instances of certain old forms of exploitation and of labour not remunerated in cash (*pongueaja*, *colonato*, *aparcería*, etc.) still occurred, the Committee hopes that measures will be taken to ensure that the relevant provisions of the Agrarian Reform Law and other legislation dealing with such practices are strictly applied and the penalties imposed thereby

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

strictly enforced (Articles 24 and 25 of the Convention), and that full information on the measures taken will be supplied in the Government's reports.

The Committee notes from the information given in the Government's report for the period 1961-63, in answer to its earlier requests, that persons performing military service are also used for civilian works in which the army co-operates, such as the construction of roads to open up interior regions, and that this work is considered to be justified as a service to the nation. The Committee wishes to draw the Government's attention to the fact that, under Article 2, paragraph 2 (a), of the Convention, work under compulsory military service laws is excepted from the Convention only if it is of a purely military character. The Committee accordingly hopes that arrangements will be made to carry out the development works referred to by the Government with voluntary labour and to limit conscription under the Military Service Act of 1949 to purposes authorised by the Convention.

Upper Volta (ratification: 1960). The Committee notes with regret, from the information supplied by the Government in answer to its previous direct requests, 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 provisions of the Convention has been adopted.

1. The Committee notes that under Act No. 6-63-AN of 29 January 1963 on the utilisation of persons to ensure the economic and social progress of the nation, all men and women over 18 years of age may be called up by the Government to do work of national interest, for successive periods of two years, in public or private administrations, undertakings or services, contrary to Articles 1 and 4 of the Convention.

2. By virtue of section 2 of the Labour Code, and section 5 of Act No. 49-62-AN on recruitment for the army, provision has been made for the setting up of a compulsory civic service and for the use of army conscripts on work of national interest. The Committee notes the Government's statement that the civic service may be considered as one of the experiments to solve the employment problems of developing countries referred to by the Director-General of the I.L.O. in his Report to the Second African Regional Conference in 1964. However, the particular legislative basis which the Government has adopted for this experiment is contrary to the obligations which it has accepted under the Convention, Article 2, paragraph 2 (a), of which permits exaction of work by virtue of compulsory military service laws only when it is of a purely military character. The Committee accordingly hopes that the necessary amendments will be made in the above-mentioned legislation to organise the civic service scheme on a basis of voluntary enlistment, thus ensuring compliance with the Convention.

3. In its previous direct requests, the Committee had noted that the exception of prison labour from the definition of "forced or compulsory labour" in section 2 of the Labour Code did not, as required by Article 2, paragraph 2 (c), of the Convention, prohibit prisoners from being "hired to or placed at the disposal of private individuals, companies or associations". The Committee now observes that, under sections 91 and 99 of the Prison Regulations (Order of 4 December 1950) supplied by the Government with its last report, the hiring out of prisoners to private undertakings or individuals is expressly permitted, contrary to Article 2, paragraph 2 (c), of the Convention.

4. Under section 14 of Act No. 25-60 of 3 February 1960, forced labour may be exacted for the recovery of taxes, contrary to Article 10 of the Convention. The Committee notes the Government's statement that the provision in question has

never been applied and that it is now obsolete. It would therefore appear to the Committee that there should be no difficulty in repealing this provision.

The Committee hopes that the Government will take the necessary measures to bring the national legislation into conformity with the Convention.

Venezuela (ratification: 1944). Notwithstanding the observations and direct requests made by the Committee since 1960, the Government has once more failed to supply a report, and accordingly no information is available in regard to the matters raised by the Committee, concerning the application of Article 2, paragraph 2, and Article 25 of the Convention. The Committee is once more addressing a direct request to the Government, and urges it to supply full information on the points raised, since in the absence of such information the Committee cannot be satisfied that the above-mentioned provisions of the Convention are being observed.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Algeria, Byelorussia, Chad, Congo (Brazzaville), Congo (Leopoldville), Ecuador, Guinea, Iraq, Ivory Coast, Laos, Liberia, Libya, Mali, Pakistan, Peru, Senegal, Tunisia, United Arab Republic, Venezuela.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Bulgaria (ratification: 1932). The Committee notes with satisfaction from the Government's report that the Ordinance of 10 July 1959 was amended by Ordinance No. 119 of 19 February 1964 so as to reduce daily working hours for certain categories of workers.

Haiti (ratification: 1952). The Committee notes the Government's reply to its previous observations and requests. It finds that further action is necessary in this regard and hopes that the Government will follow up the points raised in the request addressed to it directly by the Committee.

Kuwait (ratification: 1961). See under Convention No. 1.

Nicaragua (ratification: 1934). Further to the repeated observations it has made over a number of years, the Committee notes with interest the Government's statement in its report that it intends to amend the Labour Code at a very early date to give full effect to the provisions of the Convention.

Article 7, paragraph 2, of the Convention. See the observation on Convention No. 1, Articles 3 and 6, paragraph 1 (*b*). In addition, the Committee points out that, when preparing the regulation in question, account should be taken of the more detailed requirements of Convention No. 30.

Article 7, paragraph 3. See the observation on Convention No. 1, Article 6 (2). In addition, the Committee points out that Convention No. 30 provides for the fixing of the maximum number of additional hours permitted both in the day and in the year in respect of temporary exemptions.

Article 11. See the observation on Convention No. 1, Article 8.

The Committee takes note of the Government's statement that, in virtue of section 187 of the Labour Code, as amended, persons employed in the postal, telephone and telegraph services are subject to the general provisions of the Code.

The Committee trusts that the Government will make every possible effort to secure the adoption of the measures referred to above, without any further delay, and that these will ensure the full application of the Convention.

Norway (ratification: 1953). The Committee thanks the Government for the information supplied in reply to the observation of 1964.

The Committee notes with satisfaction that the Regulations of 5 February 1965 issued by the Ministry of Local Government and Labour prescribe restrictions on the number of hours which may be worked in a day under section 24 (1) (3) and (6) of the Labour Protection Act (Articles 6 and 7 of the Convention).

The Committee further notes that the main organisations of employers and workers concurred in the Government's opinion that recourse to overtime work prescribed in section 25 (1) (*d*) of the Act should be limited only to unexpected pressure of work arising out of special circumstances.

As regards the necessity of maintaining special regulations for state-owned transport undertakings (including the Post Office and the Telegraph Office) in section 25 (1) (*e*) of the Act, the Government states that the matter is still under consideration. The Committee hopes that the next report will indicate the decision taken in this connection.

Article 7. As regards section 26 (1) of the Act, which authorises up to ten hours' overtime a week, the Government states that the Norwegian Employers' Confederation and the Norwegian General Confederation of Trade Unions have agreed that a general appeal should be addressed by the Directorate of Labour Inspection to employers in commerce and offices. Under the terms of the appeal, employers shall be requested to restrict the overtime in excess of three hours in addition to the legal maximum of the normal daily working hours only to unusual pressure of work due to special circumstances. While appreciating the efforts undertaken by the Government, the Committee ventures to point out once again that in order to prevent an undue concentration of overtime hours on any one day, measures would be necessary 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. It therefore hopes that the Government will find it possible to issue regulations along the lines of those issued in February 1965 in order to ensure full compliance with the provisions of Article 7 of the Convention.

Spain (ratification: 1929). See under Convention No. 1.

Uruguay (ratification: 1933). The Committee regrets that the Government's report contains no information in reply to the direct request made in 1964, which was as follows:

Article 1, paragraph 1 (*a*), of the Convention. The Committee notes the Government's statement in its report for 1959-62, which arrived too late to be examined in 1963, that postal services are engaged in the administration of public authority and are therefore excluded from the Decree of 29 October 1957 by virtue of section 34 of the Decree. Since under this paragraph of the Convention its provisions apply to postal services, the Committee trusts that the Government will indicate whether measures have been taken to regulate the hours of work of employees in these services and if not, will take the necessary steps to that effect.

Article 6. See under Article 5 of Convention No. 1.

Article 7, paragraphs (1) and (2). See under Article 6 of Convention No. 1.

Article 7, paragraph (3). The Government states that, although the Decree of 29 October 1957 does not fix the maximum number of additional hours which may be worked in the day as regards exceptions authorised under section 15, paragraphs (*a*) and (*b*), and in the year as regards exceptions authorised under section 15, paragraph (*b*), of the Decree, certain limitations are imposed on overtime by legislative measures. The Committee notes, however, that section 3 of Act No. 5350 of 17 November 1915, to which the Government refers as an example, does not lay down either a daily or a yearly limitation of overtime. The Committee hopes, therefore, that in the absence of such limitations in national legislation, the Government will take steps to secure compliance with this paragraph of the Convention by fixing the maximum number of additional hours allowed in the day as regards permanent and temporary exceptions and in the year as regards temporary exceptions which may be permitted under Article 7, paragraphs 2 (*b*), and (*d*), of the Convention.

Article 11, paragraph (2). See under Article 8 of Convention No. 1.

The Committee trusts that the Government will not fail to supply the information referred to above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Finland, Guatemala, Haiti, Iraq, Kuwait, Luxembourg, Nicaragua, Spain, Syrian Arab Republic, United Arab Republic.*

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950). Since no new information has been supplied in response to its previous observation the Committee is bound to reiterate it, as follows:

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.

The Committee urges the Government to take the necessary action without further delay.

Belgium (ratification: 1952). Following its previous observations, the Committee notes with interest from the Government's report that the Government will soon initiate the modification of the General Regulations for the Protection of Workers in order to ensure the application of Article 6 of the Convention (protection of hatchways) to ships engaged in inland navigation. The Committee hopes that the legislation in question will be brought into full conformity with the Convention on the above point in the near future.

China (ratification: 1935). The Committee notes with interest that the Cargo Gear Regulations, 1962, give effect to Article 9, paragraph 2 (3), of the Convention. However, it regrets to note that no progress has been made as regards the application of the other provisions mentioned in the observation of 1963. Therefore, the Committee is bound to point out once again that Article 5, paragraph 2 (d), and Article 17, paragraph 3, of the Convention are not applied by the legislation, and Article 9, paragraph 2, subparagraph 2 (b), Article 9, paragraph 2, subparagraph 4, and Article 14 seem to be only partially applied.

The Committee trusts that the Government will not fail to take the necessary measures in order to bring the legislation into full conformity with these provisions of the Convention.

France (ratification: 1955). In its observations of 1961, 1962 and 1963 the Committee had drawn attention to the fact that Decree No. 55314 of 14 March 1955, which is intended to give effect to the Convention, is limited to loading and unloading operations on sea-going vessels, whereas the Convention is applicable also to ships engaged in inland navigation (Article 1 of the Convention). A Government representative had informed the Conference Committee in 1963 that the matter was receiving careful consideration by the competent services and that the results of their study would be communicated to the I.L.O.

As the report contains no information on the progress made in this connection, the Committee must urge the Government once again to take the appropriate

measures with a view to ensuring the application of the Convention to inland navigation.

Italy (ratification: 1933). The Committee notes from the report that the committee which has been set up by the Ministry of Labour with a view to unifying and supplementing the port safety regulations in order to ensure full and uniform application of the Convention still continues its work. The Committee takes due note of the Government's assurance that the difficulties so far encountered by the above committee will soon be overcome.

The Committee trusts that the adoption of the above-mentioned regulations of general application will guarantee the implementation of the Convention on a uniform and comprehensive basis throughout the country.

Mexico (ratification: 1934). The Committee notes with regret that, despite the formal assurance given by the Government in previous years, no progress has yet been made in giving full effect to Articles 4, 6, 11 and 13 of the Convention. The Committee can therefore only urge the Government once again to take all the necessary measures, without further delay, in order to ensure the application of this 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: *Algeria, Bulgaria, Chile, Cuba, Finland, France, Italy, Kenya, Malaysia (Singapore), Malta, Sierra Leone, Spain, Tanzania (Tanganyika)*.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Argentina (ratification: 1950). The Committee takes note of the Government's reply to the observation of 1963.

Article 1, paragraph 3 (*a*), of the Convention. In view of the fact that the reply makes no mention of previous observations on the subject of this provision, the Committee feels itself bound to repeat again that the Convention excludes from its scope employment in family establishments, but only on condition that the employment is not "harmful, prejudicial or dangerous within the meaning of Articles 3 and 5" of the Convention.

Article 3, paragraph 2. The Government recognises that the night period, during which the employment of children is prohibited is shorter than the period prescribed by the Convention. The Committee can therefore only point out once again the necessity of adopting legislation giving full effect to this provision of the Convention.

Article 7. The Government states that the inspectors of the General Directorate of the Labour Police control the application of measures relating to the identification and to the supervision of persons engaged in the employments and occupations enumerated in Article 6 of the Convention, but does not indicate what those measures are.

The Committee trusts that full effect will be given to the above-mentioned provisions of the Convention at an early date and that the Government will not fail to supply detailed information on the progress achieved in this respect in its next report.

* * *

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

In addition, requests regarding certain points are being addressed directly to the following States: *Austria, Cameroon (Eastern Cameroon), Central African Republic, Chad, Dahomey, Ivory Coast, Malagasy Republic, Mauritania, Niger, Senegal, Spain, Upper Volta.*

Information supplied by *Gabon* in answer to a direct request has been noted by the Committee.

Convention No. 34: Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935). The Committee regrets to note from the report that no progress has yet been made in bringing the legislation into conformity with the provisions of the Convention, which require the abolition of all fee-charging employment agencies conducted with a view to profit and the regulation of agencies not conducted with a view to profit. As the report states however that the Government hopes to adopt definite measures to overcome existing difficulties, the Committee can only reiterate the hope that the necessary action will be taken without further delay in order to give effect to the Convention ratified 30 years ago.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). The Committee has taken note of the information furnished in reply to the observation made in 1964.

Article 8 of the Convention. The Committee notes with regret that the report makes no reference to the suspension of the right to a pension as an additional penalty for certain crimes against the person, public property or the national economy—causes of suspension which are not included among those listed in Article 8 of the Convention.

The Committee trusts that the Government will take the necessary action to bring the national legislation fully into line with the Convention in this respect, as it announced its intention of doing in a statement to the Conference Committee in 1961.

Article 12, paragraph 5. In its 1964 observation the Committee pointed out that the provisions of section 21 (*b*) of the regulations made under the Pensions Act of 1958 were not in conformity with Article 12, paragraph 5, of the Convention, which provides for equality of treatment between nationals of the country concerned and aliens who are nationals of other countries bound by the Convention, without its being necessary for bilateral agreements to be concluded between the countries in question. The Government states in its reply to this observation that “pensioners who reside outside Bulgarian territory and who are nationals of countries with which Bulgaria has not concluded bilateral agreements in respect of pensions lose their right to a pension in virtue of Article 12, paragraph 5 (final sentence), of the Convention, since pensions in the People’s Republic of Bulgaria are payable out of public funds”.

In view of the fact that this provision of Article 12 applies only to “any subsidy or supplement to or fraction of a pension which is payable out of public funds”, and not to the pension itself, the Committee trusts that it will be possible for the Government to take the necessary action to bring its legislation into line with the above-mentioned provisions of the Convention, thus ensuring equality of treatment between nationals and aliens who are nationals of other countries bound by the Convention.

France (ratification: 1939). The Committee notes with interest the new legislation which has been introduced in the field covered by the Convention. With regard

to the granting of the additional allowance to insured foreigners, however, the Committee notes that the relevant legislation has not been amended in conformity with the provisions of Article 12, paragraph 3, of the Convention.

In its requests of 1961 and 1963 the Committee explained in detail that the additional allowance provided for by the French system is in fact a subsidy in supplement of pensions, which is granted solely to insured persons, and that under Article 12 of the Convention, insured foreigners should be entitled to this benefit without distinction as to their nationality, if paragraph 2 is applied, or provided that they are nationals of a Member which is bound by the Convention, if paragraph 3 is applied.

Noting with regret that the Government's reply is to maintain its previous position, the Committee is bound to insist that the national legislation is not in conformity with an important provision of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Czechoslovakia, Peru, Poland.*

Convention No. 36: Old-Age Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Czechoslovakia, Malta, Peru, Poland.*

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35. The remarks on Article 12, paragraph 3, of Convention No. 35 are equally applicable to Article 13, paragraph 3, of Convention No. 37.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Czechoslovakia, Peru, Poland.*

Convention No. 38: Invalidity Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35 (the remarks concerning Article 12, paragraph 3, of Convention No. 35 are valid for Article 13, paragraph 3, of Convention No. 38).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru, Poland.*

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru, Poland*.

Convention No. 40: Survivors' Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru, Poland*.

Convention No. 41: Night Work (Women) (Revised), 1934

Hungary (ratification: 1928). The Committee notes from the Government's report that the completion of the current study will soon make it possible to determine what measures should be taken to satisfy the requirements of the Convention. Recalling its previous observations with regard to the serious divergence between the Labour Code which prohibits night work by women only in the case of pregnant women and nursing mothers and the Convention which prohibits work at night for all women in industrial undertakings (except in the cases specified in Articles 4 and 8), the Committee trusts that the necessary measures will be adopted without further delay in order to bring national legislation into full conformity with the Convention.¹

Peru (ratification: 1945). See under Convention No. 4.

Venezuela (ratification: 1944). 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 required.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Brazzaville), Guinea, Venezuela*.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Bolivia (ratification: 1954). In 1963 and 1964 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 the next report due on this Convention and that it will provide the information requested.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Bulgaria (ratification: 1949). The Committee takes note of the Government's report (received too late to be examined in 1964) and notes with satisfaction that the list of work (appended to the Order of 1958) which can give rise to primary epitheliomatous cancer of the skin and to anthrax infection was amended by a new law to make the list of occupational diseases complete as provided for by the Convention (*Official Gazette*, No. 18 of 3 March 1964).

Mexico (ratification: 1937). The Committee takes note of the information supplied in the Government's report for 1962-64 in reply to its previous observations. It observes that the Government recognises that the national legislation contains a number of gaps reducing the scope of the Convention. The report states, for example: "With regard to silicosis . . . item IX in section 326 gives an incomplete list of occupations likely to produce . . ." and "With regard to phosphorous compounds, the occupational risk, in all its aspects, is better covered by the text of the Convention than by item XXXIX in section 326 of the Federal Act. The same may be said of arsenic poisoning, etc. . .".

Moreover, the Government again states that in the absence of a full list of diseases in section 326 of the Federal Act, all the diseases and all the substances covered by the Convention are included in sections 284, 285 and 286 of this Act. The Committee recalls that it has already pointed out to the Government, in 1956, that the provisions of these sections do not cover all the diseases covered by the Convention. Thus, for example, section 286 recognises the occupational origin of "every pathological condition due to a cause repeated during a long period of time" and does not therefore cover all cases of poisoning by phosphorus or its compounds, the effects of which sometimes appear very quickly, and section 326 seems to relate only to poisoning by alkaline chromates and bichromates.

Furthermore, the Committee draws the attention of the Government to extracts from decisions of the Supreme Court that were attached to its 1956-57 report, and particularly to the following observation: ". . . The opposite happens when the worker who has contracted a disease not mentioned in the Federal Labour Act maintains that this disease has become apparent during his work or that the conditions in which the work had to be carried out made its becoming apparent or being contracted inevitable, points which must be established by the worker. The only way in which this differs from the previous item is that the burden of proof rests with the worker." (T.L. Baranda Angel, 1956).

Since the Convention lists a number of diseases and activities likely to produce these diseases and releases the worker from the burden of proof relating to these, the Committee must conclude from the above that, to the extent that the national legislation does not expressly mention the diseases or activities covered by the Convention and the burden of proof rests with the worker in relation to such diseases or activities, the national legislation does not give effect to the international instrument ratified more than 25 years ago.

In these circumstances the Committee refers to its previous observations regarding poisoning by lead alloys, mercury amalgams, phosphorous compounds, benzene, its homologues or their derivatives, the halogen derivatives of hydrocarbons of the aliphatic series, anthrax infection and epitheliomatous cancer of the skin. It urges the Government to adopt the necessary measures to bring the national legislation into harmony with the Convention at an early date.¹

* * *

¹ The Government is requested to supply all the information required to the Conference at its 49th Session and to communicate a detailed report for the period ending 30 June 1965.

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bolivia, Burundi, Congo (Leopoldville)*.

Convention No. 43: Sheet-Glass Works, 1934

Bulgaria (ratification: 1949). The Committee notes with regret that the report does not contain the information requested in 1964. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

Czechoslovakia (ratification: 1938). The Committee takes due note of the information supplied by a Government representative to the Conference Committee in 1964 and in the report, in reply to the Committee's past observations on the application of Conventions Nos. 43 and 49 in law and in practice. It takes note of the information supplied regarding the scheduling of shift-work, and notes that in the third quarter of 1964 average weekly hours of work were 42.5 in sheet-glass works and 44 in glass-bottle works, the 42-hour limitation prescribed by the Conventions being exceeded only in the circumstances laid down in Article 3. It notes, moreover, the Government's statement:

1. That no measures (such as Government Ordinances, collective agreements, etc.) exist to give effect to the Conventions other than Act No. 126 of 1938 and Act No. 45 of 1956 which are regarded as sufficient by themselves to ensure their full application, and

2. That the Government considers that Ordinance No. 616 of 1945, referred to in previous reports, was not intended to give effect to Convention No. 43.

The Committee recalls, however, that according to section 1 (2) of the 1945 Ordinance this text applies to sheet-glass and plate-glass works. Since these works clearly fall within the scope of Convention No. 43 and since some of the provisions of the Ordinance relate to matters dealt with by the Convention (e.g. rates for additional hours of work), it would appear that the Ordinance is relevant to the application of Convention No. 43. The Committee would be grateful if the Government would clarify this matter in the next report.

Furthermore, the Committee notes from the Government's report that the actual working hours in individual plants are supervised by the competent Ministry and that the results of the controls carried out confirm the effective application of both Conventions Nos. 43 and 49. In these circumstances the Committee trusts that the Government will reconsider the possibility of issuing legislative or other measures with a view to providing a statutory basis for the established practice.

Mexico (ratification: 1938). The Committee notes that the Government, while stating its intention to ensure that the Convention is applied, reiterates its previous statement that since additional hours worked under section 75 of the Federal Labour Act (in the event of a catastrophe or imminent danger) are not deemed to be overtime, no record is kept of such hours and no compensation is granted. The Committee must therefore point out once again that additional hours are permitted by Conventions Nos. 43 and 49 only in strictly limited cases (Article 3, paragraph 1), and that compensation must be paid for all such additional hours (Article 3, paragraph 2). No distinction is made in the Conventions, as regards this compensation, between additional hours due, for example, to the unforeseen absence of a shift worker and those due to an accident, *force majeure*, etc. Accordingly, the Committee hopes that steps will be taken, possibly through special regulations, to ensure that compensation is granted to shift workers in sheet-glass and automatic glass-bottle works (Conventions Nos. 43 and 49) for additional hours worked in the event of a catastrophe or imminent danger, and that a record is kept of such hours.

Furthermore, the Committee notes that in spite of repeated requests, the Government does not indicate what measures prescribe the keeping of a record of all additional hours worked (required under Article 4 of Conventions Nos. 43 and 49). Noting that most of the collective agreements communicated by the Government contain no provision for such registers, the Committee hopes that the necessary measures will be taken shortly, in the form of regulations or other legislative provisions, and that they will ensure full compliance with Article 4 of Conventions Nos. 43 and 49.

Uruguay (ratification: 1954). The Committee notes with regret that the Government's report does not supply the information requested since 1957. The Committee is bound, therefore, to repeat its previous observation, 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 trusts that the Government will make every effort to take the necessary action without further delay.¹

Convention No. 44: Unemployment Provision, 1934

Bulgaria (ratification: 1949). The Committee has taken note of the information supplied by the Government in its report for 1961-63 in reply to the requests made since 1960, which arrived too late to be examined in 1964.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

The Government indicates that the period established in section 8 of the regulation on benefits and allowance in the case of dismissal (a maximum of 13 weeks in the year) is sufficient to enable the worker to find other employment. The Committee would like to point out, as it has previously done, that this limitation is less than that established by Article 11 of the Convention, which provides a period of 156 working days in the year as a normal minimum and only authorises the reduction of this amount to 78 working days in certain cases. It hopes that the Government will adopt the necessary measures to put its legislation in line with the Convention in this respect.

Regarding the other points mentioned in the request on which the report contains no information, the Committee would like to repeat its comments made in 1963:

1. Article 10, paragraph 1, of the Convention. According to the information furnished by the Government, unemployed workers, registered with local committees through the competent services, are transferred to occupations in accordance with their qualifications, age, state of health, etc. The Committee would like the Government to indicate if there exist legislation or regulations confirming this practice and to show how effect is given to subsections (a), (b), (c) and (d) of paragraph 1 of Article 10 of the Convention.

Article 3 of the Convention. The Ordinance of 1958 on unemployment benefits does not seem to contain, contrary to Article 3 of the Convention, provisions concerning compensation of workers in case of partial unemployment. To what extent are these workers protected by the national legislation?

Article 12. Contrary to the provisions of the Convention, section 7 of the Ordinance seems to subordinate the payment of unemployment benefits to the needs of the worker concerned and his family. What measures does the Government intend to take in order to eliminate this discrepancy?

Does the national legislation provide for exceptions in respect of different categories of workers mentioned in paragraph 2 of Article 2 of the Convention? Please supply information on this matter, as provided for by paragraph 3 of this Article.

The Committee hopes that the Government will not fail to take the necessary steps and to supply the necessary information referred to above.

Czechoslovakia (ratification: 1950). Further to its observations made since 1955, to the effect 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 notes that this question is under consideration from the national point of view by legal experts and that the report on the results of this study will be transmitted to competent national organs and to the I.L.O. The Committee hopes that this study will soon be completed, and that a system of unemployment benefits or allowances, as provided for in the Convention, will be adopted in the near future; especially as a Government representative had already stated before the Conference Committee in 1956 that the competent authorities were examining the possibility of introducing the provisions of the Convention into the national legislation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Peru*.

Convention No. 45: Underground Work (Women), 1935

Honduras (ratification: 1960). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat the terms of its direct request made in 1963 and repeated in 1964, which was as follows:

Under section 128 of the Labour Code of 1959 "women shall not be employed on work declared to be unhealthy or dangerous by this Code, the Health Code or the health and safety regulations"; under section 395 of the Code "regulations shall prescribe the undertakings to be regarded as unhealthy or dangerous". The report further states that underground work is regarded as highly dangerous.

The Committee would be glad if the Government's next report would include the text of any regulations prescribed to this effect.

The Committee trusts that the Government will not fail to supply the next report due on this Convention and that it will send the regulations mentioned.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Costa Rica, Guatemala, Malaysia (Singapore).*

Convention No. 47: Forty-Hour Week, 1935

Requests regarding certain points are being addressed directly to the following States: *Byelorussia, Ukraine, U.S.S.R.*

Convention No. 48: Maintenance of Migrants' Pensions Rights, 1935

A request regarding certain points is being addressed directly to *Yugoslavia*.

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935

Bulgaria (ratification: 1949). See under Convention No. 43.

Czechoslovakia (ratification: 1936). See under Convention No. 43.

Mexico (ratification: 1938). The Committee notes that, for the five automatic glass-bottle works in Mexico, the Government has now communicated two collective agreements (one sent in 1960 and one in 1964). Thus, no information is available as regards the application of the Convention to the remaining three works listed in the Government's report for 1960-62. The Committee must therefore urge the Government to supply without fail the collective agreements regulating working hours in the *Fábrica Nacional de Vidrio*, the *Vidriera Reyes*, and the *Vidriera de Guadalajara*.

As regards the obligation to keep registers of additional hours worked, the Committee notes that one of the two collective agreements available provides that overtime must be registered but that the other agreement contains no provision on the matter. It trusts, therefore, that appropriate measures will be taken in this connection without further delay (see observation on Convention No. 43, last paragraph).

As regards additional hours in case of accident, *force majeure*, etc., see observation on Convention No. 43, first paragraph.

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). In 1964, upon examination of the legislation and agreements in question, the Committee noted in a direct request that these texts did not contain provisions to implement Articles 4, 5, 6, 7, 8, 9, 10, 13 (paragraphs 1 (a) and (d), and 2 to 6) 14, 15, 16, 17, 18, 19 (paragraphs 2 to 4), 20 (paragraphs 2 and 3), 21, 22, 23, and 24 of the Convention, and requested the Government to supply with its next report full particulars, in accordance with the report form adopted by the Governing Body of the I.L.O., of the measures taken or proposed to be taken to ensure the application of these provisions.

The Committee notes with concern that no information has been supplied in answer to the observation and the direct request, but that the Government merely indicates that no changes have occurred with respect to the matters referred to by the Committee. In these circumstances the Committee urges the Government to take steps without further delay to ensure the full implementation of the Convention and to supply detailed information thereon in its next report.¹

Congo (Leopoldville) (ratification: 1960). The Committee notes the Government's statement in reply to its observation made in 1964 that the Convention at present has no application and that all persons under a contract of employment are subject to the provisions of the Legislative Decree of 1 February 1961. The Committee must point out once again that this Decree does not contain provisions which give effect to the Convention. The Committee accordingly trusts that the Government will indicate in its next report the measures taken or proposed to be taken to give effect to the Convention, and supply full information on the practical application of the Convention, as requested in previous years.

In case recruiting no longer occurs, the Government may wish, as an alternative to enacting detailed provisions corresponding to those contained in the Convention, to give consideration to inserting in the legislation an absolute prohibition of recruiting.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Ghana, Rwanda, Somalia (former British Somaliland), Tanzania (Tanganyika), Zambia.*

Convention No. 52: Holidays with Pay, 1936

Albania (ratification: 1957). The Committee notes with satisfaction from the Government's report for 1962-63 (received too late to be examined by the Committee at its last session) that sections 90, 91 and 118 of the Labour Code were amended by Decree No. 5725 of 12 August 1963 with a view to ensuring the wider application of the Convention.

Uruguay (ratification: 1954). The Committee notes from the Government's report that the Decree of 26 April 1962, section 23, supplements the provisions laid down in section 16 of the Act of 23 December 1958 regarding the replacement of leave of technical employees by compensation in cash. This confirms the discrepancy existing between the national legislation and the Convention, which the Committee

¹ The Government is asked to supply a detailed report for the period ending 30 June 1965.

has repeatedly asked the Government to rectify. Accordingly, the Committee can only regret this new measure and express the earnest hope that the above-mentioned provisions will be modified so as to ensure that the minimum annual holiday prescribed by the Convention shall be granted in all cases, and that, in so far as the replacement of holidays by compensation in cash is considered necessary, this shall be permitted only in regard to that part of the holiday which exceeds the minimum prescribed by the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Chad, Malagasy Republic, Peru, United Arab Republic, Uruguay.*

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the *Philippines.*

Convention No. 56: Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States: *Algeria, Yugoslavia.*

Convention No. 58: Minimum Age (Sea), (Revised), 1936

Requests regarding certain points are being addressed directly to the following States: *Guatemala, Iraq, Kenya, Liberia, Sierra Leone, Turkey, Uruguay.*

Convention No. 59: Minimum Age (Industry) (Revised), 1937

China (ratification: 1940). The Committee regrets to note that, notwithstanding the observations addressed to the Government for several years, the age of admission to work in the mines is still fixed at 14 years instead of 15 years, as provided by Article 8, paragraph 3, of the Convention. In these circumstances the Committee can only address an urgent appeal to the Government to take the necessary measures with a view to the adoption without delay of the draft Labour Code, to which the Government has referred since 1959 (and which in its section 48 fixes the age of admission of children to work in the mines at 15 years).

Luxembourg (ratification: 1958). In its requests of 1961, 1962 and 1963 the Committee expressed the hope that the Bill respecting protection of children and young workers would soon be enacted. As the report indicates that the Bill is still under study by the State Council, the Committee trusts that the Government will do everything possible to bring about the early adoption of this Bill to ensure the application of the Convention, which was ratified seven years ago.

Pakistan (ratification: 1955). The Committee notes with regret that the report for 1962-64 does not reply to its previous observation. In these circumstances the Committee feels bound to repeat the observation, which was as follows:

The Committee notes from the Government's reply to the requests made since 1958 that the proposed amendment to the Mines Act is still under consideration. In the circumstances, the Com-

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

mittee can only observe once again that effect is not given to Article 7, paragraph 5, of the Convention, which requires a certificate of medical fitness for all young persons under the age of 17 years employed in mines (whether on the surface or underground).

The Committee trusts that the necessary legislation will be adopted shortly.

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In addition requests regarding certain points are being addressed directly to the following States: *Albania, Byelorussia, Ghana, Iraq, Kenya, Peru, Philippines, Sierra Leone, Tanzania (Tanganyika), Ukraine, U.S.S.R., Uruguay.*

Information supplied by *Italy* in answer to a direct request has been noted by the Committee.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Italy (ratification: 1952). Following the requests made in 1962 and 1963, the Committee notes with satisfaction the adoption of Decree No. 272 of 1964 by the President of the Republic, approving the list of light work permitted for children above the age of 13 years, in order to give effect to Article 3, paragraph 6 (a), of the Convention.

Luxembourg (ratification: 1958). See under Convention No. 59.

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In addition, requests regarding certain points are being addressed directly to the following States: *Byelorussia, Ukraine, U.S.S.R., Uruguay.*

Convention No. 62: Safety Provisions (Building), 1937

France (ratification: 1950). Further to its previous observations, the Committee notes with satisfaction the adoption of Decree No. 62-1454 of 14 November 1962 and Decree No. 65-48 of 8 January 1965, as well as of the Order of 13 December 1963, giving effect to certain provisions of the Convention which had remained so far without application.

Mexico (ratification: 1941). The Committee takes due note of the Government's statement, in reply to the previous observations, that it fully understands the importance of giving effective application to the Convention in the federal district and throughout the Republic and that the attention of the appropriate authorities has been drawn to this repeatedly.

Federal district. The Committee regrets that no progress has been made in implementing Articles 11 to 15 of the Convention, which necessitate the adoption of special regulations laying down specific rules for the hoisting tackle and accessories used in building operations, particularly in respect of the quality of their materials and their strength (Article 11), the frequency of their testing (Article 12) and the ascertainment of the working load (Article 14, paragraph 1). The 1951 Regulations on building and urban services for the federal district also still require amendment with a view to prescribing special measures of protection in respect of the work carried on in proximity to any place where there is a risk of drowning (Article 17).

States of the Republic. The Committee notes that the majority of the states of the Union are preparing, or intend to prepare, regulations with regard to scaffolding, platforms, ladders, hoisting apparatus and other equipment. As pointed out by the Committee in 1963, more than half the Mexican building workers will remain without the benefit of the measures of protection contemplated by the Convention, until such regulations have entered into force in the various states of Mexico.

In these circumstances the Committee can only stress, once again, the urgent need for taking all necessary measures so that this Convention, which was ratified 24 years ago, will be given effect to in the federal district and throughout the national territory without further delay.¹

Uruguay (ratification: 1954). The Committee regrets that the Government has failed to reply to the observation of 1964, which read as follows:

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 measures appear 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

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Finland, Federal Republic of Germany, Peru, Poland, Spain, Tunisia*.

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Chile (ratification: 1957). The Committee takes note of the Government's reply to the requests made in 1962 and 1964 and would be glad if the next report would contain further information on the following points.

Part II of the Convention. The Committee notes that the statistical series formerly compiled on average earnings and hours actually worked were discontinued because the Central Board of Statistics and Census found them to be unreliable and incomplete. As the Government states that preparatory work on the compilation of adequate statistics for manufacturing has commenced, the Committee trusts that these measures will lead to compliance with this Part of the Convention, and that similar measures will also be undertaken to compile the statistics of average earnings and of hours actually worked in the mining and construction industries provided for in the same Part.

Please supply also full information on the measures taken to give effect to Parts III and IV of the Convention.

Cuba (ratification: 1954). The Government informed the Conference Committee in 1963 that it was making every effort to establish an efficient statistical service, and that the National Directorate of Central Planning Board and the responsible department in the Ministry of Labour had taken measures with a view to obtaining and compiling the data and statistics required in the Convention.

As the report, which arrived too late to be examined in 1964, indicates no progress in giving effect to the Convention, the Committee urges the Government to make every effort to take the necessary action without further delay.

Mexico (ratification: 1942). The Committee notes with regret that the Government's report for 1961-63 (which arrived too late to be examined in 1964) provides

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

essentially the same information concerning the application of the Convention as previous reports. It contains no information in reply to observations made in 1960, 1962 and 1964.

Part II of the Convention. The Committee notes that the Government's report fails, once more, to indicate, as requested in the report form approved by the Governing Body, whether and where statistics of average earnings and hours actually worked have been published, and that the most recent published statistics communicated to the I.L.O. are contained in the Mexican Statistical Yearbook for 1963, and relate to 1960. The Committee once more urges the Government to ensure publication of the relevant statistics within the time limits laid down in Article 1 of the Convention.

The Committee also once more expresses the hope that, in accordance with Article 5, the Government will compile statistics of hours actually worked per worker, instead of average hours per establishment.

Lastly, the Committee draws attention to the fact that the requirements of Article 10, paragraph 2, concerning the periodic publication of separate statistics by sex and for adults and juveniles, have not been implemented.

Part III. As in the case of its two previous reports, the Government has stated that statistics of time rates of wages and normal hours of work were being supplied with its report, but no such statistics have been received. Moreover, the Government once more states that the statistics in question have not been published. The Committee again urges the Government to take the necessary measures to comply with this Part.

Part IV. The Committee notes that so far only certain particulars of minimum wages in agriculture have been supplied. It hopes that measures will be taken to compile and publish statistics of wages and hours of work in this sector complying fully with this Part of the Convention.

As the Convention was ratified over 20 years ago, the Committee trusts that measures to secure its proper implementation will be taken without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Guatemala, Kenya, Tanzania (Tanganyika)*.

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Zambia (ratification: 1964). The Committee notes from the Government's report that the Employment Bill was delayed by other urgent legislative work, but that the Bill which will implement the provisions of Article 13, paragraph 2, of the Convention was expected to be introduced in the Legislative Assembly in the latter part of 1964. The Committee hopes that the Bill will be adopted at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Leopoldville), Ghana, Kenya, Nigeria, Rwanda, Somalia (former British Somaliland), Uganda, Zambia*.

Information supplied by *Sierra Leone* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Requests regarding certain points are being addressed directly to the following States: *Cameroon (Western Cameroon), Guatemala.*

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Cuba (ratification: 1953). The Committee notes with interest that Resolution No. 10 of 20 January 1959 of the National Transport Corporation, which has repealed Ministerial Resolution No. 3136 of 9 January 1956, provides for the keeping of drivers' workbooks in accordance with Article 18, paragraph 3, of the Convention. It would be grateful if the Government would supply, as previously requested, specimen copies of these workbooks with its next report.

The Committee must, however, repeat the following points raised in the observation of 1964 since the Government's report contains no information in reply:

(1) 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 Government'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.

(2) 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.

(3) 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 in 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 make every effort to take the necessary action without further delay.

Uruguay (ratification: 1955). The Committee takes note with interest of the Draft Decree designed to implement the various provisions of the Convention (the text of which was appended to the Government's report for the Committee's comments) and ventures to draw attention to the following points:

Article 8 of the Convention. Since sections 7, 8 and 9 of the Draft Decree contain general provisions applying to forms of road transport other than buses and trams, it may be preferable to delete the title appearing at the beginning of section 6 ("Buses and Trams") which solely relates to the latter, in order to avoid any ambiguity in this respect.

Article 17. As the Draft Decree contains no provision requiring consultation with employers' and workers' organisations concerned before decisions referred to in this Article are taken, the Government may wish to consider the insertion of provisions (for instance in those sections of the draft relating to the measures taken by the National Institute of Labour or other competent bodies) requiring such consultation prior to the adoption of any measures falling within the scope of the Convention.

Article 18. The Committee notes further that provisions regarding the enforcement of the rules prescribed by the draft relate only to "work on buses" (last paragraph of page five), whereas under this Article an adequate system of enforcement should be prescribed in respect of all the other forms of road transport covered by the Convention.

The Committee hopes that the Government will be able to take account of the points referred to above in its efforts to secure the adoption of the draft at an early date.

Convention No. 68: Food and Catering (Ships' Crews), 1946

Argentina (ratification: 1956). The Committee has noted the statement made by a Government representative at the Conference Committee in 1964, according to which the general seamen's union had prepared draft provisions on food and catering on ships which would be examined by the Minister of Labour. As no specific provision has yet been adopted to give effect to the Convention, the Committee can only once more address an appeal to the Government to secure the rapid adoption of the necessary measures to ensure the application of the various Articles of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bulgaria, Netherlands, Portugal*.

Information supplied by *France* in answer to a direct request has been noted by the Committee.

Convention No. 69: Certification of Ships' Cooks, 1946

Requests regarding certain points are being addressed directly to the following States: *Algeria, Peru*.

Convention No. 71: Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States: *Algeria, Bulgaria, Peru*.

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Committee notes that the report contains no new information concerning the application of Articles 4, 5 and 8 of the Convention, respecting the nature of the seafarers' medical examination and the particulars to be included in the medical certificate, the period of validity and the renewal of the certificate and, finally, the guarantees available to a person who has been refused a certificate.

The Committee must, therefore, request the Government once again to take appropriate measures to bring the national legislation into conformity with the Convention, in respect of both private vessels subject to the Maritime and River Law and government vessels subject to the State Merchant Marine Regulations.¹

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Uruguay (ratification: 1954). The Committee notes once again with regret that the Government has not furnished in its report information in respect of the measures for the application of the Convention which were announced as being under consideration with a view to adoption as long ago as 1956. The Committee requests the Government to take steps without further delay to give effect to the Convention.¹

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In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 74: Certification of Able Seamen, 1946

Requests regarding certain points are being addressed directly to the following States: *Algeria, Yugoslavia*.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Guatemala (ratification: 1952). Referring to its previous requests the Committee notes with regret that the Government again refers to various instructions issued by the administrative authorities, without indicating what laws or regulations give effect to the Convention. In these circumstances the situation appears to be as follows:

Article 3, paragraphs 2 and 3, of the Convention. The validity of medical certificates issued to children and young persons is not limited by law, nor are the special circumstances defined in which medical examinations shall be required at more frequent intervals.

Article 4. Sections 138, subsection (a), and 201 of the Labour Code define the concept of "dangerous or unhealthy work" and prohibit such work to women and to adolescents under the age of 17 years, but no provision is made to require the medical re-examination for fitness for employment of minors between 17 and 21 years of age who are engaged in such work.

Article 5. No legal provision exists to ensure that the medical examinations carried out by the dispensaries of the Public Health Administration or by the "Worker's Medical Organisation" shall not involve any expense to minors or members of their families.

Inasmuch as this Convention was ratified 13 years ago, and as the Government had stated its intention in 1961 to revise the regulations for the employment of children and young people, the Committee trusts that the necessary measures will be taken at an early date to give effect to the above Articles of the Convention.

Italy (ratification: 1952). The Committee notes with regret that the study of amendments to bring the national legislation into conformity with the Convention, which was begun in 1955, has still not led to the enactment of appropriate legislation. Recalling that serious discrepancies exist with regard to the application of Articles 2, 3, 4 and 6 of the Convention, the Committee trusts that the Government will take the appropriate measures to secure adoption of the amendments necessary to give full effect to these basic provisions of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Algeria*.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Information supplied by the *Philippines* in answer to a direct request has been noted by the Committee.

**Convention No. 78: Medical Examination of Young Persons
(Non-Industrial Occupations), 1946**

France (ratification: 1951). The Committee thanks the Government for the information supplied to the Conference Committee in 1964 and contained in the report in reply to the previous observation and request, concerning application of the Convention to young people engaged either on their own account or on the account of their parents in a non-industrial occupation.

On the other hand, no information is given on measures taken to apply the provisions of the Convention to young people employed in domestic service. As the Committee has raised the question of medical examination of domestic servants since 1954 and as the Government had stated as early as 1958 that the necessary measures would be taken, the Committee must urge once again that these measures be adopted without further delay.

Guatemala (ratification: 1952). See under Convention No. 77 with regard to measures to give effect to Articles 3, 4 and 5 of the Convention.

In connection with the application of the Convention to "children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the street or any places to which the public have access" the report indicates, in reply to previous requests, that the supervision of the conditions of employment of *all minors* has been entrusted to a special department of the Ministry of Labour (Department of Women and Minors), which periodically establishes a register of employments in which children and young persons are engaged and ensures particularly that young workers undergo regular and systematic medical examination.

These measures, however, which are practical and general in nature, cannot replace legislation providing for the systematic identification and medical examination of minors employed on their own account or on account of their parents. The Committee trusts that appropriate legislation will be adopted at an early date to give effect to Articles 3, 4 and 5 of the Convention.

Italy (ratification: 1952). See under Convention No. 77.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Algeria, Cuba*.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Italy (ratification: 1952). The Committee regrets to note from the Government's report that no progress has been made in amending Act No. 653 of 26 April 1934 in order to give full effect to the provisions of the Convention. It must, therefore, point out once again that:

- (a) No measures exist in national legislation to lay down the prohibition of night work in non-industrial occupations for young persons between the ages of 15 and 18 years in accordance with the terms of the Convention; and

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

(b) Section 2 of Act No. 1325 of 29 November 1961 does not fix at a minimum of 14 consecutive hours the period of night rest for children under 14 years of age (Article 2, paragraph 1, of the Convention).

Accordingly, the Committee must urge the Government to make every possible effort to secure the adoption, without any further delay, of the Bill designed to amend Act No. 653 of 26 April 1934, which has been under consideration since 1955, so as to eliminate the serious divergencies referred to above.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Guatemala, Peru.*

Convention No. 81: Labour Inspection, 1947

Argentina (ratification: 1955). The Committee took note of the replies given, both in the report and in the statement by a Government representative before the Conference Committee, to the observation made in 1964.

Article 7 of the Convention. The Committee noted with interest that the new instrument No. 51/64 of 12 August 1964 provides for the organisation of training courses for labour inspection personnel in the Federal District. It would be grateful to the Government for full information on the practical operation of the courses, and for an indication whether there are similar programmes in the provinces.

Article 12. The Committee notes with regret that action has not been taken—although the Government representative stated that the matter had been brought before Congress—to bring the legislation into conformity with the essential provisions contained in paragraph 1 (c) (i), (ii) and (iv) and in paragraph 2 of this Article. The Committee can only urge the Government once more to take the necessary action in this regard without further delay.

Article 13. The Committee requests the Government once more to indicate the action taken or intended to give effect to this Article of the Convention.

Article 14. The Committee notes that, according to the statement by the Government representative, a draft decree has been prepared to give effect to this Article of the Convention. It hopes that the decree will be adopted in the very near future.

Articles 20 and 21. The Committee notes with regret that the report of the Directorate-General of Labour for the year 1963/64, which was communicated by the Government, does not appear to have been published and that it does not contain the statistical information required under items (b), (c), (e), (f) and (g) in Article 21 of the Convention, the Committee trusts that the Government will do all in its power so that in future the report may be published, be sent to the I.L.O. within the prescribed period, and contain the information prescribed.

As regards the application of the Convention in the provinces, the Committee took note of the provisions communicated by the Government as evidence of the application of the Convention in Cordoba, Rio Negro and Santa Cruz. Since examination of these provisions shows that the Convention is no more than very incompletely applied in the three provinces mentioned and since presumably the situation in the others is analogous, the Committee must again urge the Government to consider the application of the Convention as a whole, both at the federal level and

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

in the provinces, and to take the necessary action so that full effect is given, throughout the national territory, to all the provisions of the Convention which are not yet applied. The Committee hopes that the Government will provide full information, in its next report, on the action taken with that end in view.

Cuba (ratification: 1959). The Committee takes note of the Government's report and of the statement made by a Government representative before the Conference Committee in 1964 and observes with regret that this information provides only an incomplete answer to the questions raised in the observation of 1964.

With regard to Article 14 of the Convention, the Committee notes that the first subsection of the final provisions of Act No. 1100 of 27 March 1963 respecting social security prescribes that industrial accidents and occupational diseases shall be reported to the Ministry of Labour by the grievance committees in the centres of employment. As the Ministry of Labour is empowered by the Act to take measures to apply the provisions referred to above, the Committee hopes that the Government will not fail to establish a method of internal procedure in this connection to ensure that labour inspectors are also notified of industrial accidents and occupational diseases, as provided by Article 14 of the Convention.

The Committee notes the Government's statement that the preliminary studies to draw up labour inspection regulations, with a view to inaugurating an effective inspection system as provided for by the Convention, have now reached an advanced stage. The Committee trusts that the necessary measures can also be taken at this time to ensure the publication by the central inspection authority of an annual general report on the work of the inspection services, as provided by Articles 20 and 21 of the Convention, and also to ensure that the regulations referred to above take account of the points raised in the observation of 1964, which was as follows:

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 sub-paragraph, the measures contemplated to give effect to each of the provisions of this Article.

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.

Guatemala (ratification: 1952). The Committee has taken note of the information furnished by the Government in reply to the observation made in 1964, together with the statement made by a Government representative to the Conference Committee in 1964.

Article 12, paragraph 1 (c) (i) and (ii), of the Convention. The Committee has noted that, according to the statement made by the Government representative, instructions have been given to the competent services to prepare Bills giving effect to this paragraph. The Committee trusts that these Bills will be passed in the near future in order that effect may be given to these vital provisions of the Convention.

Article 14. The Government states that arrangements are now being made for the Labour Inspectorate to be notified of cases of occupational disease. Please state what measures have finally been adopted in this respect.

Articles 20 and 21. The Committee regrets to note that the Government has as yet taken no action to ensure that an annual general report is published on the work of the inspection service, and containing the particulars listed in Article 21 of the Convention.

The Committee hopes that the Government will take the necessary action without further delay, and that it will furnish the information requested above.

Guinea (ratification: 1959). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous requests made in 1962 and 1964, which were as follows:

Article 3, paragraph 2, of the Convention. To what extent might duties entrusted to labour inspectors under section 193 of the Labour Code (such as manpower, vocational guidance, placement . . .) involve a risk of interference with the primary duties of inspectors as defined in this Article of the Convention?

Article 4, paragraph 1. Which central authority is responsible for the supervision of mines or other undertakings subject to supervision by a technical service (section 206 of the Code)?

Articles 6 and 7. What text regulates the status and conditions of service of inspection staff? How are such staff recruited?

Article 8. Does the inspection staff include women?

Articles 10 and 11. Please indicate the number of labour inspectors and the material resources placed at their disposal for the performance of their duties.

Article 12. 1. Please state whether inspectors are provided with credentials in the exercise of their duties.

2. Although section 204 (a) of the Labour Code does not so specify, are inspectors authorised not to notify the employer at the beginning of a visit if they consider that "such a notification may be prejudicial to the performance of their duties", as provided for under Article 12, paragraph 2, of the Convention?

Article 13. 1. What provisions authorise labour inspectors to have measures taken to obviate circumstances dangerous to the health or safety of the workers?

2. What means are provided by the legislation for inspectors to make or have made orders requiring *measures with immediate executory force* in case of *imminent danger* (apart from drawing up reports or referring contraventions to a higher authority)?

Article 16. Please supply information on the frequency of inspection visits in workplaces liable to inspection.

Article 19. Under what legislative provisions are labour inspectors required to submit to the central inspection authority monthly reports on their activities? Please supply the text of these provisions with the next report.

Articles 20 and 21. According to the report of the Government the Ministry of Labour and Social Affairs is responsible for publishing a general annual report on the activities of services under its control. Since the International Labour Office has not received any copy of such a report, the Committee hopes that the report will be published within the time prescribed (12 months after the end of the year to which they relate) and sent within a reasonable period to the I.L.O. in accordance with Article 20 of the Convention, and that it will contain all the information requested in Article 21, paragraphs (a) to (g).

Please also supply the information requested under points III, IV and V of the report form.

The Committee hopes that the Government will not fail to take measures and supply the information referred to above.

Haiti (ratification: 1952). Article 14 of the Convention. The Committee notes with regret that section 578 of the Labour Code, to which the Government refers, only covers reporting of industrial accidents, to the exclusion of occupational diseases, and that the report has to be submitted to the Institute for Social Security of Haiti and not to the Labour Inspectorate. The Committee trusts that the Government will take the necessary steps without further delay in order to ensure that industrial accidents and occupational diseases are notified to the Labour Inspectorate as provided by the Convention.

United Arab Republic (ratification: 1956). See General Report, paragraph 21.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Cameroon (Western Cameroon), China, Cuba, Haiti, Jamaica, Malaysia (States of Malaya, Sarawak, Singapore), Peru, Portugal.*

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

Requests regarding certain points are being addressed directly to the following States: *Congo (Leopoldville), Somalia.*

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

Requests regarding certain points are being addressed directly to the following States: *Chad, Congo (Leopoldville), Upper Volta.*

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

Requests regarding certain points are being addressed directly to the following States: *Kenya, Uganda, Zambia.*

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

GENERAL OBSERVATIONS

Mr. Gubinski, member of the Committee, once more 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. Mr. Vilfan, another member of the Committee, while in general sympathy with the point of view of Mr. Gubinski, reserved his position.

The Committee wishes to emphasise once again in this connection, as it has done since 1962, its opinion that "in compliance with its terms of reference, while noting the various political, economic and social conditions in different countries, it is not called upon to express any view concerning the systems of different countries but

simply to examine, from a purely legal point of view, to what extent the countries which have ratified Conventions give effect in their legislation and practice to the obligations which derive therefrom". The Committee considers that it would be acting in violation of its mandate if it did not point out that States which have ratified Convention No. 87 must grant to workers and employers the rights and guarantees laid down in the Convention.

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Albania (ratification: 1957). The Committee has taken note of the Government's statement, in its report, that during the last reporting period no amendments have been made to the legislation relevant to the Convention.

It therefore appears to the Committee that no new element has appeared capable of altering the previous conclusions at which it had arrived, namely that the legislation contains a number of provisions which are, or are liable to be, contrary to the rights and guarantees laid down in the Convention. In this respect, the Committee had made several comments and observations, with particular reference to article 21 of the Constitution, sections 227, 228 and 229 of the Labour Code and sections 7, 8, 10, 12, 14, 15, 17 and 20 of Law No. 2362 of 1956 concerning non-profit-making associations.

The Committee, therefore, can only refer to its previous comments and observations and express the hope that the Government will adopt all 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 amended or new elements of information have been brought to its attention. Meanwhile, the Committee requests the Government to keep it informed of any new developments that may occur and to supply the information still outstanding which is again the subject of a direct request.¹

Bulgaria (ratification: 1959). The Committee regrets to note that the report supplied this year merely refers to the information supplied in previous reports and does not answer the detailed direct request made in 1964. The Committee hopes that the Government will not fail in its next report to supply information on the matters in question which are again the subject of a direct request.¹

Burma (ratification: 1955). The Committee regrets that the Government has sent no report for 1963-64. It notes, however, that a Government representative stated before the Conference Committee in 1964 that on 1 May 1964 a law had been passed defining the fundamental rights and responsibilities of workers, and that the Government would certainly be guided by the observations of the Committee of Experts in making future rules under the law. The Committee observes, however, from the Government representative's statement, that in the law in question effect has not been given to any of the observations made earlier by the Committee. It considers that the observations made by the Committee in 1962, and repeated in 1963 and 1964, should be met not only by such rules, but in the first place by the amendment of the Act itself. The observations in question were as follows:

1. The Committee has noted with interest that the Government is studying the amendment of section 4 of the Trade Unions Act, as amended, which is not in harmony with the Convention. As the Committee pointed out in a request addressed directly to the Government in 1961, this section, which provides that a trade union may not be registered unless it has as members more than 50 per cent. of the total number of employees in the undertaking or establishment concerned, is not in conformity with Article 2 of the Convention, which provides that workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation". The provisions of section 4 of the Act place a major obstacle in the way of establishment of trade unions capable of "furthering and defending the interests" of their members and, furthermore, have the indirect result

¹ The Government is asked to report in detail for the period ending 30 June 1965.

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 not fail to take the action indicated above. It also requests the Government to be good enough to furnish the text of the law of 1 May 1964.¹

Byelorussia (ratification: 1956). The Committee notes the Government's statement, in its report, that law and practice in Byelorussia are in full conformity with the provisions of the Convention.

The Committee regrets that the Government has not replied to the request, made several times since 1959 in direct requests or observations, for fuller information on certain legal aspects of the establishment and functioning of workers' organisations in connection with article 101 of the Constitution of the Byelorussian S.S.R.

In the absence of any new elements the Committee can only refer to the comments it has made in previous years, and remains ready to resume a study of these questions when new elements have been communicated. It would be grateful if the Government would keep it informed of any development in the matter.²

Cameroon (Eastern Cameroon) (ratification: 1960). In 1964 the Committee made an observation concerning the provision of Order No. 62/OF/24 of 31 March 1962 restricting the right to hold trade union office to persons engaged in the occupation concerned. The Committee notes that this provision is not applied, but has not yet been repealed. The Committee further notes that the Government has recognised that this order is contrary to Article 3 of the Convention but fears that its repeal would permit subversive political interference under cover of defence of workers' occupational interests. The Committee would like to point out that observance of the Convention is compatible with the protection of the State against such risks, since Article 8, paragraph 1, of the Convention imposes respect of the law of the land on trade union organisations as on other persons or organisations, it being understood that this law shall not be such as to impair, nor be so applied as to impair, the guarantees provided for in the Convention (Article 8, paragraph 2). Such protection can accordingly be ensured by general provisions which, while combating the above dangers in all their forms, nevertheless do not restrict union organisations as such and do not limit their activity in the promotion and defence of their members' interests. As the Committee pointed out generally in 1959, States should, without limiting in general or *a priori* the functioning of occupational organi-

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

² The Government is requested to report in detail for the period ending 30 June 1965.

sations, leave to the courts the task of repressing abuses which might be committed by organisations which had lost sight of their fundamental objectives which must be the "economic and social progress" of their members. The Committee hopes that the Government will take appropriate measures to give effect to Article 3 of the Convention.

Central African Republic (ratification: 1960). The Committee thanks the Government for the information provided in answer to the observation and direct request of 1964.

1. The Committee notes that 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" has been revised in the Bill to amend the Labour Code which was to be presented to the National Assembly in March 1965. The Committee hopes that this amendment will be approved in the near future and that it will bring the legislation into conformity with the Convention on this point.

2. The Committee notes that it was intended to amend section 22 of the Labour Code, which was the subject of an observation because it provides that collective agreements "must necessarily be the subject of discussions between the representatives of workers' and employers' unions who belong to the profession or professions concerned". It observes, however, that the amendment proposed by the Government, which consists in removing the word "necessarily", would not modify the meaning or scope of this provision, whereas a Government representative declared before the Conference Committee in 1964 that "the new Labour Code will be in harmony with the provisions of the Convention". The Committee would, therefore, be grateful if the Government would indicate the measures which it intends to take with a view to bringing the legislation into conformity with Article 3 of the Convention, which provides for the right of the organisations "to elect their representatives in full freedom, to organise their administration and activities".

3. The Committee notes the Government's statement in the last report that the provision of Act No. 60-170 of 12 December 1960 which authorises the dissolution of associations by administrative authority "are no longer applicable to trade unions". The Committee would be grateful if the Government would indicate whether this new situation results from the repeal of the provision in question or from a decision on the part of the Government no longer to apply it. In the latter case the Committee would be grateful if the Government would indicate what measures are proposed to repeal the provision in question or to amend it in such a way as to make it no longer applicable to trade unions.

Cuba (ratification: 1952). The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1964 relating to the observations previously made.

1. The Committee observes with interest that a draft Bill is being considered which will deal with the exceptions provided in section 17 of Act No. 962 of 1961 (exceptions to the right to form and join trade union organisations), with a view to extending the scope of this Act. The Committee trusts that the draft Bill in question will ensure to all workers at present excluded by section 17 of the said Act, the right to establish and join trade union organisations, in accordance with Article 2 of the Convention, which provides for the right to organise of "all workers and employers without distinction whatsoever".

2. The Committee notes that, regarding the other questions dealt with in its previous observation, the statement of the Government representative does not add

anything new which might change the conclusions made in previous years, namely that the legislation contains a number of provisions which are, or are liable to be, contrary to the rights and guarantees laid down in the Convention. In this regard, the Committee has made various comments and observations, particularly with reference to section 12 of the Royal Decree of 1888 and to sections 11, 18, 23, 26, 34-37 and 40 (*e*) of Act No. 962 on trade union organisation. Consequently, the Committee can only refer to these comments and observations and express the hope that the Government will adopt all necessary measures to bring its legislation on these points into conformity with the Convention.

3. The Committee has also noted that, in reply to the direct request made in 1964 relating to the risk of intervention by the authorities in the internal affairs of trade unions which might lead to a violation of Article 3, paragraph 2, of the Convention, the Government states that section 42 of Act No. 962 (inspection and investigation in certain cases by the Ministry of Labour in trade union organisations) has never been applied; with respect to section 43 (*a*) (obligation of trade union organisations to supply all information requested by the Ministry of Labour) while the Government recognises the general character of these provisions—the restriction of whose scope the Committee had expressly requested—it considers that there is no incompatibility with Article 3, paragraph 2, of the Convention. The Committee hopes that the Government will take, also in relation to these points, the necessary measures to bring the legislation into conformity with the Convention.

4. The Committee finally observes that, with respect to a direct request made under Convention No. 98 relating to collective bargaining and the possibility of the parties to resort to strikes and lockouts, the Government states that strikes and lockouts are pointless and unreasonable within the framework of a socialist régime. In 1959, in its general conclusions on the application of the Convention, the Committee drew attention to the opinion of the Governing Body Committee on Freedom of Association regarding the cases in which certain workers are prohibited from going on strike and according to which guarantees to these workers should be granted fully to safeguard their interests. The Committee stressed that, on the other hand, a general prohibition applicable to all workers to go on strike cannot be reconciled with the general principle of freedom of association, since it would constitute an important limitation on the possibility of action by trade union organisations in furthering and defending the interests of their members (Article 10 of the Convention), and that, moreover, this prohibition might violate Article 8, paragraph 2, of the Convention by which 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 trusts that the Government will take all necessary measures on this important point with a view to avoiding any discrepancy with the provisions of the Convention.¹

Dahomey (ratification: 1960). The Committee notes with satisfaction that a trade union organisation, the dissolution of which by Decree No. 494/PR/MAISD of 17 November 1962 was the subject of an observation, has been able to reconstitute itself under the provisions of article 9 of the Constitution of Dahomey, which secures freedom of association and the right to strike to workers.

Dominican Republic (ratification: 1956). The Committee regrets to note that the Government has not supplied a report for 1963-64. However, the Committee has taken note of the information supplied by a Government representative to the Conference Committee in 1964, that a committee of legal experts had been established to

¹ The Government is asked to report in detail for the period ending 30 June 1965.

undertake the necessary studies with a view to amending section 265 of the Labour Code and section 67 of Regulation No. 7676.

The Committee trusts that these amendments will be made soon so as to eliminate the divergency between the existing legislation (under which agricultural undertakings, agricultural undertakings of an industrial type and stockraising and forestry undertakings which do not continuously and permanently employ more than ten persons are excluded from the Labour Code, and consequently from its provisions relating to the right of association) and Article 2 of the Convention (according to which "workers without distinction whatever shall have the right to establish and join organisations of their own choosing without previous authorisation").

The Committee hopes that the Government will take all necessary measures in this regard.

Gabon (ratification: 1960). The Committee notes with satisfaction that, following its direct request, the Government has modified its interpretation and considers that the provisions of the Labour Code relating to trade unions apply to federations and confederations, by virtue of Chapter V of Title II of the Code relating to associations of unions.

Federal Republic of Germany (ratification: 1957). The Committee notes with satisfaction that, following its earlier requests, the Associations Act of 1908, which permitted dissolution of associations by administrative authority, has been repealed and replaced by the Associations Act of 5 August 1964, section 16 of which requires any prohibition order against an organisation falling within the scope of Convention No. 87 to be submitted to the competent Administrative Court for confirmation.

Guatemala (ratification: 1952). The Committee thanks the Government for the information given in its report in reply to the Committee's earlier observation.

1. The Committee notes with interest that under Legislative Decree No. 45 of 18 June 1963 the ban on the re-election of trade union officials laid down in section 222 (a) of the Labour Code has been removed. It observes, however, that the removal of the ban is effective only "where among the members of the organisation a sufficient number of persons cannot be found who possess the qualifications required under the Code for membership of an executive committee or advisory board, or where it is necessitated by the small number of members of the union". The Committee considers that, while the Legislative Decree in question provides for a partial lifting of the general ban on the re-election of trade union officials, the ban remains in the case of all trade unions of more than a certain size, contrary to Article 3, paragraph 1, of the Convention, according to which all workers' organisations should have the right to "elect their representatives in full freedom".

2. The Committee had noted the statement of a Government representative in 1962 that ratification of the Convention had had the effect of amending section 211 (a) and (b) of the Labour Code, under which the Government "must exercise the strictest possible supervision over industrial associations" and "collaborate with industrial associations in order to ensure the best orientation of their activities". These provisions seemed to leave room for interference by the public authorities in the administration and activities of workers' organisations, contrary to Article 3 of the Convention. The Committee had therefore considered that the Government should have no difficulty in expressly repealing or amending this provision of the Labour Code. The Committee regrets to learn from the Government's report that the Ministry of Labour and Social Welfare considers that section 211 (a) and (b) of the Labour Code are not in conflict with Article 3 of the Convention. It trusts that the Government will re-examine these provisions with a view to restricting their scope and making them subject to appropriate judicial review.

3. The Committee notes the statement in the report that use has at no time been made of the provisions of section 226 (a) of the Labour Code, which authorises the labour courts, at the request of the Ministry of Labour and Social Welfare, to order the winding up of an industrial association if it is established in legal proceedings, *inter alia*, that the association in question has been intervening in electoral affairs or party politics. The Committee trusts that, in these circumstances, the Government will consider the deletion or amendment of the reference in section 226 (a) to intervention "in electoral affairs or party politics", which could be applied in a manner contrary to Article 3 of the Convention. The Committee would be grateful if in the meantime, the Government could furnish information in its reports as to any cases in which this provision may have been applied.

4. The Committee also notes that State Employees' Regulations have still not been issued, although the Conference Committee was informed by a Government representative in 1961 that these Regulations were under consideration by a Congress working party. The Committee trusts that the State Employees' Regulations will be approved without further delay, in order that this important category of workers may be guaranteed the right to organise, which in accordance with the Convention should be enjoyed by all workers without distinction whatsoever.

5. In conclusion, the Committee refers to section 211 (c) of the Labour Code, which provides that the Ministry of Labour and Social Welfare may refuse to authorise, register or grant legal personality to any industrial association which makes an application for the purpose, "for reasons of public interest or in order to avoid a serious dispute between industrial associations . . . if another association comprising more than three-fourths of the total number of employees in the undertaking has already been legally recognised therein". The Committee considers that, to obviate the harmful effects of a multiplicity of trade unions, it would not be contrary to the principles of freedom of association to accord certain special rights—primarily in the field of collective bargaining—to the majority unions, provided that objective criteria are used for determining which are the majority unions. This does not mean, however, that a ban should be placed on the existence of other unions which workers in a particular undertaking may desire to join. The Governing Body of the I.L.O., on the recommendation of its Committee on Freedom of Association, recently pointed out to the Government that "if a government wishes to take measures to avoid the harmful effects which would result from a multiplicity of trade unions, respect for the principles of freedom of association requires that such measures do not reach the point of hindering the existence of minority organisations and preventing them from defending the interests of their members before the authorities and the employers, since this would constitute an infringement of the provisions of Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), according to which employers and workers have the right to establish and join organisations 'of their own choosing'". In these circumstances the Committee trusts that the Government will take all necessary measures to bring its legislation on this important point into conformity with the provisions of the Convention.

Honduras (ratification: 1956). The Committee notes with regret that the report for 1963-64 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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 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, non-observance of these provisions 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 also to the functioning of federations and confederations. According to this provision, trade union organisations should 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 Government's statement, in its report, that it has nothing to add to its previous reports.

In the absence of any new elements, the Committee can only refer to the conclusions reached by it in previous years, namely that the legislation contains a number of provisions, recapitulated by the Committee in 1964, which are, or are liable to be, contrary to the rights and guarantees laid down in the Convention. As it indicated in 1964, the Committee is prepared to consider these problems further when the legislation has been amended or when new information has been provided. In the meanwhile the Committee requests the Government to keep it informed of any developments in this matter.

The Committee also requests the Government, in its next report, to furnish the information still outstanding and which is again the subject of a direct request.¹

Malagasy Republic (ratification: 1960). The Committee notes with regret that the Government limits itself, in its last report, to the statement that the indications previously supplied remain valid. In these circumstances the Committee can only repeat the observation already made in 1963 concerning section 3 of Ordinance No. 60-119 of 1 October 1960 instituting the Labour Code which, dealing with the aims of trade unions, states that "they are forbidden to engage in any political activity".

According to the Government, this provision in no way limits the freedom of trade unions, being merely a corollary of the principle embodied in the same section and taken from the previous legislation that "trade unions have as their sole object the study and protection of economic, industrial, commercial and agricultural interests".

The Committee is nevertheless of the view that this provision may impose limitations that go beyond the scope of the principle in question. This principle does not imply that trade union activities may not have certain political aspects, while being designed to protect economic, industrial, commercial and agricultural interests: as has been pointed out by the Conference Committee, "there is no line of demarcation between the political field on the one hand and the economic and social field on the other". Under the above-mentioned provision, however, even judicial authorities might consider themselves obliged to declare such activities to be illegal, if the law prohibits trade unions absolutely from engaging in any political activity. On the other hand, the Convention provides for the right of organisations to organise their activities and to formulate their programmes in full freedom, requires the public authorities to refrain from "any interference which would restrict this right or impede the lawful exercise thereof" (Article 3) and states that "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" (Article 8).

For this reason the Committee has considered that States should, without prohibiting in general terms and *a priori* all political activities by occupational organisations, confine themselves to repressing—through the judicial authorities—abuses which might, in certain cases, be committed by organisations which had lost sight of the fact that their fundamental objective should be "the economic and social advancement" of their members.

The Committee, therefore, hopes that the Government will review this problem and will, in the light of the foregoing comments, take the necessary measures to repeal or amend the above-mentioned provision.

Mauritania (ratification: 1961). The Committee notes with satisfaction that the Labour Code of 23 January 1963 no longer prohibits trade unions from undertaking any political activity and permits federations grouping trade unions in the public

¹ The Government is asked to report in detail for the period ending 30 June 1965.

and private sectors (Book III, sections 1 and 22), thus bringing the legislation into conformity with the Convention on two points which had been the subject of a direct request. A further direct request is, however, being addressed to the Government by the Committee on certain points relating to the new Code and on other points already mentioned in the previous request.

Mexico (ratification: 1950). The Committee deeply regrets that, notwithstanding the repeated observations which it has made in relation to the Statute for Workers in the Service of the Authorities of the Union, these have been disregarded in the adoption of the Federal Law for Workers in the Service of the State dated 27 December 1963, which has replaced the above-mentioned Statute. The Committee observes that this new Law has reproduced in practically identical terms the provisions concerning trade union organisations of workers in the service of the State which appeared in the said Statute. In these circumstances the Committee is bound to point out that the following provisions of the Federal Law for Workers in the Service of the State are contrary to the Convention: sections 68, 71, 72 and 73 (corresponding to sections 46, 49, 50 and 51 of the repealed Statute), which prohibit the existence of two or more trade unions in the same public body; section 69 (corresponding to section 47 of the Statute), which prohibits members of trade unions—unless expelled—from leaving the same; section 75 (corresponding to section 53 of the Statute), which prohibits the re-election of members of the executive committee of a trade union; section 79 (corresponding to section 56 of the Statute), which prohibits unions of public officials from affiliating to organisations or federations not limited to the same category of workers; and section 84 (corresponding to section 60 of the Statute), which applies the same restrictions to federations as to primary unions themselves. Consequently, the Committee requests the Government once more to adopt the necessary measures to bring its legislation into conformity with the provisions of the Convention.

The Committee also observes that legislation of the states of Coahuila and Puebla does not seem to deal with the trade union rights of public officials in these two states. The Committee therefore requests the Government to provide information on the measures which it is intended to adopt in these states to bring the national legislation into conformity with the Convention.¹

Netherlands (ratification: 1950). The Committee notes with satisfaction that section 7 of the Act of 22 April 1855 to regulate and limit the right of association and assembly, which was the subject of previous observations, has been amended by the Act of 10 December 1964, which prescribes that account shall be taken of the provisions of the Convention in any decision by the Government with regard to recognition of trade unions.

Niger (ratification: 1961). The Committee notes that, in answer to the observation made by it in 1963, the Government merely repeats in its latest report that Ordinance No. 59-101 of 4 July 1959, which empowers the President of the Republic to dissolve trade unions by decree in certain cases (section 1), has lost legal effect. The Committee had noted that this was the implicit result of the adoption of the Constitution of the Republic of Niger of 1960 and the ratification of the Convention in 1961, but had suggested that with a view to avoiding all uncertainty as to the legal position in this matter, it would appear appropriate to bring the legislation expressly into conformity with Article 4 of the Convention, which provides that trade unions shall not be liable to be “dissolved by administrative authority”.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

The Committee would again point out the desirability of repealing the above provisions of section 1 of the Ordinance, particularly as this should present no difficulty and as a Government representative had stated before the Conference Committee that the Government was fully disposed to amend Ordinance No. 59-101 in such a way as to bring it into conformity with the Convention.

The Committee hopes that the Government will take the measures referred to above at an early date.

Pakistan (ratification: 1951). The Committee thanks the Government for the information contained in its report. The Committee had previously noted that the Government contemplated amending the Notification of 30 August 1948, which had been the subject of several observations because it provided that separate organisations must be set up for each category of civil servants, contrary to Article 2 of the Convention according to which workers "without distinction whatsoever" have the right "to establish and to join organisations of their own choosing". The Committee has noted the statement made by a Government representative to the Conference Committee in 1964 that the Government was ready to annul this provision if requested by the persons concerned, but that it continued to remain in force because certain categories of civil servants did not wish civil servants belonging to other categories to be able to join the same organisations as themselves, considering that their freedom of association would be restricted if this were permitted. The Committee considers that these interests would be sufficiently protected by recognising the right of the associations in question to draw up their constitutions and rules and, if they wished, to reject applications for membership which were not in conformity therewith, and that in these circumstances it is not necessary for the public authorities to intervene to prohibit the membership of the persons concerned. In the latest report the Government states that it is planning to amend the provision in question. The Committee therefore trusts that the Government will be able to inform it in its next report of the measures taken to bring its legislation into harmony with the Convention.¹

Philippines (ratification: 1953). The Committee notes the statement made by a Government representative before the Conference Committee in 1964 that a Bill to implement the Convention had been tabled at the special session of Congress.

The Committee recalls that in 1963 a Government representative had stated before the Conference Committee that a Bill had been withdrawn following the observations made by the Committee of Experts 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 Committee further recalls, as was pointed out in the Conference Committee by the Employers' members in 1963 and by the Workers' members in 1964, that various Bills have been mentioned by the Government over a considerable period of time, without leading to any results.

The Committee hopes that early enactment of the present Bill will bring section 23 (b) of Act No. 875 of 17 June 1953 into conformity with the Convention. This provision was the subject of several previous observations, as it makes the acquisition of legal personality by a trade union subject to conditions relating to the political opinions of its officers. The Committee hopes that the Government will be able to take the necessary measures to bring the legislation into conformity with the provisions of the Convention without further delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Poland (ratification: 1957). The Committee has noted that in its report the Government states that during the past reporting period no amendment has been made to the legislation with respect to the matters mentioned in the Convention.

In the absence of any new elements the Committee can only refer to the conclusions reached by it in previous years, namely, that the legislation contains a number of provisions, recapitulated by the Committee in 1964, which are, or are liable to be, contrary to the rights and guarantees laid down in the Convention. As it indicated in 1964, the Committee is prepared to consider these problems further 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 developments in this matter.

The Committee also requests the Government, in its next report, to furnish the information still outstanding, which is again the subject of a direct request.¹

Rumania (ratification: 1957). The Committee thanks the Government for forwarding a copy of Act No. 52 of 1945, but notes with regret that the Government has not yet supplied the other texts requested in 1963 and 1964. The Committee hopes that the Government will not fail to attach these texts to its next report, together with the other information mentioned in a direct request which is being addressed to the Government.

Senegal (ratification: 1960). The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Committee has taken note of the information supplied by the Government, in its report, in reply to the requests addressed to it in 1962. It appears that the Government reserves to itself, by invoking Article 9, paragraph 2, of the Constitution of 25 August 1960, the right to dissolve trade unions by administrative authority in the public interest, but refers to a possibility of recourse to the Courts with a view to annulling the administrative measure. The Committee points out that such a procedure permits the dissolution of the organisations by administrative measures before the Courts have been seized of the matter, which is contrary to Article 4 of the Convention, which provides that the organisations "shall not be liable to be dissolved or suspended by administrative authority". It expresses the hope therefore that the Government will discontinue the practice of dissolving trade union organisations by administrative authority.

Ukraine (ratification: 1956). The Committee has noted that in its report the Government states that on 18 July 1963 the Supreme Soviet of the Ukrainian S.S.R. adopted a new Civil Code which came into operation on 1 January 1964 and that, accordingly, the Civil Code of 1922 ceased to be effective, including section 18 thereof which had been the subject of observations by the Committee.

In order to be able to examine this point of its observations in full knowledge of all the circumstances, the Committee requests the Government to supply a copy of the new Civil Code with its next report. The Committee has already noted with interest that, according to the report, section 39 of the new Civil Code of 1963 provides that "public organisations which have legal personality shall cease their activity on the grounds stated in their Constitutions". The Committee would be glad to know, therefore, whether in accordance with this provision it is the organisations themselves which alone may decide on their dissolution.

The Committee regrets that the Government has not replied to the request, made several times since 1959 in observations or direct requests, for fuller information on certain legal aspects of the establishment and functioning of organisations of workers arising out of article 106 of the Constitution of the Ukrainian S.S.R.

¹ The Government is asked to report in detail for the period ending 30 June 1965.

For the time being the Committee can only refer to the comments made by it in earlier years and remains prepared to resume the study of these matters when complete information on any new elements has been brought to its notice. It would be glad if the Government would keep it informed of any developments in the matter.¹

U.S.S.R. (ratification: 1956). The Committee has noted that the Government states in its report that the Convention has continued to be fully applied in the U.S.S.R., and has referred to the information which it has furnished in preceding years and to the work of the Conference Committee. The Committee has also taken note of the statement of the Central Council of Trade Unions to the effect that it fully confirms the information furnished by the Government on different occasions.

The Committee regrets that the Government has not answered the requests for fuller information which the Committee has made several times since 1959, either in observations or direct requests, concerning certain legal aspects of the establishment and functioning of workers' organisations arising out of article 126 of the Constitution of the U.S.S.R.

The Committee has further noted that the Government states in its report that no changes have been made in the legislation during the period covered by the report. The Committee understands that a new Civil Code for the Russian S.F.S.R. was adopted in June 1964. The Committee requests the Government to supply a copy of this Civil Code with its next report and to indicate any changes made regarding points on which the Committee had previously made comments. The Committee would be particularly grateful if the Government would indicate any changes made in section 18 of the Civil Code of 1922 and also the provisions, both of the new Civil Code and of any other recent legislative texts, which deal with the relationship between ratified international treaties or agreements and the provisions of Soviet internal legislation, a question which had been raised in direct requests addressed to the Government in 1963 and 1964. The Committee would be glad to know whether such provisions are applicable to ratified international labour Conventions.

In the meantime the Committee, in the absence of any new elements, can only refer to the comments which it has made in preceding years, and remains prepared to consider these problems further at such time as any new elements shall have been brought to its attention. The Committee would be glad if the Government would keep it informed of any developments in this connection.¹

United Arab Republic (ratification: 1957). The Committee notes with interest the information supplied by a Government representative to the Conference Committee in 1964, and in the report sent in 1965. The Committee notes that in reply to the Committee's previous observations relating to measures which ought to be taken by the Government in regard to a number of important discrepancies between its legislation and the Convention, the Government representative stated that following the adoption of Presidential Decree No. 62 of 1964, "the national legislation on trade unions is now in conformity with the Convention".

The Committee notes with satisfaction that this Presidential Decree eliminates some of the divergencies pointed out in its observation of 1963 concerning the number of founders necessary to form a trade union, the necessity of a prior authorisation from the General Federation of Labour for the deposit of an organisation's rules, the necessity that trade union officers be engaged in the trade or occupation represented by the trade union concerned, the general denial to trade unions to concern themselves with political questions and the supervision of trade union management by the labour inspectorate.

¹ The Government is asked to report in detail for the period ending 30 June 1965.

The Committee regrets, however, that the legislation still gives rise to important discrepancies on a number of points to which it has previously drawn attention and which are dealt with in a direct request.

The Committee hopes that the Government will not fail to indicate the concrete measures which are envisaged to bring the legislation in conformity with the standards of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Argentina, Belgium, Bulgaria, Burma, Cameroon, Central African Republic, Costa Rica, Dominican Republic, Gabon, Guatemala, Honduras, Hungary, Ireland, Israel, Jamaica, Kuwait, Liberia, Luxembourg, Mali, Malta, Mauritania, Mexico, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Rumania, Senegal, Syrian Arab Republic, United Arab Republic, United Kingdom, Upper Volta.*

Information supplied by *Italy, Ivory Coast, Sierra Leone, Sweden, Tunisia*, in answer to direct requests has been noted by the Committee.

Convention No. 88: Employment Service, 1948

Cuba (ratification: 1952). The Committee regrets that no information has been furnished in reply to the observation of 1964, and urges the Government once more to take the necessary measures for the creation of advisory committees so as to ensure the co-operation of employers' and workers' representatives in the organisation and operation of employment service and in the development of employment service policy (Articles 4 and 5 of the Convention).

Guatemala (ratification: 1952). The Government had indicated in the Conference Committee in 1964, in reply to the observations of 1962 and 1964, that the Ministry of Labour would be able to establish local and regional employment offices, in so far as budgetary provisions permitted. The Committee must note with regret therefore that no new information whatever has been given in the report concerning the application of Articles 3, 4 and 9 of the Convention.

The Committee can only urge the Government once again to establish a network of offices, sufficient in number to serve each geographical area of the country (Article 3); to establish all necessary advisory committees (Article 4); and to train the employment service staff (Article 9). In the absence of such measures the Committee must observe that a Convention ratified 13 years ago continues to receive little or no application in Guatemala.

Sierra Leone (ratification: 1961). The Committee notes with satisfaction from the report that, following its observations, steps have been taken to set up a national employment service advisory committee which is expected to start functioning (Articles 4 and 5 of the Convention).

United Arab Republic (ratification: 1954). See General Report, paragraph 21.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Belgium, Costa Rica, Cuba, Malaysia (Singapore), Peru, Sierra Leone.*

Information supplied by *Czechoslovakia* in answer to a direct request has been noted by the Committee.

Convention No. 89: Night Work (Women) (Revised), 1948

Austria (ratification: 1950). The Committee notes with regret that, in spite of the repeated observations made by the Committee since 1953, no progress has been achieved in eliminating the following discrepancies between the legislation in force (Hours of Work Code of 1938) and the Convention:

1. No prohibited interval of at least seven consecutive hours (Article 2 of the Convention) is provided for female employees.

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 report that constant efforts will continue to be made, as in the past, towards the adoption of a special federal Act on night work of women which would meet the requirements of the Convention and that the Austrian Chamber of Labour again has stressed the necessity of bringing the legislation into harmony with the Convention.

The Committee must express its earnest hope that the Government will make every effort so that legislation to give full effect to all the provisions of the Convention will be enacted without any further delay.¹

Czechoslovakia (ratification: 1950). The Government's report for 1963-64 indicates that the draft Labour Code, which is expected to be submitted to the National Assembly in the course of the current year, will remove the divergency between the legislation and Article 2 of the Convention (a night rest of at least 11 consecutive hours for women employed in industrial undertakings).

The Committee takes note of this statement and trusts that the legislation will be brought into full conformity with the Convention without further delay.¹

Guatemala (ratification: 1952). The Committee notes with regret that the Government's report does not contain the information requested in 1962 and 1964. The Committee is bound, therefore, to repeat its previous requests which were as follows:

The Committee notes with interest that a resolution concerning the work of women is being drafted, and would be grateful if the Government would supply the text of this resolution as soon as it is adopted.

As regards the general exceptions relating to hours of work authorised under sections 122 and 124 of the Labour Code, which were the subject of a request by the Committee in 1960, the Committee takes note of the Government's statement that, by virtue of section 20 of the Labour Code, ratified labour Conventions have the same force as laws of the Republic and are binding in all cases where they prescribe standards higher than those contained in the Code. The Committee nevertheless considers that more specific measures are required in order to ensure effectively that in practice:

- (a) employers' and workers' organisations are consulted concerning any exceptions to be authorised under section 122 (in the event of a catastrophe, imminent danger or a public disaster), in accordance with Article 5 of the Convention;
- (b) the exceptions allowed under section 124 (exemption of certain categories of workers) are granted solely in the case of persons specified in Article 8 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

Philippines (ratification: 1953). The Committee notes with regret from the report received too late for examination in 1964 that the bill designed to bring the Women and Child Labour Law (Act No. 679) into conformity with the provisions of Article 2 (a period of night rest of at least 11 consecutive hours) and Article 5, paragraph 1, of the Convention (consultation with employers' and workers' organisations before suspension of the night work prohibition) has not yet been passed. The Committee reiterates the hope that this Bill which has been mentioned by the Government since 1956 will be enacted without further delay and that the outstanding discrepancies between the legislation and the Convention will, thus, be eliminated.

Uruguay (ratification: 1954). The Committee notes with interest that a draft Decree designed to give effect to the Convention has been prepared. Recalling the observations it has made since 1957 on the absence of legislation to implement the provisions of the Convention, the Committee must express its earnest hope that the draft Decree will be adopted at a very early date and that it will give full effect to the Convention.

Yugoslavia (ratification: 1957). The Committee in 1964 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 asked for.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi*, *Congo (Leopoldville)*, *Philippines*, *Yugoslavia*.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Argentina (ratification: 1956). Since 1961 the Committee has drawn the Government's 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. The Committee, therefore, notes with interest the statement made by a Government representative to the Conference Committee in 1964 that provisions to bring the legislation into conformity with the Convention had been submitted to the President of the Republic for signature. As, according to the report, the provisions of the Convention are fully applied in practice, the Committee trusts that the necessary legislation will be enacted at the earliest possible date.

Czechoslovakia (ratification: 1950). In a number of its previous observations the Committee had drawn the Government's attention to the fact that—

- (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; and
- (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 Government's report for 1963-64 states that the draft Labour Code which is expected to be submitted to the National Assembly in 1965 will remove the discrepancies between the legislation and the terms of the Convention. The Committee takes note of this statement and trusts that this will be done without any further delay.

Italy (ratification: 1952). Further to its previous observations, the Committee notes with regret that the Bill designed to bring the national legislation into line with the Convention has not yet been enacted. Recalling the serious divergencies which thus continue to exist between the provisions of Act No. 653 of 1934 and Articles 2 (paragraphs 1 and 2) and 3 (paragraphs 2, 3 and 4), of the Convention, the Committee can only trust that the Bill to which the Government has referred for a number of years will be adopted without any further delay.¹

Pakistan (ratification: 1951). Referring to a number of observations it has made in previous years, the Committee notes the Government's statement in its report that the Factories Bill, designed to give effect to the terms of the Convention, is to be soon enacted. The Committee trusts that the Bill, first mentioned by the Government more than ten years ago, will be adopted without further delay.

The Committee must also urge the Government to make, on this occasion, every possible effort to secure the adoption of the proposed amendment of the Employment of Children Rules, 1955, and the Consolidated Mines Rules, 1952, to bring them into conformity with the Convention (Article 3, paragraphs 2 and 3).¹

Philippines (ratification: 1953). The Committee notes with regret that the Bill designed to bring the Women and Child Labour Law (Act No. 679) into conformity with the provisions of Article 2 of the Convention (a night rest period of at least 12 consecutive hours) has not yet been passed. Recalling that the adoption of the Bill has been pending since 1958, the Committee can only urge the Government once again to make every effort in order to eliminate without further delay the serious discrepancy existing between the legislation and the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Guatemala, Italy, Peru, Philippines, Ukraine*.

Convention No. 92: Accommodation of Crews (Revised), 1949

Cuba (ratification: 1952). Further to its previous observations the Committee has taken note of the information given by a Government representative at the Conference Committee in 1964, repeated in the Government's report for the period 1963-64. The Government reaffirms its intention to adopt regulations specifically applicable to maritime work and including, in particular, provisions on safety and hygiene on board ships.

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Costa Rica*.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Philippines (ratification: 1953). The Committee notes with interest that a draft form of contract for public works has been prepared with a view to giving effect to the Convention. Recalling that observations in this connection have been made since 1956, the Committee hopes that the Government will be able in the near future to adopt standard forms of public contracts which will ensure the implementation of the Convention, taking account of the various points raised in a direct request which the Committee is addressing to the Government.

United Arab Republic (ratification: 1960). The Committee regrets to note that the Government's report for 1962-64 contains no information in reply to its previous observations concerning the measures to be 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 must once more point out that the Labour Code does not contain provisions which implement the requirements of the Convention, and recall the general observations on the Convention made by it in 1956 and 1957, in which it indicated 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 urges the Government without further delay to take appropriate measures 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

Uruguay (ratification: 1954). In 1964 the Committee noted with interest the statements in the Government's report for the period 1959-62 that the general specifications for public contracts of 5 March 1929, as amended, provided that contractors should observe the wage determinations of each locality and labour laws, that the Ministry of Public Works supervised the observance of these obligations and that the Ministry might withhold payments from the contractor in case of non-compliance with any of these obligations. The Committee noted that this was the first intimation that there might exist measures which might give effect to this Convention (ratified ten years previously). It requested 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 was given to each Article of the Convention.

The Committee notes with regret that no report has been supplied. It urges the Government to supply all the necessary information without further delay.²

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burundi, Cameroon, Congo (Leopoldville), Costa Rica, Cuba, Guatemala, Malaysia (Sarawak), Philippines.*

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

² The Government is asked to report in detail for the period ending 30 June 1965.

Convention No. 95: Protection of Wages, 1949

Ecuador (ratification: 1954). The Committee notes with regret that the report for 1962-64 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). The Committee regrets that the Government has supplied no report. It is therefore bound to repeat its earlier observations.

Article 4 of the Convention. As the Committee has indicated in observations and requests since 1958, the legislation does not regulate the payment of wages in kind, as required by this Article. A Government representative before the Conference Committee in 1964 referred in this connection to section 3 of the Royal Decree of 24 July 1920. However, as was recognised in the Government's report for 1958-59, this provision leaves the parties to a contract of employment free to agree on payments in kind, without any limit on the nature or extent of such payment. The Government has in fact referred in earlier reports to certain collective agreements in the agricultural sector which provide for the payment of wages exclusively in kind, contrary to the Convention.

The Committee must also observe, once more, that national legislation does not contain any specific prohibition of payment of wages in the form of liquor of high alcoholic content or of noxious drugs. The sections of the Civil Code once more referred to by the Government representative in the Conference Committee in 1964 do not contain such a prohibition nor do they prescribe any penalty for such cases (as required by Article 15 (c) of the Convention).

Article 7, paragraph 2. In its report for 1958-59 the Government stated that measures to control prices in works stores were envisaged. The Committee regrets that, notwithstanding its direct requests of 1960, 1962 and 1964, no further information on such measures has been supplied.

The Committee notes the Government representative's statement to the Conference Committee in 1964 that a labour code is being prepared based (*inter alia*) on the provisions of ratified Conventions. The Committee accordingly hopes that legislation giving full effect to this Convention will be adopted at an early date.

Guatemala (ratification: 1952). The Committee notes with regret that the Government's report contains no information in reply to requests made repeatedly since 1957. Recalling the intention expressed in the Government's report for 1958-59 to bring national legislation into conformity with Articles 8 and 9 of the Convention, the Committee hopes that the necessary amendments (particulars of which it is, once again, indicating in a direct request) will be adopted without further delay.

Honduras (ratification: 1960). In 1963 and 1964 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 a report for examination by the Committee next year and that it will provide the information requested.

Philippines (ratification: 1953).

Scope of the legislation. Ever since 1956 the Committee has made observations concerning the non-application of a number of the provisions of the Convention to employees of retail and service enterprises employing less than five persons, as those

persons were excluded from the scope of the relevant legislation (Minimum Wage Law). The Committee regrets to note that the Government's report contains no information on this matter, in spite of statements made by a Government representative at the Conference both in 1962 and 1964 that a Bill to eliminate this discrepancy was before Congress, and also that the Government has not submitted a copy of the Bill, as promised in the Conference Committee in 1964. The Committee trusts that the necessary legislation will be adopted without further delay.

Article 7, paragraph 2, of the Convention. In reply to earlier requests concerning the control of prices in works stores, the Government has referred to Republic Act No. 2610 of 1959. The Committee observes that this Act (originally due to expire at the end of 1960) permitted price control only of commodities which were in short supply or whose price had risen to an abnormal level, and thus would not give the more general protection required by the Convention as regards all commodities sold in works stores, nor did it deal in any way with services provided by an employer. The Committee recalls that, already in its report for 1957-58, the Government stated that it was proposed to amend the relevant legislation to make possible the application of this Article of the Convention, and trusts that action to this effect will be taken without further delay.

Article 13, paragraph 2. The Government has once more stated that it considers the requirement of this paragraph (prohibition of payment of wages in taverns, etc.) to be met by section 10 (i) of the Minimum Wage Law which—read together with the rules issued under this Law—requires wages to be paid within 1 km. of the undertaking. The Committee pointed out, as long ago as 1957, that these provisions did not meet the requirements of the Convention, and it trusts that the necessary legislative provisions will be adopted without further delay.

United Arab Republic (ratification: 1960). See General Report, paragraph 21.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, China, Cyprus, Guatemala, Guinea, Honduras, Malaysia (Sarawak)*.

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Bolivia (ratification: 1954). In 1963 and 1964 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.

Guatemala (ratification: 1953). In reply to the observations of 1962 and 1964 the Government had informed the Conference Committee in 1964 that steps were being taken to prescribe penalties for violation of the provisions prohibiting fee-charging employment agencies. As the report contains no information on this matter, the Committee can only urge the Government once again to take measures designed to implement Article 8 of the Convention which calls for appropriate penalties for any violation of the Convention or of any laws or regulations giving effect to it.

In the absence, moreover, of any information on the effect given to the Convention, the Committee expresses the hope once again that the Government will make every effort to ensure the abolition of fee-charging employment agencies conducted with

a view to profit, including the individual recruiters so far permitted by national legislation, and that pending the full abolition of such agencies, the exceptions authorised under Article 5 of the Convention will be used subject to the conditions laid down in this Article.

The Committee trusts that the legislation and practice will be brought into conformity with the Convention without further delay.

Pakistan (ratification: 1952). The Government states in reply to the observation of 1964 that it is making every possible effort in order to adopt the legislation for the abolition of fee-charging employment agencies conducted with a view to profit, as defined in Article 1 (a) of the Convention. While taking due note of this statement, the Committee must point out that, in spite of the assurances repeatedly given, 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 observations since 1955, the Committee can only urge the Government once more to take the necessary action without further delay.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Costa Rica, Gabon*.

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). The Committee regrets that despite the Government's statements made at the Conference in 1963 and 1964, no measures have yet been taken to bring the regulations for granting the maternity allowance into conformity with the provisions of Article 6, paragraph 1 (b), of the Convention, which provides that ratifying States undertake to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within their territory, treatment no less favourable than that which they apply to their own nationals in respect of social security.

The Government representative had stated in 1963 that the arguments advanced during the session of the Conference Committee were fully appreciated by the Government, that the matter was under consideration and that it was hoped that a solution could be found by the following year. In 1964, while maintaining its standpoint with regard to the "demographic" character of the maternity allowance, the Government stated that it "wished to confirm its intention to settle the problem of the maternity allowance along the lines of the engagement undertaken at the 47th Session of the International Labour Conference (1963)".

Since the Government's position, as defined in the report, is now merely to "confirm the replies provided in this connection in previous years", the Committee can only urge the Government once again to eliminate this discrepancy to which attention has been drawn since 1957, without further delay, in accordance with the Government's assurances to this effect.¹

Guatemala (ratification: 1952). The Government indicates in reply to previous observations that it will take the necessary measures to apply Article 8 of the Convention according to which "no migrant for employment who has been admitted on a permanent basis may be returned to his territory of origin if, by reason of

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

accident or illness, he is unable to follow his occupation, upon condition that the illness or accident occurred subsequent to his entry”.

The Committee hopes that the Government will not fail to take the necessary measures in order to give effect to this provision of the Convention.

Jamaica (ratification: 1962). The Committee notes with regret that the report has not been received once again. The Committee is bound, therefore, to repeat the terms of its request of 1963 which was as follows:

The Committee notes the statement in the Government's report that there has been no change in the application of the Convention during the period 1 July 1960 to 30 June 1962.

However, in view of the fact that no report had been previously communicated regarding the application of this Convention, the Committee would be glad if the Government would include in its next report all the information requested in the report form approved by the Governing Body.

The Committee hopes that the Government will make every effort to supply the necessary information.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Tanzania (Zanzibar), Upper Volta, Uruguay, Zambia*.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Bulgaria (ratification: 1959). See under Convention No. 87.

Byelorussia (ratification: 1956). See under Convention No. 87.

Cuba (ratification: 1952). See under paragraph 1 of the observation on Convention No. 87 regarding the situation of certain public employees.

Dominican Republic (ratification: 1953). The Committee notes with regret that the report for 1963-64 has not been received. The Committee is bound, therefore, to repeat its previous observation in which it had noted that, contrary to the Convention, which applies to all workers, the Labour Code excludes certain agricultural workers from its scope, and thus deprives the latter of trade union rights and *a fortiori* of the benefits of its section 307 (see under Convention No. 87).

The Committee hopes that the Government will take all necessary action to bring the legislation into conformity with the provisions of the Convention.

Ecuador (ratification: 1954). In 1962, 1963 and 1964 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.

Ghana (ratification: 1959). The Committee notes the Government's statement, in reply to an observation and a direct request, that the amendment of certain sections of the Industrial Relations Act of 1958 is under consideration and that it is therefore impossible to reply in greater detail to the Committee's observations this year. The Committee expresses the hope that the proposed amendment will put an end to the divergencies to which the Committee drew attention in the observation it made in 1963, and also that the amendment will take account of the points raised in its direct request.

Guatemala (ratification: 1952). See under Convention No. 87 as regards workers employed in public undertakings who are not public officials.

Honduras (ratification: 1956). In 1959, 1961, 1963 and 1964 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.

Hungary (ratification: 1957). See under Convention No. 87.

Japan (ratification: 1953). The Committee takes note of the statement made before the Conference Committee, at its 47th Session, by a representative of the Government, and of the information furnished by the Government in its report.

While reaffirming its earlier observation to the effect that section 4, paragraph 3, of the Public Corporation and National Enterprise Labour Relations Law, and section 5, paragraph 3, of the Local Public Enterprise Labour Relations Law, which is in similar terms, run counter to Article 2 of the Convention, according to which "workers' and employers' organisations shall enjoy adequate protection against any acts of interference . . .", the Committee notes that, according to the statement made by the representative of the Government, the observations of the Committee of Experts will be met when the Diet has approved the Bill for the ratification of Convention No. 87 which has been submitted to it. The Committee strongly hopes that the adoption of this bill will bring the legislation into conformity with the Convention in the near future.

Poland (ratification: 1957). See under Convention No. 87.

Sudan (ratification: 1957). The Committee regrets that no report has been supplied on this Convention, and that therefore its previous direct requests remain unanswered.

As concerns acts of interference, the Committee notes that section 18 (c) of the Trade Disputes Act of 1960 prohibits the employer from "interfering directly or indirectly in the administration of a union with a view to sapping the solidarity of the said union". It would appear that this provision does not safeguard workers against acts of interference during the establishment of their organisations, such as, for example, acts designed to promote the establishment of workers' organisations under the domination of an employer or employers' organisations. On the contrary the resort to such procedures may be made easier by the provisions of section 27 of the Trade Unions Ordinance, as amended, which in subsection (3) prohibits the creation of trade unions other than of undertakings and in subsection (4) forbids unions to unite or federate amongst themselves in any way whatsoever. The Committee would be glad therefore if the Government would indicate the measures which it intends to take to ensure the workers' organisations an adequate protection against acts of interference, such as those described in Article 2, paragraph 2, of the Convention, during their establishment.

Turkey (ratification: 1952). The Committee notes with satisfaction that the legislation has been brought into harmony with the Convention on a point which was the subject of a direct request (discrimination between manual and intellectual workers with regard to freedom of association).

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). The Committee has taken note of the information furnished by the Central Council of Trade Unions as to the practice with regard to collective agreements.

See also under Convention No. 87.

United Kingdom (ratification: 1950). The Committee notes that, in accordance with the proposal of the Governing Body Committee on Freedom of Association, the Government arranged for an inquiry to be made on the complaints of certain British trade unions. The Committee also notes that action has been taken by the Government in accordance with the conclusions of the inquiry with a view to improving industrial relations in the banking industry. The Committee further notes that this action is continuing and that it will be informed of further developments.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Algeria, Argentina, Austria, Belgium, Brazil, Cameroonia (Western Cameroon), Costa Rica, Cuba, Dominican Republic, Ecuador, Gabon, Ghana, Guinea, Haiti, Honduras, Iraq, Ireland, Italy, Kenya, Liberia, Luxembourg, Malaysia (States of Malaya), Niger, Pakistan, Rumania, Senegal, Syrian Arab Republic, Tanzania, (Tanganyika), Turkey, Uganda, United Arab Republic, Upper Volta, Uruguay.*

Information supplied by *Federal Republic of Germany, Indonesia, Malta* and *Morocco* in answer to direct requests has been noted by the Committee.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the following States: *Brazil, Costa Rica, Guatemala, Mexico, Peru.*

Information supplied by *Ivory Coast* and *Uruguay* in answer to direct requests has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951

Argentina (ratification: 1956). In 1956 Legislative Decree No. 2739 provided for the reduction or, in certain cases, the elimination of those wage differentials between men and women workers which existed by virtue of the collective agreements then in force. This Decree however did not make any provision of a continuing nature to ensure the observance in future of the principle of equal remuneration for work of equal value. The Government stated in its report for 1960-62 that this principle was generally respected in collective bargaining, and in its latest report it has indicated that the minimum living wage laid down in accordance with Act No. 16459 of 1964 would make no distinction between men and women workers.

The Committee observes however that collective agreements in a number of industries (such as the meat, tobacco and textile industries) still lay down distinct wage rates for men and women workers. For example the collective agreement of 13 February 1964 (No. 25/64) for the meat industry, although it sets out in detail the categories in which workers performing various jobs shall be placed, contains separate wage rates for women workers which are from 15 to 25 per cent. lower than the corresponding male rates (as regards both production workers and administrative staff); it also lays down distinct rates for women equated with male workers, which are between 10 and 20 per cent. lower than the corresponding male rates.

The Committee hopes that appropriate measures will be taken to promote the further implementation of the principle of equal remuneration for work of equal value for men and women workers, aimed at ensuring that wage rates are established by reference solely to the nature of the work to be performed, without reference to the worker's sex. It notes with interest, in this connection, that Decree No. 5072 of 16 July 1964 has made provision for a Women's Department and an advisory committee for questions concerning women workers in the Ministry of Labour and Social Security, with a view to improving the conditions of women workers. It hopes that these bodies will be able to play an active part in ensuring that the necessary measures are taken.

Austria (ratification: 1953). The Committee takes note of the information communicated in reply to the observation and request of 1963. Thus, the Government informed the Conference Committee in 1963 that the Austrian Federation of Trade Unions had concluded from its survey of 2,000 collective agreements that the wages of women must be brought into line with those of men in those cases where different scales still subsist in collective agreements. The Committee hopes that the Government will indicate the collective agreements which have been modified for this purpose.

The Committee further notes, from the Government's reply to the request, that the existence of any contradiction between certain modifications introduced on 10 August 1960 in collective agreements in the chemical industry and the principle of equal pay for work of equal value would be a matter for decision by the competent Labour Court. As the Government also indicates that the principle has been adopted by the Austrian Federation of Trade Unions and is binding on all unions when they negotiate new collective agreements, the Committee trusts that the next report will contain detailed information on the progress made, since 1962, in promoting the implementation of the principle of equal pay in all the various sectors of economic activity, including the chemical industry.

Belgium (ratification: 1952). The Committee notes with interest the detailed information contained in the Government's report concerning the progress made during the reporting period 1962-64 in reducing differentials in the rates of remuneration of men and women workers, including their complete elimination in some cases. Notwithstanding this progress, it would appear that the establishment of different wage rates for men and women workers is still widespread; according to the figures given in the Government's report, the difference between minimum rates for men and women in the same category is still 20 per cent. for wage earners in the clothing trade, between 10 and 20 per cent. for wage earners in the food and metal construction industries, 15 per cent. for wage earners in the fur trade, and 10 per cent. in a number of other industries.

The Committee notes that such distinct wage rates for men and women are also common among decisions of joint committees to which general binding force has been given by Royal Orders (for example in 1964, in the food, tobacco, leather and furniture industries). Differences of or approaching 20 per cent. are to be found, for instance, in decisions for workers in the tobacco industry given general binding force by a Royal Order of 26 February 1964 and two Royal Orders of 29 April 1964. Distinct wage scales according to sex have been laid down, notwithstanding the existence in the agreements applicable to the various trades or industries concerned of detailed job classifications.

The Committee therefore hopes that action will be pursued, in accordance with Article 2 of the Convention, to promote and, where appropriate, to ensure the application of the principle of equal remuneration for men and women workers for work of equal value, which—as indicated in Article 1 (b) of the Convention—requires that

rates of remuneration be established without any discrimination based on sex. In accordance with these provisions it would be appropriate to fix remuneration according to job classifications and rates of general application, without distinction according to a worker's sex.

The Committee draws attention to the fact that, under Article 2 of the Convention, ratifying States are required, in so far as is consistent with the methods in operation for determining rates of remuneration, to ensure the application of the equal remuneration principle. It would appear that in Belgium, while the public authorities do not intervene in the decisions of joint committees on questions of remuneration, the extension of the binding force of such decisions, by Royal Order, is an act of those authorities. It would therefore be consistent with the methods in operation for determining rates of remuneration to ensure the observance of the principle laid down in the Convention in any decision of a joint committee to which it was desired to give general binding force.

Cuba (ratification: 1954). The Committee notes with regret that the Government has not supplied copies of collective agreements fixing rates of remuneration in certain industries in which women workers are currently employed (as requested by the Committee since 1959), but merely indicates that the necessary information will be supplied in future reports. The Committee therefore trusts that the Government will not fail to append such collective agreements to its next report.

Ecuador (ratification: 1957). The Government's first report, submitted in 1959, was limited to a single sentence stating that the Convention was incorporated in the national Constitution and the Labour Code. Since then, notwithstanding the observations made for the past five years by the Committee calling for detailed information on the measures taken to apply the Convention, no further report has been supplied. Given this persistent failure by the Government to report, the Committee can only record that it lacks the information necessary to satisfy itself that the Convention is being effectively observed.¹

Federal Republic of Germany (ratification: 1956). The Committee notes with interest the statement in the Government's report that, with only one exception, all collective agreements fixing wage rates for agricultural workers do so on the basis of the work to be performed without any distinction according to sex, and that it is proposed to eliminate the distinct wage rates for men and women in the remaining case (relating to agricultural workers in Hesse) on the conclusion of the next agreement.

The Committee notes that it is also proposed to eliminate the lower wage rates for women laid down by collective agreements in the leather goods industry.

Having regard to the rulings given by the courts of the Federal Republic over the past ten years that wage rates in collective agreements must respect the constitutional provisions guaranteeing equal rights to men and women, the Committee hopes that it will be possible in the near future to take measures in the above-mentioned cases to apply the principle of equal remuneration. It would also appreciate information on the methods used in these cases to merge the previously distinct wage rates into uniform wage scales and on the effects of the revised wage structure on the wages payable in respect of jobs mainly performed by men and those mainly performed by women.

The Committee has noted the Government's statement that, while it will follow the evolution of the situation as regards the application of the principle of equal remuneration for work of equal value, it proposes, in view of the progress already

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

achieved in this field, to discontinue the work of the committee of representatives of the central employers' and workers' organisations which had been set up on its initiative, on the occasion of the ratification of the Convention, to study the measures required to ensure the application of this principle. The Government has referred in this connection to statistics which show a continuing trend for wage rates in respect of jobs mainly performed by women to increase more rapidly than those in respect of jobs mainly performed by men; according to the Government's report, this is primarily due to the higher value coming to be placed on jobs performed by women which are not the same as jobs performed by men.

It appears to the Committee that, while the above-mentioned indications are evidence of progress in the application of the principle of equal remuneration for men and women for work of equal value, they also suggest that the existing wage structures and rates are still influenced by considerations as to the type of worker likely to perform a particular job rather than based on a purely objective appraisal of the work to be performed. The Committee has, in this connection, noted the discussion concerning the application of the Discrimination (Employment and Occupation) Convention in the Conference Committee in 1963, in the course of which it was alleged by a Workers' member that discrimination in remuneration on the basis of sex continued to exist in practice in the Federal Republic of Germany.

In the light of the above considerations the Committee regrets the proposed discontinuance of the work of the special committee of representatives of employers and workers set up to study the implementation of the principle of equal remuneration for work of equal value, whose importance for the application of the Convention it had stressed in direct requests addressed to the Government in previous years. The Committee would accordingly be glad if the Government would consider this matter further, and would indicate any measures which it proposes to take or any action by employers' and workers' organisations which it proposes to initiate, in accordance with Articles 2 to 4 of the Convention, with a view to ensuring full implementation of the principle enunciated in the Convention.

Honduras (ratification: 1956). The Committee notes with regret that no report has been supplied, and that no information is therefore available on the matters raised in the direct request made repeatedly since 1959, concerning the application of the Convention in public employment and certain agricultural and stock-raising establishments, which it is repeating once again.

The Committee urges the Government to supply detailed information on these matters.

India (ratification: 1958). The Committee has noted with interest the detailed information supplied by the Government on the progress made in implementing the equal remuneration principle provided for in the Convention. It observes in particular that, in applying the Minimum Wage Act, 1948, the Central and State Governments have generally classified jobs into different grades and categories for which distinct minimum rates have been fixed, and that in these cases equal wages have been prescribed for men and women on clerical, skilled and semi-skilled jobs. On the other hand, the Government indicates that it has not yet been possible to fix equal wages for unskilled men and women in various employments, the technical committees on whose recommendations the minimum wages were fixed having considered that in these cases the output of women was less than that of men or that the work performed was not identical.

In this connection the Committee observes that in a number of cases where different minimum wage rates are prescribed for unskilled men and women, these rates apply to wide sectors of activity in respect of which it may be difficult to assume

the general existence of differences of work or output as between men and women. For example in Madhya Pradesh, under Act No. 16 of 1962, one minimum wage (varying only by region) covers all unskilled male workers in rice, flour and dal mills, oil mills, and local authority employment, while the minimum wage of unskilled women workers in these activities is fixed at a rate which (according to region) is between 15 and 25 per cent. lower. Under the same Act the minimum wage rates for daily labourers in agriculture are some 15 to 20 per cent. lower for women than for men.

The Committee also observes that, in contrast to the above-mentioned differentials, the minimum wage rates for corresponding employments in certain other parts of the country make no distinction according to sex—for example, in the case of rice, flour, dal and oil mills and agriculture in Uttar Pradesh (Notification of 16 March 1961) and rice, flour and dal mills in Rajasthan (Notification of 2 December 1958). Similarly, while there exists a differential between the minimum male and female rates of 31 per cent. in the tea plantations in Punjab (Notification of 24 June 1957) and of between 10 and 20 per cent. in tobacco factories in Andhra Pradesh (Notification of 11 February 1961), uniform minimum rates for men and women in corresponding employments are to be found in Uttar Pradesh (Notifications of 16 March 1961 and 27 April 1961).

The Committee hopes that, in the light of the above considerations, the Government will examine appropriate further measures with a view to the implementation of the principle of equal remuneration for men and women workers for work of equal value, which—as indicated in Article 1 (*b*) of the Convention—requires that rates of remuneration should be established without discrimination based on sex. While this would not prevent the fixing of different rates where the nature or quality of the work performed was not the same, any such differences should—in accordance with Article 1 (*b*) and Article 3 of the Convention—be determined according to objective criteria, without regard to sex.

Italy (ratification: 1956). 1. The Committee has noted with interest the information in the Government's report on the progress made in the application of the equal remuneration principle, particularly (*a*) the conclusion of an interconfederal agreement on 25 July 1961 for the application of the principle in agriculture; (*b*) the conclusion of collective agreements in a considerable number of industries providing for application of the principle; (*c*) the rulings by the courts that the standard provision in the interconfederal agreements concluded in 1960, for payment to women of only 92.8 per cent. of the wage rate laid down for jobs done interchangeably by men and women, was void as contravening the equal pay principle laid down in article 37 of the Italian Constitution; and (*d*) the elimination, by Act No. 143 of 1962, of distinct wage rates for work performed by women in state undertakings and their replacement by wage grades not referring to the worker's sex.

2. As regards the application of the equal pay principle in agriculture, the Committee hopes that the Government will be able in its next report to supply full information on the new provisions included in the provincial collective agreements to carry into effect the interconfederal agreement of 1961, and the methods used to replace the previously distinct wage groups by uniform wage scales.

3. As regards the implementation of the equal pay principle in industry and commerce, the Committee notes that, while in a number of collective agreements there are no longer any specific distinctions based on sex, in others provisions for a wage differential have still been included (for example the collective agreements of 7 April 1962 for workers in warehouses, of 29 September 1962 for telegram and general delivery services, and of 29 September 1962 for shop and office cleaning

undertakings). The Committee hopes that, in the light of the above-mentioned court decisions, all remaining provisions in collective agreements laying down differentials based on sex will be eliminated in the near future, and that the Government's next report will give full information on the progress made in this respect.

4. The Committee observes that, where previous distinct wage rates for men and women have been replaced by uniform wage scales, the placing of workers in the new grades has generally been effected not by an objective system of job evaluation, but according to certain general rules. The changes have admittedly involved considerable improvements in women workers' remuneration and consequent reductions in wage differentials between men and women workers, and have thus—as the Committee has indicated in previous observations—marked a clear step forward in the application of the principle laid down in the Convention. The new gradings would however still appear to involve certain anomalies as regards the implementation of this principle. For example under the provisions of the collective agreement of 21 February 1962 for the plastics industry, read together with an equal pay agreement of 5 December 1962 (which are typical in this respect of the arrangements in many other industries), women workers formerly in the first women's category (who, according to the previous job descriptions, performed particularly delicate or complex work requiring specific technical and practical qualifications acquired through appropriate apprenticeship or training) have been placed in a lower grade than male workers previously classified as ordinary operatives (who, according to the previous job descriptions, performed work not requiring any specific qualifications but aptitudes and knowledge acquired through a brief period of training).

The Committee accordingly hopes that the positive action already taken towards the application of the principle of equal remuneration for work of equal value will be supplemented by appropriate measures to establish objective criteria for defining the scope of wage grades in collective agreements and to serve as a basis for the classification of individual workers in the respective grades.

5. As regards workers in state undertakings, the method used in Act No. 143 of 1962 for grading workers within the new system of wage classification appears to be similar to that used in collective agreements in the private sector. Thus, all women workers engaged in processing of tobacco, packaging of salt or other work regarded as typically women's work have been placed in the lowest grade of general operative, whereas the former male grade of general operative has been transformed into a new, higher paid category of ordinary operatives (first class). The Committee trusts that the Government will take appropriate measures to establish objective criteria for defining the scope of the wage grades concerned and to serve as a basis for the classification of individual workers in the respective grades.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Brazil, China, Costa Rica, Gabon, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Italy, Malagasy Republic, Norway, Philippines, Sweden.*

Information supplied by the *Ivory Coast* and *Syrian Arab Republic* in answer to direct requests has been noted by the Committee.

Convention No. 101: Holidays with Pay (Agriculture), 1952

Poland (ratification: 1956). The Committee thanks the Government for its reply to the observation made in 1964 and notes that the right to annual holidays of agri-

cultural workers employed by private persons is ensured by article 465 of the Code of Obligations of 1933.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Gabon, Guatemala, Malagasy Republic, Peru.*

Convention No. 102: Social Security (Minimum Standards), 1952

Denmark (ratification: 1955). The Committee thanks the Government for the information supplied in response to the direct requests of 1963 and 1964.

Part IV—Unemployment Benefit. The Committee notes with interest that a committee has been set up to consider a revision of the Unemployment Insurance Act and that the Ministry of Labour intends to call the attention of this body to the fact that the rates of benefit shall comply with Article 22 of the Convention. The Committee hopes that compliance with this provision can thus be achieved at an early date.

Parts V and IX—Old-age and Invalidity Benefits. In its previous direct requests the Committee had drawn attention to Article 68, paragraph 1, of the Convention which requires non-national residents to have the same rights as national residents, whereas in Denmark such equality of treatment is made dependent on the conclusion of bilateral agreements. The Committee had also pointed out that such agreements could not be considered as the “special rules” concerning non-nationals which may be provided under Article 68, paragraph 1, in respect of benefits or parts of benefits payable wholly or mainly out of public funds. Particular rules of entitlement (based, e.g., on the qualifying period or similar criteria) might, however, be laid down for foreigners. While realising that the existence of reciprocal agreements with neighbouring countries already ensures equality of treatment for many non-national residents in Denmark, the Committee trusts that such equality can be extended to all foreigners, as provided for in the Convention and already guaranteed in the countries mentioned above.

Federal Republic of Germany (ratification: 1958). In its direct request of 1963 the Committee had referred to section 84 of the Placement and Unemployment Insurance Act, as amended in 1957, which deals with the suspension of benefits when unemployment is due to an industrial dispute. Paragraph 3 of this section provides, *inter alia*, that with a view to avoiding undue hardship, unemployment benefit may be granted to employees not taking part in such a dispute if the dispute occurs “outside the establishment, occupational group or place of employment or residence of the unemployed person”. The Committee had noted that, under the rules defining the cases where no undue hardship is deemed to exist within the meaning of the above section 84, no benefit is payable when work stops in a given undertaking “because the continuation of work depends on the supply of electric current, gas, water or finished or semi-finished products” by an undertaking where a trade dispute takes place. The Committee had pointed out in its request that, under these rules, benefit may be suspended in cases of unemployment due to a trade dispute in an entirely different industry or branch of activity, whereas Article 69 (i) of the Convention authorises suspension of benefit only if the loss of employment is “a direct result of a stoppage of work due to a trade dispute”. The Committee had accordingly asked the Government what measures it intended to take to give effect to the Convention on this point.

In its reply the Government sets forth in detail the reasons for which it disagrees with the Committee’s point of view on this matter, basing its opinion on the wording

of the above provision, on the unpredictable character of unemployment due to a trade dispute, on the financial implications which a dispute in a key industry might have on the resources of an unemployment insurance system, and on the necessity for this system to observe an attitude of neutrality in disputes between employers and workers.

The German Confederation of Trade Unions has in turn commented on the Government's report, reaffirming its view that the legislation in the Federal Republic is not in conformity with Article 69 (i) of the Convention. The Confederation considers, in particular, that a violation of neutrality is only conceivable in relation to the parties directly involved in the dispute, that a labour dispute is a normal economic risk and that the expression "direct result" precludes refusal of benefit when there is no causal connection between a labour dispute and unemployment.

Because of the very full comments received from the Government and the Confederation of Trade Unions, the Committee has deemed it necessary to review in detail the meaning and implications of Article 69 (i) of the Convention which repeats the wording of Article 10, paragraph 2 (a), of the Unemployment Provision Convention, 1934 (No. 44). It finds, on the basis of the information available from the States which have ratified Convention No. 44 or accepted Part IV of Convention No. 102 (unemployment benefit), that there are three distinct categories of persons who may become unemployed as a result of a trade dispute: (1) those workers who participate actively in a strike with a view to securing the satisfaction of certain demands; (2) those workers who do not participate in the strike, who may or may not be employed in the undertaking or branch of undertaking where the strike takes place, but whose conditions of work might be influenced by its outcome; (3) those workers who do not participate in the strike, who are not employed in the undertaking or branch of undertaking where the strike takes place and who have no interest in the outcome of the strike, but who are unable to work because of lack of supplies or similar factors beyond their control. While there can be no doubt regarding the position of the workers in the first category and while the position of those in the second category might not always be clear-cut, the unemployment of persons in the third category, which is neither voluntary nor likely to result at a later stage in improved conditions of employment for the workers concerned, is much less closely connected with the trade dispute. Nor does the question of neutrality, mentioned by the Government, arise in this latter case. The Committee has in fact noted that unemployment benefit is payable to the workers in the third category in most of the other States Members where Convention No. 44 or Part IV of Convention No. 102 is in force. The Committee notes, moreover, that Convention No. 102 does not require these benefits to be financed through an insurance scheme; the question as to whether unemployment as a result of a trade dispute is an insurable risk cannot therefore be considered as a decisive factor.

The Committee would be glad if the Government would re-examine the rules under section 84 (3) of the Placement and Unemployment Insurance Act, in the light of the considerations set forth above, as regards the cases where the loss of employment is neither imputable to the workers concerned nor likely to influence their conditions of employment. The Committee realises that appropriate safeguards may be called for, along the lines of those adopted in other States having ratified Convention No. 44 or Part IV of Convention No. 102 in order to specify that payment of benefit should be made in the case of unemployment which is clearly the indirect result of a trade dispute. The definition of such cases should, moreover, prove possible in practice since the Placement and Unemployment Insurance Act, as originally adopted in 1927, had already referred to "cases where unemployment is caused indirectly by a strike or lockout" (section 94 (2) of the Act).

Sweden (ratification: 1953). Part IV—Unemployment Benefit. Further to its observation of 1963 the Committee notes with satisfaction that Ordinance No. 495 of 1964 has increased the rate of unemployment benefit, thus ensuring full conformity with Articles 22 and 23 of the Convention.

Part VI—Employment Injury Benefit. The report indicates, in reply to the request of 1963, that the contemplated revision of the employment injury compensation scheme has not yet been completed but that the committee appointed for this purpose is due to submit its findings in the course of 1965. The Committee hopes the new legislation will be adopted shortly and that it will be possible, as a result of this revision, to eliminate the payment by the insured person of a part of the cost of medical aid, thus achieving conformity with Article 34 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Denmark, Greece, Federal Republic of Germany, Iceland, Israel, Netherlands, Peru, Yugoslavia.*

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

Convention No. 103: Maternity Protection (Revised), 1952

Byelorussia (ratification: 1956). The Committee thanks the Government for the information provided in reply to the requests made in the course of previous years. As regards Article 1 of the Convention (scope), the Committee notes with satisfaction that the Act of 15 July 1964 provides the same kind of maternity protection to the members of collective farms (*kolkhozes*) as provided for by the Convention.

The Committee further notes the Government's statement that the categories of women workers which were also the subject of previous requests (seasonal workers, workers in the lumber industry and in silviculture, workers in retail trades, etc.) are not excluded from the provisions of the Labour Code, nor from the terms of other legislation respecting maternity protection.

Hungary (ratification: 1956). The Committee notes the Government's reply to the requests made in the course of previous years in connection with the application of the Convention to women workers in domestic service who, under the national legislation, are only protected against dismissal until the date of confinement and then only when special circumstances do not justify their immediate dismissal.

As the Committee has already pointed out, women workers in domestic service are covered by the Convention in the same manner as other female workers. The ratifying States are therefore obliged to apply the Convention to the women workers concerned, in so far as these States—like Hungary—have not availed themselves of the possibility of exceptions provided for by Article 7 of the Convention, by means of a declaration accompanying ratification.

The Committee has also indicated in 1963, in reply to a request from the Government, that in the other ratifying States, women workers in domestic service generally enjoy the protection provided for by the Convention, either under the labour legislation applicable to women workers or under special provisions. These States have not informed the Committee of any special difficulties with regard to the methods of *practical application* of such legislation, which methods of course vary from country to country according to the systems in force and to prevailing national conditions. This has been indicated by the Committee in its general conclusions on the effect

given to the instruments concerning maternity protection (see Part Three of the Committee's report, paragraph 75).

(See also the observation concerning Convention No. 3.)

Ukraine (ratification: 1956). The Committee thanks the Government for the information provided in reply to the requests made in the course of previous years. As regards Article 1 of the Convention (scope) the Committee notes with satisfaction that the Act of 15 July 1964, which came into force on 1 January 1965, provides the same kind of maternity protection to the members of collective farms (kolkhozes) as provided for by the Convention.

The Committee further notes the Government's statement that the categories of women workers which were also the subject of previous requests (seasonal workers, workers in forestry and silviculture, workers in retail trades, etc.) are covered by the provisions of the Labour Code relating to maternity protection, inasmuch as the special laws and regulations applying to them allow of no exception in this regard.

U.S.S.R. (ratification: 1956). The Committee thanks the Government for the information provided in reply to the requests made in the course of previous years. As regards Article 1 of the Convention (scope), the Committee notes with satisfaction that the Act of 15 July 1964 provides the same kind of maternity protection to the members of collective farms (kolkhozes) as provided for by the Convention.

The Committee further notes the Government's statement that the categories of women workers which were also the subject of previous requests (seasonal workers, workers in the lumber industry and in silviculture, workers in retail trades, etc.) enjoy maternity leave and benefits in the same way as other working women, under article 122 of the Constitution of the U.S.S.R. and other relevant legislation.

Uruguay (ratification: 1954). Referring to the requests and observations made in the course of previous years in connection, *inter alia*, with the application of Article 4, paragraphs 1, 3 and 4, of the Convention (granting of medical benefits), the Committee takes note with interest of the new Bill referred to in the Government's report, which is designed to ensure medical benefits to all women workers who receive maternity benefits under Act No. 12572 of 1958, and not only to those whose family income does not exceed 1,800 pesos per month as was the case until now.

The Committee hopes that this amendment will be approved in the very near future and that it will bring the national legislation into conformity with the Convention in respect of both the above point and other points to which the Government has failed to reply in its report and which are raised in a new direct request.

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In addition, requests regarding certain other points are being addressed directly to the following States. *Byelorussia, Cuba, Hungary, Ukraine, U.S.S.R., Uruguay, Yugoslavia.*

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

A request regarding certain points is being addressed directly to *Nigeria*.

Convention No. 105: Abolition of Forced Labour, 1957

Dominican Republic (ratification: 1958). The Committee notes with regret that no report has been supplied, and that accordingly no information is available in

answer to the observation and direct request made by it in 1964, relating to matters originally raised in a direct request since 1961, as follows:

1. The Committee notes that section 270 of the Penal Code defines as vagrants (*inter alia*) persons engaged in agriculture who do not have a permanent holding of at least ten *tareas* (6,290 square metres) of land in a good state of cultivation and are not employed by any person or company. Under section 271 of the Penal Code, cases of vagrancy are to be heard by the mayors of communes. Persons found to be vagrants may be sentenced to imprisonment (involving, by virtue of section 40 of the Penal Code, an obligation to perform corrective labour) or may be sent to work on state agricultural settlements.

The Committee hopes that the necessary measures will be taken in relation to these provisions 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 of the Convention.

2. The Committee notes that, by virtue of sections 2 and 3 of Act No. 1443 of 14 June 1947, meetings (whether public or private) and publications aimed at propagating theories or views incompatible with the civil, republican, democratic and representative character of the Government of the Republic are prohibited. Persons contravening these provisions are liable to imprisonment (involving, by virtue of section 40 of the Penal Code, an obligation to perform corrective labour).

The Committee hopes that the necessary measures will be taken in relation to the above-mentioned provisions to ensure, in accordance with Article 1 (*a*) of the Convention, that no form of forced or compulsory labour may be used by virtue thereof as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

3. The Committee notes that, under section 2 of Act No. 3143 of 11 December 1951, anyone who receives an advance for work which he has agreed to carry out, and then fails to perform such work by the agreed date or within the time necessary for its execution, is guilty of fraud, and may be punished by imprisonment (which involves, by virtue of section 40 of the Penal Code, an obligation to perform corrective labour). Liability to punishment may be incurred in the absence of any fraudulent intention, since section 3 of the Act provides that a worker's fraudulent intention is proved by the mere fact of his failure to carry out the work by the agreed date or within the required time, except in cases of *force majeure*.

The Committee hopes that the necessary measures will be taken in relation to the above-mentioned provisions to ensure that, in accordance with Article 1 (*c*) of the Convention, no form of forced or compulsory labour may be used as a means of labour discipline.

4. The Committee notes that, under the provisions of the Labour Code, a strike is illegal not only in "any public service of permanent utility" (section 370), but also if it is declared for political reasons or on the basis of solidarity with other employees (section 373), if certain very strict procedural requirements have not been observed (section 374), or if it is continued in disregard of the court order for its suspension which must be made within 24 hours (or, in certain cases, five days) after the commencement of every lawfully declared strike (section 640). By virtue of sections 678 (15) and 679 (3) of the Code, the penalty applicable to illegal strikes may be imprisonment (involving, by virtue of section 40 of the Penal Code, an obligation to perform corrective labour).

The Committee hopes that the necessary measures will be taken in relation to the above-mentioned provisions to ensure that, in accordance with Article 1 (*d*)

of the Convention, no form of forced or compulsory labour may be used as a punishment for having participated in strikes.

5. The Committee is once more, in a direct request, asking the Government to supply information on the practical application of a number of legislative provisions. It trusts that the Government will not fail to provide full particulars on these matters.

Pakistan (ratification: 1960). The Committee notes with regret that for the second year in succession no report has been supplied. It is accordingly obliged to repeat the direct request already made in 1962 and 1964. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing detailed information on all the points raised in its previous direct requests.

Portugal (ratification: 1959). The Committee notes the information supplied in the Government's report for 1963-64 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 has noted with interest the collection of orders, circulars, etc. issued by the Labour, Social Security and Social Welfare Institute of Angola pursuant to the Rural Labour Code, which was appended to the Government's report. It would appreciate information concerning similar documents which may have been issued in Mozambique and Portuguese Guinea.

Paragraph 735. The Committee notes the Government's statement that 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 revoked on the coming into force of the Rural Labour Code on 1 October 1962.

The Committee observes, however, that Decree No. 44309 of 27 April 1962, by which the Rural Labour Code was approved, did not expressly repeal the above-mentioned Legislative Instrument; moreover, in its report for the period ending 30 June 1963, the Government itself stated that the Legislative Instrument was still in force. In these circumstances, and to avoid all uncertainty in the matter, the Committee would be glad if provisions specifically repealing the Legislative Instrument question could be adopted.

Paragraph 738. The Committee notes with interest the decision issued by the Governor-General of Angola on 13 June 1963 and published in the Official Bulletin on 23 May 1964, whereby, in order to ensure strict compliance with the Rural Labour Code, recruitment was to be freely permitted in the District of Lunda for employment outside this District, thus putting an end to the earlier arrangements (mentioned in paragraph 520 of the Commission's report) limiting recruiting in this District to undertakings operating there (in fact, the Diamond Company).

The Committee also notes the information supplied regarding the composition of the labour force of the Diamond Company and recent improvements in wage rates. It would appreciate further information in subsequent reports on the measures taken, and results achieved, in pursuance of the company's declared policy of trying to replace recruiting by the exclusive engagement of labour spontaneously offering its services.

The Committee notes that the Government has not supplied certain of the information concerning the Diamond Company requested in 1964, namely—

- (a) indications of the company's present recruiting arrangements; and
- (b) particulars of the activities of the labour inspectorate in supervising the observance of the provisions of the Rural Labour Code in the company's recruiting operations.

This information seems all the more relevant as at the time of the visit to the company by the Commission appointed under article 26 (as noted in paragraph 524 of the Commission's report) the company's representatives themselves stated that its recruiting agents were obtaining workers from the traditional chiefs ("sobas")—a practice even then contrary to the existing legislation (see paragraph 474 of the Commission's report)—and as the Government has stated in its latest report that no special measures have been taken to ensure that this practice has been discontinued.

Paragraph 741. The Committee notes with interest that instructions have been given to reduce recruitment of workers by public services (particularly the publicly owned ports and railways) by employing spontaneously offered labour. It would be glad if the text of these instructions could be supplied.

The Committee regrets however that the Government has not supplied information, requested by the Committee in 1963 and once more in 1964, concerning the measures taken to implement the recommendation of the Commission appointed under Article 26 that conditions of employment in publicly owned railways and ports should be improved so as to enable them to attract voluntary labour. Such measures appear all the more important in view of the difficulties which, according to the Government's report, the publicly owned railways are encountering in attracting labour. The Committee trusts that full information on this question will be supplied in the next report.

The Committee also hopes that, as already requested in 1964, the Government will supply information on the recruiting arrangements now in force in the publicly owned railways and ports.

Paragraph 744. The Committee notes that the rules of operation of the Independent Board of Roads of Angola have still to be issued. It would be glad if the Government would supply a copy of these rules, when adopted, and would also, as already requested in 1964, supply information on the conditions of employment of the Board's unskilled manual workers.

Paragraph 749. The Committee notes the information supplied concerning the Cassequel Agricultural Company. It would be glad if the Government would, as already requested in 1964, supply information on the arrangements now in force for engaging the Company's labour (in particular, as regards recruiting procedures).

The Committee observes, from the figures supplied with the Government's report, that, while there has been some fluctuation in the annual volume of recruitment by the Cassequel Agricultural Company, the number of workers recruited in 1963 was greater than in various earlier years (e.g. 1958 and 1960); it also observes that, during the period of six years (1958 to 1964) for which the Government has supplied figures, no improvement had been made in the cash wage paid to recruited workers. In the light of these facts the Committee would be interested to know whether consideration has been given by this company to the adoption of the policy followed by certain other employers of progressively eliminating recruiting through exclusive reliance on spontaneously offered labour. Such a policy would appear to commend itself particularly in the present case, since the populations in the areas neighbouring the company's plantations are considerable and the workers recruited by it at present in fact come from quite short distances.

Paragraph 750. The Committee has noted with interest the further explanations provided by the Government concerning the new system of cotton cultivation and marketing under Legislative Decree No. 45179 of 5 August 1963, and the Order issued in Mozambique pursuant to this Decree, on 9 May 1964. It would appreciate similar information on the more detailed provisions issued on this subject in Angola.

Paragraph 754. The Committee notes with interest the information supplied by the Government on the work of inspection services. It notes in particular the rapid growth in the inspectorate in Angola: the number of labour inspectors and supervisors has risen in the past 12 months from 9 to 22, and the authorised establishment provides for the appointment of 23 more. The Committee notes that, in contrast with these developments, the labour inspectorate in Mozambique is limited to 6 inspectors. It would appreciate further information on measures to strengthen these services.

The Committee has also noted the figures supplied in the last two reports on the volume of recruiting in Angola and Mozambique. From these it appears that almost 100,000 workers are still recruited annually in Angola and that in the period July 1962-June 1963 almost 120,000 workers were recruited in Mozambique (apart from workers engaged for work in South Africa). The Committee would appreciate information on any consideration which may have been given by the Government to promoting the adoption generally of the policy, previously followed by certain employers, aimed at the progressive elimination of recourse to recruitment by developing to the maximum extent possible the utilisation of spontaneously offered labour.

Paragraphs 762 and 763. In connection with the preceding comments, the development of public employment services would (as stressed by the Commission appointed under article 26) be of particular significance. The Committee notes that in Angola the employment service provided for in the Rural Labour Code has not yet been established, that in Portuguese Guinea it is only at an initial stage, and that in Mozambique placement has so far been limited to a very small number of workers. The Committee would accordingly appreciate information on the further measures taken to implement the relevant provisions of the Rural Labour Code, section 145 of which provides that a free public placement service shall be available for all workers.

* * *

Article 1 (a) of the Convention. The Committee notes with interest that, following a direct request made by it in 1963, sections 26, 261 to 264 and 266 of Legislative Decree No. 26643 of 1936 concerning prison organisation have been amended so as to exempt from the obligation to perform prison labour persons in preventive detention and prisoners convicted of political offences. Certain further points in this connection are being taken up in a direct request which the Committee is addressing to the Government.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Chad, Cuba, Dominican Republic, Gabon, Guatemala, Honduras, Iraq, Ivory Coast, Jordan, Libya, Malaysia (States of Malaya), Mexico, Niger, Pakistan, Peru, Portugal, Rwanda, Senegal, Sierra Leone.*

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Denmark (ratification: 1958)—

Article 1 of the Convention. Further to its previous requests, the Committee notes with satisfaction that the enactment of Regulation No. 252 of 7 August 1964 has extended to employees in the local government service the provisions of Act No. 227 of 11 June 1954 regarding hours of work and has thus ensured to this category of employees the right to weekly rest.

Ghana (ratification: 1958). The Committee observes with regret that the regulations that the Government has been examining since 1960 with a view to giving effect

to the Convention have not yet been adopted. Thus, the Convention appears to be applied only to civil servants who are entitled to weekly rest by virtue of General Order No. 188 (ii) and persons whose customary treatment happens to accord with its provisions. In these circumstances the Committee can only express once more the hope that the Government will shortly adopt the necessary regulations to ensure the full application of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Costa Rica, Cuba, Denmark, Dominican Republic, Guatemala, Haiti, Iraq, Israel, Kuwait, Mexico, Portugal, Syrian Arab Republic, Tunisia.*

Convention No. 107: Indigenous and Tribal Populations, 1957

Requests regarding certain points are being addressed directly to the following States: *Argentina, China, Ghana, India, Mexico, Pakistan, Portugal, El Salvador, Syrian Arab Republic, Tunisia.*

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: *Ghana, Guatemala, Mexico, Tanzania (Tanganyika), Tunisia.*

Convention No. 110: Plantations, 1958

Requests regarding certain other points are being addressed directly to the following States: *Cuba, Liberia, Mexico.*

Information supplied by the *Ivory Coast* in answer to a direct request has been noted by the Committee.

Convention No. 111: Discrimination (Employment and Occupation), 1958

GENERAL OBSERVATION

The Committee has noted with interest that, following comments and suggestions made by it and the Conference Committee concerning the information which should be given in reports on the application of this Convention, the Governing Body has recently adopted a revised, amplified report form. The Committee wishes to draw the special attention of governments to the new report form, and hopes that, in drawing up future reports on the application of this Convention, full information will be supplied in answer to all the questions contained in it.

* * *

Costa Rica (ratification: 1962). The Committee regrets that no report has been supplied, and it must therefore repeat its previous direct request. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

Guinea (ratification: 1960). In 1963 the Committee made a direct request concerning the application of this Convention which, in the absence of a report, had to

be repeated in 1964. The Committee regrets that once more no report has been supplied, and is again repeating its direct request. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

Iraq (ratification: 1960). The Committee regrets to note that the Government's report does not contain any information in answer to its previous direct request, which the Committee must therefore repeat. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

Liberia (ratification: 1959). The Committee regrets that no report has been supplied, and it must therefore repeat its previous direct request. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

Libya (ratification: 1961). The Committee regrets that no report has been supplied, and it must therefore repeat its previous direct request. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

Portugal (ratification: 1959). The Committee thanks the Government for the considerable volume of information supplied in its last report in answer to the observations made by it in 1964. It has also noted the indications supplied to the Conference Committee in 1964.

As regards Article 2 of the Convention, the Committee notes the Government's statement that it considers a declaration of a policy of racial non-discrimination unnecessary, since the problem does not exist either in legislation or in practice, and that in these circumstances its action in implementing the policy provided for in the Convention needs to be directed rather to the promotion of actual equality of opportunity for all nationals by means of education and vocational training.

In this connection the Committee wishes to recall that, in the general conclusions concerning discrimination in employment and occupation in its report of 1963 (paragraph 110), it emphasised that elimination from legislation and administrative practice of any discriminatory element in this field was only one aspect of the action envisaged by the Convention, that the essential purpose of the international standards was to promote equality of opportunity and treatment in respect of employment and occupation, not only before the law, but in day-to-day social relationships, and that it was essential that positive action be taken to this end.

The Committee notes the information supplied by the Government concerning action to expand educational facilities in Angola and the figures of the numbers of students at technical schools and institutes in Mozambique. It has also noted the statistics provided by the Government, giving a breakdown by origin and sex of persons holding posts at various levels of responsibility in a number of public services in Angola and Portuguese Guinea and in several private undertakings in Angola, and the indication of the percentage of Africans employed in public and municipal services in Mozambique.

It appears to the Committee from the relevant statistics that there are differences between Portuguese Guinea, on the one hand, and Angola and Mozambique, on the other, in the extent to which persons born in the overseas provinces hold positions of responsibility. It also appears that both in Angola and Mozambique the opportunities for education and training provided to Africans are yet considerably less than those enjoyed by non-Africans.

In the light of these indications, the Committee would be glad if the Government would once more review the whole position, taking account of the explanations concerning the scope of the Convention and the nature of the action required for its implementation which are to be found in the Committee's general conclusions of 1963. The Committee hopes that, as a result of such consideration, the Government will, in accordance with the Convention,

- (a) formulate a specific national policy designed to promote effective equality of opportunity and treatment in respect of employment and occupation throughout Portuguese territory, as a basis for co-ordinated programmes of further action in this field and to ensure that the aims and nature of these programmes may be known to and clearly understood by all those, whether in official positions or not, who may be called upon to contribute to their implementation as well as all population groups who may be affected thereby (Article 2 of the Convention);
- (b) supply in all future reports detailed information on the action taken in pursuance of this policy and the results secured by such action (Article 3 (f)).

Upper Volta (ratification: 1961). The Committee regrets to note that the Government's report does not contain any information in answer to its previous direct request, which the Committee must therefore repeat. It trusts that the Government will not fail to supply a report for examination by the Committee at its next session containing full information on the matters referred to in the direct request.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Byelorussia, China, Costa Rica, Dahomey, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Hungary, India, Iraq, Israel, Ivory Coast, Liberia, Libya, Malagasy Republic, Mexico, Niger, Norway, Philippines, Poland, Portugal, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Ukraine, U.S.S.R., Upper Volta.*

Convention No. 112: Minimum Age (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Guatemala, Guinea, Liberia, Spain.*

Information supplied by *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 113: Medical Examination (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, China, Guatemala, Guinea, Yugoslavia.*

Convention No. 114: Fishermen's Articles of Agreement, 1959

Requests regarding certain points are being addressed directly to the following States: *China, Guatemala, Guinea, Yugoslavia.*

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: *Iraq, Spain, United Kingdom.*

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 27 March 1965

Reports received: 1,268. Reports not received: 227. Total: 1,495.

(Article 22 of the Constitution)

Country	Reports received †		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan	2	4, 14	0	—	2
Albania	11	5, 6, 10, 11, 21, 58, 59, 78, 87, 98, 100	1	4	12
Algeria	17	3, 11, 32, 56, 58, 62, 68, 69, 71, 73, 74, 87, 92, 98, 99, 100, 101	3	10, 14, 97	20
Argentina	30	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 22, 26, 27, 30, 32, 33, 35, 36, 50, 58, 68, 73, 81, 87, 90, 98, 100, 107	0	—	30
Australia	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	8
Austria	10	5, 11, 21, 27, 33, 87, 89, 98, 99, 100	0	—	10
Belgium	27	1, 5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 32, 33, 43, 50, 58, 62, 64, 68, 84, 87, 92, 97, 98, 100, 102, 107	0	—	27
Bolivia	0	—	6	5, 14, 19, 26, 42, 96	6
Brazil	9	5, 7, 11, 14, 26, 58, 98, 99, 100	0	—	9
Bulgaria	33	1, 3, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 35, 36, 37, 38, 39, 40, 43, 49, 58, 59, 60, 62, 68, 87, 98, 100, 106, 111, 112	0	—	33
Burma	13	1, 2*, 11, 14, 15*, 17*, 18*, 19*, 21, 26, 27, 42*, 63*	1	87	14
Burundi	8	11, 14, 26, 27, 50, 62, 64, 84	0	—	8
Byelorussia	12	11, 15, 29, 47, 58, 59, 60, 87, 98, 100, 103, 111	0	—	12

† For footnotes see end of table, p. 134.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Cameroon	5	11, 19, 26, 87, 98	0	—	5
Eastern Cameroon	4	5, 14, 33, 84	0	—	4
Western Cameroon	6	15, 16, 50, 64, 65, 81	1	97	7
Canada	10	1, 7, 8, 14, 15, 26, 27, 32, 58, 68	0	—	10
Central African Rep.	6	5, 11, 14, 26, 33, 87	0	—	6
Ceylon	7	5, 7, 8, 11, 15, 58, 99*	0	—	7
Chad	10	3, 5, 11, 14, 26, 29, 33, 87, 98, 105	0	—	10
Chile	17	1, 3, 4, 5, 7, 11, 14, 15, 17, 20, 26, 27, 30, 32, 34, 35, 36	4	8, 9, 37, 38	21
China	17	7*, 11*, 14, 15*, 26*, 27*, 32*, 59, 81, 95, 98*, 100, 107, 111, 112, 113, 114	0	—	17
Colombia	17	1, 3, 4, 5, 7, 8, 9, 11, 14, 15, 20, 21, 22, 23, 24, 25, 26	0	—	17
Congo (Brazzaville)	10	4, 5, 6, 11, 13, 14, 26, 29, 87, 95	2	33, 41	12
Congo (Leopoldville)	15	11, 12, 14, 17, 18, 19, 26, 27, 42, 50, 62, 64, 84, 85, 89	3	4, 29, 94	18
Costa Rica	5	88, 92, 94, 96, 107	7	11, 87, 98, 99, 100, 106, 111	12
Cuba	30	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 58, 59, 60, 67, 81, 87, 92, 97, 98, 99, 100, 103, 106, 107, 110	0	—	30
Cyprus	3	15, 84, 97	0	—	3
Czechoslovakia	20	1, 5, 11*, 14, 21, 26, 27, 35*, 36*, 37*, 38*, 39*, 40*, 43, 44, 49, 88, 89*, 90*, 100	0	—	20
Dahomey	8	5, 11, 14, 26, 33, 84, 87, 111	0	—	8
Denmark	16	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100*, 102, 106, 111*, 112	0	—	16

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Dominican Republic . . .	1	7	9	1, 5, 26, 87, 98, 100, 105, 106, 107	10
Ecuador	0	—	14	2, 24, 26, 29, 35, 37, 39, 45, 95, 98, 100, 103, 105, 111	14
Ethiopia	1	11	0	—	1
Finland	14	7, 8, 9, 11, 14, 15, 20, 21, 27, 30, 32, 62, 87, 98	0	—	14
France	27	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 78, 84, 87, 97, 98, 99, 100	0	—	27
Gabon	11	3, 5, 11, 14, 26, 33, 87, 98, 99, 100, 111	0	—	11
Federal Republic of Germany	17	3, 7, 8, 9, 11, 15, 22, 26, 27, 62, 87, 97, 98, 99, 100, 102, 111	0	—	17
Ghana	9	15, 50, 58, 59, 64, 98, 106, 107, 111	2	26, 108	11
Greece	10	1*, 3*, 5*, 7, 8, 9, 11, 14*, 15, 27*	6	87, 90, 95, 98, 102, 105	16
Guatemala	32	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, 106, 108, 110, 111, 112, 113, 114	0	—	32
Republic of Guinea	0	—	20	4, 5, 6, 11, 13, 14, 18, 26, 29, 33, 41, 81, 87, 95, 98, 105, 111, 112, 113, 114	20
Haiti	9	1, 5, 14, 30, 81, 98, 100, 106, 107	0	—	9
Honduras	0	—	11	29, 45, 78, 87, 95, 98, 100, 105, 106, 108, 111	11
Hungary	15	3, 6, 7, 14, 15, 21, 26, 27, 41, 62, 87, 98, 100, 103, 111	0	—	15

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Iceland	0	—	7	11, 15, 58, 87, 98, 100, 102	7
India	12	1, 5, 11, 14, 15, 21, 26, 27, 32, 100, 107, 111	0	—	12
Indonesia	3	27, 98, 100	0	—	3
Iraq	11	14, 26, 29, 30, 58, 59, 98, 105, 106, 111, 115	0	—	11
Ireland	17	5, 7, 8, 11, 14, 15, 20, 21, 26, 27, 28, 43, 49, 68, 87, 98, 108	0	—	17
Israel	12	1, 5, 14, 20, 30, 87, 97, 98, 102, 106, 111, 112	0	—	12
Italy	30	3, 7, 8, 9, 11, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 58, 59, 60, 68, 77, 78, 79, 87, 90, 97, 98, 100, 102, 114	0	—	30
Ivory Coast	14	3, 5, 11, 14, 26, 29, 33, 87, 98, 99, 100, 105, 110, 111	0	—	14
Jamaica	7	7*, 8*, 11*, 15*, 81, 87, 98	7	50, 58, 64, 86, 97	12
Japan	10	5, 7, 8, 9, 15, 21, 27, 50, 58, 98	0	—	10
Jordan	0	—	1	105	1
Kenya	12	5, 11, 14, 15, 26, 32, 50, 58, 59, 64, 86, 98	0	—	12
Kuwait	4	1, 30, 87, 106	0	—	4
Laos	3	4, 6, 29	1	13	4
Lebanon	0	—	7	14, 26, 45, 52, 81, 89, 90	7
Liberia	0	—	8	29, 58, 87, 98, 104, 110, 111 112	8
Libya *	3	29, 105, 111	8	52, 88, 89, 95, 96, 98, 100, 104	11
Luxembourg	19	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 59, 60, 87, 98	0	—	19

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Malagasy Republic	10	5, 11, 14, 26, 33, 52, 87, 100, 101, 111	0	—	10
Malaysia	4	50, 64, 98, 105	0	—	4
States of Malaya	1	11	0	—	1
State of Sabah	0	—	6	15, 16, 86, 94, 95, 97	6
State of Sarawak	10	7, 11, 12, 14, 15, 16, 19, 86, 94, 95	0	—	10
State of Singapore	14	5, 7, 8, 11, 12, 15, 16, 19, 22, 32, 45, 86, 88, 94	0	—	14
Mali	0	—	10	5, 11, 14, 18, 26, 29, 33, 87, 98, 105	10
Malta ¹	12	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 87, 98	0	—	12
Islamic Republic of Mauritania	11	3, 5, 11, 14, 15, 17, 19, 26, 33, 84, 87	2	22, 23	13
Mexico	24	8, 9, 11, 14, 21, 26, 27, 30, 32, 42, 43, 49, 58, 62, 63, 87, 99, 100, 106, 107, 108, 110, 111, 112	1	102	25
Morocco	7	11, 14, 15, 26, 27, 98, 99	0	—	7
Netherlands	16	5, 8, 9, 11, 15, 21, 26, 27, 33, 58, 62, 68, 87, 97, 99, 102	0	—	16
New Zealand	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99	0	—	18
Nicaragua	22	1, 2*, 3, 4*, 5*, 6*, 7*, 8*, 9*, 11*, 13*, 14*, 15*, 16*, 21*, 22*, 23*, 26, 27*, 28*, 29*, 30	0	—	22
Niger	11	5, 11, 14, 26, 33, 65, 87, 98, 104, 105, 111	0	—	11
Nigeria	13	8, 11, 15, 26, 32, 50, 58, 59, 64, 87, 97, 98, 104	0	—	13
Norway	25	5, 7, 8, 9, 11, 12, 14, 15, 21, 26, 27, 30*, 32, 43, 49, 50, 58, 59, 68, 87, 97, 98, 100, 102, 111	0	—	25

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Pakistan *	15	1, 11, 14, 15, 21, 27, 32, 59, 87, 90, 96, 98, 106, 107, 111	2	29, 105	17
Panama	0	—	9	3, 12, 17, 30, 42, 45, 52, 87, 100	9
Paraguay	1	87	0	—	1
Peru	51	1, 4*, 8, 9, 10, 11, 14, 20, 22*, 23*, 26, 27*, 29*, 32*, 35*, 36*, 37*, 38*, 39*, 40*, 41, 44, 45, 52, 53*, 55*, 56*, 58*, 59, 62, 67*, 68*, 69, 71, 73, 77*, 78*, 79*, 81*, 87, 88, 90*, 99*, 100, 101*, 102, 105, 107, 112*, 113*, 114*	0	—	51
Philippines	10	53, 59, 87, 90, 94, 95, 98, 99, 100, 111	0	—	10
Poland	20	5, 7, 8, 9, 11, 14, 15, 27, 35, 36, 37, 38, 39, 40, 62, 68, 87, 98, 100, 111	0	—	20
Portugal	9	1, 7, 26, 27, 68, 81, 105, 107, 111	2	14, 106	11
Rumania	12	1*, 5, 7*, 8, 9*, 11, 14*, 15*, 27*, 87, 98, 100*	2	3, 24	14
Rwanda	6	11, 14, 26, 50, 62, 64	0	—	6
El Salvador	0	—	1	107	1
Senegal	0	—	15	5, 11, 14, 26, 29, 33, 81, 87, 89, 96, 98, 99, 100, 102, 105	15
Sierra Leone	15	5, 7, 8, 15, 26, 32, 50, 58, 59, 64, 86, 87, 98, 99, 105	0	—	15
Somali Republic	2	84, 111	0	—	2
Former British Somaliland	2	50, 64	0	—	2
Republic of South Africa .	0	—	1	26	1
Spain	18	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 26, 27, 30, 32, 33, 62, 112, 115	0	—	18
Sudan	0	—	2	26, 98	2

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Sweden	16	7, 8, 9, 11, 14, 15, 20, 21, 27, 32, 58, 87, 98, 100, 102, 111	0	—	16
Switzerland	10	5, 8, 10, 14, 15, 26, 27, 58, 62, 111	0	—	10
Syrian Arab Republic . . .	11	1, 11, 14, 26, 30, 87, 98, 100, 106, 107, 111	0	—	11
Tanzania	9	11, 15, 26, 50, 59, 63, 64, 86, 98	1	105	10
Tanganyika	2	32, 108	0	—	2
Zanzibar	0	—	4	5, 7, 58, 97	4
Togo	7	5, 11, 14, 26, 33, 84, 87	0	—	7
Trinidad and Tobago . . .	0	—	5	15, 50, 87, 97, 98	5
Tunisia	14	11, 14, 26, 29, 62, 65, 87, 98, 99, 104, 106, 107, 108, 111	0	—	14
Turkey	3	11, 14, 98	2	15, 58	5
Uganda	7	5, 11, 26, 50, 64, 86, 98	0	—	7
Ukraine	17	10, 11, 15, 16, 47, 58, 59, 60, 77, 78, 87, 90, 98, 100, 103, 111, 112	0	—	17
United Arab Republic * . .	25	1, 11, 14, 17, 18, 19, 26, 29, 30, 52, 53, 81, 87, 88, 89, 94, 95, 96, 98, 100, 101, 105, 106, 107, 111	0	—	25
United Kingdom	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	25
United States	1	58	0	—	1
Upper Volta	11	5, 6, 11, 13, 14, 18, 26, 29, 33, 98, 111	3	85, 87, 97	14
Uruguay	21	1, 8, 9, 11, 14, 20, 25, 26, 27, 30, 32, 43, 52, 62, 67, 73, 87, 89, 98, 99, 103	8	15, 21, 24, 58, 59, 60, 94, 97	29
U.S.S.R.	12	11, 15, 47, 58, 59, 60, 87, 98, 100, 103, 111, 112	0	—	12

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Venezuela	0	—	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45	17
Viet-Nam	0	—	4	5, 14, 26, 27	4
Yugoslavia	22	3, 5, 7, 8, 9, 11*, 14*, 15, 18, 22*, 27, 52, 58, 87*, 89*, 98*, 100, 103*, 106*, 111*, 112, 114	3	48, 56, 102	25
Zambia ^a	7	5, 11, 26, 50, 64, 86, 97	0	—	7
<i>States Not Members of the I.L.O.</i>					
Gambia	24	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102			
Western Samoa	3	14, 50, 64			

* Received too late to be summarised in Report III (Part I).

¹ The reports communicated by the Government of Malta, which became a Member of the I.L.O. in 1965, cover a period preceding its admission to the I.L.O. The Government has also submitted reports on Conventions Nos. 37, 38, 39, 40, 50, 63, 64, 68, 84, 86, 97, 99, 102, 115.

^a The reports communicated by the Government of Zambia (formerly Northern Rhodesia), 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. 2, 7, 8, 10, 15, 32, 35, 36, 37, 38, 39, 40, 63, 68, 84, 87, 98, 99, 102, 115.

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	1,430	88.0
1962-1964	1,495 ⁴	213	14.2	1,268	84.8	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been between the middle of March and 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. 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

Denmark

The Committee regrets to note that no reports have been supplied in respect of either the Faroe Islands or Greenland. It hopes that measures will be taken to ensure that in future all reports will be supplied.

France

The Committee notes that reports in respect of the Comoro Islands do not indicate whether copies thereof have been sent to representative organisations of employers and workers, as required by article 23, paragraph 2, of the I.L.O. Constitution. As the Committee had to draw attention to this matter already last year, it hopes that the Government will not fail to provide the necessary information in all future reports.

It would appear from the indications given in the reports that Convention No. 33 (which has already been the subject of declarations of application to Overseas Territories) might also be declared applicable to the Overseas Departments. The Government may wish to give consideration to the communication of such declarations.

Netherlands

The Committee notes with regret that only 18 of the 44 reports due in respect of the application of Conventions in Surinam have been supplied. The Committee hopes that in future all reports will be supplied.

The Committee notes that the reports in respect of the Netherlands Antilles do not indicate whether copies thereof have been sent to representative organisations of employers and workers, as required by article 23, paragraph 2, of the I.L.O. Constitution. The Committee hopes that all future reports will contain this information.

Republic of South Africa

The Committee regrets that the two reports due on the application of Conventions in South West Africa have not been supplied. It hopes that all reports on the application of Conventions in this territory will be supplied in future.

United Kingdom

It would appear from the indications given in the reports that declarations of application might be made in the following cases: Brunei—Convention No. 42; Grenada—Convention No. 99; St. Christopher-Nevis-Anguilla—Convention No. 10. The Government may wish to give consideration to the communication of such declarations.

B. INDIVIDUAL OBSERVATIONS

Convention No. 3: Maternity Protection, 1919*France*

Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion).
See under Convention No. 3, France.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Réunion; Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

Convention No. 5: Minimum Age (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that the report for 1962-64 has not been received. However, the Committee notes from the Government's report for the period 1961-63 that according to the local government of the Faroe Islands the draft Bill for the application of this Convention is still under consideration and has therefore not yet been submitted to the Faroese Legislative Assembly. The Committee recalls that the adoption of the necessary legislation has been under consideration since 1955 and urges the Government to do all in its power to ensure the full implementation of the provisions of this Convention.

*United Kingdom**Seychelles.*

Further to its direct request of 1963 the Committee notes with satisfaction that by Ordinance No. 28 of 1964, section 20 (1) and (2) of the Ordinance No. 25 of 1945 has been amended and brought into conformity with Article 2 of the Convention.

The Committee hopes that a similar amendment will be made in section 11 (1) and (2) of Ordinance No. 26 of 1945, which permits the employment of young persons of 13 years of age.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *France* (Comoro Islands, French Somaliland), *United Kingdom* (Antigua, Bahamas, Bechuanaland, British Virgin Islands, Falkland Islands, Fiji, Gibraltar, Grenada, Hong Kong, St. Vincent, Solomon Islands, Swaziland).

Information supplied by *France* (French Polynesia, New Caledonia, St. Pierre and Miquelon); *United Kingdom* (Barbados, Gilbert and Ellice Islands, British Guiana, British Honduras, Mauritius, Montserrat, St. Lucia), in answer to direct requests, has been noted by the Committee.

Convention No. 6: Night Work of Young Persons (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes from the report (which arrived too late to be examined in 1964) that the final Bill to introduce the prohibition of night work for young persons

was to be submitted to Parliament in the course of 1964-65. Recalling the assurances repeatedly given by the Government since 1957 to give effect to the Convention, the Committee trusts that the Bill will be enacted without further delay.

Convention No. 7: Minimum Age (Sea), 1920

United Kingdom

Seychelles.

Further to its direct request of 1963 the Committee notes with satisfaction that section 19 of the Employment of Servants Ordinance has been amended by Ordinance No. 28 of 1964 to ensure conformity with Article 2 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Gilbert and Ellice Islands, Hong Kong, St. Helena, St. Lucia, Solomon Islands).

Information supplied by the *United Kingdom* (Antigua, Barbados, British Guiana, Mauritius, Montserrat) in answer to direct requests has been noted by the Committee.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Virgin Islands, St. Helena, Solomon Islands).

Information supplied by the *United Kingdom* (Gibraltar) in answer to a direct request has been noted by the Committee.

Convention No. 9: Placing of Seamen, 1920

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 10: Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the *United Kingdom* (Dominica, Falkland Islands, Gilbert and Ellice Islands, Grenada, Guernsey and Jersey).

Convention No. 11: Right of Association (Agriculture), 1921

Australia

New Guinea.

The Committee notes with interest that the Industrial Organisations Ordinance 1962 applicable to the territories of Papua and New Guinea makes statutory provision for the right of free association, and that under the Industrial Relations Ordinance 1962, also in force in both territories, there is machinery not only for fostering good industrial relations between employers and employees but also for encouraging free negotiation of the terms and conditions of employment and for promoting the peaceful settlement of disputes and differences as well as the registration and notification of awards.

Papua.

See under New Guinea.

*United Kingdom**Barbados.*

The Committee notes with satisfaction that section 2 of the Trade Unions Act 1964-2 removes all doubt as to the right of association of agricultural workers, which was the subject of direct requests concerning previous legislation.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia* (New Guinea, Papua), *Denmark* (Faroe Islands), *United Kingdom* (Barbados, Basutoland, Bechuanaland, Grenada, St. Christopher-Nevis-Anguilla, Swaziland).

Information supplied by *Australia* (Norfolk Island) and the *United Kingdom* (Solomon Islands) in answer to direct requests has been noted by the Committee.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Information supplied by the *United Kingdom* (British Virgin Islands) in answer to a direct request has been noted by the Committee.

Convention No. 13: White Lead (Painting), 1921*Netherlands**Surinam.*

The Committee notes with regret that no new information has been supplied in reply to its previous observation which read as follows:

The Committee 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.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

A request regarding certain points is being addressed directly to: *Denmark* (Greenland).

Convention No. 17: Workmen's Compensation (Accidents), 1925

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925*Netherlands**Surinam.*

The Committee notes with interest from the information contained in the Government's report (which was received during the Committee's session) that a new draft social security plan provides for equality of treatment of workers without distinction as to nationality. The Committee trusts that the new text now being drafted will take account of the observations made in previous years.

Convention No. 22: Seamen's Articles of Agreement, 1926

A request regarding certain points is being addressed directly to the *United Kingdom* (Dominica).

Convention No. 26: Minimum Wage-Fixing Machinery, 1928*United Kingdom**Swaziland.*

With reference to its direct request of 1963, the Committee notes with satisfaction that the Wages Proclamation 1964 and the regulations issued under it ensure both the consultation and association of employers' and workers' representatives in the minimum wage-fixing machinery (Articles 2 and 3 of the Convention) and the exhibition of minimum wage regulations at the work premises (Article 4).

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Gilbert and Ellice Islands, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles, Solomon Islands).

Information supplied by the *United Kingdom* (British Guiana, British Honduras, Dominica, Fiji, St. Lucia, St. Vincent) in answer to direct requests has been noted by the Committee.

Convention No. 29: Forced Labour, 1930*France**French Guiana, Guadeloupe, Martinique.*

In its direct requests of 1963 and 1964 the Committee had noted that a modified system of compulsory military service had been introduced in these departments, under which certain conscripts, instead of being used for military duties, were to be employed on general development works (road building, land clearance, construction of houses, etc.). The Committee had observed that these arrangements were contrary to the Convention: under Article 1 the Government had undertaken to suppress forced or compulsory labour in all its forms, and Article 2, paragraph 2 (a), excepted compulsory military service from the definition of "forced or compulsory labour" only when it was used for work of a purely military character.

In its latest report the Government states that the primary purpose of the modified system of military service is to provide vocational training. It indicates that, after an initial period of basic training, certain recruits are sent to a vocational training centre, whereas the others are assigned for on-the-spot training to public works projects, repair shops, offices or stores. The Government also states that, although

the work on public works projects forms part of the programme of major works provided for in the Economic and Social Development Plan, priority is given to training, so that the work progresses very slowly and any possibility of effecting savings by using such labour is excluded.

It appears to the Committee that a compulsory scheme of formal vocational training, by analogy with and considered as an extension of compulsory general education, might not constitute compulsory work or services within the meaning of the Convention. However, the modified system of military service referred to above does not present the unambiguous characteristics of such a vocational training scheme. According to the information available (including records of parliamentary discussions and publications of the Ministry of Defence), although some of the recruits are sent to training centres, the majority do not follow any course of formal training, but may merely acquire certain skills on projects which consist for the most part of road works, or are used on purely auxiliary servicing activities. Having regard therefore to the nature of the work performed and the duration of the period of service, the training aspect appears not to be sufficiently clear and dominant to prevent the case from falling within the prohibitions laid down in Article 1 and Article 2, paragraph 2 (a), of the Convention.

The Committee accordingly hopes that the Government will take appropriate measures to ensure the observance of the Convention. The problem might possibly be approached from two different angles. On the one hand, if it were desired to maintain the present organisation of work and training, the Government might wish to consider whether the units concerned might not be established on the basis of voluntary enlistment. On the other hand, if the principle of compulsory call-up were retained, it would appear necessary to organise the scheme unequivocally as one of vocational training.

Netherlands

Surinam.

The Committee notes from the report that the Government has no objections to introducing penal sanctions for the illegal exaction of forced or compulsory labour, as required by Article 25 of the Convention, and that the whole subject will be duly considered. The Committee recalls that it has drawn the Government's attention to the need for such measures since 1957. It accordingly trusts that appropriate provisions will be adopted without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Isle of Man).

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

A request regarding certain points is being addressed directly to the *United Kingdom* (Mauritius).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Netherlands

Netherlands Antilles.

Article 5 of the Convention. The Committee notes with regret from the Government's reply to the request of 1963 that the Decree provided for by section 17 (1) of the Ordinance of 22 August 1962 to prohibit dangerous employments to children

has not yet been issued. As this point has been raised since 1958, the Committee trusts that the Government will adopt without delay the necessary measures to bring the legislation into full harmony with the Convention.

Article 6. The Government states that the employment of persons under the age of 18 years for purposes of itinerant trade in the streets or in places to which the public have access is prohibited by police regulations. However, neither the police regulations nor directives (referred to by the Government in previous reports) were appended to the Government's report. The Committee is bound, therefore, to address another appeal to the Government to take specific legislative measures to give effect to this provision of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to *France* (St. Pierre and Miquelon).

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Requests regarding certain points are being addressed directly to the *United Kingdom* (Falkland Islands, Gibraltar).

Convention No. 36: Old-Age Insurance (Agriculture), 1933

A request regarding certain points is being addressed directly to the *United Kingdom* (Falkland Islands).

Convention No. 39: Survivors' Insurance (Industry, etc.), 1935

A request regarding certain points is being addressed directly to the *United Kingdom* (Gibraltar).

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Netherlands

Surinam.

The Committee notes with regret that the Government's report does not indicate any progress, and must therefore repeat once again its previous observation which was as follows:

The Committee notes that according to the Government's reply to the requests of 1960 and 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 urges the Government to 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 49th Session and to report in detail for the period ending 30 June 1965.

Convention No. 50: Recruiting of Indigenous Workers, 1936*United Kingdom**Bechuanaland.*

The Committee notes with satisfaction that, following comments made by it in previous direct requests, the Employment Law, 1963, ensures legislative conformity with Articles 3 and 6 of the Convention.

British Guiana.

See under Convention No. 64.¹

Hong Kong.

The Committee notes from the Government's report that a draft Contracts for Overseas Employment Bill has been endorsed by the Labour Advisory Board, and that steps are being taken to obtain approval of the Governor-in-Council for its introduction to the Legislative Council. It recalls that the Committee has had occasion to note in observations made ever since 1953 that no legislation to implement the Convention had been adopted and it trusts that there will be no delay in the adoption of this Bill so as to give legislative effect to the provisions of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Bechuanaland, Mauritius, Swaziland).

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to the *United States* (Pacific Islands).

Convention No. 58: Minimum Age (Sea), (Revised), 1936*Netherlands**Netherlands Antilles.*

The Committee notes that the report gives no information on the issuing of regulations concerning the minimum age of young persons engaged in maritime work, which were in preparation according to the indications given by the Government to the Conference Committee in 1963. The Committee is bound, therefore, to address another urgent appeal to the Government to give full effect to this Convention which, in 1957, was declared to be applicable in the Netherlands Antilles.

Convention No. 62: Safety Provisions (Building), 1937*France*

Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion).

See under Convention No. 62, *France*.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

*Netherlands**Surinam.*

The Committee notes with regret that no new information has been supplied in reply to its previous observation which read 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 has not been completed. Consequently the Committee can only repeat the observations made in 1958, 1961 and 1962, which draw attention to the fact that Articles 6, 12, 13 and 16 of the Convention are not applied, whereas Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partially applied.

The Committee urges the Government to take the necessary measures without further delay.¹

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939*United Kingdom**Bechuanaland.*

The Committee notes with satisfaction that, following previous observations and direct requests, the Employment Law adopted in 1963 ensures full legislative conformity with certain provisions of the Convention which were not previously covered by the legislation in Bechuanaland (particularly Article 6, paragraph 4, and Article 8, paragraph 1, of the Convention).

British Guiana.

The Committee regrets to find that it has not yet been possible to enact the necessary legislation to give effect to the Convention. It notes, however, that the Minister of Labour has requested the relevant draft legislation to be treated as a subject for priority and that it is hoped that the legislation will be enacted in the near future. 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 further delay.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Basutoland, Bechuanaland, Fiji Islands, Hong Kong, Seychelles, Solomon Islands, Swaziland).

Convention No. 68: Food and Catering (Ships' Crews), 1946

Information supplied by *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion) in answer to a direct request has been noted by the Committee.

Convention No. 81: Labour Inspection, 1947*Netherlands**Netherlands Antilles.*

Article 12, paragraph 1 (c) of the Convention. The Committee must point out once more that section 25 of the Employment Regulations of 1952 and section 6 of

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

the Decree of 1958 on safety, which were mentioned by the Government as giving effect to this paragraph, do not contain any provisions specifically authorising labour inspectors to carry out various examinations, tests or inquiries referred to in the said paragraph. On the other hand, the Committee notes that, according to the report, an amendment to the legislation is about to be adopted and it trusts that the necessary provisions will be adopted in this connection in order to bring the legislation into conformity with the Convention.

Surinam.

Since the Government's report contains no new information concerning the observations made in 1964, the Committee is bound to repeat these observations, which were 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

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles), *United Kingdom* (Brunei, Solomon Islands).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

United Kingdom

Gibraltar.

Article 15, paragraph 1, of the Convention. The Committee has noted with interest that according to the Government's report a revision of the wages legislation is envisaged for 1965 and that, on this occasion, provision will be made to make compulsory the delivery of a statement of wage payments to workers.

The Committee hopes that the revision in question will soon be undertaken and that the next report will indicate the measures taken in this connection.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

Grenada.

The Committee notes with interest the information supplied in answer to its previous requests that the construction of five new schools was undertaken in 1963 and 1964, following a proposal approved by the Government in 1962 (Article 19 of the Convention).

Seychelles.

Following its previous requests, the Committee notes with satisfaction that Ordinance No. 29 of 1964 has amended the Outlying Islands (Employment of Servants) Ordinance (No. 26 of 1945), in order to give effect to Article 16, paragraph 1, of the Convention, concerning the manner of repayment of advances on wages. The Committee hopes that the Government will be able similarly to amend the Employment of Servants Ordinance (No. 25 of 1945).

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom*, (Basutoland, Brunei, St. Christopher-Nevis-Anguilla).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Aden.*

See under Convention No. 87.

Fiji.

The Committee has noted with interest the Government's statement that new measures have been adopted in respect of trade unions, which, *inter alia*, bring to an end the restriction on the right of association of casual or seasonal workers, which had been the subject of comment by the Committee. The Committee notes, however, that the report on Convention No. 87 (to which a copy of the new Trade Unions Ordinance was stated to have been appended) has not been received, and it requests the Government to furnish a copy of this enactment when sending its next report.

Southern Rhodesia.

The Committee notes with satisfaction that sections 37 and 48 of the Industrial Conciliation Act, 1959, which had been the subject of a direct request, have been amended so as to provide that appeals against refusal or cancellation of registration may be made to the Industrial Court and no longer to the Minister.

The Committee regrets to note, however, that—although the Act has been the subject of extensive amendments—no measures have been taken to extend its scope to persons engaged in farming operations or to domestic servants, and that the Government merely proposes to study this question. The Committee recalls that it has made observations on this matter since 1961. It trusts that measures will be taken without further delay to extend the Act to the above-mentioned categories of workers and thus bring the territory's legislation into conformity with the Convention, which guarantees the right “to associate for all lawful purposes” to all employed persons.¹

* * *

¹ The Government is asked to furnish a detailed report for the period ending 30 June 1965.

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Barbados, Bechuanaland, Brunei, Hong Kong).

Information supplied by the *United Kingdom* (Mauritius) in answer to a direct request has been noted by the Committee.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

United Kingdom

St. Christopher-Nevis-Anguilla.

The Committee notes with regret that the report for 1962-64 has not been received. The Committee is bound, therefore, to repeat once again 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 Government will make every effort to take the necessary action without further delay.

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

United Kingdom

Bechuanaland.

In 1963 the Committee asked the Government to indicate the measures taken or proposed to be taken to apply the provisions of Article 4 of the Convention. The Committee notes with satisfaction that the new Employment Law adopted in 1963 contains provisions corresponding to those laid down in the said Article.

British Guiana.

See under Convention No. 64.¹

Southern Rhodesia.

The Committee notes with interest the Government's statement, in reply to the observations of 1964, that a draft Bill to amend the Masters' and Servants' Act, in order to implement Articles 3 and 4 (1) of the Convention, was to be introduced at the sitting of the Legislative Assembly commencing in February 1965. As the intention to introduce legislation to implement the Convention was originally mentioned in the Government's report for 1953-54, the Committee hopes that the draft Bill will be adopted in the near future.²

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Hong Kong).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands) in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

² The Government is asked to report in detail for the period ending 30 June 1965.

**Convention No. 87: Freedom of Association and Protection
of the Right to Organise, 1948**

United Kingdom

Aden.

The Committee notes that the Government is at present urgently considering the withdrawal of the Industrial Relations (Conciliation and Arbitration) Ordinance, No. 6 of 1960, which the Committee in a previous direct request hoped would be amended in such a way as to remove the privileged situation of the Crown in disputes. The Committee also notes that the draft of a new Ordinance to replace Ordinance No. 6 of 1960 is at present under review and that it is envisaged that the Committee's recommendation will be fully implemented when the new Ordinance comes into force. The Committee expresses the hope that the Government will keep it informed of any new developments which may take place in this regard.

The Committee takes note of the information supplied by the Government in reply to the allegations made by the Byelorussian Workers' member in the Conference Committee in 1964.

The Committee would be glad if the Government would indicate in each future report any cases in which the legislation concerning riots, unlawful assembly, breach of the peace and sedition has been applied to trade unions or to the members of trade unions as such.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Surinam), *United Kingdom* (Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Vincent, Swaziland).

Information supplied by the *United Kingdom* (Basutoland, Dominica, St. Lucia) in answer to direct requests has been noted by the Committee.

Convention No. 88: Employment Service, 1948

Netherlands

Surinam.

See General Report, paragraph 21.

Convention No. 89: Night Work (Women) (Revised), 1948

Republic of South Africa

South West Africa.

The Committee notes with regret that the report for 1963-64 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

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.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.¹

Convention No. 94: Labour Clauses (Public Contracts), 1949

Netherlands

Surinam.

The Committee notes the statement in the Government's report that in due course the Department of Public Works and Transport will be approached in order to arrive at a statutory system in accordance with the Convention. The Committee recalls that observations have been made repeatedly since 1956 concerning the absence of appropriate labour clauses in public contracts, and once again urges that measures be taken without further delay to give full effect to this Convention.¹

United Kingdom

Bahamas.

In 1962 the Committee addressed a direct request to the Government concerning this Convention which, in the absence of a report, had to be repeated in 1964. The report available this year does not reply to several of the points raised, and it appears that in certain other respects the requirements of the Convention are not met. The Committee is once more addressing a direct request to the Government, and hopes that full information on the measures taken to give effect to the Convention will be supplied for examination by the Committee next year.²

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, British Virgin Islands, Brunei).

Convention No. 95: Protection of Wages, 1949

Netherlands

Surinam.

The Committee notes with satisfaction that section 22 of Government Decree No. 163 of 1963 contains provisions concerning the time and place of payment of wages, thus ensuring the full application of Article 13 of the Convention.

United Kingdom

Dominica.

In 1962 and 1964 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 a report for examination by the Committee next year and that it will provide the information requested.

¹ The Government is asked to supply full particulars to the Conference at its 49th Session and to report in detail for the period ending 30 June 1965.

² The Government is asked to report in detail for the period ending 30 June 1965.

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, paragraphs (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 Government's report for 1961-63 contained no further information concerning this matter, and this year no report has been supplied.

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 the following States: *Netherlands* (Surinam), *United Kingdom* (Bahamas, Dominica).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949*Netherlands**Surinam.*

See General Report, paragraph 21.

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, Bahamas, British Virgin Islands, Dominica, Grenada, St. Lucia, St. Vincent).

* * *

Information supplied by the *United Kingdom* (Barbados, British Guiana, Montserrat) in answer to direct requests has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Faroe Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, Brunei, Falkland Islands, Montserrat, St. Christopher-Nevis-Anguilla, Swaziland).

Information supplied by the *United Kingdom* (Dominica, Gibraltar) in answer to direct requests has been noted by the Committee.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951*France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Reunion).

It appears from the Government's report that, although arrangements exist in the Overseas Departments for the periodic revision of minimum wages, the latter are still fixed by decree without either prior consultation of the employers' and

workers' organisations in these Departments or the participation in the wage-fixing machinery of representatives of the employers and workers concerned, as required by Article 3, paragraphs 2 and 3, of the Convention.

The Committee recalls that it has made observations and direct requests on this matter since 1957. It therefore trusts that measures to give effect to the above-mentioned provisions of the Convention in the Overseas Departments will be taken without further delay.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla, Solomon Islands).

Convention No. 101: Holidays with Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to the *United Kingdom* (Isle of Man).

Convention No. 105: Abolition of Forced Labour 1957

United Kingdom

Brunei.

The Committee notes with satisfaction that, following the adoption of the Trade Disputes Enactment 1961, participation in a strike by a worker is no longer punishable as a conspiracy in constraint of trade or breach of contract (Article 1 (*d*) of the Convention).

Southern Rhodesia.

The Committee notes the detailed information supplied by the Government, indicating that careful consideration has been given to the observations made by it in 1964 and setting out the considerations which, in the view of the Government, prevent the legislative provisions, which the Committee had mentioned, from contravening the Convention.

The Committee regrets, however, that the Government's report was received only three weeks before its meeting (more than four months after the date fixed by the Governing Body for the submission of reports) and that it contains no information on the practical application of the numerous provisions relevant to the application of the Convention, for which the Committee had asked in a direct request.

Article 1 (*a*) of the Convention. In general, the Government expresses the belief that the Committee's observations of 1964 in regard to Article 1 (*a*) of the Convention were concerned with the possibility that the laws referred to might be applied in breach of the Convention. It maintains that, whatever the possibilities of their being misapplied, in fact they are applied justly and in accordance with the spirit and letter of the Convention. The Government also indicates that it has been found impracticable to redraft the legislation in terms which would exclude all possibility of its being applied in breach of the Convention.

With regard to these comments by the Government, the Committee wishes to point out that the legislative provisions to which it referred in its observations of 1964 in relation to Article 1 (*a*) of the Convention are of two kinds. On the one hand, there are provisions which, whatever the manner of their application, create liability to a form of compulsory labour (that is, penal labour) in circumstances which fall within the Convention. Thus, a prohibition of all publications by parti-

cular persons or associations necessarily involves the prohibition of the publication by them of "political views or views ideologically opposed to the established political, social or economic system", and if the penalties applicable to such a prohibition involve any form of compulsory labour, a breach of Article 1 (a) of the Convention ensues. Similarly, a general prohibition to attend or address meetings or gatherings necessarily covers such actions even as part of normal peaceable political activity; in so far as it is backed by penalties involving any obligation to perform labour, it therefore contravenes the prohibition in Article 1 (a) of the Convention of any form of forced or compulsory labour as a means of political coercion.

The second kind of provisions referred to by the Committee with respect to Article 1 (a) of the Convention involves such extensive discretionary powers for the executive or administrative authorities or such extensive definitions of criminal offences that not a mere possibility but a definite danger exists of their being applied in a manner contrary to the Convention. This appears to be the case, for example, under the provision authorising a police officer to enter and remain on any premises, including private premises, at which three or more persons are gathered and to forbid any person from addressing a gathering whenever he has reasonable grounds for believing (*inter alia*) that a subversive statement is likely to be made ("subversive statement" being itself defined more extensively than in any other legislation which has come to the notice of the Committee in its examination of reports on this Convention). Similarly, under the Unlawful Organisations Act, organisations may be declared unlawful, not by judicial adjudication in accordance with clearly defined criteria, but by the executive acting within wide discretionary powers whose exercise "shall not be open to question in any court" (section 1 (2)); furthermore, as the Committee pointed out in 1964, the offences under this Act are defined in a most extensive manner, so as to be capable of application to what would generally be regarded as normal political activity.

The Committee notes that the Government in general considers the justification for the legislation in question to reside in its concern for safety and security. However, the Government itself draws attention to the Committee's statement in its general conclusions on forced labour of 1962 that "the State is the judge of its own cause in matters affecting internal or external security, but should always act in conformity with its international obligations". In the present case, the difficulties in the application of the Convention appear to arise (a) from the approach adopted in the legislation of protecting security by general preventive measures by the executive or administrative authorities rather than by prescribing punishment for clearly defined offences against public order, (b) from the extensive definitions of various offences created by this legislation, and (c) from the fact that the penalties through which the legislation is enforced involve an obligation to perform labour.

The Committee expresses the hope that, in the light of the above explanations, the Government will once more review the provisions of the Law and Order (Maintenance) Act, the African Affairs Act, the Unlawful Organisations Act and the Prisons Act referred to in its previous observations, and will take appropriate measures in relation to these provisions to ensure that no form of forced or compulsory labour may be imposed by virtue thereof as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

Article 1 (b) and (e). In its report for 1961-63 the Government stated that the provisions of the African Land Husbandry Act and the African Affairs Act, under which Africans might be called up for the conservation of natural resources or the promotion of good husbandry, were no longer used, and that their repeal was contemplated. The Committee notes that the Government's latest report does not refer

to this matter. It hopes that the necessary repealing legislation will be adopted at an early date.

Article 1 (c). Various breaches of contracts or discipline by employees are punishable with imprisonment (involving an obligation to perform labour) under the African Labour Regulation Act, the Masters and Servants Act and the Africans (Registration and Identification) Act. The Government indicates that action on this matter is still under consideration. As the Committee has referred to this question since 1961, it hopes that the necessary action will be taken at an early date.

Article 1 (e). In its observations of 1964 the Committee had noted that provisions concerning registration, identification, control of movement, etc., contained in the Africans (Registration and Identification) Act and the African Affairs Act permitted the imposition of penalties involving an obligation to perform labour in respect of one group of the population, defined in terms of race. The Committee notes the Government's statement that it is proposed to replace the former Act by legislation applicable to all races and to amend the latter Act to clarify the scope and purpose of the relevant provision. The Committee hopes that measures to bring the legislation into conformity with Article 1 (e) of the Convention will be taken at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, British Guiana, Seychelles, Southern Rhodesia).

Information supplied by the *United Kingdom* (Dominica, Isle of Man, St. Vincent) in answer to direct requests has been noted by the Committee.

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 27 March 1965**

(Non-Metropolitan Territories)

Reports expected: 1,220. Reports received: 1,120. Reports not received: 100.

The numbers of Conventions in respect of which declarations of application without modification or declarations of application with modifications had been registered by 1 January 1964 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		Popula- tion ¹ (thous- ands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Australia	32		0		
Nauru	8	7, 8, 9, 11, 15, 21, 26, 27.	0	—	5
New Guinea	8	7, 8, 9, 11, 15, 21, 26, 27.	0	—	1,485
Norfolk Island	8	7, 8, 9, 11, 15, 21, 26, 27.	0	—	1
Papua	8	7, 8, 9, 11, 15, 21, 26, 27.	0	—	540
Denmark	0		33		
Faroe	0	—	17	5, 6, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100, 102, 106, 111, 112.	35
Greenland	0	—	16	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100, 102, 106, 111, 112.	35
France	236		10		
Overseas Departments:					
French Guiana	27	3*, 5, 8, 9, 11, 14, 15, 26, 27, 29, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100.	1	78	35

† For footnotes see end of table, p. 159.

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
France (<i>cont.</i>)					
Overseas					
Departments (<i>cont.</i>)					
Guadeloupe	27	3*, 5, 8, 9, 11, 14, 15, 26, 27, 29, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	289
Martinique	27	3*, 5, 8, 9, 11, 14, 15, 26, 27, 29, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	303
Réunion	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	356
Overseas Territories:					
Comoro Islands * . . .	25	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	2	43, 78	187
French Polynesia	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	80
French Somaliland . . .	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	69
New Caledonia	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	80
St Pierre and Miquelon .	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	1	78	5
Netherlands	35		26		
Netherlands Antilles . .	17	5, 8, 9, 11, 15, 21, 26, 27, 33, 58, 62, 68, 81, 87, 97, 99, 102	0	—	202

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Surinam *	18	2, 5, 11, 13, 17, 19, 27, 29, 42, 62, 81, 87, 88, 94, 95, 96, 101, 105	26	8, 9, 10, 12, 15, 16, 21, 22, 23, 26, 33, 45, 48, 58, 63, 68, 69, 71, 73, 74, 89, 90, 92, 97, 99, 102	345
New Zealand	36		0		
Cook Islands and Niue	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99	0	—	23
Tokelau Islands	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99	0	—	2
Republic of South Africa:	0	—	2		
South West Africa	0	—	2	26, 89	545
United Kingdom	776		29		
Aden	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	220
Antigua	23	5, 7*, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 97, 98, 99, 102, 115	2	10, 87	58
Bahamas	26	5, 7, 8, 10*, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 86, 87, 94, 95*, 97, 98, 99, 102	1	84*, 115	111
Barbados	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	232
Basutoland ²	27	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 102, 105, 115	0	—	727
Bechuanaland ²	24	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102	1	115	335

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>)					
Bermuda	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	46
British Guiana	25	5*, 7*, 8*, 10*, 11, 15, 26*, 32*, 35, 36, 37, 38, 39, 40, 50*, 64*, 68, 84*, 86*, 87*, 97*, 98*, 99, 102*, 115*	0	—	598
British Honduras	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	96
British Virgin Islands . . .	18	5, 15, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 86, 87, 97, 98, 99, 102	8	7, 8, 10, 11, 26, 84, 94, 115	8
Brunei	31	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42, 50, 64, 68, 81, 82, 84, 86, 87, 94, 95, 97, 98, 99, 102, 105, 115	0	—	90
Dominica	26	5, 7, 8, 10, 11, 15, 22, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 98, 99, 102, 105, 115	2	95, 97	61
Falkland Islands	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115*	0	—	2
Fiji	24	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 97, 98, 99, 102, 115	1	87	435
Gibraltar	26	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82*, 84, 86, 87, 97, 98, 99, 102, 115	0	—	24
Gilbert and Ellice Islands	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	48

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>)					
Grenada	23	5, 7, 8, 10, 11, 15, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82, 84, 86, 87, 98, 99, 102	4	26, 95, 97, 115	91
Guernsey	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	42
Hong Kong	26	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 63, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	3,592
Jersey	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	58
Isle of Man	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	3	45, 65, 82	48
Mauritius	27	2, 5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 74, 84*, 86, 87*, 97, 98, 99, 102, 115	0	—	621
Montserrat	25	5, 7, 8, 10*, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115*	0	—	13
St. Christopher- Nevis-Anguilla	24	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102	3	82, 85, 115	60
St. Helena	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	5
St. Lucia	25	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	92
St. Vincent	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102	2	10, 115	82

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>concl.</i>)					
Seychelles	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82, 84, 86, 87, 97, 98, 99, 102, 105	2	10, 115	44
Solomon Islands	26	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 81, 84, 86, 87, 97, 98, 99, 102, 115	0	—	130
Southern Rhodesia ² . .	26	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84*, 86*, 87, 97, 98, 99, 102, 105*, 115	0	—	4,013
Swaziland ³	26	5, 7, 8, 10, 11, 12, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 115	0	—	283
United States of America: .	5		0		
American Samoa	1	58	0	—	19
Guam	1	58	0	—	66
Puerto Rico	1	58	0	—	2,513
Trust Territory of Pacific Islands . .	1	58	0	—	85
Virgin Islands	1	58	0	—	35

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations: *Demographic Year Book*, 1963. ² Territories having no seaboard.

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)

Albania

No information whatever having been supplied in regard to the observation made in 1964, the Committee must refer to its previous comments and express the hope that the Government will deem it possible to submit the instruments adopted by the Conference not only to the Presidium of the People's Assembly, but also to the People's Assembly itself, which is the most representative national legislative body.

In addition, the Committee once again regrets that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities, and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances the Committee trusts that the Government will take steps with a view to supplying the information and documents in question, in future.

Bolivia

The Committee notes once again with great regret that, in spite of repeated appeals, the Government continues to ignore the obligations incumbent upon it, in virtue of article 19 of the Constitution of the I.L.O., to submit the instruments adopted by the Conference to the competent authorities. Thus, with the exception of Conventions Nos. 87, 96, 107 and 116 which have been ratified, the Government appears to have taken no steps with a view to submitting to the competent authorities the numerous other instruments adopted since the 31st Session (1948) of the Conference. The Committee expresses the earnest hope that this situation will not continue any longer and that the Government will take the necessary measures, without further delay, to comply with its obligations in this respect.

Bulgaria

In the absence of any information regarding the observation made in 1964, the Committee is bound to refer to its previous comments and to express the hope that the Government will reconsider its position and that it will deem it possible to submit the instruments adopted by the Conference not only to the Presidium of the National Assembly but also to the National Assembly itself, which is the most representative legislative body.

Burma

The Committee notes with regret that the Government has supplied no information in reply to the observation made in 1964, which read as follows:

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.

The Committee trusts that the Government will do everything possible to take the measures requested, without further delay. The Government is also requested to supply information in regard to the instruments adopted at the 47th Session of the Conference.

Byelorussia

The Committee refers to the statement made by a Government representative to the Conference Committee in 1964 and can only recall its previous comments and express the hope that the Government will deem it possible to submit the instruments adopted by the Conference not only to the Presidium of the Supreme Soviet, but also to the Supreme Soviet itself, which is the most representative national legislative body.

In addition, the Committee must express its regret once again that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities, and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances the Committee trusts that the Government will take the necessary steps with a view to supplying the information and documents in question, in future.

China

The Committee takes note of the information supplied by the Government to the Conference Committee in 1964, indicating that a certain number of instruments had been examined by the government services concerned with a view to being submitted to the Legislative Assembly. The Committee hopes that this has now been done and that the Government will soon be able to supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Congo (Leopoldville)

The Committee notes with regret that the Government has not replied to the requests made in 1963 and 1964. The Committee once again draws the Government's attention to the obligation incumbent upon all member States, by virtue of article 19 of the Constitution of the I.L.O., to submit the instruments adopted by the Conference to the competent authorities. It recalls in this regard that the authorities to which instruments should be submitted are those which are vested with the power to legislate, in this case the National Assembly. The Committee hopes that the Government will indicate shortly what measures it has taken to discharge its obligations in regard to the instruments adopted at the 45th, 46th and 47th Sessions of the Conference, and that it will supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body.

Dahomey

The Committee notes with regret that the Government has not replied to the requests made in 1963 and 1964. The Committee once again draws the attention of the Government to the obligation incumbent upon all member States, in virtue of article 19 of the Constitution of the I.L.O., to submit the instruments adopted by the Conference to the competent authorities. It recalls in this connection that the authori-

ties to which instruments should be submitted are those which are vested with the power to legislate—in this case, the National Assembly. The Committee hopes that the Government will soon indicate what measures it has taken to fulfil its obligations in regard to the instruments adopted by the Conference at its 45th, 46th and 47th Sessions and that it will supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body.

Ecuador

The Committee would be glad if the Government would indicate whether the instruments referred to in the last column of the table of Appendix I to this section have been submitted to the authorities presently competent to legislate. Please supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Ethiopia

The Committee notes from the information communicated by the Government that the instruments adopted at the 43rd, 44th and 47th Sessions of the Conference have been submitted to the Council of Ministers. The Committee would be grateful if the Government would indicate whether these instruments, as well as the other instruments listed in the last column of the table in Appendix I of this section, have been submitted to Parliament also.

France

The Committee notes with regret that the Government has not supplied any information in reply to the observation made in 1964, which read as follows:

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 *French 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.

The Committee trusts that the Government will do everything possible to supply the information requested.

Greece

The Committee takes note of the information supplied by the Government to the Conference Committee in 1964, indicating that, in the light of the information supplied by the International Labour Office on the procedures followed by the governments of other member States, the Government hoped soon to overcome the legal difficulties which had so far prevented it from submitting to Parliament the Conventions and Recommendations in regard to which no positive measures were

called for. The Committee hopes that these difficulties have now been overcome and that the Government will shortly indicate whether it has found it possible to submit to Parliament the instruments mentioned in the last column of the table in Appendix I to this section.

Guatemala

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1964, indicating that the instruments in regard to which no information had been communicated and which were mentioned in the last column of the table in Appendix I of the present section would soon be submitted to the National Assembly, which had recently been elected. The Committee would be grateful if the Government would indicate whether these instruments have now been submitted to the National Assembly and would supply the information and documents called for in this connection by the Memorandum adopted by the Governing Body.

Guinea

The Committee notes with deep regret that, in spite of its repeated requests, the Government has supplied no information in regard to most of the instruments adopted since the 43rd Session of the Conference. It would thus appear that the Government is ignoring the obligations incumbent upon all member States, by virtue of article 19 of the Constitution of the I.L.O., to submit to the competent authorities the texts adopted by the Conference. In these circumstances the Committee can only address an urgent appeal to the Government, calling upon it to take measures with a view to fulfilling its obligations without further delay.

Haiti

The Committee notes with regret that the information usually supplied by the Government merely indicates that the instruments adopted by the Conference have been submitted to the competent authorities, without stating the nature of the said authorities and without supplying the information and documents called for in the Memorandum adopted by the Governing Body. It recalls in this connection that the authorities to which the instruments should be submitted are those which are vested with the power to legislate. The Committee trusts that the Government will soon take appropriate measures with a view to submitting to the authorities in question the numerous instruments mentioned in the last column of the table in Appendix I to the present section, and that it will supply full information on this matter.

Honduras

The Committee notes with deep regret that, in spite of its repeated requests and observations, the Government has supplied no information in regard to the instruments adopted since the 45th Session of the Conference. It must draw the Government's attention to the obligation incumbent upon all member States, by virtue of article 19 of the Constitution of the I.L.O., to submit to the competent authorities the texts adopted by the Conference. The Committee expresses the earnest hope that the Government will take the necessary measures, without further delay, to fulfil its obligations in this regard and that it will supply the information and documents called for in this connection by the Memorandum adopted by the Governing Body.

Hungary

No information whatever having been supplied in regard to the observation made in 1964, the Committee must refer to its previous comments and express the hope that the Government will deem it possible to submit the instruments adopted by the Conference not only to the Presidential Council but also to the National Assembly, which is the most representative national legislative body.

In addition, the Committee must once again express its regret that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities, and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances, the Committee trusts that the Government will take steps with a view to supplying the information and documents in question, in future.

Iraq

The Committee notes from the statement made by a Government representative to the Conference Committee in 1964 that the Government hoped shortly to overcome the difficulties, chiefly of an administrative character, which had so far prevented it from submitting to the competent authorities most of the instruments adopted by the Conference since its 31st Session (1948). The Committee hopes that the Government has since then found it possible to discharge this obligation and that it will soon supply full information on the matter.

Jordan

The Committee notes with regret that, according to the procedure described by a Government representative at the Conference Committee in 1964, it is only the Conventions whose ratification is envisaged by the Government, which are submitted to Parliament. The Committee has, however, drawn the Government's attention on several occasions to the fact that instruments must be submitted to the national legislative body, in all cases, regardless of the Government's intention concerning the action to be taken in this connection. This obligation exists even when ratification measures are not being envisaged. It also exists in regard to Recommendations, which are not open to ratification.

The Committee trusts that the Government will reconsider the present procedure regarding the submission of instruments to the competent authorities, in the light of the above comments, in order that it may fully comply with the obligations incumbent upon it in this regard.

Lebanon

The Committee notes with regret that the Government has supplied no information in regard to the observation made in 1964, which read as follows:

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.

The Committee trusts that the Government will do everything possible to take the required measures and to supply the information in question without further delay.

Liberia

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1964. It notes with regret that the Government considers the Executive to be the competent authority for the purposes of Article 19 of the Constitution of the I.L.O., in cases where no legislative measures are called for. The Committee must draw the Government's attention to the fact that, as it has already pointed out in general terms, it is nevertheless necessary in such cases to submit all Conventions and Recommendations to the legislative body if the procedure of submission to the competent authorities is to serve its purpose; this is required even if other authorities are empowered to take measures giving effect to these instruments. Accordingly, the Committee hopes that the Government will take measures with a view to submitting to the legislative authorities the numerous instruments listed in the last column of the table in Appendix I to this section.

Libya

The Committee notes from the statement made by a Government representative to the Conference Committee in 1964 that, following an amendment to the National Constitution, a new procedure was being considered which would enable the Government to submit shortly to Parliament the instruments in regard to which this obligation had not yet been discharged. The Committee would be grateful if the Government would indicate what measures have been taken in this regard.

Mali

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1964, indicating that the instruments adopted since the 44th Session of the Conference would soon be submitted to the National Assembly, after being examined by the Council of Ministers. The Committee would be grateful if the Government would indicate whether these instruments have finally been submitted to the National Assembly.

Mexico

The Committee notes with great regret that most of the instruments adopted by the Conference since its 32nd Session—which are listed in the last column of the table in Appendix I to this section—have not yet been submitted to the competent authorities. The Committee trusts that the Government will do everything possible to discharge this obligation in the near future and that it will supply information on the matter.

Netherlands

The Committee takes note of the information communicated by the Government to the Conference Committee in 1964, indicating that certain instruments were about to be submitted to the States General. The Committee would be grateful if the Government would indicate whether these instruments, as well as the other instruments listed in the last column of the table in Appendix I to this section, have now been submitted to the States General and would supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Nicaragua

The Committee is very disappointed to note that, in spite of repeated appeals, the Government appears to have taken no measure to submit to the competent authorities the instruments adopted by the Conference since its 40th Session, that is, since Nicaragua rejoined the I.L.O. The Committee trusts that this situation will not be continued and urgently appeals to the Government to take, without further delay, the necessary measures with a view to discharging the obligations incumbent upon it in this respect, and to supply full information in this connection.

Niger

The Committee notes with regret that the Government has not replied to the requests made in 1963 and 1964. It draws the Government's attention once again to the obligation incumbent upon all member States, in virtue of article 19 of the Constitution of the I.L.O., to submit the instruments adopted by the Conference to the competent authorities. It recalls in this connection that the authorities to which the instruments should be submitted are those which are vested with the power to legislate, that is the National Assembly. The Committee hopes that the Government will soon indicate what measures it has taken to discharge its obligations in regard to the instruments adopted at the 45th, 46th and 47th Sessions of the Conference (with the exception of Conventions Nos. 116 and 119, which have been ratified) and that it will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Pakistan

The Committee notes with regret that the Government has not replied to the requests made in 1963 and 1964. It would be grateful if the Government would indicate what measures may have been taken to submit to the competent authorities the instruments adopted at the 45th, 46th and 47th Sessions of the Conference and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Panama

The Committee notes with great regret that, in spite of the assurances given by the Government, no measure appears to have been taken to submit to the competent authorities the numerous instruments mentioned in previous observations. It expresses its deep concern at the situation thus created by the Government. The Committee addresses an urgent appeal to the Government in the hope that it will do everything possible to submit to the competent authorities the instruments in question and will thus discharge the obligations incumbent upon it in virtue of the Constitution of the I.L.O.

Paraguay

The Committee notes with regret that the Government has supplied no information in regard to the observation made in 1964, which read as follows:

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.

The Committee trusts that the Government will take the necessary measures without further delay and will supply the information requested.

Peru

The Committee notes with regret that the Government has not replied to the direct requests made in 1963 and 1964. It would be grateful if the Government would indicate whether the instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities and would supply in this connection the information and documents called for in the memorandum adopted by the Governing Body.

Poland

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1964, indicating that the instruments mentioned in previous observations, and which are listed in the last column of the table in Appendix I to the present section, would soon be submitted to the Diet. The Committee would be grateful if the Government would indicate whether this procedure has now been carried out and would supply full information on the matter.

Rumania

The Committee refers to the statement made by a Government representative to the Conference Committee in 1964 and can only recall its previous comments and express the hope that the Government will find it possible to submit the instruments adopted by the Conference not only to the Council of State but also to the Grand National Assembly, which is the most representative national legislative body.

In addition, the Committee must once again express its regret that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances, the Committee trusts that the Government will, in future, take steps with a view to supplying the information and documents in question.

El Salvador

The Committee had taken note in 1964 of the statement made by a Government representative to the Conference Committee in 1963, indicating that certain constitutional difficulties having been overcome, the instruments in regard to which no information had been supplied would soon be submitted to the Legislative Assembly. In the absence of any further information, the Committee must urge the Government to take, without further delay, the necessary measures with a view to submitting the instruments in question to the competent authorities and to supply full information in this regard.

Sudan

The Committee notes with regret that the Government has not replied to the direct requests made in 1963 and 1964. It had noted, from the statement made by a Government representative, that the instruments adopted at the 41st to 44th Sessions of the Conference had been submitted, in the absence of a legislative body, to the Council of Ministers and the Provincial Councils. The Committee would be grateful

if the Government would indicate whether the instruments adopted at the 45th, 46th and 47th Sessions have also been submitted to the authorities in question. It would also be glad if the Government would supply, in respect of the above-mentioned instruments, full information on the decisions taken or being considered by the competent authorities in their regard.

Syrian Arab Republic

The Committee would be grateful if the Government would indicate whether the numerous instruments adopted since the 31st Session (1948) of the Conference, which are listed in the last column of the table in Appendix I to this section, have been submitted to the competent authorities and would supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Thailand

The Committee notes from the information supplied by the Government that most of the instruments adopted since the 37th Session of the Conference, which are listed in the last column of the table in Appendix I to the present section, have been submitted to the Council of Ministers. Nevertheless, it recalls the statement made by a Government representative to the Conference Committee in 1964, indicating that Parliament was the competent authority for the purposes of article 19 of the Constitution of the I.L.O. Accordingly, the Committee would be grateful if the Government would indicate the measures which it has taken or is contemplating with a view to submitting the above-mentioned instruments to Parliament also.

Tunisia

The Committee had noted the statement made by the Government in 1962, indicating that the National Assembly was the competent authority for the purposes of article 19 of the Constitution of the I.L.O. Nevertheless, it notes that the information supplied in regard to the instruments adopted at the 46th and 47th Sessions of the Conference merely indicates that these texts have been submitted to the competent authorities, without any indication as to the nature of these authorities. The Committee would therefore be grateful if the Government would indicate whether, as already requested in 1964, the instruments in question have in fact been submitted to the National Assembly and if it would supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body.

Ukraine

The Committee refers to a statement made by a Government representative to the Conference Committee in 1964 and can only refer to its previous comments and express the hope that the Government will deem it possible to submit the instruments adopted by the Conference not only to the Presidium of the Supreme Soviet, but also to the Supreme Soviet itself, which is the most representative national legislative body.

In addition, the Committee must once again express its regret that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities, and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances, the Committee trusts that the Government will, in future, take steps with a view to supplying the information and documents in question.

U.S.S.R.

No information whatever having been supplied in regard to the observation made in 1964, the Committee must refer to its previous comments and express the hope that the Government will deem it possible to submit the instruments adopted by the Conference not only to the Presidium of the Supreme Soviet but also to the Supreme Soviet itself, which is the most representative national legislative body.

In addition, the Committee must once again express its regret that, in spite of the requests it has made on several occasions, the Government merely indicates that the texts adopted by the Conference have been submitted to the competent authorities, and does not supply the information and documents called for in the Memorandum adopted in this connection by the Governing Body. In these circumstances, the Committee trusts that the Government will in future take steps with a view to supplying the information and documents in question.

United Arab Republic

The Committee notes with regret that, in spite of the request made in 1964, the Government has supplied no information regarding the measures taken to submit to the competent authorities most of the instruments adopted since the 31st Session (1948) of the Conference, as listed in the last column of the table in Appendix I to this section. The Committee trusts that the Government will supply the information in question in the near future.

Uruguay

The Committee takes note of the information supplied by the Government, indicating that communications by the Executive Power had been prepared with a view to submitting to the Legislative Assembly the instruments adopted at the 38th to 47th Sessions of the Conference. The Committee would be grateful if the Government would indicate whether the texts in question have in effect been submitted to the Legislative Assembly and if it would supply in this connection the information and documents called for in the Memorandum adopted by the Governing Body.

Yugoslavia

The Committee notes with satisfaction that, following its observations, the Government has submitted to the Federal Assembly the instruments adopted by the Conference at its 45th, 46th and 47th Sessions.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Finland, Gabon, Ghana, Iceland, Indonesia, Iran, Ireland, Italy, Jamaica, Malagasy Republic, Malaysia, Mauritania, Morocco, Nigeria, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Somalia, Republic of South Africa, Spain, Tanzania (Tanganyika), Togo, Trinidad and Tobago, Uganda, Upper Volta, Venezuela, Viet-Nam.*

Appendix I. Position of the Individual Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

(31st to 47th Sessions of the International Labour Conference, 1948-63)

Note: The number of the Convention or Recommendations is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the I.L.O. for determining the sessions of the Conference whose decisions are taken into consideration.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Afghanistan	31st to 36th, 38th to 40th	41st, 42nd, 43rd, 44th, 45th, 46th and 47th
Albania	31st to 47th	—
Algeria	—	47th
Argentina	31st to 46th	47th
Australia	31st to 47th	—
Austria	31st to 45th, 46th (C 117, R 116, 117)	46th (C 118) and 47th
Belgium	31st to 46th	47th
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, 46th and 47th
Brazil	31st to 43rd, 45th	44th, 46th, and 47th
Bulgaria	31st to 47th	—
Burma	31st to 43rd	44th, 45th, 46th and 47th
Burundi	—	47th
Byelorussia	37th to 47th	—
Cameroon	—	44th, 45th, 46th and 47th
Canada	31st to 47th	—
Central African Republic	45th (C 116), 46th and 47th	45th (R 115)
Ceylon	31st to 46th	47th

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)
Chad	45th (C 116)	45th (R 115), 46th and 47th
Chile	31st to 45th, 47th	46th
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, 42nd (C 111; R 110, 111), 43rd (C 112, 113, 114), 44th, 45th, 46th and 47th (R 118, 119)	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), 42nd (C 110), 43rd (R 112) and 47th (C 119)
Colombia	31st to 39th, 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108), 42nd to 44th, 45th (C 116)	37th, 40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th and 47th
Congo (Brazzaville) . .	47th (C 119)	45th, 46th and 47th (R 118, 119)
Congo (Leopoldville) . .	—	45th, 46th and 47th
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 to 43rd, 44th (C 115), 45th (C 116), 46th (C 117) and 47th	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 (R 113, 114), 45th (R 115) and 46th (C 118; R 116, 117)
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, 46th and 47th
Cyprus	45th to 47th	—
Czechoslovakia	31st to 47th	—
Dahomey	—	45th, 46th and 47th
Denmark	31st to 47th	—
Dominican Republic . .	31st to 43rd	44th, 45th, 46th and 47th
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) and 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, 46th and 47th
Ethiopia	31st (C 87, 88), 32nd (C 98)	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, 45th, 46th and 47th
Finland	31st to 45th	46th and 47th

REPORT OF THE COMMITTEE OF EXPERTS

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
France	31st to 47th	—
Gabon	—	45th 46th and 47th
Germany (Federal Republic)	34th to 47th	—
Ghana	40th to 45th, 47th	46th
Greece	31st, 32nd, 34th (C 99, 100) and 35th (C 101, 102, 103) and 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, 46th and 47th
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), 46th (C 118) and 47th (C 119)	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, 46th (C 117; R 116, 117) and 47th (R 118, 119)
Republic of Guinea . .	43rd (C 112, 113, 114)	43rd (R 112), 44th, 45th, 46th and 47th
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, 46th and 47th
Honduras	39th to 44th	45th, 46th and 47th
Hungary	31st to 46th	47th
Iceland	31st to 45th	46th and 47th
India	31st to 47th	—
Indonesia	33rd to 38th, 40th, 41st, 43rd to 46th	39th, 42nd and 47th
Iran	31st to 45th, 46th (R 116)	46th (C 117, 118; R 117) and 47th
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), 46th and 47th
Ireland	31st to 46th	47th
Israel	32nd to 47th	—

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)
Italy	31st to 46th	47th
Ivory Coast	45th to 47th	—
Jamaica	—	47th
Japan	35th to 47th	—
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118) and 47th (C 119)	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115) 46th (R 116, 117) and 47th (R 118, 119)
Kuwait	45th to 47th	—
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, 46th and 47th
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, 46th and 47th
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, 46th and 47th
Luxembourg	31st to 47th	—
Malagasy Republic . .	45th (C 116), 46th (C 117, 118) and 47th (C 119)	45th (R 115), 46th (R 116, 117) and 47th (R 118, 119)
Federation of Malaya .	41st to 46th	47th
Republic of Mali . . .	—	44th, 45th, 46th and 47th
Islamic Republic of Mauritania	45th (C 116), 46th	45th (R 115) and 47th
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, 45th, 46th and 47th
Morocco	39th to 46th	47th
Netherlands	31st to 39th, 40th (C 105) 45th (C 116), 46th (C 118)	40th (C 106, 107; R 103, 104), 41st, 42nd, 43rd, 44th, 45th (R 115) and 46th (C 117; R 116, 117)

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)
New Zealand	31st to 47th	—
Nicaragua	—	40th, 41st, 42nd, 43rd, 44th, 45th, 46th and 47th
Niger	45th (C 116), 46th, 47th (C 119)	45th (R 115), 46th and 47th (R 118, 119)
Nigeria	45th (C 116)	45th (R 115), 46th and 47th
Norway	31st to 47th	—
Pakistan	31st to 44th	45th, 46th and 47th
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, 46th and 47th
Paraguay	—	40th, 41st, 42nd, 43rd, 44th, 45th, 46th and 47th
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114)	42nd (R 111), 43rd (R 112), 44th, 45th, 46th and 47th
Philippines	31st to 47th	—
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), 46th and 47th
Portugal	31st to 42nd	43rd, 44th, 45th, 46th and 47th
Rumania	39th to 47th	—
Rwanda	—	47th
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, 46th and 47th
Senegal	46th (R 116, 117), 47th (R 119)	44th, 45th and 46th (C 117, 118) and 47th (C 119; R 118)
Sierra Leone	45th, 47th (C 119)	46th and 47th (R 118, 119)
Somali Republic	—	45th, 46th and 47th
Spain	39th to 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116)	43rd (R 112), 44th (R 113, 114) 45th (R 115), 46th and 47th
Sudan	39th and 40th	41st, 42nd, 43rd, 44th, 45th, 46th and 47th

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)
Sweden	31st to 47th	—
Switzerland	31st to 47th	—
Syrian Arab Republic .	31st (C 87, 88, 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 and 46th	31st (C 90; R 83), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 101, 102; R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100) and 39th (R 101), 41st, 43rd, 45th and 47th
Tanganyika	46th	47th
Thailand	31st to 36th, 38th (C 104) and 45th	37th, 38th (R 99, 100), 39th, 40th, 41st, 42nd, 43rd, 44th, 46th and 47th
Togo	47th	44th, 45th and 46th
Trinidad and Tobago .	—	47th
Tunisia	39th to 46th	47th
Turkey	31st to 47th	—
Uganda	—	47th
Ukraine	37th to 47th	—
Republic of South Africa	31st to 47th	—
U.S.S.R.	37th to 47th	—
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, 46th (C 117, 118) and 47th
United Kingdom . . .	31st to 47th	—
United States	31st to 47th	—
Upper Volta	45th	46th and 47th
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, 46th and 47th
Venezuela	31st to 45th (C 116)	45th (R 115), 46th and 47th
Viet-Nam	33rd to 44th	45th, 46th and 47th
Yugoslavia	31st to 47th	—

**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

Numbers of States in which, according to information supplied by governments—	Sessions at which decisions were adopted																
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April /May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)
All the decisions have been submitted	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34	38	34
Some of these decisions have been submitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7	8	1	9	6	9
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	37	42	42	35	38	37	40	41	37	26	42	36	38	44	58	58	65
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	108

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 15 MARCH 1965

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted																
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April /May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)
All the decisions have been submitted	46	45	46	48	47	50	46	50	57	57	55	56	50	48	43	46	34
Some of these decisions have been submitted. . . .	11	14	— ¹	12	10	—	— ¹	8	1	12	2	9	8	3	15	8	9
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	3	2	17	4	9	16	23	11	18	8	22	14	22	32	43	48	65
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	108

¹ At this session the Conference adopted one Recommendation only.

PART THREE

MATERNITY PROTECTION

**General Conclusions on the Reports
concerning the Maternity Protection Convention, 1919 (No. 3),
the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12),
the Maternity Protection Convention (Revised), 1952 (No. 103), and
the Maternity Protection Recommendation, 1952 (No. 95)**

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INTRODUCTION

1. As the number of women who are economically active has increased¹, measures for their protection have grown more diverse, but those concerned with maternity protection retain their vital importance.

2. The first regulations designed to protect women before and after childbirth made their appearance towards the end of the nineteenth and at the very beginning of the twentieth centuries, but it is only since standards were adopted at the international level after the First World War that they progressively became general. The International Labour Conference has played an exceptionally important part in this process and, as early as its First Session in 1919, laid down a whole series of standards which subsequently exercised great influence on the legislation of many countries, which took them as a model.

3. Since that date the need to protect the health of women workers, as well as their employment rights during their maternity period, while at the same time relieving them of any financial worries, has been recognised by many national constitutions and has also been embodied in general terms in the Universal Declaration of Human Rights.²

INTERNATIONAL STANDARDS

4. As has been stated, the International Labour Conference, as early as its First Session, dealt with the question of maternity protection and the subject, in fact, figures among the aims and objectives of the Organisation as reaffirmed by the Declaration of Philadelphia adopted in 1944.³ A number of international standards dealing with maternity protection have since been adopted by the Conference and various other bodies of the I.L.O.

5. The first Convention on the subject was adopted in 1919. It covers women employed in industry and commerce and provides for 12 weeks' maternity leave, six of them before and six after confinement, the postnatal leave being compulsory; it also entitles mothers to sufficient benefits for the maintenance of themselves and their children provided either out of public funds or by means of a system of insurance, as well as to free medical care; finally, it forbids the dismissal of any woman during maternity leave or sickness arising out of her pregnancy or confinement and requires her to be allowed nursing breaks during working hours.

6. In order to protect women workers in agriculture a Recommendation was adopted in 1921 providing for the extension to them of standards similar to those applying to women employed in industry and commerce.

¹ Cf. I.L.O.: *Women Workers in a Changing World*, Reports VI (1) and (2), International Labour Conference, 48th Session, Geneva, 1964 (Geneva, 1963 and 1964); idem: *The Employment of Women with Family Responsibilities*, Reports V (1) and (2), 49th Session, Geneva, 1965 (Geneva, 1964 and 1965).

² Article 25, paragraph 2.

³ Part III, paragraph (h).

7. The 1919 Convention was revised in 1952. The new instrument reiterates the rules laid down by the 1919 Convention but does so in greater detail and on certain points with greater flexibility. Its scope is, however, far wider than that of the 1919 Convention. The later instrument applies to women employed in industrial undertakings and also to non-industrial and agricultural work, domestic service and wage-earning employment at home. In addition, as regards cash benefits it not only requires the amount to be sufficient to maintain the mother and her child, but stipulates that when they are based on previous earnings, they must be at a rate of not less than two-thirds of the previous earnings thus taken into account.

8. The revised Convention is supplemented by a Recommendation which was also adopted in 1952 and provides in many respects for higher standards of protection, i.e. it recommends, during a maternity leave of 14 weeks, payment of cash benefit at a higher rate than stipulated by the revised Convention, more comprehensive medical care, certain supplementary benefits, facilities for nursing, job security for a longer period and certain safeguards designed to protect women's health during this period.

9. Apart from those instruments which deal exclusively with maternity protection, some other I.L.O. Conventions and Recommendations on conditions of work and social security contain standards on the subject which correspond to those laid down by the instruments dealing solely with maternity protection. This applies, for example, to the three Recommendations adopted in 1944 concerning income security, medical care and social policy in dependent territories, to the 1947 Convention on labour standards in non-metropolitan territories, to the 1952 Convention on social security (minimum standards), Part VIII of which deals with maternity benefits, and to the 1958 Convention on plantations which largely reproduces the standards of the 1952 Convention on maternity protection.

10. Moreover, this question has recently received renewed attention from the Conference which, at its 48th Session in 1964, adopted a resolution in which it stated that maternity protection was an obligation on society and appealed to States Members of the Organisation to take all possible measures to apply the provisions of the 1919 and 1952 Conventions to all working women.

11. Standards for maternity protection are also encountered in a number of other resolutions on the employment of women or social security adopted by various organs of the I.L.O. such as the First and Second Conferences of American States Members of the I.L.O. held respectively in Santiago in 1936 and Havana in 1939, the Preparatory Asian Regional Conference held in New Delhi in 1947, the Regional Meeting for the Near and Middle East held in Istanbul in 1947 and the Textiles Committee (Second Session) in 1948.

12. In addition, the Second African Regional Conference held in Addis Ababa in November-December 1964 passed a resolution on the employment and conditions of work of African women emphasising the need to extend maternity protection standards to the largest possible number of women workers.

PROPOSALS TO REVISE THE CONVENTIONS ON MATERNITY PROTECTION

13. Despite the influence they have exercised on the legislation of many countries the 1919 and 1952 Conventions have not secured as many ratifications as might reasonably have been hoped.

14. In his Reports to the 47th and 48th Sessions of the Conference (1963 and 1964) the Director-General stated that this would appear to be mainly "because they are so much more comprehensive in scope and exact in their requirements than most countries have found practicable".¹ The resolution concerning maternity protection adopted by the 48th Session of the Conference (referred to above) also noted that these Conventions had obtained relatively few ratifications.

15. Owing to the small number of ratifications of the 1952 Convention in particular, the Social Committee of the Council of Europe submitted a request to the Director-General of the I.L.O. in 1962 that the Convention should be revised. This request was made after a study of the action taken by the member States of the Council of Europe on the 1952 Convention as well as on certain other international labour Conventions.

16. In response to this request, the Governing Body decided, at its 153rd Session (November 1962), to ask for reports under article 19 of the Constitution on the instruments dealing with maternity protection; it indicated, at the same time, that its choice was guided by the principle enunciated by the Conference to the effect that in doing so it should bear in mind those Conventions which might require special consideration with regard to their working and possible revision.

17. It is in these circumstances that the Committee of Experts is called upon this year to examine the situation in member countries as regards the matters covered by the instruments on maternity protection.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

18. The Maternity Protection Convention, 1919 (No. 3), which entered into force on 13 June 1921, has been ratified by 24 States² and declared applicable, with modifications, to 12 territories.³

19. The Maternity Protection Convention (Revised), 1952 (No. 103), came into force on 7 September 1955; it has been ratified by eight States.⁴ In addition a certain

¹ Cf. I.L.O.: *Report of the Director-General—Programme and Structure of the I.L.O.*, Report I, International Labour Conference, 47th Session, Geneva, 1963, p. 162, and *idem*, 48th Session, Geneva, 1964, p. 162.

² Algeria, Argentina, Brazil, Bulgaria, Central African Republic, Chile, Colombia, Cuba, France, Gabon, Federal Republic of Germany, Greece, Hungary, Italy, Ivory Coast, Luxembourg, Mauritania, Nicaragua, Panama, Rumania, Spain, Uruguay, Venezuela, Yugoslavia.

Brazil and Uruguay have denounced the Convention, however.

³ France (overseas departments: Guadeloupe, Guiana, Martinique, Réunion; overseas territories: Comoro Islands, French Somaliland, New Caledonia, French Polynesia, St. Pierre-et-Miquelon). United Kingdom (Fiji Islands, Southern Rhodesia, Solomon Islands).

These modifications usually relate in general to the social security provisions and in particular to Article 3 (c) of the Convention and provide that maternity benefits must be paid by the employer. In the case of the Fiji Islands and the Solomon Islands the modifications relate also to Article 3 (a) and (b) respecting the duration of maternity leave.

The declarations of application by the United Kingdom were communicated in connection with the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83). As this Convention has not yet entered into force, the foregoing declarations of application are inoperative and therefore the reports concerning the territories in question have been made under article 19 of the Constitution and not under article 22.

⁴ Byelorussia, Cuba, Ecuador, Hungary, Ukraine, U.S.S.R., Uruguay, Yugoslavia.

number of States have ratified other Conventions which contain standards on maternity protection.¹

REPORTS RECEIVED

20. Reports concerning the Maternity Protection Convention, 1919 (No. 3), have been communicated under article 19 of the Constitution of the International Labour Organisation by 64 States Members² and 32 territories.³ In the case of the Maternity Protection Convention (Revised), 1952 (No. 103), reports have been submitted under article 19 of the Constitution by 80 States Members⁴, and 33 territories.⁵

21. Examination of the effect given to the provision of the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12), is based on reports submitted under article 19 of the Constitution by 85 States Members⁶ and

¹ The following States have ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), and have accepted the obligations of Part VIII relating to maternity benefits: Belgium; Federal Republic of Germany; Greece; Italy; Luxembourg; Mexico; Netherlands; Peru; Senegal; Sweden; Yugoslavia. The Plantations Convention, 1958 (No. 110), has been ratified by the following States: Cuba; Guatemala; Ivory Coast; Liberia; and Mexico, which have thus accepted Part VII respecting maternity protection.

² Afghanistan, Albania, Australia, Austria, Belgium, Brazil, Burma, Cameroon, Canada, Central African Republic, Ceylon, China, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, Ghana, Guatemala, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Malagasy Republic, Malawi, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Rwanda, Sierra Leone, Sweden, Switzerland, Syrian Arab Republic, Tanzania, United Kingdom, United States, Upper Volta, Tunisia, Turkey, Zambia. (The reports in respect of Malawi, Malta and Zambia were submitted before they became independent on behalf of the territories of Nyasaland, Malta and Northern Rhodesia respectively.)

³ Australia (Nauru, Norfolk Island, New Guinea, Papua); United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bermuda, Bechuanaland, Brunei, Dominica, Falkland Islands, Fiji Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, British Guiana, British Honduras, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, Southern Rhodesia, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands).

⁴ Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ethiopia, Finland, France, Federal Republic of Germany, Ghana, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Luxembourg, Malagasy Republic, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, Rwanda, Sierra Leone, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Venezuela, Zambia.

⁵ Australia (Nauru, New Guinea, Norfolk Island, Papua); United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

⁶ Afghanistan, 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, Federal Republic of Germany, Ghana, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Luxembourg, Malagasy Republic, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Rumania, Rwanda, Sierra Leone, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

32 territories.¹ Lastly, reports have been received under article 19 of the Constitution from 86 States Members² and 32 territories¹ concerning the application of the Maternity Protection Recommendation, 1952 (No. 95).

22. Reports have also been submitted on the four foregoing instruments under article 19 of the Constitution in respect of one State³ which has newly become independent and does not as yet belong to the I.L.O.

23. By and large, the reports submitted under article 19 of the Constitution contain sufficiently detailed information to make it possible to gauge the effect given to the provisions of these instruments in the national legislation of the countries concerned. In some cases, copies of the relevant legislation have been attached to the reports while, in others, precise references have been given to such legislation. However, only a very small number of governments have supplied information on the practical application of this legislation or on the specific difficulties they might have encountered in its implementation.

24. Account has also been taken, as usual, of the reports submitted this year or in previous years on the two Conventions under article 22 of the Constitution by countries which have ratified one or other of the instruments.

25. In this way the present report covers the position in a total of 135 countries, i.e. 93 States and 42 territories.

OUTLINE OF THE STUDY

26. The present study examines the measures that have been taken by member countries to give effect to the provisions of the following four instruments on maternity protection:

Maternity Protection Convention, 1919 (No. 3);

Maternity Protection Convention (Revised), 1952 (No. 103);

Maternity Protection Recommendation, 1921 (No. 12);

Maternity Protection (Agriculture) Recommendation, 1952 (No. 95).

27. It is based mainly on information supplied by governments and on the legislation indicated in the reports; whenever the legislation itself has been available to the International Labour Office it has also been taken into account.⁴

28. The first chapter deals with various methods employed to secure maternity protection, and the following chapters contain an analysis of national law and prac-

¹ See under note 2, paragraph 20. }

² Afghanistan, 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, Federal Republic of Germany, Ghana, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Luxembourg, Malagasy Republic, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Rumania, Rwanda, Sierra Leone, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

³ Gambia. (The reports concerning this State were submitted by the United Kingdom on behalf of the territory of Gambia before it became independent.)

⁴ A list of the legislation which has been consulted is appended to the present study.

tice¹ arranged according to the various provisions of these instruments. The latter are dealt with as a group because their provisions are, in substance, much the same. Following this analysis, an attempt is made to survey the progress achieved and the difficulties encountered in implementing these instruments and, finally, the study attempts, on the basis of its various elements, an over-all assessment of the position.

29. This study does not, of course, claim to be exhaustive and the footnotes are merely intended to illustrate, by means of the most representative examples possible, the measures that have been taken to apply the standards laid down in these instruments to the extent that the available information permits.

¹ For further details on this point reference should be made to I.L.O.: *Summary of Reports on Unratified Conventions and Recommendations*, Report III (Part II), International Labour Conference, 49th Session, Geneva, 1965 (Geneva, 1965).

CHAPTER I

METHODS OF IMPLEMENTING THE CONVENTIONS AND RECOMMENDATIONS ON MATERNITY PROTECTION

30. While the 1919 Convention does not specify the methods by which States Members should implement it, some of its provisions appear to require statutory measures.¹ The revised Convention of 1952 explicitly refers, in some cases, to "national laws or regulations" as means of giving effect to its provisions. The only point with respect to which the 1952 Convention provides an alternative possibility of employing collective agreements is one of detail, viz. payment for nursing breaks (Article 5, paragraph 2).²

31. The Conventions and Recommendations on maternity protection cover a wide variety of topics, such as leave, protection against dismissal, nursing breaks, protection of the health of women workers and the provision of cash benefits and medical care; national provisions to give effect to these instruments may thus be found in legislation on conditions of work and contracts of employment as well as in social security legislation.

STATUTORY MEASURES

32. In the great majority of the countries under review, maternity protection standards are enforced by statutory measures. These measures are usually embodied in more general legislation, such as labour codes, ordinances or regulations³, and in enactments regulating conditions of employment in certain classes of establishments, such as factories, mines and shops.⁴

33. In other countries maternity protection standards are to be found in legislation dealing with various aspects of the employment of women and children in general.⁵ Lastly, in a few countries⁶, there are special enactments which deal solely with maternity protection.

¹ In addition to Article 9 which states that each Member ratifying the Convention "agrees . . . to take such action as may be necessary to make these provisions effective", the 1919 Convention uses a number of expressions such as "it shall not be lawful", "a woman shall not be permitted" and "shall have the right", which in conjunction make it plain that statutory measures are intended.

² See below, paragraph 228.

³ For example, Albania, Belgium, Brazil, Byelorussia, Cameroon, Canada (Alberta, New Brunswick), Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Dahomey, Denmark, Ethiopia, France (also the overseas departments and territories), Gabon, Ghana, Haiti, Honduras, Hungary, Iraq, Ireland, Ivory Coast, Jordan, Kuwait, Malagasy Republic, Malaysia, Mali, Mauritania, Mexico, Morocco, Niger, Nigeria, Norway, Pakistan, Rumania, Rwanda, Somalia, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Tanzania (Tanganyika), Turkey, Ukraine, U.S.S.R., various territories of the United Kingdom, Upper Volta, Venezuela, Yugoslavia.

⁴ For example, Australia (New South Wales, Tasmania, Western Australia), Burma, China, New Zealand, Switzerland, United Kingdom.

⁵ For example, Israel, Luxembourg, Philippines, Peru, Poland, Tunisia.

⁶ For example, Austria, Canada (British Columbia), Federal Republic of Germany.

34. Generally speaking, the legislation referred to in the previous paragraph regulates questions connected with conditions of work and contracts of employment, e.g. entitlement to maternity leave, consequences of suspension of a contract of employment, prohibition of dismissal, nursing breaks, etc. Cash benefits and medical care are, in most cases¹, dealt with in social security codes or more specialised legislation on sickness and maternity insurance or family allowances schemes.

35. Provisions dealing with maternity benefits are also found in laws on social assistance (or unemployment benefit), which in some countries² supplements the social security legislation, while in others³ they constitute the only legislation on the subject.

36. A few other countries⁴ have passed special legislation regulating all aspects of maternity protection, i.e. in effect a maternity protection code.

37. In many countries the basic legislation is supplemented by special regulations designed to extend coverage to classes of women workers not dealt with by that legislation or to deal with certain points of detail or related questions (such as the establishment of nurseries or kindergartens), or again to provide for the detailed application of the basic legislation.

OTHER METHODS OF APPLICATION

38. It is apparent, however, from the information submitted by governments in their reports that legislation as such is not the only method employed to give effect to the instruments on maternity protection.

39. In some of the countries examined, where basic legislation is non-existent or limited in scope, the provisions on maternity protection are to be found in administrative circulars or the directives issued by certain official bodies.⁵ They deal mainly

¹ For example, Albania, Austria, Belgium, Brazil, Burma, Byelorussia, Cameroon (Eastern Cameroon), Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Dahomey, Denmark, France (also the overseas departments and territories), Gabon, Federal Republic of Germany, Honduras, Iceland, Iraq, Ireland, Israel, Ivory Coast, Luxembourg, Malagasy Republic, Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Poland, Rumania, Sweden, Switzerland, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, Upper Volta, Venezuela, Yugoslavia.

² For example, Austria, Denmark, France, Finland, Federal Republic of Germany, Norway, Poland, Rumania, Sweden, United Kingdom.

³ Kuwait, certain territories of the United Kingdom.

⁴ For example, Argentina, Ceylon, Czechoslovakia, India (Maternity Benefit Act, 1961, which has not yet come into force in all states), Italy, Pakistan.

⁵ For example in Canada (Manitoba, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan), where in addition to regulations issued by public bodies, the question of maternity protection is covered by the personnel programmes of both public bodies and private industry. The same applies to the United States where, in addition, the Civil Service Commission's Inter-Agency Advisory Group has drawn up a guide on the granting of maternity leave in the federal service. A similar procedure has been adopted by the individual states and municipalities.

In some territories of the United Kingdom, such as Aden, Bahamas, Basutoland and Grenada, there are administrative instructions containing provisions which deal with maternity protection but apply only to married women. This is also the case in Gambia. In Sierra Leone administrative regulations contain clauses dealing with maternity in the case of government employees. In Switzerland model contracts of employment are drawn up, under section 324 of the Code of Obligations, by the Federal Council and the individual cantons (in consultation with the employers' and workers' organisations concerned) and apply to various classes of workers, e.g. farm workers and domestic servants, whose individual contracts of employment must contain the prescribed clauses; most of these model contracts provide for compulsory membership of sickness insurance funds, which also cover maternity, while other contracts, as in the canton of Valais, contain provisions dealing with leave and retention of employment in the event of maternity.

with employees in government departments or public service (including teachers), but may also apply to certain classes of workers in private employment. Usually they deal with all aspects of maternity of women workers, whether related to contracts of employment or insurance benefits.

40. Collective agreements constitute another means of ensuring protection for women workers in the event of maternity. In some of the countries examined¹ they exist side by side with the basic legislation or special legislation and provide better conditions, whereas in other countries they take the place of such legislation, at least as regards certain classes of women workers.² In the latter case, the importance of the part played by collective agreements will depend on the extent to which they are given full legal effect.

41. Lastly, mention must be made of the part that court decisions may play in enforcing the standards laid down by these instruments. Although the latter would appear to be of the type which require to be implemented by special statutory measures, case law on the subject may be of importance, especially if the legislation enacted is incomplete, ambiguous or of a general character.³ The reports received from governments contain little information on this point.

METHODS EMPLOYED BY THE STATES WHICH HAVE RATIFIED THE CONVENTIONS

42. The methods employed by States which have ratified one or other of the two Conventions have not given rise to any special difficulties. Almost all of these States have passed appropriate legislation. However, the Committee of Experts has had to make observations or requests to some States regarding the measures taken to give effect to certain provisions of these Conventions in respect of which there appeared to exist no legislation.

43. On this subject the Committee has stated—even when national practice appeared to conform to the Conventions—that it was preferable for laws or regulations to be adopted to give full effect to these instruments.

44. As regards the detailed measures taken to apply the Conventions, the Committee has not raised any objection when some States which ratified the 1919 Convention have reported that they used administrative circulars to ensure observance of

¹ For example in Canada (Alberta—factory workers), Ethiopia (workers on sugar plantations), Ghana (staff of the West African Bank, workers in civil engineering, building and road transport), Italy (workers in the film industry, banks, municipal water undertakings, knitwear and hosiery, and silk manufacture), Mexico (petroleum and railway workers), United Kingdom (employees of local authorities and clerical workers in the electricity supply industry), and Venezuela (petroleum workers).

² For example in Jamaica (collective agreements covering workers in the private sector), Kenya (collective agreements covering certain industries and domestic staff in schools and hospitals), Poland (collective agreements for agricultural workers, 1960), Sierra Leone (collective agreements covering employees of the Shell Company), Switzerland (collective agreements in certain occupations) and in certain territories of the United Kingdom. In the United States, federal legislation and the legislation of six states applies only to the civil service, the armed forces (which employ 32,000 women) and railways. The great majority of the women workers are covered by collective agreements which contain clauses dealing with maternity leave and employment protection; moreover 90 per cent. of all maternity benefits are paid by private insurance schemes, for which the conditions of membership and rates of benefit are settled by collective bargaining.

³ 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), p. 12.

two points which did not appear to involve basic questions, viz. continuation of payment of benefit in the event of extension of antenatal leave owing to a mistake by the doctor or midwife in estimating the date of confinement (Article 3 (c), last clause) and the length of each of the two nursing breaks (Article 3 (d)).

45. Finally, it may be noted that in one of the States bound by the 1919 Convention, the former of the two foregoing provisions is applied by virtue of a decision of the Supreme Court; this decision was based on the principle laid down in the national Constitution of the State in question that an international Convention overrides internal law. The Committee of Experts, which had raised this question with the Government, took note of this decision with interest, but also expressed the hope that, in accordance with the Government's statement that it intended to take specific measures, these measures "will be taken in the near future and will be based on the above judgment".¹

¹ Cf. 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), p. 42 (France).

CHAPTER II

SCOPE

46. The scope of the instruments on maternity protection is very wide. The persons protected are defined in terms of a great variety of specified activities which, in the case of the 1919 Convention, cover industrial and commercial undertakings and, in the case of the 1952 Convention, public and private industrial undertakings, together with non-industrial and agricultural occupations, including wage-earning employment at home. The 1921 Recommendation extends the coverage provided for in the 1919 Convention to "women wage earners in agriculture", whereas the 1952 Recommendation, which supplements the 1952 Convention ¹, has the same scope as the latter, to which it refers.

47. The two Conventions in question contain a detailed definition of the different types of undertakings and forms of employment to which they apply ² and also empower the competent authority in each State Member to apply their provisions to any other undertaking or occupation not specified therein which the State concerned may consider to fall, by its nature, within the scope of these Conventions.

48. The only exception permitted by these Conventions is in the case of family undertakings, although the 1952 Convention allows States Members which ratify it to permit certain exceptions with respect to some of the occupations which it covers.³

49. A more detailed examination is made below of the classes of persons protected and the various occupations which come within the scope of these instruments, as well as of the extent to which the scope of national legislation corresponds with that of the instruments.

PERSONS PROTECTED

50. The 1919 and 1952 Conventions apply (within the activities they cover, which are examined below) to any female person, irrespective of age, nationality, race or creed ⁴, whether married or unmarried, and whether the child is born of marriage or out of wedlock. These instruments thus lay down the principle of non-discrimination with respect to all women workers in the event of maternity.

¹ Cf. preamble to the Recommendation, third paragraph.

² The 1952 Convention also provides that in any case in which it is doubtful whether the Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organisations of employers and workers concerned, where such exist.

³ As will be seen later, the States bound by this Convention have not availed themselves of this clause.

⁴ Article 2 of the 1919 and 1952 Conventions. The terms "race" and "creed" were inserted when the Convention was revised in 1952.

51. The instruments apply, without distinction, to any woman employed¹ in the undertakings or occupations defined by them; there are no restrictions either as regards types of posts or earnings.²

52. Although the legislation of relatively few countries³ defines the terms "woman" or "child" in such a way as to cover the specific points mentioned by the Conventions (where given, the definition usually corresponds to the version contained in the 1952 Convention), the principle of non-discrimination is applied in the great majority of countries, either implicitly or under provisions of a general character in constitutions or basic legislation applicable to all workers.⁴

53. In some countries, however, national legislation appears to contain restrictions on the application of this principle, either as regards age⁵ or

¹ While it is apparent both from the preparatory work and the discussions relating to the 1919 Convention at the Washington Conference that the instrument applies to women employees (the 1921 Recommendation refers explicitly to women wage earners in agriculture), the same would not appear to be true of the 1952 Convention, which seems to be wider in scope, at least as regards non-industrial and agricultural occupations. The wording of the latter Convention on this point would appear to have given rise to some doubts and the Committee of Experts has had to ask five States which had ratified the Convention whether their legislation applied equally to women employed in certain collective agricultural undertakings whose "remuneration could not be regarded as a wage". Two of the States concerned confirmed that their national legislation on maternity protection applied to these workers as well, whereas in the three others recent legislation provides maternity protection for members of these collective farms similar to that which is available under the general scheme.

² It is worth recalling that in 1930 the Italian Government raised the question whether the word "woman" in the 1919 Convention included or excluded women whose salaries exceeded the limits generally laid down in national legislation as regards the application of social insurance to non-manual women workers. The International Labour Office stated at the time that the Convention contained no clause which permitted the exclusion of women whose earnings exceeded a certain amount and that the preparatory work and discussions at the Washington Conference made no reference either to an earnings limit of this kind. It added that the Convention expressly provided for the possibility of States which ratified it having recourse to a system of insurance, but that examination of the preparatory work did not show clearly whether the Conference intended to allow as fulfilling the provisions of the Convention, all the conditions usually included in public insurance schemes and, in particular, the condition of a salary limit (Cf. *International Labour Code 1951*, Vol. I, article 667, note 170, p. 547). A similar question was raised in 1954 by the Government of the Federal Republic of Germany in connection with the 1952 Convention. The Office took the view that the Convention did not exclude any "special categories" of women employed in the undertakings and occupations covered by the Convention and that, accordingly, women whose earnings exceeded a certain limit could not be excluded (Cf. *Official Bulletin* (Geneva, I.L.O.), Vol. XXXVII, 1954, pp. 393-395).

³ For example: Cameroon (Western Cameroon) (section 144 of the Labour Code); Canada (British Columbia: Maternity Protection Act, 1921); Haiti (Labour Code, section 375); Honduras (Labour Code, section 12); Iraq (Labour Code, section 23); Nigeria (Labour Code, section 144); Philippines (revised Regulations issued under the Employment of Women and Children Act, 1952, as amended); United Kingdom (Bechuanaland: Labour Ordinance, 1963, section 63; Solomon Islands: Labour Ordinance, section 76).

⁴ For example: Algeria, Argentina, Austria, Brazil, Bulgaria, Byelorussia, Cameroon (Eastern Cameroon), Central African Republic, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia, Dahomey, Denmark, Ethiopia, France, Gabon, Federal Republic of Germany, Greece, Hungary, India, Iraq, Italy, Israel, Ivory Coast, Kuwait, Malagasy Republic, Mali, Mauritania, Morocco, Netherlands, Norway, Pakistan, Peru, Rumania, Rwanda, Syrian Arab Republic, Ukraine, U.S.S.R., United Kingdom, Venezuela, Yugoslavia.

⁵ For example: Argentina (Decree No. 80229 of 1936 respecting the Maternity Fund (section 15) excludes women under the age of 15 and over the age of 45 from the maternity insurance scheme); Iceland (the Social Insurance Act of 1963 (section 10) lays down a qualifying age of 16); Ireland (under the Social Welfare Act, 1952-63, the qualifying age for insurance is 16); Israel (the National Insurance Act of 1953 (section 3) applies to resident citizens who have reached the age of 18, although the Government states that the National Insurance Institute may grant maternity benefit to women under the age of 18, and the Employment of Women Act imposes no age restriction in the case of

nationality.¹ In most cases these restrictions are imposed by social security or public assistance schemes, which in some countries confine their benefits to nationals, although in some cases similar restrictions may be found in the regulations on conditions of work and contracts of employment.

54. As regards "race" and "creed", application does not appear to have caused any difficulty. Apart from a few exceptions², national legislation appears to apply to all women irrespective of whether they are married or whether their children are born out of wedlock.

55. The countries which have ratified one or the other of the Conventions do not appear to have encountered any particular difficulties in applying the principle of non-discrimination irrespective of age, nationality, race, creed, or marital status. The Committee of Experts has had to raise the question—as regards nationality and age—only in quite exceptional cases.

56. As regards the extension of maternity protection to all the workers covered by these instruments irrespective of their posts or earnings, the restrictions imposed by the legislation of some countries almost always³ apply to persons in senior posts (of a technical, managerial or supervisory character) in the higher earnings groups. Restrictions based on the nature of the post are less common and are usually encountered in regulations on conditions of work and contracts of employment⁴, whereas

other protective measures); Nicaragua (the Social Security Act, 1955 (section 64), prescribes a qualifying age of 14); Spain (the Sickness Insurance Act, 1942, covers women over the age of 14); United Kingdom (in the following territories labour legislation applies to women over the age of 18; Brunei: section 1 of the Labour Enactment, 1954; British Honduras: Labour Ordinance, 1959; Swaziland: section 2 of Employment Proclamation of 20 August 1962); Tanzania (Tanganyika) (the Employment Ordinance, 1955, applies to women over the age of 18, but the Government states that the maternity regulations apply to all women workers irrespective of age).

¹ For example: Finland (section 1 of the Maternity Benefits Act, dated 13 June 1941 (No. 424), as amended); Iceland (section 10 of the Social Insurance Act, 1963); Israel (section 3 of the National Insurance Act, 1953, as amended); Spain (section 6 of the Sickness Insurance Act, 1942), and section 18 of the regulations issued thereunder confine entitlement to benefit to Spanish nationals and to citizens of Latin American countries, Andorra, Philippines and Portugal. The Government has stated in its reports that the sickness insurance scheme has been extended to citizens of several other States under international agreements and that the new social security scheme set up under a new fundamental enactment will bring Spanish legislation into line with the Conventions); Sweden (sections 3 and 4 of Public Insurance Act, 1962; insurance coverage is, however, extended to non-Swedish workers who are registered inhabitants).

² Exceptions exist, for example, in the case of certain classes of workers, such as teachers: Gambia (Gambia General Orders, Caps. 4, 13 and 17/18); Malawi (Unified Teaching Service Conditions of Employment); New Zealand (section 5 (c) of Teachers' Leave of Absence Regulations, 1951). In other countries exceptions are made in the case of women in government service: for example Gambia, Jamaica (where married women are entitled to more favourable leave and benefits), and in certain territories of the United Kingdom: by virtue of administrative regulations: Gibraltar, Grenada, St. Lucia, Seychelles. In some other countries, such as the United Kingdom and the territory of Grenada, such exceptions apply to certain classes of industrial and commercial undertakings by virtue of collective agreements. It may be added that in Australia married women are not entitled to permanent posts in federal government service and in most state services and as the Government states in its report there are, therefore, no statutory provisions dealing with maternity protection in their case; married women in temporary posts are covered by the sickness insurance scheme.

³ However, in Austria the General Social Insurance Act of 1955, as amended, excludes wage earners and self-employed persons assimilated to wage earners for the purposes of the Act if they perform work of minor importance from which they earn less than 270 schillings a month.

⁴ For example: Argentina (section 3 of the decree of 1949 regulating the status of agricultural workers, which excludes women holding administrative posts; Spain (Spanish overseas provinces; the orders dated 2 March 1954 (respecting contracts of employment, etc., applicable to the Western Provinces) and 24 May 1962 (approving the Labour Ordinance in the African Equatorial Provinces) exclude certain senior employees occupying posts as managers, inspectors, etc.); Switzerland (the Federal Labour Act, 1964—which is not yet in force—does not apply to persons in senior executive posts).

restrictions based on earnings occur primarily in legislation on social insurance and, in fact, are very frequent.¹ Under the legislation of some of the countries concerned, insurance is not compulsory for workers—or at least those in non-manual employment—whose earnings exceed a certain limit.

57. In most cases, restrictions of this kind imposed under insurance schemes are not necessarily accompanied by equivalent restrictions in the legislation on conditions of work and contracts of employment, so that the discrepancy between the coverage of the two sets of provisions may pose a number of problems because women who, owing to their earnings, are not entitled either to sickness insurance benefit or to public assistance, may be compelled nevertheless to take maternity leave, with the result that they either do so unwillingly or only take part of it—to the detriment of their own and their children's health. In such cases, employers are often required to pay their wages to replace these benefits, but this solution is contrary to the standards laid down in the Conventions and Recommendations on maternity protection (see below). Even if, as the governments of the States concerned remark, the number of women subject to these restrictions is limited in practice, they are plainly contrary to the Conventions and Recommendations in question.

58. As regards the States which have ratified one or the other of these Conventions, the Committee of Experts has had to ask three States bound by the 1919 Convention to take steps to eliminate the wage ceilings imposed by social insurance legislation in the case of certain classes of salaried employees. One of these States has already amended its legislation accordingly, and another has stated that its legislation is being amended. With respect to the 1952 Convention, a State which imposes an income ceiling for entitlement to medical benefit has stated that it intends to take appropriate measures in the near future.

CLASSES OF OCCUPATIONS PROTECTED

59. As was stated earlier, the 1919 Convention applies to “industrial or commercial undertakings” whereas the 1952 Convention covers “industrial undertakings” and “non-industrial and agricultural occupations”, including home work.

¹ For example, in the legislation of the following countries: Costa Rica (section 1 of the 1952 Regulations respecting the risks of sickness and maternity); Federal Republic of Germany (Federal Insurance Code of 1924, as amended, sections 165 ff.: the limitation on earnings mainly applies to women salaried employees. The Government has stated in its reports that a Bill now before Parliament will bring national legislation into line with the 1919 Convention, by which the Federal Republic of Germany is bound; the Government has also referred to the Social Assistance Act of 1961 which, however, only appears to cover women whose means of support are non-existent or inadequate); India (Employees' State Insurance Act, section 2 (9), and regulations issued thereunder (1950) applicable to women factory workers); Ireland (Social Welfare Act, section 4 and Appendix I, Part II, and the Government's report); Italy (the Act dated 26 August 1950 respecting the physical and medical protection of working mothers excluded certain classes of women employees from entitlement to cash benefit, but an Act of 9 January 1963 has now abolished this discrepancy); Netherlands (section 1 (c) of Act dated 12 June 1952); Pakistan (Employees' Social Insurance Ordinance, 1962); Peru (Act dated 12 August 1936 respecting compulsory social insurance for wage earners (as amended)); Spain (Sickness Insurance Act dated 14 December 1942, section 2, and Sickness Insurance Regulations of 1943, as amended, although the Government states that women workers whose earnings exceed the limit under the maternity insurance scheme are covered by the family benefits scheme under the Act of 18 June 1942); Sweden (Public Insurance Act dated 25 May 1962, Chapter III, section 2, as regards cash benefits); Uruguay (the Government's report in 1963 on the 1952 Convention, ratified by Uruguay, stated that medical benefits were granted under the family allowances scheme, which places a ceiling on earnings; in its 1964 report the Government states that a Bill is now being prepared which will take the provisions of the Convention into account).

60. The 1919 Convention (Article 1, paragraph 1) and the 1952 Convention (Article 1, paragraph 2) contain detailed lists¹ of the public or private industrial undertakings to which they apply. These lists cover four main categories, viz.: (a) mines, quarries and other extractive industries of all kinds; (b) manufacturing industries; (c) construction industries, including maintenance and demolition; and (d) transport. The list in the 1952 Convention is less detailed in the case of certain activities such as construction, which makes it possible to take account of industrial developments since 1919. As regards transport undertakings, the 1919 Convention covers transport by road, rail, sea or inland waterway, including the handling of goods, but excludes transport by hand, unlike the 1952 Convention which also applies to air transport and the handling of goods at airports.

61. In dealing with public or private non-industrial activities, the 1919 Convention defines a "commercial undertaking" as "any place where articles are sold or where commerce is carried on" (Article 1, paragraph 2), whereas the 1952 Convention covers all "non-industrial occupations", by which it means commercial establishments, postal and telecommunications services, establishments and administrative services in which the persons employed are mainly engaged in clerical work, newspaper undertakings, hotels and restaurants, hospitals, places of public entertainment and domestic work, together with any other non-industrial occupations "to which the competent authority may decide to apply the provisions of the Convention" (Article 1, paragraph 3).

62. The 1919 and 1952 Conventions also apply to the branches of industrial and commercial undertakings, i.e. they cover all the employees of any establishment (including its branches) irrespective of their individual occupations, e.g. whether employed in manufacturing workshops, unpacking, correspondence, despatch, etc.²

63. The 1952 Convention also defines agricultural occupations as "all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings" (Article 1, paragraph 4).

64. Thus it can be seen that these instruments apply to a very wide range of occupations.

65. Since maternity protection in each country is provided under a variety of laws and regulations, it is extremely difficult to ascertain the exact extent to which these laws and regulations in fact cover the types of occupations referred to by these instruments. This difficulty is enhanced by the fact that maternity protection provisions are found in two different types of legislation—that on labour and contracts

¹ The list in Convention No. 3 corresponds closely to that given in the Hours of Work (Industry) Convention, 1919 (No. 1), and is repeated either unchanged or with certain variations by a number of other Conventions. According to an interpretation on this point given in connection with Convention No. 1, and which is applicable by analogy to Convention No. 3, this list would not appear to be exhaustive (Cf. *International Labour Code 1951*, Vol. I, article 236, note 178, p. 191).

² The term "branch" employed in the 1919 Convention is taken from the Hours of Work (Industry) Convention, 1919 (No. 1). The meaning of this term is made clear in the Explanatory Report on this Convention (Cf. *International Labour Code 1951*, Vol. I, article 452, note 10, p. 358, article 237, note 190, p. 196, article 320, note 402, p. 261). The French text of Convention No. 103 employs the term "branches d'une entreprise" instead of "dépendances"; there is no ground for thinking that the intention was to give a different significance to this term to judge by the Explanatory Report on the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61) (Cf. *idem*, article 320 note 402, p. 261). The same opinion was expressed in the reply by the Office to a question on this subject put by the Swedish Government (Cf. *Official Bulletin*, Vol. XXXVIII, 1955, p. 377).

of employment, on the one hand, and that on social security on the other—and by the fact that in many cases the scope of the relevant laws and regulations is not the same.¹

66. An attempt is made below to give a general survey of the way in which the scope of various types of legislation is defined.

67. In the great majority of the countries examined² the definition of coverage is based on the existence of an employment relationship. Legislation refers to “any worker” or “any employee”, usually defined as “any person who undertakes to place his labour, in return for remuneration, at the disposal of any other person or public or private body corporate under the latter’s direction or authority”. This general formula is usually encountered in labour codes or laws, but is frequently employed in social security legislation as well. It is common, however, for the latter type of legislation to list certain occupations not covered.

68. In other countries³ the scope is usually defined in relation to certain classes of establishments which are defined in a general way with provision for exceptions

¹ Thus in some countries such as China, Iraq, Luxembourg, New Zealand, Sweden and the United Kingdom, the legislation on social security is wider in scope than that on working conditions, whereas in others, such as Tunisia and Venezuela, the opposite is the case.

² For example: Algeria (Order dated 10 June 1959, section 35; Order dated 26 October 1959, section 2 and Order dated 10 September 1949, Part III, section 22); Austria (Maternity Protection Act, 1957, section 1, as amended; Social Insurance Act 1955, section 1); Belgium (for wage earners: Act concerning contracts of work, section 1); Brazil (Consolidated Labour Laws, section 7; Act of 1960, sections 3 and 5; Act of 1963 respecting the conditions of agricultural workers, section 2); Cameroon (Eastern Cameroon) (Labour Code, section 1, and Act No. 59-27, dated 11 April 1959); Central African Republic (Labour Code, section 1, and Order No. 276 dated 7 March 1956); Chad (Labour Code, section 1, and Order dated 21 March 1956); Colombia (Labour Code, sections 2 and 238, and Decree No. 2690 of 1960, section 2); Congo (Brazzaville) (Labour Code, section 2, and Order No. 705 dated 8 March 1956); Congo (Leopoldville) (Legislative Decree dated 1 February 1961, section 2); Costa Rica (Labour Code, section 4); Cuba (Act No. 1100 of 1963, section 2); Cyprus (Social Insurance Act of 1956); Czechoslovakia (Act of 25 March 1964, section 1, and Act of 30 November 1956); Dahomey (Labour Code, section 1, and Decree No. 337 of 26 November 1960, section 2); France (Social Security Code, section L.241); Gabon (Labour Code, section 1, and Decree of 7 January 1963); Federal Republic of Germany (Maternity Protection Act 1952, sections 1 and 2; Social Insurance Code, section 165); Honduras (Labour Code, sections 2 and 4, and Act of 19 May 1959); Hungary (Labour Code, sections 1, 4 and 5, and Ordinance of 1955, section 3); Iceland (Act of 30 April 1963, section 10); Iraq (Labour Code, section 1, and Social Security Act, section 1); Israel (Employment of Women Act, 1954, National Insurance Act, as amended, sections 1, 3 and 27); Italy (Act No. 860 of 1950, section 1); Ivory Coast (Labour Code, section 1, and Order of 13 December 1955); Malagasy Republic (Labour Code, section 1, and Decree dated 22 February 1963); Mali (Labour Code, section 1, and Social Welfare Code); Mauritania (Labour Code, section 1, and Act of 23 January 1963, section 1); Mexico (Labour Act, section 3); Nicaragua (Labour Code, section 3); Peru (Act No. 2851 of 1919 and Act No. 8433 of 1936); Spain (Act of 14 December 1942, sections 3 and 5; this Act refers to “producers with limited incomes derived from their work”); U.S.S.R. (Labour Code, section 1); United Kingdom (National Insurance Act of 1946, section 1); Upper Volta (Labour Code, section 1, and Order of 6 December 1955).

³ For example: Albania (Labour Code, sections 1 and 2); Argentina (Act No. 11317, section 13, Act No. 11933, section 1); Chile (Act No. 11462, sections 307 and 309); France (Labour Code, Book II, section 54 (a)); Ghana (Labour Ordinance, section 75); Morocco (Decree of 21 July 1947, sections 1, 2 and 3); Norway (Workers’ Protection Act, section 1); Poland (Social Insurance Act, 1933, sections 1 and 7); Rumania (Labour Code, section 2); Sweden (Workers’ Protection Act, section 1; this Act applies only to private undertakings and gives details of certain other occupations covered); Switzerland (Federal Labour Act of 13 March 1964, which also lists certain establishments such as banks, hotels and restaurants, clinics and hospitals and forestry undertakings); Tunisia (Decree of 6 April 1950, as amended, section 1, Decree of 18 June 1954, section 1, and Act of 14 December 1960, as amended, section 34; this legislation also lists certain occupations); Venezuela (Labour Act, section 8); Yugoslavia (Employment Relationships Act, 1957, section 1).

in some cases. Legislation of this kind, for example, refers to "all industrial, commercial or agricultural undertakings, whether public or private and branches thereof", "any industrial or commercial undertaking and branch thereof of whatever type, whether public or private..." or "state economic undertakings and organisations, co-operatives or public bodies, individuals and bodies corporate in the private sector", or yet again "any undertaking employing wage labour".

69. Only in a very limited number of countries does the legislation enumerate the undertakings to which it applies, in the manner provided for in the Conventions in question. In some of these countries ¹ the list is more or less the same as the occupations mentioned in the 1952 Convention, whereas in others ² it corresponds more closely to the 1919 Convention. In a few other countries ³ national legislation contains a list which covers only some of the undertakings referred to by the Conventions in question.

70. In all the foregoing cases, the extent to which national legislation is in conformity with the 1919 Convention or the 1952 Convention can only be gauged by examining each individual case, since it must not be forgotten that even when such legislation is general in scope, it may permit exclusions which go beyond those authorised by the Conventions. On the other hand, when it covers only certain specified types of occupations, it may be supplemented by special laws or regulations or alternatively by collective agreements (e.g. covering farm workers, domestic servants, government employees, etc.). The same problem may arise in the case of federal States in which federal legislation normally covers only very restricted classes of workers. Even when the scope of the national legislation corresponds with that of one or other of these Conventions, it may be limited by the fact that the legislation applies only to certain specified areas. This is particularly true of social security schemes which, in most of the economically less advanced countries, are introduced by stages; such schemes do not yet cover all the prescribed classes of workers or the whole country.⁴ The Committee of Experts has raised this question with the governments of a few of these countries, which are parties to the 1919 Convention.

71. Nevertheless, a study of the information supplied in governments' reports and of the relevant legislation shows that, generally speaking, the scope of the provisions for maternity protection is in most countries wide enough to cover women workers in industry and commerce as required by the 1919 Convention. Apart from one or two points of detail, the States which have ratified this Convention do not appear to have encountered any particular difficulty in this respect.

¹ E.g. in the following countries as regards industrial undertakings and non-industrial and agricultural undertakings: Cameroon (Western Cameroon) (Labour Code, sections 142 and 145; however, section 182 makes provision for extension to include domestic servants); Haiti (Labour Code, sections 97 and 103); Nigeria (Labour Code, sections 142 and 145—same as in Western Cameroon in the case of domestic servants); Philippines (Act No. 679 of 1952, sections 2 and 8; this Act does not refer, however, to public undertakings). In Tanzania (Tanganyika), section 2 of the Employment Ordinance contains a similar definition but only for industrial and commercial undertakings; the Government states that, nevertheless, in practice the term "industrial undertakings" also includes agricultural occupations.

² For example: Argentina (Decree No. 80229 of 1936 respecting the Maternity Fund, section 16); Luxembourg (Order of 1932, section 17); United Kingdom (Solomon Islands: Labour Ordinance, Chap. 28).

³ For example: Burma (Social Security Act, 1954, Chap. 1, section 3); Canada (British Columbia: Maternity Protection Act); Denmark (Workers' Protection Act, section 1); Finland (Decree of 1917, section 1, and Act of 1924, section 1); Poland (Act of 1924 relating to the employment of women and young persons, as amended, section 1).

⁴ For example in the following countries: Burma, Colombia, Guatemala, Greece, Haiti, Honduras, India, Mexico, Nicaragua, Peru and Venezuela.

72. The position is different in the case of the 1952 Convention, the scope of which, as was seen earlier, is much wider. The list of non-industrial occupations, for example, covers a range of undertakings which is greater than that of the commercial undertakings referred to in the 1919 Convention. One may assume that, where the scope of the legislation is defined in general terms, it covers most of the types of employment included in the Convention, but the same is not true of the fairly numerous cases in which the legislation excludes one or several forms of employment.¹ In some of these cases, however, certain types of non-industrial occupations are covered by special enactments or by non-statutory practices.²

73. As regards agricultural occupations, major progress was achieved in maternity protection between 1921, when Recommendation No. 12 was adopted, and 1952, when the 1919 Convention was revised. In very many countries³ women workers in agriculture are covered by the general protective measures which apply to all women workers. In other countries⁴ they are subject to special regulations which, by and large, contain the same provisions as the general measures.

74. There are, however, many countries⁵ in which maternity protection in agriculture still lags considerably behind the measures taken in industry and commerce. In some of these countries the few protective measures in existence are in the field of social security, and legislation regulating contracts of employment or conditions of work is completely lacking. In others, in contrast, there are provisions dealing

¹ For example: Burma (the Social Security Act of 22 October 1954 does not cover non-industrial employment); Ceylon (the Maternity Benefit Ordinance, 1939, as amended, applies to factories; mines and plantations); China (the Social Insurance Act, 1958, only covers some non-industrial occupations); Denmark (the Act of 9 June 1948 respecting the legal relationship between employers and salaried employees only covers part of the non-industrial occupations listed by the Convention); Finland (Act No. 605 of 1946 applies only to commerce, offices and other similar establishments); India (the Maternity Benefit Act, 1961, and the Employees' State Insurance Act, 1948, cover factories, mines and plantations); New Zealand (the Factories Acts do not cover non-industrial occupations); Pakistan (the maternity benefit laws in the different provinces apply to mines, factories and tea plantations, except in the case of the Act of 1939 applicable in Eastern Pakistan, which covers any person employed in manual or clerical occupations in any industrial or commercial undertaking; the Social Security Act, 1962, covers industry, together with such other establishments as may be defined by regulation); Turkey (the Labour Code excludes establishments and organisations in which employees are mainly engaged in clerical work); Uruguay (according to information supplied by the Government, national legislation would not appear in practice to cover women employees of the postal and telecommunications services).

² For example: in Malaysia (Singapore: the Government states that collective agreements contain clauses dealing with maternity in the case of women employed in non-industrial occupations other than those covered by the Employment Ordinance).

³ For example, Belgium, Cameroon (Eastern Cameroon), Central African Republic, Ceylon (plantations only), Chad, Congo (Brazzaville), Cuba, Gabon, Federal Republic of Germany, Hungary, India (plantations only), Ireland, Italy, Ivory Coast, Malagasy Republic, Mali, Mauritania, Netherlands, Niger, Nigeria, Pakistan (plantations only), Philippines, Rumania, Spain, Upper Volta.

⁴ For example: Argentina, Austria, Brazil, Byelorussia, Czechoslovakia, France, Poland (collective agreement of 1960), Switzerland (model contracts of employment), Ukraine, U.S.S.R., Yugoslavia.

⁵ The following legislation does not apply to agricultural occupations: Burma (Social Security Act; the Government confirms this fact in its report); Canada (the Government states that there is no provision applying to women workers in agriculture); Cyprus (Social Insurance Act, 1956); Honduras (Labour Code and Social Insurance Act, 1957); Iraq (Social Security Act and Labour Code); Jordan (Labour Code); Luxembourg (Order of 30 March 1932); Morocco (Decree of 1959 respecting social security); Peru (Act No. 2851 respecting the employment of women and children); Portugal (Metropolitan Portugal only: Decree of 23 September 1963; nevertheless provision is made for the extension of this legislation to agriculture; the Government states that women workers in agriculture can obtain medical care and allowances in "people's homes"); Sweden (Workers' Protection Act, 1949; this Act applies to women workers in agriculture only in certain circumstances); Turkey (Labour Code); United Kingdom (Swaziland: Employment Proclamation); Venezuela (Social Insurance Decree of 1951—provisional exclusion).

with maternity leave, but the law does not require payment of benefit under a social security scheme or out of public funds. In a few countries there is no legislation at all concerning women workers in agriculture. Some governments which do not possess any legislation on the subject state that there has been no need for it owing to the very small number of women employed in agriculture.¹

75. Maternity protection is increasingly being extended to women workers in domestic service, who are covered by the legislation of a large number of countries, especially in cases where the legislation is general in scope. In some countries² they are subject to special legislation, at least as regards conditions of work and contracts of employment. Evidently, the detailed rules governing the application of such legislation vary in practice from country to country, according to the nature of the scheme and national conditions. Nevertheless, it is not uncommon for legislation to lay down less favourable conditions for domestic servants than other workers, particularly as regards length of leave and protection against dismissal.³ In many countries, however, domestic servants are specifically excluded from the scope of maternity protection legislation.⁴

76. The situation is much the same as regards women homeworkers, who in most of the countries examined are covered by national legislation either implicitly—where the legislation is general in scope—or by specific provision.⁵ In several countries, however⁶, the maternity protection regulations specifically exclude this class of women workers or do not indicate that they apply to them.

77. In the case of States which have ratified the 1952 Convention, some difficulties are at times encountered as regards the application of certain provisions of the Convention to domestic servants. Nevertheless, of the three States to which requests have been made on this point, one has already taken appropriate action and another has stated that it is studying the question. In another case, the Committee has had to observe that the law did not apply in practice to women workers in the postal and telecommunications services and in agriculture.

¹ For example: Malaysia (Singapore), Sierra Leone, United Kingdom (Bermuda, Brunei, Gilbert and Ellice Islands).

² For example: in Denmark (notification dated 16 June 1941 as amended in 1952 and 1953); Norway (Act of 31 May 1963); Sweden (Act of 30 June 1944); Switzerland (model contracts of employment); U.S.S.R. (Decree of 8 February 1926 issued under section 1 of the Labour Code); Yugoslavia (under special regulations issued by individual republics under section 415 of the Employment Relationships Act).

³ For example: in the Federal Republic of Germany (Maternity Protection Act, 1952), Hungary (Labour Code, section 96, as amended by a Decree of 1962) and Norway (Act of 31 May 1963 respecting the conditions of employment of domestic servants).

⁴ For example: Argentina (Decree of 31 December 1949, section 3, respecting farm servants); Brazil (Consolidated Labour Laws, section 7, and Social Security Act of 1960, section 5); Cyprus (Social Insurance Act, 1956); Iraq (Labour Code, section 2); Jordan (Labour Code, section 5); Kuwait (Labour Act (Private Sector), section 2); Luxembourg (Order of 30 March 1932, sections 1 and 17); Malaysia (Singapore: Employment Ordinance, section 2); Pakistan (Social Security Act, 1962); Peru (Act No. 2851 of 1918 and Compulsory Social Insurance Act of 1936, section 2); Philippines (Act No. 679 of 1954, section 1); Tanzania (Tanganyika) (Employment Ordinance, section 2); Venezuela (Social Insurance Decree of 1951, section 4).

⁵ For example: Chile (Act No. 11462 of 1952, section 309); Federal Republic of Germany (Act of 1952, section 1; Social Insurance Code, sections 165 ff.); Haiti (Labour Code, section 97); Italy (Act No. 860 of 1950, section 2); Peru (Social Insurance Decree of 18 February 1941, section 2); U.S.S.R. (Labour Code, section 1, and Decree of 15 November 1928, section 4).

⁶ For example: Iraq (Labour Code, section 2); Luxembourg (Order of 30 March 1932, section 17); Malaysia (Singapore: Employment Ordinance, section 2); Spain (Sickness Insurance Act of 14 December 1942); Sweden (Workers' Protection Act, 1949, section 3 (a)); Switzerland (Federal Labour Act of 1964—not yet in force); Tanzania (Tanganyika) (Employment Ordinance, sections 2 and 87); Venezuela (Social Insurance Decree, 1951, section 4).

EXCEPTIONS ALLOWED BY THE 1919 AND 1952 CONVENTIONS

78. The two Conventions in question permit exceptions in the case of family undertakings, but whereas the 1919 Convention (Article 3) specifically excludes any "undertaking in which only members of the same family are employed", the 1952 Convention (Article 1, paragraph 6) states that national laws or regulations may exempt from the application of the Convention "undertakings in which only members of the employer's family, as defined by national laws or regulations, are employed".¹

79. The great majority of the countries examined do not appear to have availed themselves of the clause regarding the exemption of family undertakings, and in some countries² national legislation specifically states that these establishments are included within its scope.

80. There are, however, many countries³ where legislation on maternity protection contains specific provisions excluding family undertakings, which are defined either along the same lines as in one or other of the two Conventions in question or more broadly.

81. The States which have ratified one or other of these two Conventions have not usually encountered any difficulties on this point. Only in two cases has the Committee of Experts had to point out that the exemption permitted by the national legislation is wider in scope than that allowed by the Convention.

82. The 1952 Convention also states (Article 7) that States Members which ratify it may, by a declaration accompanying the ratification, provide for exceptions⁴

¹ Further explanation can be given of the exact scope of these two provisions: under the 1919 Convention, if there is a single worker in an undertaking who is not a member of the family the undertaking becomes subject to the Convention, whereas the 1952 Convention does not permit an exception for an undertaking in which only the members of a single family *other* than the employer's family are employed (Cf. *International Labour Code 1951*, Vol. I, article 237, note 193, pp. 197-198).

² For example Israel (National Insurance Act, 1953, as amended) and Morocco (Decree of 1947 to regulate employment, as amended).

³ For example, the legislation of the following countries excludes family undertakings as defined in the 1919 Convention: Cameroon (Western Cameroon) (Labour Code, section 145); Luxembourg (Order of 30 March 1932, sections 1 and 2); New Zealand (Factories Act); Peru (Act No. 2851); Syrian Arab Republic (Labour Code, section 140). The legislation of the following countries contains an exclusion corresponding to that permitted by the 1952 Convention: Argentina (Act No. 11317, section 13); Finland (Decree of 18 August 1917, section 1, and Act No. 605 of 1946); Pakistan (Social Security Act, 1962); Philippines (Act No. 679 of 1952, section 1 (c)); Tanzania (Tanganyika) (Employment Ordinance, section 87). The exclusions permitted by the legislation of the following countries are wider in scope than those permitted by the Convention: Colombia (the Sickness and Maternity Insurance Act, 1960, section 3, excludes the employer's spouse, parents and children under the age of 14 in employment status and any other members of the family up to a specified degree of kinship if they work exclusively for the employer and live under the same roof); Costa Rica (the Social Security Act, 1943, section 46, excludes any members of the employer's family who live and work with him otherwise than as employees); Haiti (the Labour Code, section 570, excludes women working solely for their husbands, and children under the age of 18 who work at home for their parents without receiving a cash wage); Honduras (the Social Insurance Act, 1959, section 5, excludes the employer's relatives working with him); Nicaragua (the Social Security Act, 1955, section 64 (b), excludes the spouse and relatives of the employer if they work with him); Poland (the Social Insurance Act, as amended, section 100, excludes members of the employer's family who do not receive any remuneration, whereas the Order of 1946 concerning insurance in agriculture excludes relatives of an employer living in his household); Sweden (the Workers' Protection Act, 1949, section 3, exempts jobs performed by members of an employer's family at his home).

⁴ These exceptions are, however, temporary in character, as is borne out by the preparatory work and the discussions in the Committee on Maternity Protection and in the Conference itself. (Cf. I.L.O.: *Record of Proceedings*, International Labour Conference, 35th Session, 1952 (Geneva,

to the application of the Convention in the case of certain categories of non-industrial occupations¹, occupations carried on in any agricultural undertakings other than plantations, domestic work for wages in private households, home work and undertakings engaged in the transport of passengers or goods by sea.

83. It is worth mentioning that the countries that have ratified this Convention did not avail themselves of these exceptions at the time of ratification and do not appear—apart from the cases quoted earlier—to have encountered any difficulties in applying the provisions of this Convention to the classes of women workers covered by Article 7.

84. As regards other countries, it was noted earlier that the legislation in many cases does not cover all the non-industrial occupations falling within the Convention, and that while there has been a growing tendency in recent years to extend the coverage of labour and social security legislation to workers in agriculture, there nevertheless remains a fairly large number of countries in which such workers, like domestic servants and homeworkers, remain outside the scope of maternity protection legislation. Maritime shipping usually appears to be covered by national legislation, either by the general legislation or by special legislation on seafarers and shipping.

EXCEPTIONS ALLOWED BY NATIONAL LEGISLATION

85. In many countries² national legislation on conditions of work or social security, even when general in scope, does not apply to persons employed in the public administration. This exception usually relates to public servants³, who are

1953), pp. 554 and 338); it is worth noting that the initial draft of the 1952 Convention contained a clause (Article 8) permitting States which did not yet possess maternity legislation or had legislation on the subject which was more limited in scope, to confine its application to industrial undertakings, as defined by national legislation. This Article was, however, deleted on the proposal of the United States Government member and the Workers' members of the Committee on Maternity Protection (Cf. *idem*, pp. 554 and 341).

¹ The exceptions in respect of "certain categories of non-industrial occupations" refer only to the non-industrial occupations listed in Article 1, paragraph 3, of the Convention and do not apply to any form of non-industrial work performed in industrial undertakings as defined in Article 1, paragraph 2, of the Convention (Cf. *Official Bulletin*, Vol. XXXVIII, 1955, p. 379, reply by the I.L.O. to a question put by the Swedish Government).

² For example: Argentina (Decree No. 80229 of 1936, Chap. III, section 15); Brazil (Consolidated Labour Laws, section 7, and Social Security Decree, 1960, section 5); Cameroon (Eastern Cameroon) (Labour Code, section 1); Central African Republic (Labour Code, section 1); Colombia (Labour Code, section 4); Congo (Brazzaville) (Labour Code, section 2); Dahomey (Labour Code, section 1); France (Overseas Territories: Overseas Labour Code, section 1); Gabon (Labour Code, section 1); Federal Republic of Germany (Social Insurance Code, as amended, section 172); Guatemala (Labour Code, sections 2 and 14); Honduras (Labour Code, section 4); Iraq (Labour Code, section 2); Ivory Coast (Labour Code, section 1); Kuwait (Labour Act (Private Sector), section 2); Luxembourg (Order of 1932, section 2); Mali (Labour Code, section 1); Mauritania (Labour Code, section 1); Mexico (Federal Labour Act, section 2); Nicaragua (Labour Code, section 9); Niger (Labour Code, section 1); Norway (Workers' Protection Act, section 1—civil servants are excluded to the extent prescribed by the Crown); Netherlands (Sickness Insurance Order, 1952, section 21); Venezuela (Labour Act, section 6, and Social Insurance Decree, 1951, section 4).

³ As regards the extent to which Conventions are applicable to civil servants if they do not contain any specific provisions on the subject but, like the 1919 and 1952 Conventions, refer to "public and private undertakings and any branch thereof", the Office gave the following interpretation, in connection with the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30): in these Conventions "no distinction is made between persons employed in those undertakings according to the legal nature of the rules governing their conditions of service. The Convention therefore applies to these persons even if, according to the public law of certain States, they have the status of officials" (Cf. *International Labour Code 1951*, Vol. I, article 246, note 229, p. 214).

usually defined as persons employed in established posts in the public administration or as persons "in the services of the Government, public establishments or administrative bodies possessing autonomous status". Persons employed in the public administration are usually subject to special forms of protection and often enjoy better conditions than other women workers. It sometimes happens¹ in countries where the active population is small that the only maternity protection provisions in existence relate to government employees. Apart from a few exceptions², the reports supplied by governments usually contain very little information about the measures applicable to persons employed in the public administration and it is therefore difficult to gauge the extent of the protection afforded to them.

86. Another class of workers who are often excluded from national legislation consists of women in temporary or casual employment. Temporary workers are often defined as those who work for a specified maximum number of days (in general 30 to 90) during a half-yearly or yearly period, and casual workers as those who perform jobs unconnected with their employers' normal activities. In most countries where the legislation does not cover temporary or casual work, this exclusion is specifically laid down.³ In some countries, although women in jobs of this kind are subject to special regulations as regards other conditions of work, they are, as regards maternity protection, subject to the general scheme.⁴

87. Lastly, in some of the countries examined, the law imposes restrictions based on the size of the undertaking. Thus, in certain countries⁵ the maternity protection legislation does not apply to women workers in undertakings employing fewer than a specified number of wage earners, usually ranging from three to 30; sometimes this limitation is combined with a condition about the use of motive power.

CONCLUSION

88. Subject to any comments to be made when examining the effect given to each of the provisions of these Conventions and Recommendations, it may be noted

¹ For example in Gambia, Sierra Leone and in the following territories of the United Kingdom: Aden, Basutoland, Grenada, Hong Kong, Seychelles.

² Australia, Canada, Cyprus, certain territories of the United Kingdom, United States, etc.

³ For example: Algeria (Decision No. 49064, Part V, section 28—casual work in agriculture); Argentina (Decree No. 80229 of 1936, Chap. III, section 5—see Algeria); Colombia (Sickness and Maternity Insurance Decree 1960, section 3; these women workers are, however, covered by the Labour Code); Honduras (regulations issued under the Social Security Act); Iraq (Labour Code, section 2, Social Security Act, 1956, section 2); Kuwait (Labour Act (Private Sector), section 2); Peru (Act No. 8433, section 3); Poland (the Government states that women employed in seasonal work in agriculture are not covered by the law); Venezuela (Social Insurance Decree, 1951, sections 4 and 5).

⁴ For example, Albania, Byelorussia, Ukraine, U.S.S.R., Yugoslavia.

⁵ For example: Burma (Social Security Act, 1954, section 3, covers establishments employing at least ten workers); China (the Act of 1932, section 1, excludes factories employing fewer than 50 workers, although the Social Insurance Act of 1958 excludes establishments with fewer than ten workers); Cyprus (the Social Insurance Act, 1956 excludes agricultural undertakings employing fewer than five persons); Finland (the Decree of 1917, section 1, excludes factories and undertakings in rural districts employing fewer than three workers); Guatemala (the regulations issued by the Social Insurance Institute regarding maternity protection exclude establishments with fewer than five workers); India (the Employees' State Insurance Act, section 2, excludes establishments employing fewer than 20 workers); Iraq (the Social Security Act, section 2, excludes establishments employing fewer than 30 workers, while the Labour Code, section 2, excludes those employing fewer than five persons); Kuwait (the Labour Act (Private Sector), section 2, does not apply to establishments employing fewer than five workers); Turkey (the Labour Code, section 2, excludes establishments normally employing fewer than ten workers).

at this stage that the legislation of a large number of countries contains maternity protection provisions applicable to a wide range of occupations.

89. In most of the countries examined, the protective measures do not make any distinction based on age, nationality, race, creed or marital status.

90. One point, however, which requires attention in the case both of countries which have and those which have not ratified the Conventions, is the imposition of an earnings ceiling for entitlement to insurance. This limitation, which is found in many insurance schemes, is not allowed by these Conventions.

91. As has been seen, women employed in industrial undertakings and non-industrial occupations—even if these activities are not defined as broadly as in the 1952 Convention—are protected by the legislation of very many countries. On the other hand there has been some delay in the protection of women employed in agriculture, although considerable progress has been made in this respect in recent years. As regards domestic servants and homeworkers, it was also noted that they remain quite often outside the scope of application of maternity protection provisions. This is generally the case in the economically less advanced countries. This may be due to some extent to the fact that the protection provided for in these instruments presupposes the existence of insurance or assistance schemes, which in turn require special legislation and considerable financial resources. It follows that even where these countries possess such schemes, they are, for the time being at least, unable to extend coverage to all the classes of women workers dealt with by the 1952 Convention.

CHAPTER III

MATERNITY LEAVE

92. One of the essential forms of protection provided for in the Conventions and Recommendations under consideration is women's entitlement to maternity leave. All women employed in the undertakings or occupations covered by these instruments are entitled to leave their work for a certain period without breaking their employment contracts, upon production of a medical certificate showing the probable date of delivery; similarly they cannot resume work until a certain period of time has elapsed. Maternity leave is therefore divided into two periods: antenatal leave and postnatal leave, which can be extended in certain circumstances, namely when childbirth takes place after the presumed date and in cases of sickness proved by a medical certificate to be due to pregnancy or confinement.

93. Consideration will be given here to the various conditions subject to which maternity leave is granted and may be extended both within the framework of the instruments concerned and under national legislation.

ENTITLEMENT TO MATERNITY LEAVE

94. The special character of maternity leave as a measure to protect the health of women workers in order to permit them to perform their maternal functions is confirmed by the fact that the international instruments lay down no condition with regard to a minimum duration of employment for eligibility to maternity leave, which is quite distinct from annual holidays with pay.

95. The only requirement laid down in the instruments concerned is the production of a medical certificate showing the presumed date of delivery.

96. Information in government reports and examination of national legislation reveals that practically all the countries covered in this study recognise the right to maternity leave. In the great majority of cases this right is established by law but there are certain countries¹ where in the absence of such legislation maternity leave is granted under collective agreements or in accordance with national practice.

97. Eligibility for maternity leave is not normally subject to any condition with regard to duration of employment. However, in a small number of countries² law

¹ For example, in Kenya, Sierra Leone, certain non-metropolitan territories of the United Kingdom, most of the states in the United States and Zambia.

² For example, in Australia (New Guinea and Papua under the Native Employment Ordinance, 1958-63), Canada (Ontario: under the regulations made under the Public Service Act), Sierra Leone (under the collective agreement applying to employees of the Shell Petroleum Co.), Sweden (the Government's report shows, in connection with certain limitations on postnatal leave under sections 24 and 35 of the 1949 Workers' Protection Act, that these limitations do not apply to women who have worked for at least one year with the same employer, in accordance with the Act of 21 December 1945), the Syrian Arab Republic (under section 53 of the Agricultural Labour Code) and the United Kingdom (under collective agreements applying respectively to local authorities' employees and employees of the electricity supply industry).

or national practice requires that in order to be eligible for maternity leave women should have worked for a certain minimum period (generally six to 12 months) with the same employer.

98. In other cases ¹ legislation states that maternity leave shall be deducted from annual holidays, which is contrary not only to the maternity protection instruments but also to the instruments concerning holidays with pay.²

99. With regard to formalities practically all the legislative systems examined make eligibility for maternity leave subject to production of a medical certificate; this certificate is frequently provided by the official medical services (insurance institutes or ministerial departments) or by undertakings' medical services where these exist. In the great majority of cases this certificate has to be produced when eligibility for leave commences.

NORMAL DURATION AND CHARACTER OF LEAVE

100. The Conventions and Recommendations concerning maternity protection generally lay down a normal duration of maternity leave of 12 weeks but the terms may vary.

101. The 1919 Convention provides in Article 3 (a) and (b) for a period of six weeks before confinement and six weeks after confinement, while the 1952 Convention provides for a global period of leave amounting to at least 12 weeks (Article 3, paragraph 2). Thus the duration fixed by the latter Convention constitutes a minimum duration. The 1921 Recommendation refers to protection corresponding to that laid down in the 1919 Convention, including entitlement to "a period of absence from work before and after childbirth". The 1952 Recommendation refers in Part I, Paragraph 1 (1), to the maternity leave provided for in the 1952 Convention, while stating that in certain circumstances it should be extended to a total period of 14 weeks.

102. As has already been mentioned the 1919 Convention divides the period of maternity leave into two equal periods to be taken before and after confinement respectively, while the 1952 Convention is less rigid on this point. It further states that part of the leave which it fixes at not less than six weeks must be taken before confinement but it leaves it to national legislation to decide when the rest of the leave should be taken³: this may be before the presumed date of confinement or upon expiry of compulsory postnatal leave or partly before the first of these dates and partly after the second (Article 3, paragraph 3).

103. The 1919 Convention and the 1952 Convention make postnatal maternity leave compulsory (or at least part of that leave, in the case of the 1952 Convention),

¹ For example, in Ceylon (under the civil service regulations) and Kuwait (under the Labour Act (Private Sector)).

² See General Conclusions on Annual Holidays with Pay in I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 48th Session, Geneva, 1964 (Geneva, 1964), pp. 257-260.

³ When the 1919 Convention was revised several governments consulted in this connection expressed the wish that the revised Convention should be more flexible in dividing the total duration of leave as before and after confinement, in order to permit an extension of postnatal leave in accordance with national preference. Some governments, including those of France, Italy and the United States, proposed extension of the postnatal leave period to eight weeks without reducing antenatal leave. This proposal was included in the 1952 Recommendation (see I.L.O.: *Revision of the Maternity Protection Convention, 1919 (No. 3)*, Report VII, International Labour Conference, 35th Session, Geneva, 1952, pp. 14, 28 and 42).

the period being fixed in both cases at six weeks. This obligation is binding both on the worker and on the employer; it constitutes a measure of additional protection to prevent the worker from resuming her work as a result of pressure or with a view to material advantage before expiry of the legal period of leave to the detriment of her own health and that of her child. It is pointed out below that social security legislation offers a further safeguard in this connection by generally making maternity benefit subject to the worker's suspending all remunerated employment.

104. With regard to the nature of the remaining period of leave the two instruments merely recognise the woman worker's "right"¹ to give up her work (without breach of contract) on production of a medical certificate showing the presumed date of confinement.

105. Concerning normal duration of maternity leave, the standard of 12 weeks established by the 1919 and 1952 Conventions seems to be applied or even exceeded in the great majority of countries covered in this study: of the States and territories examined 53² have adopted a 12-week maternity leave period; the period is 14 weeks

¹ Concerning the character of antenatal leave, the Committee on Women's Work at the Washington Conference stated when the 1919 Convention was adopted that "for a certain period before childbirth the woman should be either (a) prohibited from employment in an industrial undertaking or (b) permitted to leave her work on a medical certificate, and that in either case she should be entitled to benefit". It would, therefore, appear that the Convention does not make it impossible to adopt the alternative whereby the employment of a woman during a certain period before childbirth may be prohibited. (Cf. *International Labour Code 1951*, Vol. I, article 452, footnote 12, pp. 358-359.) With regard to the 1952 Convention, the original draft of Article 3, paragraph 2, referred to compulsory leave and "optional" leave. Certain proposals to make at least part of the antenatal leave compulsory were not accepted and the proposed text was accordingly amended at the suggestion of the Workers' members of the Committee on Maternity, who felt that the word "optional" was ambiguous and that the present wording would make the text clearer. (See *Record of Proceedings*, International Labour Conference, 35th Session, op. cit., p. 551.)

² Albania (Act No. 2083 of 4 December 1958 concerning social insurance, section 36). Algeria (Government report). Australia (Western Australia: Factories and Shops Act, 1920-59, section 64, as renumbered in 1964; Tasmania: Factories, Shops and Offices Act, 1958-62, section 40). Austria (Maternity Protection Act, 1957, section 3, paragraph 1, and section 5, paragraph 1; Agricultural Labour Act, section 75). Belgium (Acts of 1955 concerning contracts of employment (salaried employees), as amended, section 8, paragraph 1 (a); Act of 1900 concerning contracts of work (wage earners), as amended, section 28bis and Act concerning contracts of employment in inland navigation, section 25bis). Brazil (Consolidated Labour Laws, section 392; Act of 2 March 1963 concerning the conditions of work of rural workers, section 54). Burma (Social Security Act, 1954, section 22). Cameroon (Western Cameroon: Labour Code, section 145). Canada (British Columbia: Maternity Protection Act). Chile (Act No. 11462 of 1953 amending the Labour Code, section 309). Congo (Leopoldville) (Legislative Decree respecting contracts for the hire of services, section 71). Cuba (Act No. 1100 respecting social security, section 23). Federal Republic of Germany (Maternity Protection Act, 1952, section 3, paragraph 2, and section 6). Ghana (Labour Ordinance, section 77; Civil Service Regulations, section 759). Greece (Act No. 2274 of 1920 ratifying the 1919 Convention and thus fixing at 12 weeks the period of maternity leave which was eight weeks under Act No. 4029 of 1912; Social Insurance Act, 1951, section 39). Haiti (Labour Code, section 379). India (Maternity Benefit Act, section 5, paragraph 3; Employees' State Insurance Act, section 50, paragraph 2). Iran (Workers' Social Insurance Act, 1960, section 57, and Government report). Ireland (Government report and Social Welfare Act, section 20, paragraphs 2 and 4). Israel (Employment of Women Law, 1954, section 6). Japan (Labour Standards Act: Law of 1947, section 65). Luxembourg (Grand-Ducal Order of 30 March 1932, section 17). Malawi (Unified Teaching Service Conditions of Employment). Mexico (Federal Labour Act, section 110 B; Federal Act respecting government servants, section 25). Morocco (Decree of 1947 to regulate employment, as amended, sections 18 and 19; Decree of 1958 concerning wage earners in agriculture, section 11). Netherlands (Government report and Sickness Insurance Act, 1952). Nicaragua (Labour Code, section 129; regulations applying the Social Security Act, section 77; however, Article 95, paragraph 10, of the Constitution provides for 60 days' leave and this provision is reproduced in the Domestic Employment Decree, 1962). Nigeria (Labour Code, section 145). Norway (Protection of Workers Act of 1956, section 31). Pakistan (East Pakistan: Bengal Maternity Benefit Act, 1939, sections 3 and 5, and East Bengal Maternity Benefit (Tea Estates) Act, 1950, sections 3 and 4; West Pakistan: Maternity Benefit Ordinance, 1958,

in 22 other countries¹; and it varies between 90 days and 22 weeks in 14 countries.² In a total of 89 countries the duration of maternity leave is thus not less than the standard established in the Conventions under consideration. However, there are still some countries³ where the duration is less than laid down in international standards.

sections 3 and 5). Peru (Act No. 13724 to institute a social insurance scheme for salaried employees, section 35). Poland (Act of 1924 relating to the employment of women and young persons, as amended, section 16, paragraph 2). Portugal (Overseas provinces only: Rural Labour Code, section 224, and Legislative Decree No. 2827 of 1956, section 85, applicable in Angola). Spain (Employment Contracts Act, section 116; Sickness Insurance Regulations of 11 November 1943, sections 52 to 54). Spanish Overseas Provinces: Western Provinces: Ordinance of 24 May 1962, section 4; Equatorial Provinces: Ordinance of 2 March 1954, section 79). Sweden (Workers' Protection Act, 1949, sections 35 and 24; however, certain restrictions are imposed with regard to the six-week postnatal leave period for women engaged in work other than industrial or handicraft occupations). Tanzania (Tanganyika) (Employment Ordinance, section 87). Tunisia (Decree of 6 April 1950, section 16; Act of 14 December 1960, section 79; and Decree of 18 February 1954). Certain territories of the United Kingdom (Bechuanaland: Employment Law, 1963, section 64, paragraph 1 (a) and (b); British Honduras: Labour Ordinance, 1959, section 171; Hong Kong: General Government Order No. 1252; St. Helena: the Government states that in practice women employed in commerce and agriculture and married women in government service are granted 12 weeks' maternity leave; St. Lucia: the Government states that women in government service and the teaching service are entitled to three months' maternity leave; Solomon Islands: Labour Ordinance, section 79, paragraph 1; Swaziland: Employment Proclamation, section 43). Uruguay (Maternity Benefit Act, 1958, section 3). Venezuela (Labour Act, sections 109 and 110).

¹ This relates in particular to France (Labour Code, Book I, section 29, and Book II, section 540); the four French Overseas Departments: Guadeloupe, French Guinea, Martinique and Réunion (same legislation as France) and French overseas territories (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: section 116 of the Overseas Labour Code) as well as French-speaking African States whose legislation is based on the French legal system: Cameroon (Eastern Cameroon) (Labour Code, section 116); Central African Republic (Labour Code, section 123), Chad (Labour Code, section 116), Dahomey (Labour Code, section 116), Gabon (Labour Code, section 115), Ivory Coast (Labour Code, section 102), Malagasy Republic (Labour Code, section 77), Mali (Labour Code, section 234); Mauritania (Labour Code, Book I, section 33); Niger (Labour Code, section 114); Upper Volta (Labour Code, section 123). The same applies to the Philippines (Woman and Child Labour Law, 1952, section 8 (a)).

² Bulgaria (120 days, Labour Code, section 60 as amended). Byelorussia (112 days, Labour Code, section 132, and Ukase of 26 March 1956 for members of collective farms: Act of 15 July 1964, sections 18 and 19); Canada (Alberta: six weeks' antenatal leave and two months' postnatal leave, Labour Act, Part III, section 33; New Brunswick: 16 weeks, Minimum Employment Standards Act, 1964). Congo (Brazzaville) (15 weeks, Labour Code, section 113). Czechoslovakia (22 weeks, Act No. 58 of 1964, section 1). Gambia (four months for persons in government service only, General Orders, 1959 edition, Cap. 4, paragraph 1). Hungary (20 weeks, Labour Code, section 97 as amended by Legislative Decree No. 26 of 1962). Iceland (90 days, Civil Service Regulations, section 11). Italy (antenatal leave: three months in industry, eight weeks in agriculture, six weeks for other workers; postnatal leave: eight weeks for all workers; Act No. 860 of 1950, section 5). Rumania (112 days, Labour Code, section 89 as amended by Decree No. 369 of 1956). Ukraine and U.S.S.R. (112 days, Labour Code, section 132, and Ukase of 26 March 1956; for members of collective farms: Act of 15 July 1964, sections 18 and 19). United States (Washington: four months' antenatal leave and six weeks' postnatal leave in the manufacturing industry, according to the Government's report). Yugoslavia (105 days; Employment Relationships Act, sections 61-62, and Health Insurance Act, 1962, section 70).

³ Argentina (75 days, Act No. 11933 of 1934, section 1, and Decree No. 80229 of 1936, section 31; however, Act No. 11317 of 1924 provides for 12 weeks' leave); Australia (New South Wales: ten weeks; Factory, Shops and Industry Act, 1962, section 50); Ceylon (42 working days; Maternity Benefits Ordinance, sections 3 and 5); China (eight weeks; Factory Act, section 37); Colombia (eight weeks; Labour Code, section 236, and for the public sector Act No. 53 of 1938, section 1; however, a new draft Labour Code provides for 12 weeks' leave in section 94); Costa Rica (60 days, Labour Code, section 95); Cyprus (two months under Circular No. 26 of 1 May 1962 and eight weeks under Act No. 7 of 1963); Denmark (four weeks, Act of 1954 concerning workers' protection, section 37); Ethiopia (one month, Civil Code, section 2566); Finland (four weeks, Decree of 1917, section 17; six weeks for shops and offices, Act No. 605 of 1946, section 9); Guatemala (75 days,

(footnote continued overleaf)

106. In certain cases in the preceding pages, federal States are listed in more than one group of countries, depending on whether the systems applying to their various constituent units satisfy international standards or not. The same applies in the case of certain other countries whose territories are not governed by the same legislation as the metropolitan territory.

107. Duration of leave as indicated in the preceding paragraphs generally covers all women workers. In some countries¹, however, particularly in those where maternity protection is still in the initial phase, only certain categories of women are eligible for such leave, these normally being government servants, plantation workers and factory or shop workers. In other countries certain categories, for example women engaged in domestic service², in agriculture³, in mining⁴ and in government service⁵, are legally entitled to either more or less leave than women workers in general.

Labour Code, section 152). Honduras (ten weeks, Labour Code, section 135); Iraq (six weeks, Labour Code, section 23). Jamaica (30 days, for married women; Government Maternity Leave Regulations, article (a) (i)); Jordan (six weeks, Labour Code, section 50); Kuwait (70 days, Labour (Private Sector) Act, section 26); Malaysia (States of Malaya: 60 days, Employment Ordinance, Part IX, and Legal Notifications, Nos. 365 and 366; Sarawak: eight weeks, Labour Ordinance, section 84; Singapore: eight weeks, Labour Ordinance, section 98); New Zealand (six weeks, Factories Act, section 38); Portugal (60 days, Decree No. 45266 of 1963 and Government report); Rwanda (two months, Decree of 10 June 1958, sections 36 and 37); Switzerland (six weeks according to federal legislation in force; eight weeks according to the new Labour Law, 1964, section 35); Syrian Arab Republic (50 days, Labour Code, section 133, and Agricultural Labour Code, section 53); Turkey (six weeks, Labour Code, section 25; the leave may, however, be extended to 12 weeks); United Kingdom (four weeks, Public Health Act, 1936, section 205, and Factories Act, 1961; however, in certain cases under section 15 (2) and (5) of the National Insurance Act, 1946, as amended in 1953, maternity benefit is granted for a period of 18 weeks provided that the woman performs no remunerated activity during such period. Certain territories of the United Kingdom (Bahamas: 21 to 28 days every three years, Government report; Brunei: eight weeks, Labour Enactment, section 83; Fiji: six weeks, Labour Ordinance, section 61; Gibraltar: nine weeks for civil servants only, Leave and Passage Regulations, section 56; Gilbert and Ellice Islands: six weeks, Labour Ordinance, 1951; Grenada: one month for civil servants and six weeks for industry and commerce under collective agreements as stated in the Government's report; Mauritius: two months for plantation workers, Employment and Labour Ordinance, section 23; Seychelles: six weeks for government officials as stated in the Government's report); United States (Connecticut, Massachusetts, and for certain industries in Washington: eight weeks; Missouri and Vermont: six weeks; New York: four weeks; Puerto Rico: eight weeks as stated in the Government's report); Zambia (two months for civil servants only, as stated in the Government's report).

¹ For example: Australia (Victoria and the territories of Nauru, New Guinea and Papua), Burma, Ceylon, China, Cyprus, Iceland, India, Sierra Leone and several territories of the United Kingdom.

² For example: Federal Republic of Germany (the Maternity Protection Act, 1952, section 3, paragraph 2, lays down a prenatal period of leave of four weeks instead of six for domestic servants and daily maids); Nicaragua (the Decree of 1962 amending the Labour Code, section 134, providing 60 days' leave for domestic servants instead of 12 weeks under the normal system); Norway (the Act of 1963 concerning domestic servants states in section 18 that the duration of maternity leave shall be fixed by agreement between the parties).

³ For example: Algeria (the Government's report and section 18, part III of Decision No. 49064 state that the duration of leave for women workers employed in agriculture shall be four weeks instead of 12); Switzerland (the agricultural model employment contracts lay down a period of six weeks instead of eight weeks as provided for in the new Federal Labour Act); Venezuela (under the 1945 Decree, section 60, women agricultural workers may perform light work for the six weeks preceding and the six weeks following confinement).

⁴ For example: Pakistan (the Mines Maternity Benefit Act, 1941, sections 3 and 4, provides for 16 weeks' leave instead of 12).

⁵ For example: Australia (Victoria: the regulations concerning women teachers which apply the Public Services Act lay down a period of 12 to 18 months; New South Wales: Regulation No. 31 applying the Public Services Act fixes leave at 12 weeks); Canada (the Civil Service Act and Civil Service Regulations, 1962, provide for maximum leave of eight months; similar provisions or

108. In some of the countries mentioned above a longer period of leave is laid down under collective agreements.¹

109. In one country² maternity leave for manual workers is shorter than for salaried employees.

110. In addition, two countries³ provide for special extended leave for women nursing their children and for women who have given birth to a live child prematurely. On the other hand, certain other States⁴ have legislation formally providing for shorter maternity leave in the case of a miscarriage or premature birth of a stillborn child.⁵

111. Almost all national regulations divide maternity leave into two periods, one before and one after confinement; this division which is laid down in international instruments seems necessary since it is, moreover, difficult to foresee the exact date of confinement, and the duration of postnatal leave, which is clearly of great importance for the health of both mother and child, might be reduced if the date of confinement is miscalculated.

112. The great majority of countries examined follow the principle stated in the 1919 Convention and divide maternity leave into two equal periods. In some countries⁶, however, national legislation fixes a longer period of postnatal leave, whereas in certain other countries⁷ legislation provides only for postnatal leave. In two countries leave taken before confinement is longer than leave after childbirth for certain categories of workers.⁸ In addition, a number of countries⁹ have adopted

others laying down shorter periods are included in the relevant legislation in the various Canadian provinces); China (six weeks or 42 days under the regulations of 11 May 1956 governing leave of absence of public officials, sections 2 and 4, and the regulations for the management of general services, sections 2 and 4); Denmark (six weeks under the Civil Service Act of 1958, section 15); Ethiopia (six weeks under the Public Service Order of 1961 as amended by Regulation No. 1 of 1962, section 38); Malaysia (Sarawak: a maximum of five weeks under General Order No. 182 (1)); New Zealand (leave may be extended to 12 weeks under the Teachers' Leave of Absence Regulations, section 5 (c)); United States (14 weeks under Public Law No. 233).

¹ For example: Malaysia (Singapore: the collective agreement concluded on the basis of the Employment Ordinance provides for two months' leave instead of eight weeks); Mexico (the collective agreement for the petroleum industry and the agreement for the Mexican National Railways provide for leave periods of 87 days and 12 months respectively instead of 12 weeks as under the normal scheme); Sierra Leone (the collective agreement covering employees of the Shell Petroleum Company provides for 12 weeks' leave instead of eight weeks for civil servants); United Kingdom (collective agreements covering employees of local authorities and employees of the electricity supply industry provide 18 weeks' leave instead of the four-week period under the general scheme).

² Peru (72 days instead of 84 under Act No. 8433 of 1936, section 35).

³ Austria (Maternity Protection Act, 1957, section 5 (1)) and Federal Republic of Germany (Maternity Protection Act, 1952, section 6): 14 weeks for nursing mothers and 18 weeks for women whose child was born prematurely, instead of 12 weeks under the general scheme.

⁴ For example: Colombia (two to four weeks); Haiti (two to four weeks); Israel (one to six weeks).

⁵ See below, extension of leave in cases of complications due to pregnancy or confinement, paragraph 125.

⁶ For example: Albania, Ceylon, Colombia, Guatemala, Honduras, Hungary, Kuwait, Pakistan, Rumania, the United States (Vermont, Washington), Yugoslavia.

⁷ For example: Denmark, Finland, New Zealand, Switzerland, the United Kingdom, the United States (New York).

⁸ Italy (for industry: three months' antenatal leave as opposed to eight weeks' postnatal leave); Pakistan (for mines: ten weeks' antenatal leave as opposed to six weeks' postnatal leave).

⁹ For example: Cameroon (Eastern Cameroon), Central African Republic, Chad, Congo (Brazzaville), Dahomey, France (as well as the French Overseas Departments and territories), Gabon, Haiti, Ivory Coast, Malagasy Republic, Mali, Netherlands, Niger, Poland, Upper Volta.

in this connection terms which are more or less analogous to those laid down in the 1952 Convention.

113. With regard to the compulsory character of postnatal leave, in a very large number of countries women workers are not authorised to resume employment until after expiry of the period of postnatal leave laid down by national legislation. In the majority of cases¹ this prohibition—binding on the worker no less than on the employer—is imposed by means of a formal clause, whereas in others² it stems either from the context of legal provisions or from national practice. Obviously, with a view to conformity with the international instruments on this point, this obligation should cover a period of leave of at least six weeks, which is not always the case.³

114. There are also a number of countries⁴ where national legislation does not seem to make postnatal leave a binding obligation as provided for in the instruments under consideration. Although it may be stated that women “are entitled” to maternity leave or “may suspend” their employment for a certain period there is no provision for compulsory leave during the six weeks following childbirth.

¹ For example: Argentina (Act No. 11933, section 1); Australia (New South Wales: Factories, Shops and Industry Act, 1962, section 50, paragraph 1); Austria (Act of 1957, section 5, paragraph 1); Brazil (Consolidated Labour Laws, section 392); Byelorussia (Labour Code, section 132); Cameroon (Eastern Cameroon): Order No. 981 of 1954, section 25; Western Cameroon: Labour Code, section 145, paragraph 1 (a); Central African Republic (Labour Code, section 123); Chad (Order of 25 November 1954, section 19); Chile (Act No. 11462, section 309); Congo (Brazzaville) (Order No. 3759 of 1954, section 19); Finland (Act No. 605, section 9, for shops and offices only); France (and Overseas Departments) (Labour Code, Book II, section 54 (a)); French Overseas Territories (Comoro Islands: Order of 23 July 1955, section 26; French Polynesia: Order of 2 July 1956; French Somaliland: Order of 17 June 1955, section 19; New Caledonia: Order of 26 January 1959); Gabon (Decree of 5 December 1962, section 17); Federal Republic of Germany (Act of 1952, section 6); Haiti (Labour Code, section 379); Hungary (Labour Code, as amended, section 97; Decree No. 8100-5/1953 and Government's report); Israel (Act of 1954, section 6 (a)); Italy (Act No. 860 of 1950, section 5 (c)); Ivory Coast (Order No. 5254 of 19 February 1954, section 19); Luxembourg (Order of 1932, section 17); Malagasy Republic (Decree of 28 March 1962, section 21); Mauritania (Labour Code, Book II, section 15); Morocco (Decree of 1947, section 19); Netherlands (Sickness Insurance Act, 1952, section 4, paragraph 4); New Zealand (Factories Act, section 38, paragraph 1); Niger (Order of 19 July 1954, section 19); Nigeria (Labour Code, section 145 (1) (a)); Norway (Workers' Protection Act, section 31, paragraph 1); Pakistan (Mines Maternity Benefit Act, 1941, as amended, section 3; Act No. IV of 1939, section 3, and Act No. XX of 1950, section 3, for East Pakistan; Ordinance of 1958, section 3, for West Pakistan); Philippines (Act No. 679, section 8 (a)); Poland (Act of 1924, as amended, section 16, paragraph 2); Portugal (Overseas Provinces: Rural Code, section 224); Spain (Regulations of 1943, section 52); Sweden (Act of 1949, sections 24 and 35); Switzerland (Federal Labour Act 1964, section 35, paragraph 2); Tanzania (Tanganyika) (Employment Ordinance, section 87); Ukraine and U.S.S.R. (Labour Code, section 132); Upper Volta (Decree of 17 August 1962); Venezuela (Labour Act, section 109); Yugoslavia (Employment Relationships Act, section 62).

² For example: Bulgaria, Mexico, Morocco (for agriculture), Rumania.

³ In the following countries, for example, prohibition covers a period of less than six weeks: Ceylon, Costa Rica, Cyprus, Finland, Guatemala, Iraq, Jordan, Portugal, Syrian Arab Republic, Tunisia, Turkey and United Kingdom. In Sweden prohibition of employment relates to a period of six weeks provided that “it is not medically certified that the worker can resume employment at an earlier date without harmful consequences to either mother or child” (section 24 of the Workers' Protection Act).

⁴ For example: Albania, Burma, China, Colombia (although a draft revised Labour Code lays down a period of postnatal leave in accordance with the Conventions), Congo (Leopoldville), Malaysia and Nicaragua (section 129 of the Labour Code does not provide for any such obligation although section 77 of the regulations to apply the Social Security Act corresponds to the Conventions but is applied on a very restricted scale).

115. On the other hand, the law in other countries¹ goes beyond the requirements laid down in international instruments and makes it unlawful to employ women during either the antenatal or the postnatal leave, while laying down the additional safeguards provided for in the instruments (that is, payment of benefits and protection against dismissal). There are certain other States² where prohibition of employment during the antenatal period relates only to part of that leave, generally two weeks.

116. The Committee has noted that apart from certain exceptions application of the 12-week leave standards has not met with difficulties in the countries which have ratified the maternity protection Conventions. Although the situation in some of these States has given rise to an observation or a request for information in the past, almost all of these States have taken appropriate action and the majority of them have subsequently exceeded the standard. On the other hand, the Committee has had certain doubts regarding application of the provision concerning the compulsory character of postnatal leave by certain States which have ratified the 1919 Convention. Although it has been established that most of the States with regard to which such doubts have arisen apply the provision by implication, the Committee considered that it would be preferable in such cases to introduce a specific provision to this effect into the legislation in force, so as to leave no doubt as regards the position in law; two of these countries have already taken the necessary action.

EXTENSION OF LEAVE

117. As stated above, the maternity protection instruments provide for extension of the normal duration of leave in two cases: (a) when delivery takes place after the anticipated date; and (b) in the case of sickness medically certified as due to pregnancy or childbirth.

118. With regard to the first case, both the 1919 Convention (Article 3 (c), last part) and the 1952 Convention (Article 3, paragraph 4, and Article 4, paragraph 1) provide for leave before confinement to be extended until the effective date of confinement, and state that during such extended period the woman shall continue to receive any maternity benefit to which she is entitled in respect of loss of earnings. The 1952 Convention further states that the duration of compulsory leave following childbirth shall not be reduced as a consequence of extension of antenatal leave.³

119. Concerning extension of leave in the case of sickness due to pregnancy or childbirth, the 1919 Convention refers to such extension in relation to the guarantee

¹ For example: Austria, Byelorussia, Chile, Federal Republic of Germany, Israel, Italy, Ukraine, U.S.S.R. and Yugoslavia.

² This applies in particular to France, the French Overseas Departments and territories, Haiti and French-speaking countries in Africa.

³ Neither of the two instruments refers explicitly to extension of postnatal leave in order to guarantee the 12-week standard in the event of delivery before the presumed date. This question was put to the International Labour Office in 1962 by the Austrian Government in connection with the 1952 Convention and the compatibility of Article 3, paragraph 4, of that Convention with section 3, paragraph 2, of the Austrian Maternity Protection Act which makes it possible to reduce antenatal leave if childbirth occurs before the presumed date. In its reply to the Government of Austria, the Office considered that if childbirth occurred earlier than expected "the woman should nevertheless be allowed to have 12 complete weeks' leave, under the conditions specified in the Convention". It went on to say that this requirement would seem to be met in those cases where the law provides the possibility of extending the maternity leave proper at the woman's request when the conditions in which such extension may be secured and the benefits payable during the further period—combined with benefits payable during the maternity leave period proper—correspond in the aggregate to the provisions of the Convention (Cf. *Official Bulletin*, Vol. XLV, No. 3, July 1962, pp. 242-246).

of security of employment (Article 4 of the Convention) whereas the 1952 Convention is more explicit on this point and states in Article 3, paragraphs 5 and 6, that in the case of illness arising out of pregnancy national laws or regulations "shall provide¹ for additional leave" and in the case of illness arising out of confinement "the woman shall be entitled to an extension of the leave after confinement"; in addition, the 1952 Convention provides in Article 4, paragraph 1, that during such extension of leave the woman shall be entitled to receive cash and medical benefits as laid down in the Convention. The 1921 Recommendation refers in this connection to the protection provided under the 1919 Convention, whereas the 1952 Recommendation provides in Part I, paragraph 1, for additional extension of antenatal and postnatal leave thereby exceeding the extension laid down under the 1952 Convention, if such extension "seems necessary for safeguarding the health of the mother and the child" and in particular in the event of actual or threatening abnormal conditions such as miscarriage and other antenatal and postnatal complications.

120. The above-quoted international instruments do not fix the length of extended maternity leave in the case of illness. What they do specify, however, is that the competent authority in each State may lay down a maximum duration for such extension. In addition, such extension of leave is subject to production of a medical certificate.

121. Extension of antenatal leave (without reduction of postnatal leave) when confinement takes place after the presumed date is covered by regulations in a comparatively small number of countries², with reference either to maternity leave or to the provision of benefit.

122. Several governments³ state in their reports that, even if there are no formal provisions in this respect, extension of leave in the case of miscalculation of the

¹ The original draft for the 1952 Convention was less imperative on this point and stipulated that laws or regulations "may provide" for additional leave before confinement, but the relevant amendment was adopted by the Committee on Maternity on the proposal of the Belgian Government member (Cf. *Record of Proceedings*, International Labour Conference, 35th Session, op. cit., p. 551).

² For example: Argentina (Decree No. 80229 of 1936, section 41, and Decree No. 8567 of 1961 concerning leave for civil servants, section 18); Austria (Act of 1957, section 3, paragraph 2); Belgium (Acts concerning contracts of employment as amended, section 8, paragraph 1, covering salaried women employees; Act concerning contracts of work, as amended, section 28bis, covering women wage earners and Act respecting contracts of employment in inland navigation, section 25bis); Byelorussia (Order of 1955 concerning state social insurance benefits, sections 66 and 73); Central African Republic (Labour Code, section 123); Chile (Act No. 11462, amending the Labour Code, section 310); Costa Rica (Regulations of 4 February 1952, section 42); Cuba (Act No. 1008, section 1, and Act No. 1100, section 23); France (administrative circular of 30 October 1962 adopted following the decision of the Court of Cassation of 28 March 1962; however, this circular indicates that the total period of leave in respect of which benefits are payable may not under any circumstances exceed 14 weeks, the normal length of maternity leave in France, but it adds that this limitation is without prejudice to payment of any benefits due under a sickness insurance scheme); Federal Republic of Germany (Act of 1952, section 5, paragraph 2); Haiti (Labour Code, section 381); Hungary (Decree No. 8100-5/1953 of the Ministry of Public Health to apply the Labour Code, section 1); Ireland (Social Welfare Act, 1952-63, section 20, paragraph 2 (b) and Government report); Italy (Act of 1950, section 5 (b)); Luxembourg (Act of 24 April 1954, section 12; however, this extension may not exceed a total of 14 weeks); Netherlands (Sickness Insurance Act, 1952); Nicaragua (regulations to apply the Social Security Act, section 77); Philippines (regulations to apply Act No. 679 of 1952, section 7); Ukraine and U.S.S.R. (Order of 1955 concerning state social insurance benefit, sections 66 and 73); United Kingdom (National Insurance Act, 1946, as amended, section 15, paragraph 2 (b)); Uruguay (Maternity Benefit Act, 1958, sections 4 and 7); Venezuela (the Government states that this extension is covered by a decision of the Social Insurance Institute).

³ This is the case, in particular, in the French-speaking African States such as Cameroon (Eastern Cameroon), Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Malagasy Republic, Mauritania, Niger and Upper Volta. The position is the same in certain other countries such as Bulgaria and Rumania.

presumed date of confinement is safeguarded in practice by the fact that national legislation provides for normal duration of maternity leave in excess of the international standard thereby leaving a reasonable margin of leave to cover any delay in confinement without prejudice to women's rights as established by the Conventions and Recommendations under consideration, maternity benefit being paid immediately following production of the medical certificate ordering suspension of employment and throughout the period of leave.¹ Many countries² remain, however, where regulations do not appear to provide for any extension of leave in the case of delay in confinement.

123. In the case of confinement before the presumed date there is express legal provision in certain countries³ for leave to be extended until completion of the total period laid down for such leave.⁴

124. Extension of maternity leave in the case of illness arising out of pregnancy or confinement is provided for in the great majority of legislative systems. Some fix a maximum period of extension⁵ which generally includes the whole of the leave

¹ See also in this connection Chapter IV: "Maternity Benefits".

² For example: Algeria; Brazil; Colombia (however, a draft revised Labour Code contains a formal provision to this effect in section 94, paragraph 2); Congo (Leopoldville); Finland; Greece (however, the Government states that instructions have been given for the modification of the existing provisions on the lines of the 1919 Convention); Guatemala; India; Israel (however, the Government states in its report that this extended leave is granted in practice); Morocco; Norway; Poland (however, the Government states that a mistake by the physician in calculating the date of confinement does not influence either the duration of leave or the payment of benefit); Portugal; Spain (province of Spanish West Africa); Sweden; Switzerland; Tanzania (Tanganyika); Tunisia.

³ For example: Bulgaria (under section 60, amended, of the Labour Code and sections 44 and 46 of the Regulations applying Chapter III of that Code: if confinement takes place before the woman has used the 45 days' antenatal leave, postnatal leave is increased to 90 days instead of 75); Cuba (section 1 of Act No. 1008 and section 23 of Act No. 1100 provide for extension of leave until the period of 12 weeks is completed); Czechoslovakia (section 3, paragraph 2, of the 1964 Act provides that women shall be entitled to maternity benefit until completion of the 22 weeks of leave).

⁴ See above, paragraph 118, footnote 1.

⁵ For example in the following countries the period of extension is two or three weeks: Algeria (Labour Code, Book I, section 29); Cameroon (Eastern Cameroon) (Labour Code, section 116); Central African Republic (Labour Code, section 123); Chad (Labour Code, section 116); Congo (Brazzaville) (Labour Code, section 113); Dahomey (Labour Code, section 116); France (Labour Code, Book I, section 29; the Government states that this extension relates to postnatal leave and that antenatal leave is extended under sickness insurance arrangements); French Overseas Territories (Overseas Code, section 116); Gabon (Labour Code, section 115; however, under section 45 sickness leave of up to six months can also be granted in this case); Guatemala (Labour Code, section 152); Ivory Coast (Labour Code, section 102); Luxembourg (Act of 24 April 1954, section 12); Malagasy Republic (Labour Code, section 77); Mauritania (Labour Code, Book I, section 33; however, under sections 30 and 31 sickness leave of up to six months may also be granted in this case); Morocco (Decree of 1947, section 18; same case as in France); Niger (Labour Code, section 114); Upper Volta (Labour Code, section 123).

In the following countries extension may vary in different countries from four weeks to upwards of a year: Brazil (four weeks, Consolidated Labour Laws, section 392); China (four weeks under the instructions of 25 May 1963; up to one year for civil servants under the 1956 regulations; however, it is not certain that the woman receives cash benefit in this case); Costa Rica (three months, Labour Code, section 96); India (one month, Maternity Benefit Act, section 10); Israel (throughout pregnancy and six months after expiry of postnatal leave, Employment of Women Law, section 7 (c)); Jamaica (up to 90 days for which compensation is not payable; Government Maternity Leave Regulations); Mali (up to six months, Labour Code, sections 237 and 33); Portuguese Overseas Provinces (three months, Rural Labour Code, section 224); Rumania (up to three months after expiry of maternity leave; Labour Code, section 20 (i)); Spain (up to 20 weeks, Decree of 1944 concerning employment contracts); Syrian Arab Republic (up to six months after confinement, Labour Code, section 135, and up to two months, Agricultural Labour Code, section 54; however, no cash benefit is due in respect of such extension).

period but may also relate to antenatal and postnatal leave separately. This period may vary from two weeks to several months. On the other hand there are other legislative systems¹ which do not fix any limit for this extension, which may cover the whole period of incapacity for work as medically certified.

125. In many other countries, however, no formal extension of maternity leave as such is granted; in some of these countries sickness resulting from pregnancy or childbirth is dealt with through sickness insurance facilities, both for leave and for benefit.² Concerning the extent to which such legislation may be considered as compatible in this respect with the instruments under consideration and in particular with the 1952 Convention it should be pointed out—as mentioned in the report prepared by the International Labour Office at the time of the revision of the 1919 Convention—that the provisions of this Convention concerning extension of leave in case of sickness are intended to provide the possibility of granting additional sickness leave in case of complications arising from pregnancy or confinement³ outside the period of maternity leave.⁴

126. The situation may be somewhat different for those few countries which have no formal provisions concerning extension of leave in case of sickness and which do not seem to provide that benefit should be granted under sickness insurance schemes.⁵

127. In some countries⁶ there is explicit legal provision, which also covers cases where more than one child is born, for additional extension of leave on the ground of miscarriage or other antenatal or postnatal complications as laid down in the 1952 Recommendation.

¹ For example: Argentina (Act No. 11317, section 14); Chile (Act No. 11462 amending the Labour Code, section 310; however, this Act specifies that the duration of extension shall be determined by the competent medical authorities); Federal Republic of Germany (under section 3, paragraph 1, of the Act of 1952 a woman may not be employed at any time during pregnancy if it is medically certified that it would be harmful to her health or to that of the child she is expecting; under section 6 a woman may not be employed after expiry of postnatal leave as long as she remains unfit for work; however, during such period of extension the woman is entitled to benefit under the sickness insurance scheme and at a rate below that payable during the normal period of leave as mentioned below); Ghana (Labour Ordinance, section 78); Haiti (Labour Code, section 384); Honduras (Labour Code, section 138); Mexico (Federal Labour Code, section 110 B); Philippines (Act No. 679, section 8; however, no cash benefit seems to be provided during such extension); Venezuela (Labour Act, section 109, and Agricultural Labour Act, section 61).

² This would appear to be the case in particular in the following countries: Belgium (Act of 9 August 1963 concerning sickness and invalidity insurance); Byelorussia (Order of 5 February 1955); Denmark (Government report); Ethiopia (Government report); Hungary (Ordinance of 1955 concerning sickness insurance, sections 4 and 10); Italy (Act No. 860 of 1950, sections 7 and 20); Malaysia (States of Malaya: Government report); Netherlands (Sickness Insurance Act, section 29); Nicaragua (regulations to apply the Social Security Act, sections 78 and 79); Poland (Social Insurance Act, section 105); Portugal (Government report and National Insurance Act, as amended); Sweden (the Government states that it has not considered it necessary to adopt any provision for extension of leave in case of sickness, this being covered by the general sickness insurance scheme); Ukraine (Order of 5 February 1955, sections 5 to 8, and Ministerial Decision of 26 December 1956); United States (Government report); U.S.S.R. (Order of 5 February 1955, sections 5 and 8, and Instructions of 14 August 1935); Yugoslavia (Sickness Insurance Act, 1962, section 48).

³ Cf. I.L.O.: *Revision of the Maternity Protection Convention, 1919 (No. 3)*, Report VII, International Labour Conference, 35th Session, Geneva, 1952, p. 44.

⁴ Reference should be made to the reply of the International Labour Office to a question by the Austrian Government (*Official Bulletin*, Vol. XLV, No. 3, July 1962, p. 245).

⁵ This would seem to be the case for example in the following countries: Ceylon, Congo (Leopoldville), Tanzania (Tanganyika) and certain territories of the United Kingdom.

⁶ For example: Albania, Argentina (for State administrative employees only), Byelorussia, China, Hungary, Nicaragua, Ukraine, U.S.S.R.

128. Reference should also be made to the efforts undertaken in certain countries to extend existing standards of protection and adapt them more effectively to the needs of mothers and children¹; thus legislation in those countries enables mothers of very young children to extend their postnatal leave in cases not covered in the international instruments by allowing all the safeguards for security of employment² and paying cash benefit in certain cases.

129. Among States which have ratified one or the other of the two Conventions under consideration some appear to have encountered difficulties in applying the provision for extension of leave in the case of confinement after the presumed date. In certain of these States this provision seems to be applied in practice but the Committee considered that it would be desirable in such cases to introduce a specific provision on this point into the legislation in force so as to leave no doubt as regards the position in law. Three States plan to take the necessary action in the immediate future.

130. With regard to extension of leave in the case of sickness the Committee of Experts has not noted any difficulty in application of the relevant provisions by the different States except for certain instances where it has requested further information.

CONCLUSION

131. It has been seen above that almost all the countries examined nowadays recognise women workers' right to leave both before and after confinement. In 89 countries the normal duration of leave is equal to or longer than the 12-week standard established by international instruments; but even in the few countries where the 12-week standard has not yet been laid down in legislation, administrative instructions, collective agreements or national practice provide for a longer period of leave than required by legislation, thereby approaching the international standard at least with regard to certain categories of workers who very often constitute the majority of women workers in those countries. In addition almost all the countries examined have recognised the need to extend the normal duration of leave in the cases laid down in the Conventions and Recommendations under consideration. In certain countries such extension may cover the whole period of pregnancy and several months after confinement.

¹ For example: Czechoslovakia (under Act No. 58 of 1964, sections 1 and 3, a woman is entitled to additional leave until her child has reached the age of one year. Maternity benefit is provided during part of that period of leave up to a maximum of 32 weeks; it is proposed that this benefit should be provided throughout the period of extension as soon as the country's economic development permits); Federal Republic of Germany (section 13, paragraph 7, of the Act of 1952 provides for the possibility of unpaid maternity leave during which the woman receives maternity benefit payable under the insurance scheme); Israel (under section 7 (d) of the Employment of Women Law a worker who has been in employment for not less than 24 months with the same employer may extend her postnatal leave for a period equivalent to one-quarter of the months of service performed subject to a maximum of 12 months; however, this leave is not remunerated); Italy (under section 6 of Act No. 860 of 1950, as amended by Act No. 394 of 1951, a woman worker is entitled to remain absent from work for a period of six months following her postnatal leave, during which she preserves her employment and seniority rights). Periods of leave sometimes in excess of one year are also granted under civil service regulations and particularly for teaching staff regulations in various countries such as Australia, Canada and France.

² A provision to this effect is contained in the Proposed Conclusions with a view to the adoption of a Recommendation concerning the employment of women with family responsibilities as adopted by the 48th Session of the Conference in 1964; the question is due for second discussion at the 49th Session in 1965.

132. If it is considered that in 1919, when the first Maternity Protection Convention was adopted, only one country out of 29 providing the right to leave at the time of confinement granted a 12-week period of maternity leave it is easy to realise the ground covered since the first maternity protection regulations were issued at the international level, despite the great diversity in national legislation in this field.

133. Obviously, difficulties still exist regarding the practical application of these rules, in particular as regards the 12-week leave period, especially in countries where the benefits paid are considerably less than the actual wage and where workers are, as a result, anxious to resume work sooner than permitted. This is also the case in certain countries which have recently attained independence and lack skilled labour for posts primarily filled by women (for example typists, secretaries, etc.).

CHAPTER IV

MATERNITY BENEFITS

134. Another essential feature of the instruments on maternity protection is provision for the grant of benefits—cash benefit to compensate for loss of earnings due to the suspension of the contract of employment, and medical benefit including prenatal, confinement and postnatal care. These benefits must be provided out of public funds or by means of a system of insurance¹; they may in no case be at the expense of the employer.

135. The extent to which national laws and regulations give effect to the provisions of the Conventions and Recommendations concerning the above aspect of maternity protection is examined in the present chapter.

CASH BENEFITS

136. The woman's right to cash benefit to compensate for loss of earnings is laid down in the Conventions and Recommendations concerning maternity protection.

137. Under the Convention of 1919 (Article 3 (*c*)), the benefit must be paid in respect of the 12 weeks of maternity leave plus any further time which may elapse between the presumed date of confinement indicated in the medical certificate and the actual date of confinement. The Convention of 1952 (Article 4, paragraph 1) provides that the woman shall be entitled to such benefit while absent from work—i.e. for a minimum of 12 weeks, which is extended if confinement occurs after the presumed date and in case of illness arising out of pregnancy or confinement. On this point the Recommendations of 1921 and 1952 correspond to the Conventions of 1919 and 1952 respectively.

138. As regards the level of benefit, the Convention of 1919 states that the benefit must be "sufficient for the full and healthy maintenance" of the woman and her child; it leaves determination of the exact amount of the benefit to the competent authority in each country. The Recommendation of 1921 refers to a grant of benefit before and after childbirth. The Convention of 1952 (Article 4, paragraph 2) reproduces the terms of the Convention of 1919 and adds explicitly that the rates of cash benefit shall be fixed by national laws and regulations "in accordance with a suitable standard of living"; it also states that, where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the previous earnings taken into account for the purpose

¹ It may be noted here that the granting of maternity benefits in the framework of a compulsory insurance scheme entailing the payment of periodical cash benefits and medical care is also provided for in Part VIII of the Social Security (Minimum Standards) Convention, 1952 (No. 102). The States bound by this part of the Convention have thus undertaken to establish such a system of benefits (see above, paragraph 19, footnote 2).

of computing benefits (Article 4, paragraph 6).¹ The Recommendation of 1952 refers to the possibility of increasing the proportion up to 100 per cent. of the woman's previous earnings.

139. The right to cash benefit in order to compensate for earnings lost during the woman's absence from work because of pregnancy or confinement is recognised in the great majority of the countries surveyed, although the method of providing benefit or the manner in which the payments are made does not always meet the requirements of the Conventions and Recommendations.

140. The cash benefit, whether paid by an insurance or from public funds (the instruments permit either method²), is usually provided during the whole of the normal duration of the maternity leave, which may, according to national law, be equal to or longer or shorter than the standard of 12 weeks, as has been seen above. Of course, in order that the national scheme may comply with the Conventions on this point, the length of the leave should not be less than 12 weeks. In some countries the period for which benefit is paid is considerably shorter than the statutory leave³, so that the loss of earnings suffered by the woman worker who wishes to take all the leave to which she is entitled will be only partly compensated—a position contrary to the international instruments.

141. According to the great majority of national laws and regulations, a woman continues to receive cash benefit during the whole period by which the leave is extended because of sickness, either under maternity protection or a sickness insurance scheme, as has been seen above. In some cases, however, the rate of benefit paid by the insurance for the period exceeding the normal length of the leave may be inferior to that paid during the holiday.⁴ In some cases the benefit due for this part of the leave is paid by the employer—a practice contrary to the international conventions.

142. In many countries the laws or regulations do not specifically state that the benefit shall continue to be paid during the period between the presumed and the actual date of confinement. Quite often these rules⁵ make no formal provision for extension of the prenatal leave in such cases, although the extension can be arranged

¹ It should be pointed out in this regard that the Convention of 1952 does not require a ratifying State to take previous earnings as basis for calculation of benefit, but leaves it free to determine the amount of benefit on some other basis—for instance presumptive wages. Accordingly, it is only in cases where previous earnings are the basis for calculation of cash maternity benefit that the benefit cannot be less than two-thirds of the previous earnings taken into account.

² However, in some countries the benefit is payable by the employer, as will be seen below.

³ This seems to be the case, for instance: in Algeria (the leave is 12 weeks, but the allowance is paid for eight weeks under the general insurance scheme in virtue of Decision No. 49-045 of 1949, section 29, and for four weeks under the agricultural insurance scheme—Decision No. 49-064, section 18); in China (under the Labour Insurance Act of 1958, section 43, the allowance is paid for 45 days, whereas the leave is eight weeks); and in Morocco (under the Decree of 1959 to set up a social security scheme, section 36, as amended, the allowance is paid for ten weeks, whereas the leave is 12 weeks).

⁴ For instance, in Austria (under section 141 of the General Social Insurance Act, the allowance payable in case of sickness is 50 per cent. instead of 100 per cent. of wages); in Colombia (under section 18 of Decree No. 2690 of 1960 the woman receives two-thirds of the normal allowance for the first 90 days of the extension and half the normal allowance for the following 90 days); in the Federal Republic of Germany (under the Federal Insurance Code the allowance payable when the leave is extended by reason of incapacity for work is usually 50-75 per cent. of wages, instead of the 100 per cent. which is paid during the normal leave); and in Uruguay (under section 7 of the Act of 1958, the rate of benefit during the normal leave is 100 per cent. of wages; during the extension it is only 65 per cent.).

⁵ The countries are passed in review in the chapter on maternity leave (Chapter III, paragraph 122, and in the footnotes).

in practice. It is even provided in some instances that there will be no allowance for the extension in case of delayed confinement.¹

143. According to some social security laws ² the benefit is payable for a period exceeding the duration of the leave prescribed in labour legislation. It would appear that in this case the effective length of the leave is the same as the duration of benefit since under almost all laws concerned benefit is only payable if the woman is absent from paid work as will be seen below.

144. The rate of the benefit varies widely from one country to another according to the resources of the insurance or assistance schemes and the economic position of the country. It is difficult—particularly when the benefit is not calculated on the basis of previous earnings as provided in the Convention of 1952—to appreciate exactly how far such benefit can be considered to be sufficient for the maintenance of the mother and child, as the Conventions require, because of the diversity of national conditions and the variety of methods of calculating benefits.

145. In very many countries the benefit is provided under an insurance scheme and only subsidiarily from public funds. In the great majority of cases the benefits paid under insurance schemes are calculated as percentages of previous earnings, although the factors which may be taken into consideration to define the earnings concerned and the methods of calculating the benefit vary from country to country. In many countries the minimum rate of benefit is two-thirds of the insured earnings ³, in accordance with the requirements of the Convention of 1952; but the rate is in fact often above that standard ⁴; in several cases it is 100 per cent. of the earnings taken into account ⁵, as laid down in the Recommendation of 1952.

¹ For instance, in Costa Rica (under section 42 of the Regulations of 4 February 1952 benefit is to be paid only after approval by the governing body of the Insurance Fund); in Cuba (under section 1 of Act No. 1008 and section 23 of Act No. 1100; in its report for 1963-64 the Government states that during this period the woman receives benefit in kind and medical care); and in the Philippines (under section 8 (a) of Act No. 679 and section 7, paragraph 5, of the regulations made thereunder).

² For instance, in Denmark (under section 54 of the Public Sickness Insurance Act of 10 June 1960, the daily allowance is paid for not more than 14 weeks unless prolonged by virtue of the Act in cases where the woman cannot return to work); in Finland (under section 23 of the Sickness Insurance Act, maternity benefit is payable for 54 days, after which the woman receives a sickness allowance); in Turkey (under section 18 of the Sickness and Maternity Insurance Act, 1950, as amended by Act No. 7317 of 1959, maternity benefit is payable for 12 weeks); and in the United Kingdom (maternity allowance is payable for 18 weeks under section 15 of the National Insurance Act, 1946, as amended in 1953).

³ In the following countries, for instance: Burma (Social Security Act, 1954, section 24, and I.L.O. technical assistance report); Iran (section 57 of Social Insurance Act, 1960); Turkey (section 18 of Act No. 5502 of 1950, as amended); Venezuela (Decree of 1951 concerning social insurance, section 9, and Regulations issued thereunder, section 77).. In Byelorussia, the Ukraine and the U.S.S.R. the rate of benefit varies from 66 to 100 per cent. of wages according to the period of past employment (under an Order of 5 February 1955, sections 65 and 70-72, and the Act respecting social insurance on collective farms dated 15 July 1964). In Bulgaria the rate varies between 65 and 100 per cent. on the same basis (section 157 of the Labour Code).

⁴ In the following countries, for instance, the rate lies or moves between 70 and 90 per cent. of previous earnings: Albania (70-90 per cent. according to length of service—Government's report); Czechoslovakia (75-90 per cent. according to length of service—Sickness Insurance Act of 1956, section 27); Israel (75 per cent. of normal weekly wage, up to a maximum of £35 a week—National Insurance Law, Schedule 7); Italy (80 per cent. of wages—section 17 of Act No. 860 of 1950, as amended in 1963); Luxembourg (70 per cent. of wages as regards women wage earners, according to the Government's report); Peru (70 per cent. of wages—Legislative Decree No. 11-321, section 8, for wage earners and Act No. 13-724, sections 68 (a) and 67 (d) for salary earners); Rumania (70-90 per cent. of wages, according to length of service—Government report).

⁵ The rate is 100 per cent. of previous earnings, for example in the following countries: Argentina (but the rate cannot exceed a certain monthly maximum—Act No. 11.933, section 2, Decree No. 80.

(footnote continued overleaf)

146. It should, however, also be stated that in some countries which grant an allowance equal to 100 per cent. of the previous earnings, part—most often half—of the benefit is paid by the employer.¹ This is the case particularly in countries where the social security schemes are still at an early stage. However, there remain many² where the level of benefit as a proportion of previous earnings is lower than the standard laid down in the Convention of 1952.

147. Under some laws and regulations³ the rate of benefit may vary according to the length of service or period of insurance, independently of any qualifying period fixed in regard to entitlement to these benefits. In other countries the rate is calculated on the basis of theoretical wages or of wage classes.⁴

229, section 26); Austria (section 162 of Social Insurance Act of 1955 as amended); Brazil (for agricultural workers only—Rural Workers Act of 1963); Chile (Act No. 10-383 of 1952, sections 27 and 32; Act of 1953 to amend the Labour Code, section 312); Colombia (Labour Code, section 236, and Decree No. 2690 of 1960, section 8); Costa Rica (Sickness and Maternity Insurance Regulations, section 42); Cuba (Social Insurance Act No. 1100; but this allowance cannot be less than 1.50 pesos or more than 8 pesos a day); Dahomey (Decree No. 337 of 1960 and I.L.O. technical assistance report); Dominican Republic (Labour Code, section 213, Social Security Act, section 506); Haiti (Labour Code, section 383), Honduras (Social Security Regulations, section 36, and Government's report); Netherlands (Sickness Insurance Act, section 29, paragraphs 4 and 5); Poland (section 106 of Social Insurance Act, 1933, as amended in 1946); Portugal (Decree No. 45266 of 1963, section 56); Upper Volta (Labour Code, section 123,¹ and Order No. 1029 of 1955 as amended); Uruguay (Maternity Allowances Act of 1958, section 7, and I.L.O. technical assistance report).

¹ For instance, in Costa Rica, Dahomey, the Dominican Republic, Haiti and Honduras (where 66 per cent. of the benefit is paid by the insurance and the rest by the employer).

² The following countries in particular: Algeria (50 per cent.—Decision No. 49-045, section 29, and Order of 26 October 1959, section 11, for the general scheme; Decision No. 49-064, section 18, for agriculture); Belgium (60 per cent. of the remuneration lost with a ceiling of 8,400 francs; Act of 9 August 1963, sections 46 and 56); Cameroon (Eastern Cameroon) (50 per cent. and only up to a wage ceiling of 35,000 francs, Act of 11 April 1959, section 25); Central African Republic (50 per cent.—Labour Code section 123 and Order of 7 March 1956); Congo (Brazzaville) (50 per cent.—Order of 1956, sections 2, 36, 37); Finland (45 per cent. of insurable wages, i.e. 2,750-15,000 marks—Sickness Insurance Act, section 22); France (50 per cent. of basic wage; the amount may rise to two-thirds of the wage on the 31st day of incapacity if the insured woman has not less than three dependent children—Social Security Code, section L290); Gabon (50 per cent.—Labour Code, section 115, and Order of 1956); India (about 50 per cent. of wages, or 12 annas if greater—Employees' State Insurance Act, section 50); Ivory Coast (50 per cent.—Decree of 20 May 1955); Japan (60 per cent.—Health Insurance Law of 1922, section 50; the Government states that the rate is 80 per cent. for public employees); Malagasy Republic (50 per cent., but with a wage ceiling of 35,000 francs—Decree No. 63-124 of 1963); Mauritania (50 per cent.—Act No. 63-025 of 1963, section 12); Mexico (60 per cent. of wages, but 100 per cent. during the seven days before and the 30 days after confinement—Social Insurance Act of 1942 as amended, section 56); Morocco (50 per cent.—Decree of 1959, sections 34 and 37); Nicaragua (60 per cent.—Decree concerning social security and Regulations thereunder); Spain (60 per cent.—Decree No. 931 of 14 July 1959); Tunisia (50 per cent.—Social Security Act, sections 78 and 81). United States (60 to 100 per cent; maximum \$10.20 per day—Railroad Unemployment Insurance Act). In Luxembourg this rate amounts to 50 per cent. for women civil servants and salaried employees, according to the report of the Government and the Act of 29 August 1951, section 7).

³ For instance, in Albania, Byelorussia, Bulgaria, Czechoslovakia, Hungary, Ukraine, U.S.S.R. and Yugoslavia.

⁴ For instance, in Denmark (maximum benefit is 21 crowns a day but not more than four-fifths of earnings—Public Sickness Insurance Act, 1960, sections 51 and 53); Greece (the allowance is 50 per cent. of the theoretical daily wage of the insurance class to which the insured woman belongs—Social Insurance Act of 1951, sections 38 and 39); Norway (the allowance varies from 3 to 15 crowns a day according to the person's income class—Sickness Insurance Act of 1956, as amended, section 55); Sweden (the rate varies from 1 to 23 crowns a day, according to the income class—Public Insurance Act of 1962, sections 2 and 13; as the woman worker also receives a special maternity allowance, the Government states that total benefit corresponds to two-thirds of wages).

148. In a few other countries, the benefit is granted at a flat rate which is generally fixed irrespective of the rate of remuneration¹; this is often the case where benefit is paid under a general insurance scheme covering the whole population.

149. The Governments of two countries² state that apart from family allowances the laws and regulations do not provide for cash benefit in case of maternity.

150. It should be added that in some countries³ the national legislation provides for the grant of certain cash allowances which are additional to maternity benefit proper; the total benefit may thus equal or exceed two-thirds of previous earnings.

151. The cash benefit usually takes the form of periodical—daily, weekly or sometimes fortnightly—payments in respect of the effective duration of the leave. In some countries⁴, however, it consists of a lump sum paid regardless of the leave effectively taken.

MEDICAL BENEFITS

152. The Conventions and Recommendations on maternity protection entitle the woman to medical as well as cash benefit. The Convention of 1919 provides, in Article 3 (c), for “free attendance⁵ by a doctor or certified midwife”; so, implicitly, does the Recommendation of 1921, which refers to protection similar to that provided by the Convention. The Convention of 1952 states in Article 4, paragraph 3, that the medical benefits⁶ shall include prenatal confinement and postnatal care by qualified midwives or medical practitioners, as well as hospitalisation care, where necessary; and that freedom of choice of doctor and of choice between a public and a private hospital must be respected. The Recommendation of 1952 (Part II, paras. 2-5) gives details on the medical benefits which should be provided, namely general practitioner and specialist out-patient and in-patient care, including domiciliary visiting; dental care; nursing care; maintenance in hospitals; pharmaceutical, dental or other medical or surgical supplies; and the care furnished under appropriate medical supervision by members of such other profession as may at any time be legally recognised as competent to furnish services associated with maternity care. The Recommendation of 1952 also states that the medical benefit should be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work; that the institutions or government departments administering the medical benefit should encourage the women protected to avail themselves of the

¹ For instance, in Australia (benefits vary between a lump-sum payment of £15 and £17 10s. according to the number of other dependent children—Social Services Acts, 1947-1962, National Health Service Acts, 1953-1962); Ireland (£2 5s. a week—Social Welfare Acts, 1952-1963 and report of the Government); United Kingdom (£4 a week—National Insurance Act, 1946, as amended in 1964, section 15). In Iraq the allowance is 5 dinars or the amount of the person's social security balance if that is less—Social Security Law, section 10b; but this is under a social security scheme.

² Canada and New Zealand.

³ For instance, France and most of the African French-speaking countries where a prenatal allowance is paid throughout pregnancy on condition that a declaration of pregnancy is made during the first three months and that the woman undergoes the prescribed medical examination. This allowance is usually equal to nine times the monthly family allowance payable in respect of each dependent child; it is paid in three equal instalments.

⁴ Australia, Cuba, Iraq. In Argentina the benefit is paid in two instalments.

⁵ This provision requires completely free medical attendance and excludes any possibility of making a woman covered by the Convention pay any part of the medical expenses in connection with her confinement (see the reply given by the International Labour Office to a question put on behalf of the French Government in 1931: *International Labour Code 1951*, Vol. I, article 667, paragraph 1, footnote 170, p. 548).

⁶ As regards the gratuitous character of medical benefits under the Convention of 1952, see in particular paragraph 23 of the reply given by the International Labour Office in 1959 to a request made on behalf of the Government of the Netherlands for information on the scope of Article 4 of the Convention (*Official Bulletin*, 1959, Vol. XLII, No. 7, pp. 385-389).

general health services placed at their disposal; and that provision may be made for the promotion of the health of the women protected and their infants.

153. The grant of medical benefit during pregnancy and confinement is prescribed in almost all the countries surveyed. In most ¹, the benefit is given by an insurance or public health scheme, but it may also come from a public assistance service or from public hospitals, maternity clinics and out-patient institutions. These are chiefly countries which do not yet have any compulsory insurance schemes.² But even in those which have such systems, care given by the assistance services sometimes replaces the insurance benefit paid to women workers who for one reason or another are not entitled to such benefit.³

154. However, in some countries the medical care is payable by the employer, either in respect of all the women workers covered by the Conventions and Recommendations or in respect of some, particularly those not subject to insurance, as will be seen below.

155. In most cases the medical benefit prescribed by national laws and regulations appears to meet the requirements of the maternity protection instruments as regards the character of the benefit. The benefit is free of charge to the woman worker and includes mostly prenatal confinement and postnatal care at a hospital or maternity institution or at home.⁴ Some laws and regulations provide for more extensive care before and after the confinement, e.g. preventive medicine, domiciliary visits for initial instruction in hygiene, convalescent care, care of the newly born child, transport of the mother, etc.⁵ Some schemes also provide for the free issue of pharmaceutical and other relevant supplies ⁶, whereas others contain provisions regarding dental care.⁷

¹ Particularly the following: Algeria, Argentina, Austria, Belgium, Bulgaria, Byelorussia, Chile, Cuba, Finland, France, Federal Republic of Germany, Greece, Hungary, Iran, Ireland, Israel, Luxembourg, New Zealand, Nicaragua, Norway, Poland, Portugal, Rumania, Spain, Sweden, Tunisia, Turkey, Ukraine, U.S.S.R., United Kingdom, Yugoslavia.

² For instance, in the following, as the Governments' reports state: Australia (Nauru, New Guinea and Papua); Cameroon (Western Cameroon), Ceylon, Ethiopia, Ghana, Jamaica, Jordan, Malaysia (States of Malaya, Singapore), Philippines, Sierra Leone, Syrian Arab Republic, Tanzania (Tanganyika) and some United Kingdom territories, such as Gibraltar, Gilbert and Ellice Islands, British Honduras, Hong Kong, Mauritius, Montserrat, Solomon Islands.

³ For instance, in Austria, Finland, France, the Federal Republic of Germany, Luxembourg, Netherlands, Norway, Sweden.

⁴ In the following countries, *inter alia*: Albania, Argentina, Austria, Brazil, Byelorussia, Canada, Chile, Colombia, Cuba, Denmark, France, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Poland, Rumania, Spain, Turkey, Ukraine, U.S.S.R., United Kingdom, Venezuela, Yugoslavia.

⁵ For instance, in Argentina (Decree No. 80229 of 1936, section 21); Belgium (Act of 9 August 1963, section 23); Cuba (Act No. 1100, sections 4-6 and 22); Czechoslovakia (Sickness Insurance Act of 1956 and Act of 25 March 1964); Hungary (Ordinance No. 39 of 1955); India (Government's report); Norway (Sickness Insurance Act, section 54); Poland (Social Insurance Act, as amended); Spain (Regulations of 11 November 1943, sections 50 and 51); United Kingdom (National Health Service Act); Yugoslavia (Health Insurance Act of 1962, section 28). In Finland care of this kind is given free at the municipal maternity centres under Acts Nos. 223 and 224 of 1944.

⁶ For instance in Austria (Social Insurance Act, section 160), Burma (I.L.O. technical assistance report); Brazil (Social Security Act of 1960, section 45); Colombia (Decree No. 2690 of 1960, section 5; Cuba (Act No. 1100 of 1963); France (Social Security Code, section L.296); Federal Republic of Germany (Social Insurance Code and section 38 of the Social Assistance Act, 1961); Haiti (Labour Code, sections 567 and 609); Hungary (Labour Code, sections 7 and 105); Iceland (Social Insurance Act; vital medicaments only); Luxembourg (Act of 1954, section 12); Poland (Social Insurance Act, as amended, section 95); U.S.S.R. (report by Government); Yugoslavia (Sickness Insurance Act).

⁷ For instance, in Chile, Colombia, Cuba, Haiti, Hungary, Japan, Norway, Poland, Ukraine, U.S.S.R., Yugoslavia.

156. In some countries the laws and regulations provide for the reimbursement of medical costs or costs of confinement at a flat rate: this procedure may involve some participation in the cost of benefit by the woman concerned.¹ In others, specific provision is made for participation by the beneficiary, either in the cost of medical care or in that of certain kinds of benefit such as pharmaceutical supplies or dental care.²

157. As regards freedom to choose the medical practitioner and to choose between a public and a private hospital (which must be respected under the Convention of 1952), specific provisions to this effect exist in a few countries only.³ In some cases⁴ the choice seems to be respected in practice or to proceed by implication from the relevant rules as a whole. However, in the great majority of the countries where benefits are granted on the basis of an insurance scheme, the woman worker must choose her medical adviser from among members of the national health service or from among the practitioners with whom the insurance institutions have concluded agreements. As regards the choice of a hospital, in most of the countries in question care is given in public hospitals or hospitals which are parties to agreements with the insurance institutions.

158. In some other countries, although freedom of choice is authorised explicitly or seems to be implicit in the legislation, in practice its exercise may involve the woman in liability for some part of the cost of benefit.⁵ On the other hand, the question of choice, particularly that of a hospital, does not seem to arise in the majority of the countries where medical benefit is granted under an insurance scheme financed by the State and covering the whole population.⁶

OTHER BENEFITS

159. The Recommendation of 1952 (Section II, Paragraph 2 (6)) states that other benefits in kind or in cash such as a layette or payment for its purchase, milk or a nursing allowance, etc., might usefully be added to the cash and medical benefits already recommended.

¹ For instance, Algeria (Decision No. 49-045, section 28, and Order of 26 October 1959, section 10, for the general scheme, Decision No. 49-064, Part III, section 17, for agriculture; hospital costs are refunded 80 per cent. in the general and 40 per cent. in the agricultural scheme); Israel (National Insurance Law, section 30, provides only for a lump-sum payment of £1.111 for hospital costs in case of confinement; this amount includes provision for a layette); Sweden (refund of three-quarters of cost of medical and dental care—Public Insurance Act, Ch. 2, sections 2 and 3).

² For instance, in Iceland (section 49 of the Social Insurance Act provides for participation by the beneficiary in the cost of medical care other than hospitalisation and in the cost of medicaments which are not vitally important); and in the United Kingdom (the National Health Service Act provides that a contribution by the beneficiary may be required in the case of dental care and medicaments; however, the Government states that in practice expectant mothers and women with young children are exempt from this contribution).

³ For instance, in France (Social Security Code, sections L.257 and L.272); Luxembourg (Act of 1954, section 66 and Act of 1951, section 6); and New Zealand (Social Security Act, section 95, subsection 2).

⁴ For instance, in Argentina, Belgium, Finland, Iceland, Ivory Coast, Norway, Sweden, Yugoslavia.

⁵ As, for instance, in Algeria (where cost of confinement in a public hospital may be refunded in a greater proportion than the 80 per cent. which generally applies) and in Brazil (where, under the Act of 26 August 1960 the woman can choose her practitioner or hospital but must then share in the cost of benefit at a rate varying with her wage level in accordance with a statutory scale. The same appears to be the case in Ireland, where according to the Government's report the insured woman may be required to pay part of the cost of benefit if she chooses a hospital other than that indicated by the local authority).

⁶ For instance, Byelorussia, Hungary, Ukraine, U.S.S.R.

160. Such additional benefits are prescribed in most of the laws and regulations reviewed; the commonest are nursing (milk) allowances, in cash, in kind or in the form of vouchers.¹ The duration of such an allowance ranges from ten weeks to nine months, according to the national laws and regulations. The amount of a cash allowance for this purpose ranges from 10 to 50 per cent. of the basic wage.

161. In another group of countries ² there is provision for the grant of a layette or of money to purchase one.

162. Lastly, in some countries ³ the laws or regulations provide for the payment of birth grants (at an increased rate in case of multiple births) or other allowances intended to help the woman meet the additional expenditure caused by pregnancy and confinement or resulting from the birth and maintenance of her child.

FINANCING OF BENEFITS

(a) Methods Prescribed by the Conventions and Recommendations on Maternity Protection.

163. The two Maternity Protection Conventions provide that the benefits shall be paid out of public funds or by means of an insurance system: the Convention

¹ Nursing allowances are made, for instance, in the following countries: Algeria (Government report); Austria (Social Insurance Act, section 162); Chile (Act No. 10383, section 32); Colombia (Decree No. 2690 of 1960, section 13); Costa Rica (Sickness and Maternity Insurance Regulations, section 40); Denmark (Government report); Dominican Republic (Social Security Act, section 50 (c)); France (Social Security Code, sections L. 300 and L. 311); Federal Republic of Germany (Act of 1952, section 13, Social Insurance Code, section 195 (a), Social Aid Act 1961, section 38, subsection 2); Greece (Act No. 6298/34); Guatemala (Mother and Child Protection Regulations, section 31); Honduras (Social Security Act, section 39); Japan (National Sickness Insurance Act, 1958, and Regulations made thereunder); Mexico (Social Security Act, section 56 III); Nicaragua (Regulations under the Social Security Act, section 82); Peru (Acts Nos. 11321, section 8, and 13724, section 69); Poland (Social Insurance Act, as amended, section 105); Spain (Regulations of 11 November 1943); Switzerland (Act of 1911, section 14); Turkey (Act 5502 of No. 1950, section 17); Ukraine and U.S.S.R. (Order of 5 February 1955).

² For instance, Albania (Government report); Argentina (Legislative Decree No. 12459 of 8 October 1957); Austria (Social Security Act, section 160); Byelorussia (Order of 5 February 1955); Congo (Brazzaville) (Government report); Denmark (Maternity Aid Institution Act, sections 1 and 3); Finland (Maternity Benefits Act, section 4); Guatemala (Mother and Child Protection Regulations, section 31); Honduras (Social Security Act, section 39); Hungary (Decision by Council of Ministers No. 1032 of 1957); Israel (National Insurance Law, section 30); Mexico (Social Insurance Act, section 56 V and the Act respecting the Government Servants' Social Security and Welfare Institutions, section 26); Netherlands (Sickness Insurance Act, section 29); Ukraine and U.S.S.R. (Order of 25 February 1955); Yugoslavia (Sickness Insurance Act, sections 81 and 82).

³ Argentina (cost-of-living bonus—Legislative Decree No. 5170 of 1958 and Government report); Austria (Maternity bonus of 40-100 schillings—Social Security Act); Belgium (birth bonus—Government's report); Brazil (confinement benefit equal to the minimum wage at the women's place of work—Social Security Act, 1960); Cameroon (Eastern Cameroon) (lump-sum benefit at birth under Act of 11 April 1959, section 10); Chad (birth bonus—Order of 21 March 1956); Cyprus (lump-sum bonus at birth—Government report); Dahomey (maternity grant payable in three instalments—Decree No. 337 of 1960); Finland (birth grant—Maternity Benefits Act); France (maternity allowance equal to twice the highest monthly basic wage in the Department of residence, and bonus at each compulsory medical examination, Social Security Code); Hungary (maternity bonus—Ordinance No. 39 of 1955); Ireland (maternity allowance of £2—Social Welfare Acts, 1952-1963); Ivory Coast (maternity allowance of 12 monthly payments of 700 francs—Orders of 13 December 1955 and 27 February 1956); Japan (maternity allowance—National Sickness Insurance Act, 1958, and Regulations thereunder); Mali (maternity allowance in three instalments—Social Security Code); Mauritania (birth bonus—Act No. 163-025); Niger (maternity allowance—Order of 8 December 1955); Spain (bonus in case of multiple birth, equal to the maternity allowance payable during compulsory leave—Regulations of 11 November 1943); United Kingdom (maternity grant of £16, multiplied in case of plural birth—National Insurance Act, 1946, as amended).

of 1952 speaks of compulsory social insurance. Under either instrument, the employer may not be individually liable for the benefits payable. The Recommendation of 1921 reproduces on this point the terms of the Convention of 1919. The Recommendation of 1952 does not mention methods of financing benefits.

164. As regards the conditions attached to grant of benefit, the Convention of 1952 states in Article 4, paragraph 4, that whether the benefits are paid by means of insurance or out of public funds, they must be provided as a matter of right to all women who comply with the "prescribed conditions".¹

165. The Convention of 1952 also states that a woman who fails to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.²

166. As regards the method of financing benefits, the Convention of 1952 provides that any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer be paid "in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex" (Article 4, paragraph 7).

167. It is pointed out above that in many countries the maternity benefits are provided under an insurance system, which is usually compulsory.³ In some cases it is a sickness and maternity insurance scheme, in others the contingency is covered by a more comprehensive insurance, which sometimes applies to the whole popula-

¹ The question has been raised whether under the Convention of 1919, which contains no specific provision on the point, grant of insurance benefit may be subject to completion of a qualifying period. Observations on the matter have been made, both by the Conference Committee and by the Committee of Experts, in regard to States which have ratified the Convention but lay down conditions of the above kind in their laws and regulations. In particular, the Committee of Experts has reminded the governments concerned that, as Article 3 (c) of the Convention lays down that maternity benefits shall be provided either out of public funds or by means of a system of insurance, and as the Convention itself does not make provision for a qualifying period, it follows that an obligation exists to provide benefits out of public funds, for example by a system of assistance, for women not covered by insurance legislation, including those who, though subject to such legislation, are temporarily not entitled to benefits. (Cf. I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1957), p. 20; and idem: *Record of Proceedings*, International Labour Conference, 15th Session, Geneva, 1931, Vol. I, p. 631.)

It may be appropriate to mention also the reply given by the International Labour Office in 1960 to a question put by the Government of the Federal Republic of Germany as to the requirement of Article 3 (c) of the Convention of 1919 in relation to two kinds of conditions—those regarding a qualifying period required by the insurance scheme and those regarding a means test required under a system of public assistance. The effect of the reply is that, where the benefits are provided under a system of insurance, a qualifying period may be imposed on the persons concerned; that in the case of women who do not meet such qualifying conditions, provision should be made for the appropriate benefits out of public funds; that the provision of benefits may in these circumstances be in the form of an assistance scheme; and that as regards a means test the practice of applying such a test in certain countries has not given rise to comments by the bodies responsible for supervising the application of ratified Conventions (cf. I.L.O.: *Official Bulletin*, 1960, Vol. XLIII, No. 7, pp. 568-569).

² As regards the 1919 Convention cf. footnote to paragraph 164.

³ However, in some countries the benefit is often granted on the basis of voluntary insurance. This is the case in Denmark (where the insurance may also be compulsory), Switzerland (where, however, it may be rendered compulsory by cantonal law or regulation or by collective agreement or standard contract of employment) and the United States (most of the states).

tion.¹ In some countries the benefit is granted under a family allowances scheme.² One other country has set up a special maternity insurance.³

168. In several countries maternity benefits are paid from public funds, usually under an assistance scheme. Unlike insurance schemes, which have specific resources and a medical and administrative organisation that is usually sufficient to provide efficient protection, public assistance—although available to larger numbers of persons—pays more modest benefits and the amount cannot be adjusted to individual cases. It is for this reason that assistance schemes are no longer the principal method of providing benefits, or cash benefit at least. Usually assistance benefit is a complement to insurance⁴, being either paid to women who cannot obtain insurance benefit or added to this so as to prolong its duration.

169. As regards medical care, on the other hand, social assistance and public hospitals and out-patient centres may in some countries be the only means of providing benefit, particularly where an insurance scheme is not yet in existence or has not been extended to the whole territory.⁵ However, public out-patient centres and municipal or district mother and child health services (such as pre- and postnatal consultation centres) operate in several countries side by side with well-developed insurance schemes⁶ and contribute to conserving and improving the health of mothers and infants, as is advocated in the Recommendation of 1952.

170. As for the conditions attached to receipt of benefit, under an insurance scheme its grant is usually subject to a qualifying period intended to prevent abuse: this takes the form of either a specified period of service—with the same employer or with several—which is usually three to six months before the maternity leave begins⁷, or a period of insurance and payment of a specified number of contributions⁸, particularly in contributory schemes: in these the period of insurance is

¹ For instance, in Australia, Byelorussia, New Zealand, Norway, Sweden, Ukraine, the U.S.S.R. and the United Kingdom.

² For instance, the African French-speaking States.

³ Argentina.

⁴ For instance, in Austria, Denmark, Finland, France, the Federal Republic of Germany, Luxembourg, the Netherlands, Norway and Sweden.

⁵ See above, paragraph 153, second footnote.

⁶ See, for example, above, paragraph 153, third footnote.

⁷ For instance, in Cameroon (Eastern Cameroon), Congo (Brazzaville), Dahomey and the Malagasy Republic the laws regarding the family allowances equalisation funds require a woman to prove paid employment with one or more employers for six months before the beginning of the maternity leave. The period is three months in Chad, Gabon and the Ivory Coast. In Greece an insured woman must have done at least 100 days' work during the calendar year preceding the contingency. In Albania and Rumania the woman must have worked under the same employer for three months preceding the maternity leave, and in Bulgaria for five months, in order to obtain the minimum benefit; in Poland she must have been in insurable employment for at least four months during the 12 months preceding confinement; in Czechoslovakia she must have been insured for at least 270 days during the two years preceding confinement.

⁸ For instance, in the following countries: Algeria (ten months of membership of insurance, and effective employment for at least 18 days or 120 hours during the three months preceding the date of medical certification of pregnancy); Argentina (the woman must either have been effectively employed at the date of conception and have paid the contributions for the quarter-year which includes that date and the subsequent quarters, or—if not employed at the date of conception—she must have paid contributions in respect of eight quarters during the three years immediately preceding that date); Belgium (six months of membership of insurance and 120 days' work); Burma (26 weeks of contribution during the 52 weeks preceding the presumed date of confinement); Chile (six months of membership of insurance and at least 13 weeks of contribution); Colombia (12 weeks of contribution in the nine months preceding beginning of maternity leave); Dominican Republic (30 weeks of contribution in the ten months preceding confinement); France (ten months' membership, and

generally ten months before the presumed date of confinement or the beginning of the maternity leave, but in some cases it is shorter or longer than this.

171. In some countries the conditions in respect of a qualifying period are less stringent for medical than for cash benefit.¹ In others no qualifying period is required for grant of medical care.²

172. In a fairly large number of countries maternity benefits are allowed without any qualifying period: it is sufficient for the woman worker to have had paid employment before the contingency occurred.³ However, in some of these countries, although the woman worker's right to maternity benefits is not subject to this condition, the rate of the cash benefit may increase considerably (by 50, 60 or even 100 per cent. according to the period of service).⁴

173. Apart from the qualifying period, the grant of benefits is sometimes subject to a nationality⁵ or residence⁶ condition, or to the condition that the woman ceases to work for pay (this last rule, of course, applies to cash benefit only).⁷ In several countries prenatal and postnatal medical examinations are a condition attached to grant of the cash allowance or special birth or maternity bonuses.⁸ Lastly, there are countries⁹ where the woman worker's membership of a trade union may be taken into account in connection with payment of higher cash benefit.

174. Most of the assistance schemes lay down a condition regarding means, but not always requiring indigence; inability to obtain a sufficient livelihood, or possession

60 hours' employment during the last three months); India (women workers covered by the Employees' State Insurance Act: payment of contributions for at least two-thirds of the time when the woman was available for employment in a period of 26 weeks, with a minimum of 12 weekly contributions); Ireland (at least 26 weekly contributions); Israel (ten months' membership during the 14 months preceding the beginning of the maternity leave; however, the insured woman is entitled to benefit at a lower rate if she has been insured for ten months during the last 18 months); Luxembourg (for women wage earners: ten months' membership during the 24 months preceding the confinement, including at least six months' membership during the 12 months preceding the confinement and for women salaried employees: membership during the six months preceding the confinement); Morocco (108 days' contribution during ten months' membership preceding the beginning of the maternity leave); Spain (nine months' membership, and six months' contribution during the year preceding confinement); Sweden (270 days' membership before the presumed date of confinement); Turkey (120 days' contribution in the last 12 months); United Kingdom (for the maternity allowance, which is a periodical benefit, 50 weekly contributions, 26 of which must be contributions actually paid for weeks of work paid in the course of the 52 weeks immediately preceding the thirteenth week before that in which the confinement is expected; but if these conditions are not fulfilled the woman may receive a reduced rate of allowance); Venezuela (13 weeks of contribution during the 12 months preceding the presumed date of confinement).

¹ For instance, in Colombia (five weeks' instead of 12 weeks' contribution); Costa Rica (four weeks instead of six months); Greece (50 instead of 100 days' work in the calendar year preceding the presumed date of confinement); Nicaragua (four weeks' contribution during the last nine weeks, instead of 16 weeks during the last nine months); and Turkey (90 instead of 120 days' contribution in the last 12 months).

² For instance, in Albania, Burma, Finland, Hungary, Iceland, Mexico, Norway, Poland, Sweden.

³ For instance, in Austria, Byelorussia, Central African Republic, Cuba, Denmark (as regards compulsory insurance), Iraq, Italy, Japan, Mali, the Netherlands, Niger, Ukraine, Upper Volta, U.S.S.R., Yugoslavia.

⁴ As in Byelorussia, Ukraine, U.S.S.R., Yugoslavia.

⁵ See above, Chapter II, paragraph 53.

⁶ For instance, in Australia, Finland and New Zealand.

⁷ In almost all the countries.

⁸ As, for instance, in France and most of the African French-speaking countries.

⁹ For instance, Albania and Bulgaria.

of only moderate resources, entitles the woman to maternity benefit in some cases.¹ In a few countries maternity benefit may be allowed under an unemployment insurance scheme.²

175. As regards the method of financing benefits under a system of compulsory insurance, it proceeds from the governments' reports and from the laws and regulations examined that in almost all cases, whether the scheme is financed by the employers only, or by the workers and employers together, or by workers, employers and the State, the contributions to the insurance are calculated on the basis of the wages paid to all employed persons without distinction of sex.³

176. States which have ratified the Maternity Protection Conventions, but attach statutory conditions concerning a qualifying period to the grant of insurance benefits, have had some difficulty in applying these Conventions to women who do not fulfil the particular conditions. However, several of the States in question indicated, in reply to a question put by the Committee of Experts, that women in this category receive benefits from public assistance or under a family allowances scheme; others said they were considering the elimination of the above conditions as part of a coming review of their relevant laws or regulations.

(b) *Benefits at Employer's Expense.*

177. None of the instruments on maternity protection provide that benefits may be furnished by the employer. On this point, the Convention of 1952 even states, in Article 4, paragraph 8, that in no case shall the employer be individually liable for the benefits due to women employed by him.

178. The idea behind this provision—which does no more than expressly endorse what is said in Article 3 of the Convention of 1919 regarding the maternity allowance and medical care—is to ensure that a maternity protection scheme shall not render the employment of women more expensive for the employer than the employment of men—and so give him a motive for employing fewer women. This concern to prevent the protective arrangements from leading to discrimination against women workers is already reflected in the provisions which prescribe the financing of benefits by insurance or from public funds and subsidiarily by public assistance, and in those regarding the method of calculating insurance contributions.

179. Accordingly, any law or regulation making the employer liable for payment of maternity benefit is contrary to the international instruments.⁴

¹ Particularly in Australia, Austria, Finland, the Federal Republic of Germany and New Zealand.

² For instance in Austria (Unemployment Insurance Act, 1958, as amended in 1960) maternity benefit is payable to women who take unpaid maternity leave for up to one year.

³ However, in Argentina, under Act No. 11933 of 1934 (section 4) and Decree No. 80229 of 1936 (sections 4 ff.) maternity insurance—a separate scheme—is financed by contributions paid only by female employees and their employers; the State also contributes. This method of financing implies some degree of discrimination against the employment of women.

⁴ The position would be different in a country where maternity benefits were payable under a compulsory insurance scheme or from public funds and there were at the same time general provisions—in the Civil Code, the Commercial Code, etc.—stating that in certain cases outside the worker's control (sickness or other unavoidable absence) the employer shall: (a) continue to pay the wages of the workers concerned, if equivalent benefit is not paid under the existing social security arrangements or the benefit so paid is less than the wages; and (b) give the worker concerned any medical care he or she may need. It would appear that in such cases general provisions, not restricted to maternity but supplementary to a system such as that laid down in the two Conventions, would be outside their scope; consequently, since the Conventions are a body of minimum standards a State which ratifies them remains free to make, *over and above the minimum*, such arrangements as it may think fit, provided always that they are not contrary to the obligations contracted by ratification.

180. In most of the countries surveyed, the methods employed to finance maternity benefits may be considered to correspond, on the whole, to the provisions of the international instruments. However, there remain a few countries in which the employer is directly liable for the cost, or part of the cost, of the benefits; this method is often the first step towards subsequent protection by insurance, particularly in countries where the economy and the administrative machinery have not yet reached a level permitting the establishment or generalisation of social security schemes under which the cost of benefit is more equitably shared.

181. In most of the countries where the employer bears the whole financial burden of maternity protection, national laws and regulations entitle a woman to retain all or part of her wages during the maternity leave as a cash allowance.¹ As a rule, account is taken of the period of service in granting the allowance, which may differ from country to country but corresponds more or less to the qualifying period required under social security legislation.²

182. Medical benefits are also provided by the employer³, either in the form of reimbursement of cost, or in kind through the health services, if such exist, in the undertakings.

(for more detail on this subject, see the replies given by the International Labour Office in 1954, 1959 and 1962 to questions put by the Governments of the Federal Republic of Germany, the Netherlands and Austria respectively (*Official Bulletin*, Vol. XXXVII, 1954, p. 391; Vol. XLII, 1959, pp. 385-389; Vol. XLV, 1962, pp. 242-246)). It should be added that the Committee of Experts has not had to give its view on provisions of general application such as those mentioned above; however, it appears from an observation addressed to a State which had ratified the Convention of 1919, that the Committee did not regard as inconsistent with that Convention a "guarantee wage" clause applied by the State in question to women workers not covered by insurance (cf. I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (IV), International Labour Conference, 42nd Session, Geneva, 1958 (Geneva, 1958), p. 16). On the other hand, the Committee has objected clearly to provisions making the employer responsible for maternity benefits, as will be seen below.

¹ This is the case in the following countries, for instance: Ceylon (full wages—Maternity Benefits Ordinance, section 4, Shop and Office Employees' Act, 1954, as amended); Congo (Leopoldville) (two-thirds of wages—Legislative Decree of 1 February 1961, section 71); Ethiopia (50 per cent. of wages—Civil Code); Ghana (full wages—Labour Ordinance, section 77); Jordan (half wages—Labour Code, sections 51-54); Kuwait (full wages—Labour Act (Private Sector), section 26); Malaysia (States of Malaya: Malaysian \$2.20 a day—Employment Ordinance and Legal Notifications Nos. 365 and 366; Sarawak: one-sixth of wages—Labour Ordinance and Labour (Maternity Benefit) Rules; Singapore: Malaysian \$2-\$4 a day according to length of service—Labour Ordinance); Nigeria (25 per cent. of wages—Labour Code, section 145); Pakistan (until the entry into force of the Social Security Ordinance—daily wage or rupees 1.5 per day for West Pakistan under the Ordinance of 1958, section 4; daily wage or rupee 1 per day for East Pakistan under the Act of 1959, section 4, and the Act of 1950, sections 4 and 5); Philippines (60 per cent. of wages—Act No. 679 of 1952, as amended); Rwanda (two-thirds of wages—Decree of 10 June 1958, sections 36 and 37); Spain, Overseas Provinces (full wages—Ordinance of 2 March 1954, section 79, as regards Western Provinces, Ordinance of 24 May 1962 as regards Equatorial Provinces; however, the Government states in its report for 1963-64 that the general metropolitan legislation is applicable in this case); Syrian Arab Republic (70 per cent. of wages under the general scheme—Labour Code, section 134—and 50 per cent. of wages under the agricultural scheme—Agricultural Labour Code, section 53); the same applies in some United Kingdom territories (for instance: Bechuanaland, 25 per cent. of wages—Employment Law, 1963; Fiji, 25 per cent. of wages—Labour Ordinance, 1947; Gilbert and Ellice Islands, 25 per cent. of wages—Labour Ordinance, 1951; British Honduras, one-third of wages—Labour Ordinance, 1959; Solomon Islands, 25 per cent. of wages—Labour Ordinance).

² For instance, in Ceylon the period is a minimum of 150 days' work with the same employer during the year preceding confinement; in the Congo (Leopoldville), nine months' service with the same employer during the year preceding confinement; in Jordan, a minimum of 180 days' service during the last 12 months; in Malaysia (Sarawak and Singapore) it is a minimum of 90-180 days' service during the last 12 months and the length of service may affect the rate or duration of benefit; in Nigeria it is a minimum of six months with the same employer immediately before the absence.

³ This is the case in the Congo (Leopoldville) (Legislative Decree of 1961, section 51); in Pakistan

(footnote continued overleaf)

183. However, in most of the countries in this group the necessary medical care is given, as the governments confirm in their reports, at public hospitals or medical centres, usually under assistance schemes.¹

184. In other countries where insurance schemes already exist but where these do not yet apply to all classes of workers throughout the national territory, the employer may be held liable for the payment of cash benefits to women workers who are not subject to the insurance², either because they belong to a class that is not yet covered by the insurance or because they do not fulfil the conditions required by the insurance scheme as to a qualifying period. Some of these countries apply a mixed system, i.e. part of the benefit—usually half—is paid by the insurance and the other half by the employer, particularly in cases where the rate of benefit is as high as 100 per cent. of previous earnings.³ A similar situation arises with regard to medical benefits.⁴

185. Maternity benefits may be at the employers' expense in certain other cases also, particularly where social security schemes set a wage ceiling for admission to insurance. This practice is incompatible with the international instruments which do not provide for any such restriction, as has already been pointed out in connection with their scope.⁵

186. Lastly, it should be added that in a great number of the countries surveyed the right to continue to draw wages is also granted, as a cash maternity benefit, to women civil servants. In such cases the disadvantages of this method of providing benefit are less pronounced, since the money is in fact drawn from public funds and the risk of discrimination against women employees because of the additional cost involved may be less when the employer is a public authority.

187. As regards the countries which are bound by one or the other of the Maternity Protection Conventions, it may be pointed out that, in order to give effect to the observations of the Committee of Experts, several of the States bound by the Convention of 1919 have taken action to make existing or newly established social security schemes responsible for paying maternity benefits. However, one State which could not bring its laws and regulations into conformity with the Convention on this point was obliged to denounce it.

(the Mines Maternity Benefit Act, 1941, provides for the payment of a grant as refund of cost if there was attendance by a midwife; the East Bengal Maternity Benefit (Tea Estates) Act of 1950, applying to tea plantations and factories, requires the employer to make available to women workers the services of a medical practitioner or certified nurse capable of giving them the necessary prenatal and postnatal care); and in Spain—Overseas Provinces (Western Provinces)—Ordinance of 1954, section 108; see also the Government's reply in this connection).

¹ For the countries in question see second footnote to paragraph 153.

² This is the case in the following countries: Brazil (except for agricultural workers, who have just been brought under an insurance scheme in respect of this benefit; Brazil had ratified the Convention of 1919 but had to denounce it for that reason); Chile, China, Colombia, Costa Rica, Dominican Republic, Greece, Guatemala, Haiti, Honduras, India (workers not covered by the Employees' State Insurance Act), Mexico, Nicaragua, Peru and Venezuela.

³ For the countries in question see first footnote under paragraph 146.

⁴ This is the case, for instance, in Colombia, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Venezuela. In Brazil, under the Act of 16 August 1960 which applies to industry and commerce, medical care is to be provided by the insurance only in so far as financial resources and local conditions permit. In Burma, under the Social Security Act, medical care is provided free of charge by the employer, who is repaid by the insurance to the extent of 40 per cent. In India (states where the Employees' State Insurance Act is not applied) women workers receive a sum of 25 rupees from the employer as reimbursement of medical costs.

⁵ See above, Chapter II, paragraphs 56 and 57.

188. The Committee of Experts has on several occasions addressed States which are bound by the Convention of 1919 but are applying social security arrangements by stages to the various classes of workers and the various regions, asking them to take action with a view to hastening the extension of social security to all workers throughout the country. Most of the States in question indicate regularly in their reports what progress has been made in that direction.

CONCLUSION

189. The following conclusions may be drawn from the information brought together in this Chapter.

190. A woman's right to maternity benefits is recognised in almost all the countries surveyed. In most cases the benefits are provided under a compulsory insurance scheme and only subsidiarily from public funds; however, in some instances medical benefits are given principally under an assistance scheme, or at public hospitals and medical or maternity centres, particularly in countries which have no social security schemes at present.

191. The period during which cash benefits are payable corresponds on the whole to that laid down in the Conventions. As regards the rate of benefit, international comparison is difficult because regard must be had not only to the various factors which are taken into account when defining wages or earnings (these vary from one country to another) but also to the ways in which benefits are calculated. However, one may say that in the countries where the rate is based on previous earnings it often exceeds the level required by the Convention of 1952; in some cases it even stands at 100 per cent. of the basic wage or average earnings received during the last few months before the woman suspended her work.

192. As regards medical benefits, national laws and regulations seem on the whole to meet the requirements of the international instruments.

193. In many countries the social security schemes provide for completion of a qualifying period; such rules are permitted by the Conventions and Recommendations on the condition that women workers who have not completed the period receive benefits from public funds or under an assistance scheme—as is the case in many of this group of countries. Moreover, the means test, which is generally laid down by public assistance, does not always stipulate indigence but is often subject to less stringent criteria, e.g. insufficient resources.

194. The provision that an employer shall not be individually liable for the cost of maternity benefits was the subject of long discussions in the Committee to revise the Convention of 1919 and also in plenary sitting at the Conference in 1952. The application of this provision has presented many difficulties both in countries which have ratified one or both of the Conventions and in countries which are not bound by them. The preceding paragraphs will have shown that at present the employer bears the whole burden of maternity benefits in only a small number of countries (13 of the States reviewed and some territories). In all the other countries where the employer is required to provide benefits together with those received from insurance, the former are supplementary to the latter: indeed, such arrangements are transitional and will come to an end when social security schemes, which are being extended by stages because of economic and administrative difficulties at the national level, have general application. If it is borne in mind that when the Convention of 1919 was

adopted only nine countries had taken action to ensure provision of benefits by social security schemes of one kind or another, and that in 1952, when the original Convention was revised, there were still only 40 such countries, the great progress in this regard will be evident.

195. It is particularly interesting to note in the same connection that most of the countries whose representatives at the session in 1952 of the Conference (at which the Convention of 1919 was revised) objected to the prohibition of provision of benefits by the employer, have since introduced or are about to introduce social security schemes and only use the other method of financing maternity benefits on a provisional basis or as a complementary system.

CHAPTER V

PROTECTION OF EMPLOYMENT

196. The right of women to maternity leave and maternity benefits is supplemented by the guarantee that they will not lose their employment. This guarantee is intended to prevent discrimination against women during the maternity period, and to protect women workers from the consequences, both material and psychological, that the loss of their employment might have for them and their children.

197. Concern for this question is shown in the international instruments under consideration by a provision prohibiting the dismissal of women during their absence on maternity leave and, under certain conditions, during a period preceding and following this leave.

198. Under the terms of the 1919 Convention (Article 4), where a woman is absent from her work during her maternity leave or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, "it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence". The 1952 Convention contains (Article 6) a similar provision prohibiting dismissal not only during the normal leave period, that is to say at least 12 weeks, but also during the period by which leave is extended on account of a delay occurring in confinement or illness arising out of pregnancy or confinement.

199. Neither of these Conventions refers to a possible authorisation of dismissal in certain special or exceptional circumstances for any reason that might be considered legitimate. It thus seems that these Conventions establish in this connection an absolute prohibition of dismissal, at least during the specified period of 12 weeks and any contingent extension.¹

200. The Committee of Experts has considered, however, that this prohibition, the principal aim of which is to provide security of employment for women and to protect them from all discrimination on the grounds of maternity, does not, for example, oblige an employer terminating his activity or an employer detecting a serious fault on the part of one of his women employees to maintain the employment contract of a woman worker who is pregnant or confined, despite reasons justifying dismissal, but merely to extend the legal period of notice to the maximum by means of a supplementary period equal to the time required to complete the period of protection provided for by the Conventions under consideration. In this sense, the absolute character of the prohibition of dismissal avoids any possibility of abuse.

¹ In this connection see also the reply made by the International Labour Office on 14 April 1955 to a question from the Swedish Government concerning the scope of Article 6 of the 1952 Convention. In this reply, the Office stated that under the terms of the Article in question "the prohibition against dismissal is absolute and is not subject to any kind of condition" (*Official Bulletin*, Vol. XXXVIII, 1955, pp. 377-379).

201. The right of the woman worker to retain and resume her employment appears again in the two Recommendations on maternity protection. The 1921 Recommendation, however, refers to it only by implication, mentioning protection "similar" to that provided by the 1919 Convention, whereas the 1952 Recommendation takes up and amplifies the protection provided for by the revised Convention.

202. It thus provides (Section IV, paragraph 4 (1)) for the possibility of extending protection from dismissal beyond the period prescribed by the Convention in question. Under the terms of this Recommendation, the period should begin "as from the date when the employer of the woman has been notified by medical certificate of her pregnancy" and continue "until one month at least after the end of the period of maternity leave" provided for by the Convention. This period can thus cover several months (ten or more), since the Convention under consideration provides for the extension of the normal period of leave and the extension may, in accordance with the various national legislations, cover several weeks, as has been seen above.

203. The 1952 Recommendation also provides (Part IV, paragraph 4 (2)) for the possibility, where the protected period is extended beyond the limits established by the revised Convention, of permitting dismissal for certain specified reasons, such as serious fault on the part of the woman, shutting down of the undertaking where she is employed or expiry of the contract of employment, reasons that might be considered legitimate by the national legislation.¹ This subparagraph, however, states that it would be desirable, where works councils exist, that they should be consulted regarding such dismissals.

204. The 1952 Recommendation provides finally (Section IV, paragraph 4 (2)) that during her legal absence before and after confinement, the seniority rights of the woman should be preserved as well as her right to reinstatement in her former work or in equivalent work paid at the same rate.

205. The protection of the woman worker against dismissal during the maternity period, whether during the limited period of her absence on maternity leave or during a longer period stretching from the beginning of pregnancy to several months after confinement, has been the subject of special provisions, legislative or other, in the great majority of the countries considered.

206. In several countries² the provisions against dismissal are of a compulsory nature, and every failure to observe them can involve penal sanctions. In certain

¹ It is interesting to compare this provision with those of Article 50 of the Plantations Convention, 1958 (No. 110). Paragraph 1 of this Article, which fixes a limited period of protection corresponding to that of the 1919 and 1952 Conventions (namely that of the normal maternity leave and any contingent extension), prohibits dismissal absolutely. The protection of this paragraph is supplemented in paragraph 2, which obviously relates to cases that might arise outside the period of absolute protection, that is to say during the whole period of pregnancy and several months after confinement. This paragraph prescribes that the dismissal of the woman solely because she is pregnant or a nursing mother shall be prohibited.

² Including the following: Albania (Labour Code); Argentina (Act No. 11317); Byelorussia (Penal Code of 1961); Dahomey (Labour Code; Decree No. 337 of 1960; and Penal Code); France (Act of 2 September 1941); Hungary (Labour Code); India (Employees' State Insurance Act); Israel (Employment of Women Law); Japan (Labour Standards Act); Malaysia (Singapore: Labour Ordinance); Morocco (Decree of 1947); Ukraine and U.S.S.R. (Penal Code of 1961). In Byelorussia, Hungary, Ukraine and the U.S.S.R. the legislation provides for penalties in the event of refusal to employ a woman because she is pregnant or nursing her child. Penalties of fines or imprisonment are also inflicted on the employer in most of the other countries considered, but these penalties apply to every infringement of the provisions on maternity protection in general.

countries¹ women are entitled to damages, which are provided for in the event of breach of contract; in other countries² the employer who dismisses a woman during the protected period is obliged to pay her in compensation the amount of several months' wages, without prejudice to the damages due to her under the general provisions on breach of contract, as well as the maternity allowances to which she would have been entitled during maternity leave.

207. Furthermore, under the legislation of several countries, dismissal during the last months of pregnancy does not deprive the woman of the maternity benefits due.³

208. The prohibition of dismissal during the absence of the woman on maternity leave, that is to say during a specific period covering the normal duration of the leave and any contingent extension, is absolute in the legislation of the great majority of the countries considered.⁴ The legislation of some of the

¹ For example: Finland (Act No. 141 of 1922); France (Labour Code, Book I, section 29; women are moreover entitled to legal assistance before the court of first instance); Norway (Act on Domestic Servants, section 24).

² For example: Colombia (60 days' wages, Labour Code, section 239); Honduras (60 days' wages, Labour Code, section 144); Japan (1,200 days' wages, Labour Standards Act, sections 19 and 81); Peru (90 days' wages, Act No. 2851, section 18); Uruguay (six months' wages, Decree of 1 June 1954).

³ This is true, for example, in the following countries: Austria, Bulgaria, Byelorussia, Ceylon, Federal Republic of Germany, Honduras, Pakistan, Philippines, Poland, Ukraine, U.S.S.R., Yugoslavia.

⁴ Including the following: Argentina (Act No. 11317 of 1924, section 13, Act No. 11933, section 3, and the Agricultural Workers' Code, 1949, section 30); Australia (New Guinea and Papua: Native Employment Ordinances 1958-63, and report of the Government); Brazil (1946 Constitution, section 157, paragraph X, Consolidation of Labour Laws, section 393, and the report of the Government); Bulgaria (Labour Code as amended in 1957, section 35); Burma (Social Security Act, section 53, paragraphs 1 and 2; the prohibition is effective for all insured persons entitled to insurance benefits); Cameroon (Western Cameroon: Labour Code, section 146; Eastern Cameroon: Labour Code, section 116, and report of the Government, which confirms that the prohibition is absolute in practice as well); Canada (British Columbia: Maternity Protection Act; New Brunswick: Minimum Employment Standards Act, and the report of the Government); Central African Republic (Labour Code, section 123; the Government confirms the absolute nature of the prohibition); Ceylon (Maternity Benefits Ordinance, section 10); Chad (Labour Code, section 116); Congo (Brazzaville) (Labour Code, section 113); Congo (Leopoldville) (Legislative Decree of 1 February 1961, sections 69, 82 and 84 read together); Cuba (Act of 1937, sections IX and X); Finland (the report states that sections 27 and 31 of Act No. 141 of 1922, which prescribe the grounds for terminating a contract, are not applicable to women during their maternity leave); Gabon (Labour Code, section 115); Ghana (Labour Ordinance, section 78, and collective agreement between the Bank of West Africa and the Industrial Commercial and General Workers' Union, section XII, paragraph 6); Greece (Act No. 2274 of 1920 to ratify the 1919 Convention, which is given the force of national law, and Decree No. 31181 of 1937 containing the principles of the Convention and defining employers' obligations); Haiti (Labour Code, section 384); Hungary (Labour Code, section 96, as amended by Decree No. 46 of 1962, section 2; the prohibition of dismissal is not absolute, however, for domestic servants); India (Maternity Benefit Act, section 12, and Employees' State Insurance Act, section 73); Iran (Labour Code, section 18); Iraq (Labour Law, section 23, paragraph 5); Israel (Employment of Women Law, section 9 (a); it should be noted that the absolute prohibition from dismissing a woman covers a period of six months after the end of the postnatal leave); Ivory Coast (Labour Code, section 107; the Government and the jurisprudence confirm the absolute nature of the prohibition); Kuwait (report of the Government); Luxembourg (Order of 30 March 1932, section 18); Malagasy Republic (Labour Code, section 77); Malaysia (States of Malaya: Employment Ordinance; Sarawak: Labour Ordinance, section 92; Singapore: Labour Ordinance, section 117; in this last State, however, dismissal can take place if the woman works for another employer during her maternity leave); Mauritania (Labour Code, Book I, section 33); Niger (Labour Code, section 114); Nigeria (Labour Code, section 146); Norway (Workers' Protection Act, section 31, paragraph 2); Pakistan (1958 Ordinance of West Pakistan, section 7; 1939 Act of Bengal, section 7, and 1950 Act of East Bengal, section 10; 1941 Mines Maternity Benefit Act, section 10); Peru (the prohibition is implied in sec-

(footnote continued overleaf)

countries¹ reproduces in this connection the actual wording of the 1919 and 1952 Conventions by prescribing that it shall not be lawful for an employer to give a woman notice of dismissal during her absence on leave or at such time that the notice would expire during such absence.

209. Furthermore, the legislation of a number of the countries referred to² provides at the same time that the period of protection shall be extended beyond the limits fixed by the Conventions under consideration; the protection generally covers the whole period of pregnancy and a certain period after confinement (usually three to six months or even longer if the woman nurses her child), thus conforming with the 1952 Recommendation. During the period of the extension, in which work is performed, dismissal on the grounds that the woman is pregnant or nursing her child is forbidden, whereas during the period of maternity leave and absence through illness the prohibition, as has been mentioned above, becomes absolute.

210. In a number of other countries³, however, protection against dismissal is

tion 18 of Act No. 2851); Philippines (Act No. 679, section 12); Portugal (Overseas Provinces: Rural Labour Code, section 225); Sierra Leone (in actual practice and under the collective agreements, according to the report of the Government); Spain (Decree of 31 March 1944 on contracts of employment, section 167; the protection covers a period of up to 20 weeks); Switzerland (the Government states that under federal legislation, women employed in factories, in small watch-making undertakings and in transport and communications undertakings cannot be dismissed for any reason at all during their maternity leave; it adds that under a draft revision of the Code of Obligations prepared by a committee of experts, the employer will be unable to terminate the contract of employment during the eight weeks following and the eight weeks preceding confinement if the woman has been in his service for two years—it should be noted that the instruments under consideration make no provision for conditions of service in this connection); Syrian Arab Republic (Labour Code, section 135; the prohibition covers a period of six months after confinement and may be lifted if the woman works for another employer during her leave); Turkey (the prohibition derives from section 36 of the Labour Code); Upper Volta (Labour Code, section 123); Uruguay (Act No. 11577 of 14 October 1950, section 17, and Decree of 1 June 1954, section 4; the prohibition may extend beyond four months after confinement); Venezuela (Labour Act, as amended, sections 109 and 110, and Regulations governing employment in agriculture, section 61); Yugoslavia (Employment Relationships Act, section 330, paragraph 2, and Act of 12 December 1957 on civil servants, section 132). It is the same in the French overseas territories under section 116 of the Overseas Labour Code, as well as in certain territories of the United Kingdom.

¹ Including the following: Cameroon (Western Cameroon), Ceylon, Ghana, India, Iraq, Israel, Luxembourg, Malaysia, Nigeria, Pakistan.

² The countries of which this is true include the following: Argentina (Act No. 11317, section 14: the extension relates to the period of pregnancy); Australia (New Guinea and Papua: Native Employment Ordinances 1958-1963); Brazil (Consolidation of Labour Laws, section 391: the extension relates to the period of pregnancy); Bulgaria (section 35 of the Labour Code as amended prohibits dismissal from the beginning of the fourth month of pregnancy until the child reaches the age of eight months); Ceylon (Maternity Benefits Ordinance, section 11: the extension relates to the last five months before confinement); Cuba (Act of 1937, section IX: the extension relates to the period of pregnancy); Hungary (Labour Code, section 96: the extension covers the period from the diagnosis of pregnancy until six months have elapsed since confinement); Israel (Employment of Women Law, section 9 (b): the extension relates to the period of pregnancy); Pakistan (the legislation on maternity benefits prescribes that dismissal shall not take place without valid reason during the six months preceding confinement); Philippines (it follows from section 12 of Act No. 679 that the extension covers the whole period of pregnancy); Portugal (overseas provinces: section 225 of the Rural Labour Code prescribes that pregnancy shall in no case be a valid reason for dismissal); Yugoslavia (section 330, paragraph 2, of the Labour Code prohibits absolutely the dismissal of a pregnant woman or the mother of a child aged less than eight months; section 70 implies the possibility of dismissing a pregnant woman, after three months of pregnancy, in the event of the winding up of the undertaking, but the woman is then entitled until confinement to cash benefits equalling her wages).

³ Including the following: Algeria (Labour Code, Book I, section 29); Austria (Act of 1957, sections 10 and 12, Agricultural Labour Act, as amended, section 75, and the report of the Government); Byelorussia (Orders of 8 August 1922 and 16 July 1925 and Penal Code: under these texts, dismissal can take place only exceptionally; however, the Government states in its reports that dismissal cannot take place during the absence of the woman on maternity leave); Chile (under

not absolute. The legislation of these countries, while it prohibits dismissal because the woman is pregnant or nursing her child, admits the possibility of dismissing her for certain other causes, considered valid under the general provisions governing the termination of a contract of employment. The cause is generally a serious fault on the part of the woman worker, a serious failure to observe her contractual obligations, the expiration of her contract of employment, the ending of the activity of the undertaking or an emergency of a specific nature, for example a natural calamity. The burden of proving the validity of the grounds for terminating the contract rests almost always in these cases with the employer. In most of these countries, however, dismissal can take place only after authorisation by the labour inspectorate or some other competent authority, for example a local authority or a labour judge. In some countries the authorisation of the inspection services of the trade union federations or of the works councils is necessary. The latter case is envisaged, as has been seen, by the 1952 Recommendation.

section 313 of Act No. 11462 dismissal may take place for just causes, recognised as such by the judge of the competent court, in accordance with section 5 of Decree No. 3 of 1957. The Government has stated that these causes cannot be resorted to during the absence of the woman on maternity leave; the Government indicates, however, in its last report that it considers changing the national legislation in accordance with the 1919 Convention; Colombia (Labour Code, sections 239 and 240; however, a new draft revised Labour Code prohibits dismissal absolutely); Costa Rica (Labour Code, section 94); Czechoslovakia (Act No. 58 of 1964, section 11); Dominican Republic (Labour Code, section 211, as amended by Act No. 6069 of 1962); France (Labour Code, Book I, section 29, and Act of 2 September 1941, section 2: in accordance with these provisions and legal precedents, dismissal while the contract of employment is suspended on account of pregnancy and confinement may take place for other reasons); Federal Republic of Germany (1952 Act, section 9, paragraphs 1 and 2: under paragraph 2 dismissal may take place only exceptionally and in special cases. The Federal Minister for Labour may issue rules for determining when a special case exists. In accordance with established precedents, the winding up of the undertaking or a serious fault on the part of the woman worker constitutes a special case; but a Bill to bring the above-mentioned legislation into conformity with the Convention of 1919 is at present under study); Guatemala (Labour Code, section 151); Honduras (Labour Code, sections 144 and 145: under these provisions, however, any dismissal taking place during pregnancy or the three months following confinement without the authorisation of the labour inspector will be presumed to have taken place because the woman was pregnant or nursing her child); Italy (Act No. 860 of 1950, section 3: the Government states, however, that the possible grounds for dismissal may in no case be resorted to while the woman is on maternity leave and not performing work); Japan (under section 19 of the Labour Standards Act, dismissal may take place only if the employer pays compensation equal to 1,200 days' wages or the operation of the undertaking has become impossible through a natural calamity or other inevitable cause and after the competent authorities have given approval); Morocco (Decree of 1947, section 18, and Decree of 1958, section 11); Netherlands (under section 1639 (*e*) to (*x*) of the Civil Code relating to the termination of a contract of employment and the provisions of the Extraordinary Decree of 5 October 1945 on Employment Relations, dismissal cannot take place without the authorisation of the Regional Labour Office when the worker is incapable of performing his work on account of sickness in general, which includes pregnancy and confinement); Nicaragua (Labour Code, section 130: in its report for 1963-64 the Government states that the grounds for dismissal prescribed by the legislation cannot be resorted to while the woman is on maternity leave); Poland (1924 Act, as amended, section 16); Portugal (metropolitan Portugal: Order of 31 March 1951); Rumania (section 20 of the Labour Code provides for dismissal on certain grounds; the Government states that only women workers who remain absent for more than three months after the end of maternity leave can be dismissed under paragraph (*i*)); Sweden (Act of 1945, section 2); Tunisia (Decree of 6 April 1950, section 16, and Decree of 18 February 1954, section 6); Ukraine (Orders of 8 August 1922 and 16 July 1925, section 134 of the Penal Code and section 20 of the Regulations of 30 April 1930: in its reports the Government states that dismissal cannot take place during the absence of the woman on maternity leave); U.S.S.R. (the Orders of 8 August 1922 and 16 July 1925, section 139 of the Penal Code and section 20 of the Regulations of 30 April 1930 stipulate that dismissal may take place for certain reasons such as the winding up of the undertaking or the suspension of its activities for longer than a month; the Government states in its reports, that such cases of dismissal have not occurred in practice, since the national economy is developing constantly and, moreover, in the event of the elimination of a post, the person concerned is automatically transferred to another employment).

211. It should, however, be noted that in most of the countries where the legislation authorises dismissal for certain valid causes, the protection period is much longer ¹ than that provided by the 1919 and 1952 Conventions, which is limited, as has been seen, to the period of maternity leave with a possible extension in cases of sickness or delayed confinement. The protection provided by such legislation, like that referred to in the preceding paragraph, covers the period of pregnancy and several months after confinement.

212. Moreover, in certain countries ² that authorise dismissal in exceptional cases on grounds such as the ending of the activities of the undertaking, women workers who are pregnant or have young children are automatically transferred in accordance with the national regulations to equivalent posts in other undertakings. Furthermore, in the event of a reduction of staff these women are given preference over other women workers of equal qualifications, particularly when they are unmarried mothers or women accepting the entire responsibility for maintaining their children.

213. On the other hand, there are some countries ³ whose legislation does not contain special provisions ensuring the protection of women against dismissal during the maternity period. The fact is confirmed in most of the reports from these countries. The Government of one State ⁴ indicates that its legislation provides no restriction on the right of the employer to dismiss a woman worker, subject to normal notice, during the period of pregnancy or confinement. The report of another State ⁵ indicates that although there is no legislation protecting women against dismissal during the period in question, it is customary to reinstate the woman worker at her request; it adds that women with families generally show no interest in resuming their employment.

214. With regard to the preservation of the seniority rights of women during their lawful absence on maternity leave envisaged by the 1952 Recommendation, it can be seen both from the legislation of many countries and from the information in the reports of governments that the absence of women on maternity leave does not prejudice their seniority rights or rights to promotion.⁶

¹ For example, under the legislation of the following countries, protection covers the whole period of pregnancy and nursing: Byelorussia, Colombia, Costa Rica, Dominican Republic, Guatemala, Honduras, Nicaragua, Ukraine, U.S.S.R. The protection period is different in the following countries: Austria (throughout pregnancy and until the end of the fourth month after confinement); Chile (throughout pregnancy and until one month after the end of the maternity leave); Czechoslovakia (throughout pregnancy and until the child reaches the age of one year for married women, and three years for unmarried women); Federal Republic of Germany (as for Austria); Italy (throughout pregnancy and until the child reaches the age of one year); Japan (throughout pregnancy and until 30 days after the end of the postnatal leave); Poland (throughout pregnancy); Portugal (metropolitan Portugal: throughout pregnancy and until one year after confinement); Sweden (throughout pregnancy and until six months after confinement: this protection, however, applies only to women who have been in the service of the same employer for at least one year).

² For example: Bulgaria, Byelorussia, Ukraine, U.S.S.R., Yugoslavia.

³ For example: Cyprus, Iceland, Ireland, New Zealand, Tanzania, United States and most of the territories of the United Kingdom.

⁴ Denmark.

⁵ United Kingdom.

⁶ The countries of which this is true include the following: Albania (Labour Code, section 85); Belgium (report of the Government); Bulgaria (this is clear from the provisions of the 1959 Ordinance, particularly section 9); Cameroon (Eastern Cameroon) (report of the Government); Canada (under the collective agreements, according to the report of the Government); Ghana (Civil Service Regulations, section 761, and collective agreement between the Bank of West Africa and the Industrial, Commercial and General Workers' Union); Italy (Act No. 860 of 1950, section 14); Ivory Coast

215. The information in the reports and the study of national legislation also make it possible to establish that many countries¹ guarantee to women the right to resume employment in their former posts or in others paid at the same rate.

216. Lastly, the legislation of some countries² establishes explicitly, as an additional measure of protection, the right of women to terminate their contract of employment during pregnancy and absence on maternity leave without notice and without having to pay a breach of contract indemnity.

217. The prohibition of dismissal during the absence of the woman on maternity leave, including the period of extension in the event of illness or delayed confinement, is prescribed absolutely and by an express provision in most of the countries that have ratified either of the Conventions under consideration.³ The Committee of Experts has had, however, to make observations regarding States whose legislation, although it sometimes provides a longer period of protection covering the whole of pregnancy and several months after confinement, seems to authorise dismissal for certain reasons regarded as valid during the period of maternity leave provided by the instruments in question. The Committee, in its observations, has requested the governments concerned to adopt appropriate measures. Some of these governments have amended the national legislation in conformity with the 1919 and 1952 Conventions, and three governments are considering doing so in the near future. Several other governments have stated that the usual grounds for dismissal established by the national legislation, particularly a serious fault on the part of the woman worker, are effective only during the actual performance of work and that they cannot therefore be resorted to in the case of a woman who, having exercised her right to maternity leave, has ceased to perform work. They have added that no dismissal can take place in practice during the absence of the woman worker on maternity leave. For some countries, however, the question remains unsettled.

(under the collective agreements, according to the report of the Government); Mali (Labour Code, section 87); Mexico (Federal Labour Code, section 110 (B)); Morocco (report of the Government and Decree of 24 January 1953, as amended); Rumania (Labour Code, section 133 (*f*)); Sierra Leone (report of the Government). It is the same in France and several French-speaking African States, under the provisions of the Labour Code, in accordance with which the periods when the contract is suspended on account of maternity are credited to the woman not only for purposes of seniority and the resulting benefits but also in establishing the benefits based on the period of actual work.

¹ For example: Argentina (Act No. 11933, section 3); Belgium (report of the Government); Brazil (Consolidation of Labour Laws, section 393); Colombia (Labour Code, section 241, and Decree of 1938, section 12, for the public sector); Costa Rica (Labour Code, section 96); Czechoslovakia (Act No. 58 of 1964); Guatemala (Labour Code, section 152 (*b*)); Italy (Act No. 860 of 1950); Mexico (Federal Labour Act, section 110 (B)); Morocco (in accordance with legal precedent); Spain (Act of 1944 respecting contracts of employment, section 167); Sweden (this is clear from sections 2 and 3 of the 1945 Act and from the report of the Government; it is also covered by collective agreements); Venezuela (Labour Act, sections 109 and 110 and Regulations governing Employment in Agriculture, section 61).

² The countries to which this applies include France and most of the French-speaking African States (Labour Codes). In Italy, section 15 of the 1950 Act provides that in the case of voluntary termination of the contract by the woman worker she is entitled to the benefits laid down by the legal and contractual provisions for dismissal.

³ In 15 countries that have ratified the 1919 Convention and four that have ratified the 1952 Convention (see first footnote under paragraph 208). There are, however, two States in respect of which the Committee of Experts has no information, since the governments concerned have not yet supplied a report.

CONCLUSION

218. It is apparent from the foregoing that in the great majority of countries examined, measures are taken to ensure that any woman retains her job during maternity leave and that she is not discriminated against in this respect because she is expecting or nursing a child.

219. These measures are expressed in the majority of countries by an absolute prohibition to dismiss a woman while she is on her statutory maternity leave—which may be extended in the event of sickness or late confinement. This is in conformity with the 1919 and 1952 Conventions, which do not envisage any grounds for dismissal during the period in question.

220. The question can, of course, be asked, whether such an absolute ban, which was originally introduced by the 1919 Convention and which constituted a necessary measure at that time because legislation guaranteeing job security was virtually non-existent, is warranted to the same extent nowadays when, under the legislation of most countries, a contract of employment can only be terminated for valid reasons and in accordance with prescribed proceedings and when the danger of job discrimination against women would appear to be less owing to the range of opportunities open to them in the modern world and the high percentage of women in the labour force.

221. These arguments, which would be valid if the complete prohibition of dismissal applied to a fairly lengthy period, such as the whole of pregnancy and a certain time following confinement—as is provided by the 1952 Recommendation, which is, therefore, worded more flexibly—are difficult to accept if one considers the protected period is fairly short (normally 12 weeks) and it is essential to guarantee a woman her job during that time and thereby spare her any mental and material worries which might have a harmful effect on her health and that of her child.

222. An absolute ban on dismissal during this period has, on the other hand, a number of major advantages which should be borne in mind, viz. it prevents an employer, for example, who wishes to dismiss a woman because of her pregnancy, from finding another reason to justify her dismissal, such as poor output or redundancy; and it eliminates the difficulty that would face an expectant or recently confined mother in contesting the reasons for her dismissal and satisfying a court of law as to the true cause of the termination of her contract.¹ In addition, it makes allowance for the situation in some countries where, under current legislation, an employer does not have to give his reasons for making dismissals. Lastly, an absolute ban does not entail any financial consequences for an employer, because under both the 1919 and 1952 Conventions, maternity benefits must be payable either under an insurance scheme or out of public funds.

223. Moreover, as has been stated above, the prohibition of dismissal is absolute in many countries, and in several others, where the prohibition does not appear to be absolute by virtue of any specific provision, dismissal is—according to the governments themselves—completely forbidden in practice, because the reasons which their legislation allows as legitimate cannot usually be invoked if no work is actually being

¹ These were reasons put forward by a trade union organisation in a State bound by the 1919 Convention in an observation which it submitted to the Committee of Experts through its government, concerning the application by that State of Article 4 of the Convention. (Cf. 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 (Geneva, 1956), p. 23).

performed—as is the case when a woman is on maternity leave. It should also be borne in mind that in most cases the legislation of these countries establishes a much longer period of protection, corresponding to that laid down in the 1952 Recommendation.

224. It has also been seen that several countries which have ratified these Conventions and have had some difficulty in placing an absolute ban on dismissals have either taken appropriate action as required by the Conventions or are on the point of doing so; in addition, the governments of some other countries which are bound by these Conventions state that, in practice, dismissal is absolutely prohibited.

225. The most satisfactory solution seems to be that advocated by many of the countries examined and which, in the main, is that prescribed by the Plantations Convention, 1958 (No. 110); as was seen earlier, these countries impose an absolute ban on dismissal during the limited period of maternity leave which is crucial to a woman, and supplement this protection with a qualified ban on dismissal during a longer period before and after the period of absolute protection.

226. But, irrespective of the nature of the ban imposed by national legislation, the fact remains that the right of a woman to keep her job and to be protected against any discrimination in this respect because she is expecting or nursing a child, is now specifically guaranteed by legislation in the vast majority of the countries examined. When it is borne in mind that in 1919 only six States had a statutory guarantee of this right, the considerable influence of international standards in this field, where the progress made since the adoption of the first Convention has perhaps been most striking of all, can readily be gauged.

CHAPTER VI

FACILITIES FOR NURSING MOTHERS AND INFANTS

227. The protection provided by the instruments under consideration also comprises certain facilities for mothers continuing to nurse their infants after resuming employment, as well as certain social services for their children.

228. The 1919 Convention provides that the woman "shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose" (Article 3 (*d*)). The 1952 Convention provides (Article 5, paragraph 1) that the woman "shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations". This Convention further provides that such interruptions of work are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position is to be determined by the relevant agreement (Article 5, paragraph 2).

229. The 1921 Recommendation refers to protection similar to that laid down under the 1919 Convention. On the other hand, the 1952 Recommendation contains more detailed and extensive protective measures in this respect: it states that the duration of nursing breaks should be extended to a total period of at least one-and-a-half hours during the working day and provides the possibility of adjusting the frequency and length of the nursing periods on production of a medical certificate (Section III, paragraph 3 (1)).¹

230. The 1952 Recommendation also refers to the establishment of certain social facilities for infants; it states that provision should be made for the establishment of facilities for nursing or day care, preferably outside the undertakings where the women are working²; it further states that these facilities should be financed, or at least subsidised, at the expense of the community, or by compulsory social insurance (Section III, paragraph 3 (2)). Under the 1952 Recommendation, the equipment and hygienic requirements of the facilities for nursing and day care and the number and qualifications of the staff of the latter should comply with adequate standards laid down by appropriate regulations, and they should be approved and supervised by the competent authority (Section III, paragraph 3 (3)).

¹ These provisions were incorporated in the Recommendation following suggestions from the World Health Organisation, which was consulted with regard to revision of the 1919 Convention (cf. I.L.O.: *Revision of the Maternity Protection Convention, 1919 (No. 3)*, Report VII, International Labour Conference, 35th Session, Geneva, 1952, p. 47).

² The original text of this provision stated that facilities should be established within or near undertakings. This was amended at the proposal of the Workers' members of the Committee on Maternity, who were against tying such facilities to the undertaking, in order to allow free choice of nursery (see *Record of Proceedings*, International Labour Conference, 35th Session, op. cit., Appendix X, p. 554).

231. With regard to nursing facilities, the great majority of laws examined provide for nursing breaks during working hours, as a general rule two half-hour breaks during the day ¹, as laid down in the 1919 Convention.

232. In some countries there is legal provision for shorter ² or longer ³ nursing

¹ This is stated in the legislation of the following countries, for example: Argentina (Act No. 11317, section 15); Australia (New Guinea and Papua, Native Employment Ordinances, 1958-63); Brazil (Consolidated Labour Laws, section 396); Cameroon (Western Cameroon: Labour Code, section 145; Eastern Cameroon: Labour Code, section 117, and Decree of 27 February 1954, section 24); Central African Republic (Labour Code, section 124, and Government report); Ceylon (Maternity Benefits Act, section 12B); Chad (Labour Code, section 117, and Order of 1954, section 18); Chile (Labour Code, section 318, and Decree No. 3 of 1957, section 16; however, these provisions are not applicable to salaried employees, according to the Government's report); Congo (Brazzaville) (Labour Code, section 115, and Order of 25 February 1954); Costa Rica (Labour Code, section 97; the woman may, however, if she so prefers, interrupt her work for 15 minutes every three hours); Cuba (Act No. 1100, section 25); Czechoslovakia (Act No. 58 of 1964, section 10); Dahomey (Labour Code, section 117, and Order of 1954, section 18); France (Labour Code, Book II, section 54 (b) provided for two 30-minute breaks, but allowed the period to be reduced to 20 minutes in undertakings having their own nurseries, under section 54 (c); however, a circular dated 7 December 1962 gave the labour inspectors the necessary instructions to bring to the notice of employers the terms of the Convention, which has legal force in France); French overseas territories (Overseas Labour Code, section 117, and local orders applying that Code); Gabon (Labour Code, section 116, and Decree of 1962, section 16); Ghana (Labour Ordinance and Government report); Greece (Act No. 2274 of 1920 ratifying the 1919 Convention and Decree No. 31181 of 16 June 1939 issued in order to bring to the notice of labour inspectors and women workers concerned the terms of the Convention, which became law following its ratification by Greece); Guatemala (Labour Code, section 153; a woman may, however, if she so desires, interrupt her work for 15 minutes every three hours); Haiti (two 30-minute breaks per day, or 15-minute breaks every three hours under the Labour Code, section 389); Honduras (Labour Code, section 140); Hungary (Labour Code, section 98); Israel (Employment of Women Law, section 7 (c)); Italy (Act No. 860 of 1950, section 9); Ivory Coast (Labour Code, section 103, and Decree of 19 July 1954, section 18); Japan (Labour Standards Act, section 66); Luxembourg (Order of 30 March 1932, section 17 (c)); Malagasy Republic (Labour Code, section 78, and Decree of 28 March 1962, section 20); Mauritania (Labour Code, Book II, section 16, and Order of 1954, section 18); Mexico (Federal Labour Act, section 110B, and Federal Act respecting government servants); Morocco (Decree of 1947, section 20); Niger (Labour Code, section 115, and Order of 1954, section 18); Norway (Workers' Protection Act, section 34, paragraph 4); Peru (Act No. 2851, section 21); Philippines (Act No. 679, section 8 (b)); Portugal (Order of 13 January 1958; overseas provinces: Rural Labour Code, section 226); Spain (Decree of 1944 concerning employment contracts, section 168; overseas provinces: Ordinance of 24 May 1962, section 23, and Ordinance of 2 March 1954, section 80); Syrian Arab Republic (Labour Code, section 137); Tanzania (Tanganyika) (Employment Ordinance, section 84); Tunisia (Decree of 6 April 1950, section 17); Turkey (Ordinance concerning the conditions of employment of expectant and nursing mothers, section 5); Ukraine and U.S.S.R. (under section 134 of the Labour Code nursing breaks must be granted after each period of not more than three-and-a-half hours' work; their duration is fixed by works regulations and may not be less than 30 minutes); certain territories of the United Kingdom (Bechuanaland: Employment Law, 1963, section 64 (d); Mauritius: Employment and Labour Ordinance, section 22A; Solomon Islands: Labour Ordinance, section 79, paragraph 3; Swaziland: Employment Proclamation, section 43); Uruguay (Decree of 1 June 1954, section 3); Venezuela (Labour Act, section 113).

² For example: Albania (not less than 30 minutes, Labour Code, section 72); Algeria (section 54 (c) of the Labour Code fixes each break at 30 minutes, but this may be reduced to 20 minutes in undertakings having nursing premises); Colombia (two 20-minute breaks under section 238 of the Labour Code and section 7 of Decree No. 1932 of 1938; however, a draft revised Labour Code provides for two 30-minute breaks); Dominican Republic (the woman worker is entitled to three 20-minute breaks under section 214 of the Labour Code); Iraq (section 23, paragraph 3, of the Labour Code provides for two 15-minute breaks). In Austria (under the Act of 1957, section 9) and in the Federal Republic of Germany (under the Act of 1952, section 7) women working for an uninterrupted period of more than eight hours per day are entitled to two 45-minute nursing breaks or a single 90-minute break if there are no nursing premises near the workplace; by uninterrupted period of work is meant a period not interrupted by a break of at least two hours. The Government of the Federal Republic of Germany, which is bound by the 1919 Convention (which stipulates neither the duration nor the number of nursing periods according to the working hours), states that a Bill taking into account the provisions of the Convention is before Parliament.

³ For example: Bulgaria (under section 6 of the Ordinance of 1959 concerning protection of

(footnote continued overleaf)

breaks; certain countries provide for the normal duration of breaks to be extended if the undertaking has no premises for nursing.¹ The legislation in one country² states that the woman may interrupt her work for 30 minutes every three hours in order to nurse her child.

233. Legislation in certain other countries³, although recognising the right to nursing breaks, does not specify the duration of such breaks, leaving it to the employer—in conjunction with the workers concerned—or to works regulations to determine what time is required for this purpose. In a number of other countries⁴ there seems to be no formal provision authorising women to interrupt their work in order to nurse their children and the reports from those countries do not always give information on this subject. The governments of some of these countries⁵ state in their reports, however, that nursing facilities are granted under individual agreements, collective agreements, or national practice, whereas others confirm that there are no provisions in this connection.⁶

234. Extension of the duration of nursing breaks in special cases, subject to production of a medical certificate, is not generally covered by national provisions; however, some countries make explicit provision for this.⁷

235. In several countries laws and regulations state that nursing breaks shall be granted until the child reaches a specified age, which generally ranges between six months and one year⁸; in some countries the limit is fixed at 15 months or more.⁹

women workers, the worker is entitled to two 60-minute breaks or a single two-hour break; in the case of the birth of more than one child or premature birth, the duration of such breaks is extended to three hours); Yugoslavia (under sections 65 and 66 of the Employment Relationships Act of 1957, a woman nursing her child is entitled to a 50 per cent. reduction of normal hours of work, this period being assimilated to hours actually worked).

¹ For example: Ceylon (the duration of each nursing break is not less than one hour if the undertaking has no nursing premises); Hungary (the duration of each break may be as much as 45 minutes, depending on the distance between the workplace and the place where the child is left); Italy (the duration of breaks is extended to not less than one hour if the undertaking has no nursing premises).

² Iran (Labour Code, section 19).

³ For example: India (the Maternity Benefit Act, section 28, paragraph 2, states that the woman shall be entitled to two nursing breaks per day, the duration to be fixed by regulations issued by the local authorities); Sweden (section 35 of the Workers' Protection Act, 1949, states that when the woman nurses her child herself the time needed for this purpose may not be refused); Switzerland (section 36, paragraph 3, of the Federal Labour Act of 13 March 1964 provides that the employer shall grant the time needed for nursing).

⁴ For example: Belgium, Burma, Canada, China, Congo (Leopoldville), Cyprus, Finland, Iceland, Ireland, Malaysia, New Zealand, Nicaragua (the Government states in its report for 1963-64 that it will take account of the provisions of the 1919 Convention, by which it is bound, when the Labour Code is revised); Pakistan, United Kingdom, United States, Zambia.

⁵ Congo (Leopoldville), Malaysia (States of Malaya), certain territories of the United Kingdom (for example British Honduras, Montserrat).

⁶ Belgium, Canada, Ireland, New Zealand, United Kingdom.

⁷ For example: Austria (Act of 1957, section 9); Bulgaria (Ordinance of 1959, section 6); Colombia (Labour Code, section 238); Federal Republic of Germany (Act of 1952, section 7). The Ukraine and the U.S.S.R. state in their reports that these breaks may be extended upon production of a medical certificate.

⁸ For example: Albania (nine months or over); Brazil (six months, with possibility of extension); Bulgaria (eight months, with possibility of extension in special cases); Ceylon (one year); Czechoslovakia (six months, with possibility of extension); France (one year); Honduras (six months); Japan (one year); Morocco (one year).

⁹ For example: the age limit is 15 months in Cameroon (Eastern Cameroon); Central African Republic, Congo (Brazzaville), Dahomey, Ivory Coast, Malagasy Republic, Mali, Mauritania, Upper Volta; it is 18 months in the Syrian Arab Republic.

The instruments under consideration do not lay down any age limit. However, it does not seem likely that the application of this provision—provided that the limit imposed is reasonable—will entail any real restriction of women workers' rights in practice, since increasing use is now made of artificial means of feeding, at any rate in a large number of countries.

236. In other countries, however, no such limit is imposed with regard to nursing breaks.¹

237. A large number of countries² have laws explicitly stating that nursing breaks must be granted over and above the rest period granted to workers in general and that such breaks must be included in normal hours of work and paid as such, as laid down in the 1952 Convention. On the other hand in other countries it is not specified that nursing breaks should be remunerated.³ Certain governments state in their reports, however, that nursing breaks are not deducted from hours actually worked and are therefore remunerated, either in accordance with national practice or under collective agreements.⁴

238. With regard to nursing and child-care premises, provisions exist in a large number of countries for the establishment of nursing premises or nurseries either inside or outside the undertaking. In most cases the legal requirement is for both nursing premises and nurseries for the care of children under school age, with detailed requirements regarding conditions of hygiene and operating rules of such facilities which are almost always subject to supervision by the labour inspectorate or other competent authorities (Ministry of Labour and Public Health, etc.).

239. However, in most of these countries⁵ the obligation to provide these

¹ For example: Austria, Chile, Colombia, Federal Republic of Germany, Ghana, Haiti, Iran, Israel, Italy, Luxembourg, Mexico, Norway, Peru, Poland, Rumania, Spain, Sweden and Venezuela.

² In particular the following countries: Albania, Austria, Byelorussia, Ceylon, Chile, Costa Rica, Cuba, Federal Republic of Germany, Guatemala, Haiti, Honduras, Hungary, Iran, Israel, Italy, Malagasy Republic, Mali, Peru, Philippines, Rumania, Spain (both the metropolitan territory and the overseas provinces), Turkey, Ukraine, U.S.S.R., Venezuela. In Yugoslavia the woman is entitled to an allowance under the sickness assistance scheme in accordance with section 66 of the Employment Relationships Act, 1957.

³ For example: Argentina, Cameroon (Eastern Cameroon), Chad, Congo (Brazzaville), Dahomey, Gabon, Ghana, India, Ivory Coast, Luxembourg, Mauritania, Morocco, Niger, Norway, Portugal, Sweden, Tanzania (Tanganyika), Tunisia and Upper Volta.

⁴ For example: Central African Republic, France, Japan. The Government of France considers that a provision requiring nursing breaks to be remunerated by the employer should be contained in agreements rather than in regulations.

⁵ For example: Argentina (Act No. 11317, section 15, paragraph 2); Brazil (Consolidated Labour Laws, sections 389, 399 and 400: these provisions call for the award of a special diploma of merit to employers who make outstanding efforts in the establishment and maintenance of special premises where workers may leave their children under supervision); Burma (under the Factories Act, 1934, as amended, section 33, an employer with more than 50 women workers may be obliged in accordance with regulations to provide special premises for the care of children aged under six); Chile (Labour Code, section 315, and Decree No. 3 of 1957 containing detailed provisions with regard to the conditions of operation and standards of hygiene and supervision of these nurseries); Colombia (Labour Code, section 283, paragraph 3); Costa Rica (Labour Code, section 100); France (under Book II, section 54 (d), of the Labour Code heads of undertakings employing over 100 women aged over 15 may be required to establish nursing premises in or near their undertakings. The conditions governing the establishment of such premises are covered by public administrative regulations adopted upon recommendation of the Central Committee for the Protection of Infants and the Industrial Health Committee); Gabon (Decree of 5 December 1962, section 16); Guatemala (Labour Code, section 155); Haiti (Labour Code, section 390; the law also states that employers may group together in order to establish central nurseries); Honduras (Labour Code, sections 140 and 142 require all undertakings to establish nursing premises and those with more than 20 female employees

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facilities lies with the employer only, particularly in the case of undertakings employing a specified number of women workers (generally ranging between ten and 100, depending on the particular country). This is contrary to the 1952 Recommendation which requires such facilities to be financed or at least subsidised at the expense of the community or by compulsory social insurance. In certain cases employers may provide such facilities by using the services of assistance organisations or special centres for the protection of children with which they conclude special agreements.¹

240. There are other countries where the State finances nurseries or child-care institutes in or near undertakings.² Reports by some of these countries³ state that women workers may be required to make a reasonable contribution to the cost of these facilities in proportion to their wages but that this is not always the case.

241. In addition to the nurseries and child-care facilities mentioned above, many countries also have a well-developed network of public facilities for the care of infants and other children under school age, especially under social welfare legislation.⁴

242. These facilities are largely financed through public—State or municipal—funds, but they may also operate on the basis of funds supplied by official bodies such as the various child-protection organisations⁵, under an insurance scheme⁶ or on a co-operative basis.⁷

to provide a nursery); India (under the Plantation Labour Act, 1951, an employer with more than 50 women workers is required to establish nurseries for children aged under six); Iran (Labour Code, section 19); Italy (Act No. 860 of 1950, sections 11 and 12 require an employer with more than 30 married women workers not aged over 50 to establish nursing premises or other premises close to the workplace for children aged under three; the labour inspector may also take steps to bring about the establishment of joint nurseries by more than one undertaking, their operation being subject to supervision by the labour inspectorate); Ivory Coast (Order of 19 July 1954); Malaysia (States of Malaya: Labour Code); Mali (Order of 1954, section 18); Morocco (Decree of 1947, section 21); Niger (Order of 1954, section 18); Pakistan (section 12 of the Ordinance of 1962 concerning conditions of work in tea factories and plantations provides that the provincial government may issue regulations requiring an employer with more than 40 women workers to establish premises for children aged under six); Philippines (Act No. 679, section 8 (*e*)); Portugal (Decree of 14 April 1891); Spain (Government report); Syrian Arab Republic (Labour Code, section 139); Tunisia (Decree of 1950, section 17); Upper Volta (Decree of 17 August 1962); Venezuela (Labour Act, section 112).

¹ This applies in particular to Brazil (Consolidated Labour Laws, section 397); Colombia (Labour Code, section 238); Italy (under section 11 of Act No. 860 of 1950 the labour inspector may release the employer from the obligation of establishing nursing premises or nurseries if the women workers he employs can use the services of nurseries administered by assistance organisations, provided that the employer contributes to their financing).

² For example: Bulgaria (Government report); Byelorussia (Order of the Council of Ministers dated 13 October 1956, section 11, and Ukase of 8 July 1944); Hungary (Decree No. 128 of 1956); Poland (Act of 21 August 1959); Rumania (Decision No. 586 of 1951 of the Council of Ministers as amended in 1953 and Decision No. 3790 of 1953); Ukraine and U.S.S.R. (Order of the Council of Ministers dated 13 October 1956, section 11, and Ukase of 8 July 1944); Yugoslavia (Government report).

³ Hungary, Poland, Rumania, Ukraine.

⁴ Particularly in Denmark (Act of 31 May 1961 respecting the welfare of infants and young persons); in Finland (Act of 31 March 1944 concerning communal maternity and children's centres); and in Norway (Act of 17 July 1953 concerning welfare of infants and the Social Assistance Act which came into force on 1 January 1965, amending previous legislation on this subject).

⁵ For example in certain Latin American countries and the Philippines.

⁶ For example in Mexico and the United Kingdom.

⁷ For example in Denmark, Norway and Sweden.

243. In certain countries nurseries and child-care facilities have been developed to a remarkable extent.¹

244. In the countries which have ratified the Maternity Protection Conventions, application of the provisions with regard to nursing facilities has not given rise to any particular difficulties. Certain States which have ratified the 1919 Convention have, however, been required to bring their legislation into line with its provisions in order to comply with observations by the Committee of Experts.

CONCLUSION

245. Measures concerning nursing facilities for women resuming their employment and the establishment of social services for infants occupy an important place in any well-conceived maternity protection scheme.

246. It has been shown above that in most countries these two aspects of the question are regulated by law.

247. Nursing breaks are provided by law in a very large number of countries. In most of these countries the duration and frequency of breaks are fixed in accordance with the provisions of the 1919 Convention; in only a few cases are the provisions so worded as to allow for particular conditions which may sometimes demand longer or more frequent breaks. In certain cases it is left to works regulations or the employer, in conjunction with the worker concerned, to settle the details, while the woman's right to interrupt her work is fully recognised and the duration or minimum number of breaks authorised is sometimes laid down.

248. Some degree of flexibility is needed in this regard in order to allow for the needs of infants and mothers and for the facilities provided for them. Breaks must be given at sufficiently regular intervals and must be long enough, but they will obviously be shorter if suitable premises, with the necessary facilities, are available near the workplace. It must not be forgotten that the disadvantages with regard to output and the additional financial burden involved in such breaks for the undertaking are diminishing since working mothers tend more and more to feed their children by artificial means.

249. With regard to remuneration in respect of nursing breaks, it has been shown in the preceding paragraphs that the law states in many countries that such breaks shall be included in effective hours of work and remunerated as such. In some countries where no formal provisions exist to this effect, the subject is governed by collective agreements. However, there are some countries where neither legislation nor government reports state whether such breaks are remunerated.

250. Finally, in a number of countries there is legal provision for nursing premises or nurseries, either attached to the undertaking or in the vicinity. The 1952 Recommendation provides that such facilities should, where possible, be established

¹ For example in Byelorussia, Denmark, Hungary, Poland, Rumania, Sweden, Ukraine and the U.S.S.R. The Government of the Ukraine states in its report that in 1963 there were 208,300 children cared for in nurseries and 773,600 in child-care institutes and that it is hoped that the number of places available will amount to 1,115,000 in 1965; the total is 1,200,000 for collective farms. The Government of the U.S.S.R. states in its report that the total of children cared for in nurseries amounted to 1,491,000 and in child-care institutes 4,813,000 representing a total of some 6.3 million in 1963 as against 5 million in 1961.

outside undertakings in order to avoid tying such facilities to the undertaking, thereby safeguarding freedom of choice. In such instances public nurseries are called for rather than factory or shop nurseries; public nurseries generally situated near dwellings in an area that is more likely to offer healthy conditions have the advantage that children do not have to be transported to the detriment of their health, but they do not always overcome the problem of distance for the mother, particularly when she herself is nursing her child.

251. It has been pointed out that in most countries the employer finances such facilities. However, in many cases the public services and municipal authorities or other official bodies (e.g. insurance institutes, child-protection organisations) cover the cost either wholly or for the greater part, as provided for in the 1952 Recommendation.

252. In almost all cases the organisation and operation of such facilities are subject to health standards approved by the competent authorities, which also ensure the necessary supervision.

CHAPTER VII

PROTECTION OF WOMEN'S HEALTH DURING MATERNITY

253. If a woman's pregnancy and confinement are to be normal it is essential that her health and therefore that of her child should be as good as possible. This condition can only be achieved if during pregnancy and for some time after confinement (especially if a mother nurses her own child) she is protected against undue fatigue and is only employed on jobs which are compatible with her condition and do not involve any occupational hazards.

254. The Recommendation of 1952 (Section V, paragraph 5) gives details of a series of measures¹ to protect women's health during this period. It states in particular that night work and overtime work should be prohibited for pregnant and nursing women and that their working hours should be planned so as to ensure adequate rest periods. The Recommendation also states that the employment of a woman on work prejudicial to her health or that of her child as defined by the competent authority should be prohibited during pregnancy and up to at least three months after her confinement and longer if the woman is nursing her child. This prohibition should cover any strenuous labour involving heavy weight-lifting, pulling or pushing, undue and unaccustomed physical strain, including prolonged standing, any work requiring special equilibrium and work with vibrating machines.

255. The above-mentioned Recommendation also states that any woman ordinarily employed at work defined as prejudicial to health by the competent authority should be entitled without loss of wages to a transfer to another kind of work not harmful to her health. In addition, this right of transfer should be given for reasons of maternity in individual cases to any woman who presents a medical certificate stating that a change in the nature of her work is necessary in the interest of her health and that of her child.

256. Special measures to safeguard the health of mothers both before and after confinement are to be found in the legislation of many countries. Protection before confinement usually applies to the whole period of pregnancy but sometimes only covers the last few months.² In several

¹ These measures were based on suggestions from certain governments and also from the World Health Organisation, which was consulted when the Convention of 1919 was revised. Many of these governments had suggested the inclusions of provisions on this point in the Convention itself, but a formal proposal to this effect in the Committee on Maternity Protection was not accepted. (Cf. I.L.O.: *Revision of the Maternity Protection Convention, 1919 (No. 3)*, International Labour Conference, 35th Session, Geneva, 1952 (Geneva, 1952), Report VII, p. 48; and *idem Record of Proceedings*, Appendix X p. 554.)

² For example, in the following countries: Bulgaria (as from the fourth or fifth month depending on circumstances, Labour Code, sections 3, 4 and 11); Finland (as from an advanced stage of pregnancy, Decree of 18 August 1917, section 17, and Act No. 605, section 9); India (two-and-a-half months before confinement, Maternity Benefit Act, section 4, subsections 3 and 4); Israel (as from the fifth month, Employment of Women Law, 1954, section 10); Poland (with effect from the fourth or fifth month, depending on circumstances, Act of 1924, section 16, and Order of the Council of Ministers dated 28 February 1951); Turkey (as from the sixth month, Public Health Act No. 1583, section 177).

cases¹ protection after confinement is limited to women who are nursing their children and depends on the length of time that they do so. In other cases² it applies to women returning from maternity leave, whether or not they are nursing their children, and may cover a fairly long period after confinement or resumption of work; the period varies from a few weeks to a year, depending on whether a woman nurses her child or not. In a few other countries, however, protection only covers the period of pregnancy.³

257. Special protective measures often involve a prohibition of night and overtime work.⁴ Many countries also forbid the employment of a woman before or just after confinement in certain arduous or dangerous jobs which are specified in detail⁵

¹ For example, in the following countries: Albania, Byelorussia, Federal Republic of Germany, Hungary, Kuwait, the Netherlands, Portugal (Overseas Provinces), Rumania, Turkey, Ukraine, U.S.S.R. and Yugoslavia.

² For example, in the following countries: Austria (as regards the prohibition of employment in dangerous or unhealthy jobs; in other cases protection only applies to nursing mothers), Bulgaria, Cameroon (Eastern Cameroon), Chad, Chile, Congo (Brazzaville), Dominican Republic, Gabon, Haiti, Italy (protection extends for three months after confinement but for seven if a woman is nursing her child), Ivory Coast, Malagasy Republic, Mali, Mauritania, Niger, Poland.

³ For example, in the following countries: Colombia, Cuba, Guatemala, India, Israel, Japan, Mexico, Norway, Portugal (metropolitan Portugal), Philippines, Venezuela.

⁴ For example: Albania (Labour Code, as amended, section 56); Austria (Act of 1957, sections 6 and 8; section 7 also forbids work on Sundays and public holidays but allows certain exceptions in the latter case; the Agricultural Labour Act, 1948, section 75, contains similar prohibitions); Byelorussia (Labour Code, section 131); Bulgaria (Labour Code, section 4; the prohibition covers a period of ten months but may be extended on a doctor's recommendation if the mother is nursing her child); Chile (Act No. 11462, amending the Labour Code, section 314); Colombia (section 242 of the Labour Code only forbids night work in excess of five hours); Federal Republic of Germany (the Act of 1952, section 8, also forbids any work on Sundays and public holidays but this does not apply to female domestic servants, although it does make provision for the protection of women home workers and similar categories); Hungary (Labour Code, section 95, sub-section 3 (a)); Israel (Employment of Women Law, section 10); Poland (Act of 1924 as amended in 1948 and 1951, section 16, sub-section 7; the prohibition covers the period between the sixth month of pregnancy and one year after confinement); Portugal (Overseas Provinces: Rural Labour Code, section 230, and Order No. 2542 of 1958, section 5, for São Tomé and Príncipe); Rumania (Labour Code, section 91); Ukraine and the U.S.S.R. (Labour Code, section 131); Yugoslavia (Employment Relationships Act, sections 71 and 72).

⁵ For example, the legislation of the following countries: Austria (Act of 1957, sections 4 and 5, subsection 4. These provisions contain a detailed schedule of prohibited jobs which goes further than the Recommendation; they also forbid the employment of an expectant mother in any job liable to expose her to the harmful effects of noxious substances or radiations, dust, gases or fumes, heat, cold, dampness; nursing mothers are covered by some of these prohibitions. In addition, the Federal Minister of Labour may impose further prohibitions and labour inspectors may forbid the employment of women in certain jobs in special cases); Chile (section 314 of Act No. 11462 contains a list of prohibited jobs which corresponds to the requirements of the Recommendation); Federal Republic of Germany (Act of 1952, sections 4 and 6, subsection 3—see Austria); India (Maternity Benefit Act, section 4 (3): the prohibition applies to certain dangerous or arduous jobs entailing undue physical exertion and a woman may only be exempted from this prohibition on her own request); Italy (Act No. 860 of 1950, section 4); Kuwait (Government's report); Mexico (section 110 of the Federal Labour Act contains a schedule similar to that of the Recommendation); Netherlands (the Order of 30 August 1957 concerning employment in agriculture, which amends the Order of 1920, forbids in section 67 (c) the employment of women in certain agricultural jobs involving the handling of poisonous or corrosive substances); Norway (under the Order of 31 March 1916 the prohibition applies to certain harmful jobs which are listed in the order); Poland (the Order of the Council of Ministers dated 28 February 1951 listing the forms of employment forbidden to women in general includes the lifting, carrying and transport of loads of any kind in the case of expectant or recent mothers); Philippines (section 13 of Act No. 679 forbids the lifting of loads); Portugal (Overseas Provinces: São Tomé and Príncipe—Order No. 2542 of 1958, section 4; Cape Verde: Legislative Decree No. 1330 of 9 February 1957, section 130); Venezuela (section 108 of the Labour Act and section 59 of the Regulations governing employment in agriculture forbid any work which involves undue physical exertion or might cause miscarriage or prevent the normal development of the

and which by and large correspond with those covered by the 1952 Recommendation. The legislation of certain other countries¹ which forbid the employment of women in arduous, dangerous or unhealthy jobs, does not define them; in several cases legislation leaves the definition to be made in administrative regulations, while in others it refers back to the definition given in legislation governing the employment of women and children in general. In one State² the law stipulates that no woman may be assigned to dangerous jobs involving undue physical exertion which might prove harmful to her health because of "special circumstances" of a personal character.

258. In the case of women who are normally employed in jobs which are recognised to be dangerous to health, the legislation of many countries³ specifically entitles them to be transferred without loss of pay to other jobs which involve no danger.

259. As stated above, the Recommendation of 1952 also allows a woman to be transferred to another job if she submits a medical certificate stating that a change in the nature of her work is necessary in the interest of her health and that of her child. This clause is designed to protect a woman worker irrespective of the nature of her job. Some countries which make special provision for the protection of women's health also allow transfers to be made in individual cases⁴ in accordance with the Recommendation. In two other States⁵ transfer may, in individual cases, be one of the measures an employer is required to take by law to protect the health of a woman whose capacity for work is reduced during pregnancy and the first months following her confinement. Such steps are taken on the recommendation of a labour inspector following production of a medical certificate.

unborn child); Yugoslavia (the Employment Relations Act, section 74; nevertheless, a labour inspector may decide to waive this prohibition if the harmful consequences have been eliminated by the introduction of automatic or mechanised processes). The legislation of most of the French-speaking African States (for example Cameroon (Eastern Cameroon): Order of 25 February 1954, section 20; Congo (Brazzaville): Order of 25 November 1954, section 20; Gabon: Decree of 5 December 1962, section 18; Ivory Coast: Order of 19 July 1954, section 20; Malagasy Republic: Decree of 28 March 1962, section 6; Mali: Order of 19 July 1954, section 20; Mauritania: Order of 19 July 1954, section 20; Niger: Order of 19 July 1954, section 20; forbids the carrying, pushing or dragging of any load by women during pregnancy or the three months following resumption of work after confinement. Section 47, Book II, of the Mauritanian Labour Code also stipulates that expectant mothers may not be employed on jobs which are beyond their strength or are physically or morally harmful.

¹ For example: Bulgaria (Ordinance of 1959, section 4); Colombia (Labour Code, section 242, and Act No. 53 of 1938, section 7, for the public sector); Finland (Decree of 18 August 1917, section 7, and Act No. 605, section 9); Haiti (Labour Code, section 388); Hungary (Labour Code, section 95, paragraph 1); Portugal (Overseas Provinces: Angola: Legislative Decree of 5 June 1956, section 84); Rumania (Labour Code, section 88); Turkey (Regulations concerning the conditions of employment of expectant and nursing mothers, sections 2 and 3; however, this prohibition only applies if a doctor certifies that such jobs would be harmful to a woman's health).

² Spain (Decree of 26 July 1957).

³ For example: Austria, Bulgaria, Chile, Italy, Poland, Portugal, Rumania, Yugoslavia.

⁴ For example: Argentina (Decree No. 8567 of 22 December 1961 concerning leave in the civil public administration, section 19); Byelorussia (Labour Code, section 132, as amended by Act dated 10 May 1937); Haiti (Labour Code, section 387, which states that should a transfer be impossible, a woman is entitled to 90 days' unpaid leave without prejudice to her entitlement under the maternity leave regulations); Hungary (Labour Code, section 95, paragraph 3); Japan (Labour Standards Act, section 65); Ukraine and U.S.S.R. (Labour Code, section 132, as amended by Act dated 10 May 1937, and Government's report). According to an interpretation by the Secretariat of the Central Council of Trade Unions, such a transfer may take place if a woman is prevented from nursing her child in her usual job or has no facilities to do so).

⁵ Austria and Federal Republic of Germany.

260. In some other countries ¹ women are covered by a general provision which empowers a labour inspector to order a woman to be examined (at her own request) by an approved doctor in order to ascertain whether her work is beyond her strength; if the examination shows conclusively that this is the case, she may be assigned to some other suitable job. Should transfer be impossible, her contract of employment is terminated with payment of a severance grant. In the case of expectant mothers, termination of the contract does not affect entitlement to maternity benefits.

261. Moreover, in some countries ² the legislation states that a woman who is expecting or nursing a child may not be required to work without her consent elsewhere than at her normal place of work.

262. Lastly, most governments in their reports mention general provisions for the protection of women workers, such as the prohibition of night work and employment in dangerous and unhealthy jobs and state that these safeguards also apply to women during maternity. Such general provisions would not seem, however, in most cases to satisfy the requirements of the Recommendation.

CONCLUSION

263. Special measures for protecting the health of women workers during maternity thus exist in many countries. These measures usually involve the prohibition of night work and overtime or the performance of certain jobs that are particularly dangerous during pregnancy, viz. those that entail undue physical exertion or are performed in such conditions that they endanger the health of a woman and her child.

264. The right of a woman who is usually employed in jobs considered to be dangerous to be transferred to lighter work without loss of earnings is to be found in the legislation of a smaller number of countries; the same applies to the opportunity for transfer whenever the health of a woman and that of her child require a change of job. The absence of such measures in the legislation of several countries may be due to the financial and administrative difficulties of such transfers, especially in countries which are not yet fully industrialised and whose economies are largely based on small-scale industries.

265. In examining the effect given by the national legislation to the 1952 Recommendation it is, however, important to bear in mind that most of these countries possess general legislation for the protection of women workers which in most cases forbids their employment at any time (and not only before and after childbirth) by night, on overtime and in certain dangerous or unhealthy jobs—which to some extent correspond with the prohibitions of the Recommendation itself.

¹ For example, in some of the French-speaking African States under a clause taken over from the former French Overseas Labour Code, which applies to the employment of women and children in general.

² For example: Bulgaria (Labour Code, section 11); Byelorussia (Labour Code, section 133); Hungary (Labour Code, section 95, paragraph 2); Rumania (Labour Code, section 80, paragraph 2); Ukraine and U.S.S.R. (Labour Code, section 135).

CHAPTER VIII

GENERAL CONCLUSIONS

DIFFICULTIES AND PROGRESS IN IMPLEMENTING MATERNITY PROTECTION STANDARDS

266. Despite the undoubted influence of international standards of maternity protection on the legislation of individual countries, the 1919 and 1952 Conventions containing these standards have not, as seen above, secured as many ratifications as might have been expected in view of the fundamental human and social importance of the question.

267. How can this be accounted for? It has sometimes been argued that these instruments are lacking in flexibility, that their scope is too wide, that they set standards that are far too high for most countries and that they should therefore be revised if they are to obtain official acceptance by a larger number of States.

268. The analysis of the position in various countries, as carried out in the foregoing chapters, has made it apparent that a number of difficulties stand in the way of complete application of these standards—both in the countries which have ratified the Conventions and in those that have not. The points on which national legislation in many countries appears to diverge from international standards and the progress that has been made in implementing these standards are dealt with below.¹

269. One of the stumbling blocks for many countries is the scope of the revised Convention of 1952. While it is true that the maternity protection legislation of the great majority of countries applies to women workers in industry and commerce (even if these activities are not always defined in such a way as to cover all the occupations referred to by the two Conventions), the fact remains that women employed in agriculture, domestic service and home work are often not covered. In recent years substantial progress has been made in extending the coverage of maternity protection schemes to workers of this type but even so, many countries, especially those that are economically less advanced, give no protection to women workers in these occupations. Some governments (Canada, China, Ghana, Malaysia (Singapore), Morocco, Venezuela) which have mentioned this difficulty as an obstacle to ratification declare that their legislation does not make provision for these workers because they are few in number, or because they usually work on a part-time basis only; or yet again because heavier expenditure under this heading cannot at present be afforded either by governments or employers in view of the country's economic situation. Nevertheless, a few of these governments (Ghana, Venezuela) state that if they do ultimately decide on ratification they might, in the case of these women workers, make use of the opportunities for exceptions permitted by Article 7 of the 1952 Convention, which also covers certain other classes of workers such as those employed

¹ The considerations which follow do not touch upon any difficulties encountered in the various countries as regards the practical implementation of maternity protection provisions; as indicated earlier, very few governments have in fact supplied information of this nature.

in various non-industrial occupations and in transport undertakings. The question of protection for this latter class of women workers is in fact the obstacle mentioned by one government (Norway), whereas another (India) refers to the difficulty of applying the maternity protection standards to all the women employed in the construction industry. Four other States (Belgium, Finland, Luxembourg, Pakistan) also ascribe their non-ratification of the 1952 Convention in part to its unduly wide scope. The Turkish Government hopes that the agricultural labour code, now in preparation, will contain clauses on maternity protection which will give coverage to women employed in agriculture. Similarly, the recently passed new social insurance legislation will extend coverage to women mainly engaged in clerical work.

270. In almost all the countries examined the law makes no distinction on the basis of age, race, nationality, creed or marital status, although the countries that have, as well as those that have not, ratified the Conventions have encountered some difficulties in applying them to women who, because of their high earnings, do not qualify for membership of national insurance schemes; a ceiling on earnings, which is fairly frequent in many insurance schemes, is not permitted by the Conventions in question. This is a point which deserves further attention. It is worth mentioning that the government of one State (Netherlands) reports that the only obstacle to ratification of the 1919 Convention is the ceiling on earnings fixed by national legislation, but that a Bill to abolish this ceiling has been placed before Parliament.

271. The chapter on maternity leave showed that entitlement is recognised either by law or by non-statutory practice in almost all the countries examined. It also showed that in 89 of these countries normal leave is equal to or longer than the standard of 12 weeks set by the Conventions. Even in the few countries where the standard has not yet been officially achieved, administrative circulars or collective agreements provide for leave which is longer than that required by law and approaches the international standard—at least in the case of the classes of workers who usually account for the bulk of the female labour force. In most of the countries examined postnatal leave is compulsory either by law or in accordance with national practice; some countries even go beyond the requirements of the Conventions by making all or part of the antenatal leave compulsory (usually two weeks).

272. The 12 weeks' standard, which when the 1919 and even the 1952 Conventions were adopted, was still an objective to be aimed at, would thus no longer appear to form an obstacle to ratification of these Conventions, at least by the great majority of countries. However, the governments of some States have reported that they have some difficulty in applying the standard because their own legislation prescribes a shorter period (China, Congo (Leopoldville), Costa Rica, Finland, Portugal, Rwanda) or only makes postnatal leave compulsory with respect to certain categories of work (Sweden). On the other hand, the Portuguese Government mentions that the length of the leave is now being examined in connection with the preparation for a new law on contracts of employment, and that if this change is made there would be no further obstacle to ratification of the 1919 Convention. The Polish Government states that one difficulty arises out of the fact that its legislation stipulates that at least eight of the 12 weeks' leave must be taken after and two before confinement. However, this stipulation does not constitute a real difficulty in the case of the 1952 Convention which provides that a minimum of six weeks must be taken after confinement and the remainder may be taken in the way prescribed by national legislation.

273. Apart from some exceptions, there do not appear to be any serious difficulties in the way of applying the provisions concerning the extension of leave. In certain countries where the law does not specifically allow antenatal leave to be

extended in the event of a mistake by the doctor in estimating the date of confinement, this requirement is complied with in practice because the normal period of leave is longer than the international standard and maternity benefit is payable on production of a medical certificate requiring a woman to suspend her employment, and continues to be paid throughout her leave. This is in any event a point which can be regulated by administrative means. Extension in the event of sickness is specifically provided for in the legislation of the great majority of countries. It is true that some States (Austria, France, Morocco, Norway, Sweden) declare that the fact that their legislation does not provide for extension of ante- or postnatal leave in the form of additional maternity leave but only in the form of sick leave would constitute an obstacle to ratification of the 1952 Convention. It would appear however—as was stated earlier—that this provision of the Convention does not specifically refer to the granting of additional maternity leave as such, but to appropriate sick leave which will protect a woman in the event of complications due to pregnancy or confinement.

274. As regards maternity benefits, the chapter on this question showed that in the majority of cases they are paid through a compulsory insurance scheme and that there are only subsidiary contributions from public funds. Nevertheless, medical benefits are sometimes principally supplied through an assistance scheme or through public dispensaries and hospitals, especially in countries which do not yet possess social security schemes. As a rule, cash benefits are payable for the duration of maternity leave and, in fact, this provision of the Conventions is implemented in most cases because, as has been seen, the leave itself is very often equal to or longer than 12 weeks. Some governments (Finland, Morocco) state, however, that their legislation provides for payment of benefits for less than the period prescribed in the international standard, and that this constitutes one of the main obstacles in the way of ratification.

275. The relatively high level of benefits is regarded by some States (Belgium, Central African Republic¹, Finland, France, Ivory Coast, Morocco, Niger, Switzerland and in some respects Austria) as an obstacle to ratification of the 1952 Convention, but it would be difficult to make any international comparisons on the subject owing to the variety of factors taken into account by different countries in defining remuneration and the differences between the methods employed in calculating benefits. It has, however, been found that in countries where benefits are related to previous earnings they often exceed the level required by the 1952 Convention, e.g. in 30 countries they vary between 66 and 100 per cent. of the basic wage or of the average wage received during the months immediately preceding suspension of employment. Mention should also be made of the many other countries where a woman is entitled not only to a maternity benefit as such but to other cash benefits, such as an antenatal allowance, a maternity allowance or grant, confinement grant, etc.; these benefits, taken in conjunction with the maternity benefit itself, equal and sometimes exceed the two-thirds of previous earnings stipulated by the 1952 Convention. Nor should it be forgotten that this level is only required when previous earnings are used as a basis for calculating cash benefits and that in several countries the level of benefit is calculated on another basis unconnected with the level of remuneration. Legislation which employs such a system would not, therefore, be incompatible with the Convention, since the latter allows States which have ratified it to calculate benefit on a basis other than previous earnings, on condition that these benefits are sufficient for the full and healthy maintenance of a woman and her child in accordance with a suitable standard of living.

¹ The Government of this State declares, however, that a study is to be made shortly to explore the possibility of applying the Convention on this point.

276. As regards medical benefits, national legislation appears on the whole to meet the standards of these instruments, although a few States (Israel, Finland, Morocco) have indicated that they have encountered some difficulties in applying the principle of granting free benefits under their insurance schemes.

277. As was also seen, insurance schemes in many countries impose certain conditions as to qualifying periods which tend to be less strict in the case of medical benefits. Qualifying periods are permitted by these instruments provided women who do not fulfil the conditions are granted benefits out of the public funds or by means of a system of assistance, as is the case in a large number of countries.

278. The prohibition on making the employer liable for maternity benefits, which is designed—as was stated earlier—to prevent any discrimination in the employment of women, has often ¹ been regarded as a major difficulty in the way of fully applying or in ratifying these Conventions. This consideration, which may have been valid a decade ago in many countries, tends gradually to diminish in importance. The chapter dealing with benefits showed that there are only 13 States and a few territories where employers nowadays bear the full cost of the benefits. In the other cases, they only supplement the benefits provided by insurance schemes, either by augmenting social security benefits (often so as to bring them up to 100 per cent. of earnings) or alternatively by extending coverage to women workers who, for one reason or another, are not covered by the insurance scheme. The latter case represents in any event a temporary arrangement and will come to an end as social security schemes become comprehensive—which in most countries is being done by stages because of economic and administrative difficulties. It is worth noting in this connection that among the countries ² which have described the cost of an insurance scheme for the time being as an obstacle to ratification, the Philippines Government has stated that amendments to existing legislation are now being studied and when carried out will enable the Government to consider ratification of both the 1919 and 1952 Conventions. Similarly the Brazilian Government, which had to denounce the 1919 Convention for the same reason but has subsequently passed new social security legislation, now states that a legislative decree involving, *inter alia*, ratification of the 1952 Convention has been passed by the Chamber of Deputies and is due to be placed before the Senate shortly. Lastly, the Governments of British Guiana and the Fiji Islands are also planning to take steps to implement these Conventions; the Governments of Barbados and Brunei intend shortly to introduce a social security system.

279. Another provision which in practice has led to a certain amount of difficulty or may have constituted an obstacle to ratification is the clause which absolutely forbids dismissals during a woman's absence on maternity leave or during any extension of that leave. There has been some doubt as to the need to maintain such a provision at the present time on various grounds, such as the fact that under the legislation of most countries, termination of a contract of employment can only take place for a valid reason and in accordance with a prescribed procedure; that the danger of discrimination against women employees is thought to be decreasing in view of the substantial increase in the employment opportunities open to them; and that such a prohibition might place an undue burden on employers. However, these hesitations do not appear to be warranted when it is borne in mind that the protected

¹ During meetings of the two committees set up respectively to draft and revise the 1919 Convention and at the plenary session of the Conference when the Conventions were adopted.

² Cameroon (Western Cameroon), Congo (Leopoldville), Ghana, Jordan, Kenya, Kuwait, Malaysia, Malawi, Philippines, Syrian Arab Republic, Tanzania and the following territories of the United Kingdom: Fiji, Montserrat, Southern Rhodesia, Solomon Islands, Swaziland.

period is relatively short—12 weeks in principle—and that it is absolutely essential not only to ensure that a woman's job is kept open during a period of such importance for her, but also to spare her any material and psychological worries which might harm her health and that of her child.

280. The advantages of imposing an absolute ban on dismissals during this period were touched upon in the chapter on job security. Suffice it to recall here that this provision, which may initially have caused some difficulty, is now in fact applied to a large extent both by the countries that have and those that have not ratified the Conventions. The chapter in question also showed that even in certain countries where the prohibition of dismissal does not appear to be made absolute by a specific provision, dismissal is—according to these governments themselves—completely forbidden in practice because, under national legislation, legitimate grounds for dismissal do not normally exist if an employee is not actually working, as when a woman is on maternity leave. Nevertheless, a certain number of countries mention this provision as an obstacle to ratification (Austria, Belgium, Finland, Federal Republic of Germany, Sweden, United Kingdom).

281. Furthermore, in most of the countries examined, protection against dismissal extends over a far longer period and usually covers the whole of pregnancy and several months after confinement, as provided by the 1952 Recommendation. During this additional period of protection, dismissal may not take place because a woman is expecting or nursing a child, although it may be authorised on certain grounds which are considered to be legitimate, e.g. if a woman is guilty of serious misconduct or if the employer goes out of business. Absolute protection against dismissal during the limited period of maternity leave, supplemented by relative protection for a longer period, represents the situation which actually exists in a large number of countries. This is, moreover, the solution recommended by the Plantations Convention, 1958 (No. 110).

282. Application of the provisions on nursing breaks does not appear to have encountered any serious difficulties. As has been seen, the legislation of very many countries prescribes the length and frequency of these breaks in accordance with the standards of the 1919 Convention. In few countries is it worded in such a way as to take account of special situations which might in certain circumstances require adjustments in the duration or frequency of the breaks. A certain amount of flexibility would therefore seem to be necessary on this point, in view of the fact that allowance must be made for the needs of mothers and their children and for the nature of the facilities available to them (nursing rooms near the place of work or public nurseries and, in the latter case, the distance between the place of work and the nursery or the mother's home).

283. In most countries legislation stipulates explicitly that nursing breaks must be reckoned as working time and paid as such. In a few countries there are no provisions on the subject. In the opinion of some governments (Belgium, Finland, France, Sweden) this constitutes a difficulty; but in these countries the question would appear to be regulated by collective agreement and this is not incompatible with the 1952 Convention. It has also been seen that the legislation of very many countries contains special provisions dealing with nurseries and other facilities, which thereby give effect to the provisions of the 1952 Recommendation.

284. The same applies to the standards for the protection of women's health during maternity; a large number of countries have passed special legislation forbidding night work, overtime and certain dangerous jobs during pregnancy and for

a certain length of time thereafter, as well as providing for the transfer of women to other jobs without loss of pay whenever their present jobs might be liable to impair their health or that of their children.

* * *

285. The foregoing shows that very considerable progress has been made in the field of maternity protection. It is true of course that there still exist difficulties, particularly in the developing countries, but these difficulties are due to such a variety of factors that any possible revision of the instruments concerned would not appear, at first sight, to provide a solution. On the whole, the standards laid down in these instruments seem to have a solid international basis and their full application can only be achieved gradually.

286. It does not seem, from the obstacles mentioned by the governments or from the examination of the position in the various countries, that undue rigidity in the terms of the Conventions or any fundamental divergencies between them and national law have emerged as the essential reason to which the limited number of ratifications of these Conventions might be ascribed. In some cases ratification appears to be held up by fear that divergencies may exist on secondary points—a fear which, as has already been seen, is not always justified. Some governments state that the difficulties which prevent or delay ratification arise mainly out of the federal structure of their countries (Cameroon, Switzerland) or certain distinctive features of their legislative system (Denmark). In certain cases, the slowness of parliamentary proceedings must also be taken into account. A number of governments (Afghanistan, Cameroon (Western Cameroon), Cyprus, Jamaica, Jordan, Kuwait, Sierra Leone, some territories of the United Kingdom) state that for the time being it is impossible, in view of their economic situation and the very limited number of women employees, to improve their systems of protection and to adopt measures which would enable them to consider ratification of these Conventions.

287. Other governments, however, consider that ratification of the 1919 Convention (Congo (Leopoldville), Ghana, Mexico) or of the 1952 Convention (Dominican Republic, Spain) would not encounter any serious obstacles.¹ The Government of Guatemala states that it has consulted the appropriate authorities regarding ratification of the revised Convention of 1952. Similarly, the Italian Government intends very shortly to set in motion the procedure for ratifying this Convention. Other governments consider that their legislation gives effect to all the provisions of the Conventions (Dahomey, Iran, Mauritania).

288. Thirty-five governments², some of which have and some of which have not ratified the Conventions, state that their legislation is inspired by the international standards or has been amended in several respects in order to take account of all or some of these standards.

¹ In Spain a Bill for the ratification of the 1952 Convention has already been prepared and is to be placed before the *Cortes* shortly.

² Cameroon (Western Cameroon), Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Leopoldville), Finland, Gabon, Federal Republic of Germany, Ghana, India, Italy, Ivory Coast, Mali, Mauritania, Mexico, Nigeria, New Zealand, Norway, Pakistan, Philippines, Portugal, Spain, Syrian Arab Republic, Tunisia, Turkey, United Kingdom and the following United Kingdom territories: Bechuanaland, Gambia, Gibraltar, Southern Rhodesia, Solomon Islands, Swaziland. In Rwanda a draft labour code now being adopted reproduces the main provisions of the Conventions concerned.

289. The governments of certain countries (Afghanistan, Burma, Chad, Ethiopia, Finland, Mexico, Tunisia) state that they intend to make further changes in their legislation in the near future so as to give effect to the Conventions and in some cases draft legislation has already been prepared and submitted to the legislature. The Belgian Government indicates that a Bill modifying the legislation on women workers is now being considered with a view to bringing it eventually into line with the Conventions in question.

290. In view of the statements of the foregoing governments and the fact that in many cases national legislation contains standards equal to or even higher than the international standards, there is every reason to believe that the Conventions on maternity protection may receive some additional ratifications in the years ahead. Such progress would be in conformity with the wish expressed by the Conference which, as indicated above, adopted a resolution in 1964 noting the small number of ratifications and appealing to the States members of the I.L.O. "to take all possible measures to guarantee the application of these provisions [of the Conventions] to all women workers".

CONCLUDING OBSERVATIONS

291. Maternity protection nowadays occupies an important place in labour and social security legislation.

292. There has been a marked trend towards the introduction of new measures or the improvement of existing standards in very many countries in recent years. This has taken the form of a whole series of measures involving:

- (a) the extension of coverage to new groups of women workers who had traditionally been excluded from this type of regulation;
- (b) increases in the length of leave;
- (c) the introduction of social security schemes;
- (d) the strengthening of existing schemes by increasing benefits or improving medical care;
- (e) the guarantee of job security;
- (f) the provision of facilities for nursing children in hygienic surroundings; and
- (g) the introduction of special safeguards to protect the health of both mother and child during the critical period of pregnancy and the time immediately following confinement.

293. Of course the immense progress made in this field, as described in this report, may to a large extent be attributed to the economic and social development that has taken place in so many countries over the past decades. It would, however, be difficult to question the fact that, by providing a coherent set of standards, the international instruments on maternity protection have given a strong impulse to a large number of States which have progressively introduced or improved their own regulations on the subject in order to bring them in line with these standards. This is an achievement which the number of ratifications by itself cannot reflect to any full extent.

LEGISLATION CONSULTED

ALBANIA

Act No. 2250 of 3 April 1956 to promulgate a Labour Code (*Gazeta Zyrtare e Republikës Popullore të Shqipërisë*, 20 April 1956, No. 4; *L.S.** 1956—Alb. 2), as amended by Decrees Nos. 3101 of 9 May 1960 (*L.S.* 1960—Alb. 1) and 3484 of 9 April 1962, sections 56, 72, 85 and 91 (*Gazeta Zyrtare*, 20 May 1962, No. 4).

Act No. 2803 of 4 December 1958 respecting state social insurance (*Gazeta Zyrtare*, 10 December 1958, No. 14).

ALGERIA

Labour Code, Book I, sections 29 and 29 (*a*), and Book II, section 54 (*a*) to (*e*).

Decision No. 49-045 of the Algerian Assembly respecting the organisation of a social security system in Algeria, to which executive effect was given by Governor's Order dated 10 June 1949 (*Journal officiel de l'Algérie (J.O.)*), 14 June 1949, No. 47, p. 740; *L.S.* 1949—Fr. 4), as amended and supplemented, *inter alia*, by the following:

- (*a*) Decision No. 52-041, confirmed by Decree of 28 August 1952 (sections 20, 21 and 29 amending sections 29, 30 and 44 respectively of Decision No. 49-045) (*J.O.*, 5 September 1952, No. 72, p. 1013; *L.S.* 1952—Alg. 1);
- (*b*) Decree No. 56-963 of 28 September 1956 to improve the social insurance scheme in Algeria (section 5 amending section 28 of Decision No. 49-045) (*J.O.*, 5 October 1956, No. 81, p. 1740; *L.S.* 1949—Alg. 1 C);
- (*c*) Decision No. 59-012 of 8 July 1959 of the Delegate-General of the Government in Algeria, confirmed by the Decree of 17 August 1959 (*Recueil des actes administratifs*, 15 September 1959, No. 75, p. 2146; *L.S.* 1959—Alg. 1 A).

Order of 10 September 1949 to give executive effect to Decision No. 49-064 of the Algerian Assembly to establish a social insurance system in agriculture, Part II, sections 17 to 23 (*J.O.*, 16 September 1949, No. 74, p. 1155; *L.S.* 1949—Fr. 7).

Order of 10 July 1954 to co-ordinate the general scheme and the special and particular schemes for social insurance in the branches of sickness, extended sickness, invalidity, maternity and death (*J.O.*, 16 July 1954, No. 57, p. 686).

Order of 2 August 1957 respecting the organisation and functioning of the industrial medical services, section 12, paragraph 2 (*J.O.*, 20 August 1957, No. 69, p. 1855; *L.S.* 1957—Alg. 1).

Order of 26 September 1957 to make provision for the application of maternity insurance in agriculture (*J.O.*, 4 October 1957, No. 82, p. 2139).

Order of 26 October 1959 to fix the detailed application of maternity insurance in the non-agricultural sector (*Recueil des actes administratifs*, No. 88, 30 October 1959, p. 2440).

Special Schemes :

Decree of 9 November 1944 to establish welfare and retirement funds for young persons in wage-earning employment in Algeria (Algerian Labour Code, p. 564) and Decision No. 49-062 of the Algerian Assembly.

Order of 10 July 1947 (with respect to employees of the gas and electricity undertakings).

Order of 28 February 1956 amending the Order of 5 January 1955 simplifying the organisation of social security in Algerian mines (*J.O.*, 6 March 1956, No. 19, p. 427).

ARGENTINA

Act No. 11317 to regulate the employment of women and young persons. Dated 30 September 1924 (*Crónica mensual del departamento del trabajo*, No. 81, p. 1417; *L.S.* 1924—Arg. 1), as amended by Act No. 11932 respecting breaks granted to mothers for nursing their children. Dated

* *L.S.* = *Legislative Series* published by the I.L.O.

15 October 1934. (*Boletín Oficial (B.O.)*, 24 October 1934, Year XLII, No. 12109, p. 899; *L.S.* 1934—Arg. 1 A); (*Leyes del trabajo actualizadas*, November 1961).

Act No. 11933 respecting the employment of women before and after confinement. Dated 15 October (*B.O.*, 24 October 1934, Year XLII, No. 12109, p. 898; *L.S.* 1934—Arg. 1 B), as amended with effect until November 1961 (*Leyes del trabajo actualizadas*, November 1961).

Decree No. 80229 to issue regulations under Act No. 11933 respecting the Maternity Fund for women salaried and wage-earning employees. Dated 15 April 1936 (*B.O.*, 8 June 1936, No. 12581, p. 273; *L.S.* 1936—Arg. 1 A), as amended by Decree of 28 October 1936 (*B.O.*, 3 November 1936, No. 12701, p. 38; *L.S.* 1936—Arg. 1 B); Decree No. 124925 of 18 July 1942 (*B.O.*, 23 July 1942, No. 14368, p. 1; *L.S.* 1942—Arg. 1) and Decrees Nos. 24336 of 11 September 1944, 22287 of 10 September 1949 and 13869 of 30 October 1957 (*Leyes del trabajo actualizadas*, November 1961).

Decree No. 28169 to approve the Agricultural Workers' Code. Dated 17 October 1944. (*B.O.*, 13 November 1944, No. 15043, p. 1; *L.S.* 1944—Arg. 3).

Decree No. 34147 to issue regulations respecting the Agricultural Workers' Code. Dated 31 December 1949. (*B.O.*, 11 January 1950, No. 16542, p. 1; *L.S.* 1949—Arg. 3).

Legislative Decree No. 12459 of 8 October 1957 to replace the layette allowance by a grant of 100 pesos (*Leyes del trabajo actualizadas*, November 1961).

Legislative Decree No. 5170 of 18 April 1958 to increase the benefit payable to working mothers under Act No. 11933 (*Leyes del trabajo actualizadas*, November 1961).

Decree No. 8567 of 22 September 1961 respecting the leave provisions for staff of the state administration, sections 18 to 20 (*Leyes del trabajo actualizadas*, November 1961).

AUSTRALIA

Commonwealth :

Social Services (Consolidation) Act, No. 26 of 1947 (*L.S.* 1947—Aust. 3) and subsequent amendments.

National Health Act, No. 95 of 1953 (*Commonwealth Acts*, 1953).

Public Service Act, 1922-1960.

States :

New South Wales.

Factories, Shops and Industries Act, No. 43 of 19 December 1962 (*L.S.* 1962—Aust. 1).

Regulation No. 391 under the Public Service Act.

Tasmania.

Factories, Shops and Offices Act, 1958-1962.

Western Australia.

Factories and Shops Act, 1920-1959. (Replaced by the Act of 1 January 1964.)

Australian Territories :

Nauru.

Public Service Ordinance, 1961-1962.

Chinese and Native Labour Ordinance, 1922-1953.

Papua and New Guinea.

Native Employment Ordinance, 1958-1963.

AUSTRIA

Act No. 140 of 2 June 1948 respecting agricultural labour, paragraphs 73-75 (*Bundesgesetzblatt (BGBl)*, 12 August 1948, No. 31, p. 515; *L.S.* 1948—Aus. 2), as amended by Federal Act of 18 December 1957 (*BGBl*, 28 December 1957, No. 75, Text 279; *L.S.* 1957—Aus. 1 B); the Act of 28 November 1960 (*BGBl*, 15 December 1960, No. 69, Text 241; the Act of 15 March 1961 (*BGBl*, 21 April 1961, No. 23, Text 97); and the Act of 15 July 1961 (*BGBl*, 5 January 1962, No. 2, Text 10).

Family Charges Equalisation Act of 15 December 1954 (*L.S.* 1960—Aus. 1 A), as amended by the Act of 28 November 1960 (*BGBl*, 15 December 1960, No. 69, Text 239; *L.S.* 1960—Aus. 1) and the Act of 27 June 1962 (*BGBl*, 13 July 1962, No. 41, Text 171).

General Social Insurance Act of 9 September 1955 (*BGBI*, 30 September 1955, No. 50, Text 189; *L.S.* 1955—Aus. 3), as amended and supplemented by the Acts of 18 December 1956 (*BGBI*, p. 1732), 18 July 1957 (*BGBI*, p. 1606), 17 December 1958 (*BGBI*, p. 2178), 14 March 1959 (*BGBI*, p. 517) and 17 December 1959 (*BGBI*, p. 1788).

Maternity Protection Act of 13 March 1957 (*BGBI*, 28 March 1957, No. 22, Text 76; *L.S.* 1957—Aus. 1 A), as amended by the Federal Acts of 1959 (*BGBI*, No. 92), 28 November 1960 (*BGBI*, 15 December 1960, No. 69, Text 240; *L.S.* 1960—Aus. 2), 15 February 1961 (*BGBI*, 13 March 1961, No. 17, Text 68), 15 December 1961 (*BGBI*, 5 January 1962, No. 2, Text 9) and 10 July 1963 (*BGBI*, 30 July 1963, No. 59, Text 199).

Act of 22 March 1961 respecting the substitute benefits payable to public servants during maternity leave (*BGBI*, 21 April 1961, No. 23, Text 98), as amended by the Act of 27 June 1962 (*BGBI*, 17 July 1962, No. 45, Text 185).

BELGIUM

Act of 10 March 1900 on employment contracts for wage earners, as subsequently amended, particularly by Act of 10 December 1962 (section 28*bis*) (*Les Codes Larcier*, Tome III, pp. 270 ff., and Complément 1963, pp. 188 ff.).

Consolidated text of the laws respecting contracts of salaried employment, Royal Order dated 20 July 1955, as amended by sections 8 and 11 of the Act of 10 December 1962 (*ibid.*, Tome III, pp. 258 ff. and Complément 1963, pp. 182 ff., and *L.S.* 1955—Bel. 3).

Act of 1 April 1936 respecting agreements for service on board vessels in inland navigation, as amended by section 25*bis* of the Act of 10 December 1962 (*ibid.*, and Complément 1963, p. 186, and *L.S.* 1936—Bel. 4).

Act of 9 August 1963 to set up and organise a compulsory sickness and disability insurance scheme, as amended by the Act of 24 December 1963 (*Moniteur belge*, 1-2 November 1963 and 26-28 December 1963).

Royal Order of 4 November 1963 to apply the Act of 9 August 1963 (*ibid.*, 8 November 1963).

Royal Order of 31 December 1963 to issue regulations concerning compensation under the compulsory sickness and disability insurance (*ibid.*, 14 January 1964).

Royal Order of 24 December 1963 to determine the conditions in which the compulsory sickness and disability insurance covers the cost of pharmaceutical appliances (*ibid.*, 31 December 1963), and subsequent amendments.

Royal Order of 24 December 1963 establishing the list of medical benefits under the compulsory sickness and disability insurance (*ibid.*, 26-27-28 December 1963) and subsequent amendments.

BRAZIL

Constitution of 1946, section 157.

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws, sections 1, 377 and 391-400 (*Diario Oficial (D.O.)*, 9 August 1943, No. 184; *L.S.* 1943—Braz. 1).

Act No. 1890 of 13 June 1953, section 1.

Act No. 3807 to promulgate the Social Insurance Act. Dated 26 August 1960 (*D.O.*, 5 September 1960, No. 204, p. 12157; *L.S.* 1960—Braz. 1).

Decree No. 48959-A to approve the General Social Insurance Regulations. Dated 19 September 1960 (*D.O.*, 29 September 1960, No. 223, p. 13133; *L.S.* 1960—Braz. 1 B).

Act No. 4214 of 2 March 1963 to lay down the conditions of employment of rural workers (*D.O.*, 18 March 1963, No. 52; *L.S.* 1963—Braz. 1).

BULGARIA

Constitution of the People's Republic of Bulgaria (*Izvestiya (I.)*, 6 December 1947, No. 224).

Labour Code of 13 November 1951 (*I.*, 13 November 1951, No. 91; *L.S.* 1951—Bul. 2) as amended in 1957 (*I.*, 15 November 1957, No. 92; *L.S.* 1957—Bul. 2) and in 1963 (*I.*, 26 March 1963, No. 24 and 7 May 1963, No. 36; *L.S.* 1963—Bul. 1 A, B, C); sections 60 to 63, 89, 114, 118, 119, 146 (*a*) and 156 to 160).

Ukase of 17 March 1951 respecting free general medical assistance (*I.*, 20 March 1951, No. 23).

Regulations applying Part III of the 1958 Labour Code (*I.*, 15 April 1958, No. 30) as amended in 1959, 1960, 1962 and 1963.

MATERNITY PROTECTION

Ordinance to protect the work of women wage and salary earners (*I.*, 3 July 1959, No. 53; *L.S.* 1959—Bul. 2).

Act to entrust the administration of social insurance to the trade unions (*I.*, 5 February 1960, No. 11).

BURMA

Mines Act 1923, as amended in 1950 (*Asian Labour Laws*, I.L.O., 1951).

Leave and Holidays Act, 1951, No. 58 dated 1 January 1952 (*L.S.* 1952—Bur. 1).

Social Security Act, 1954, No. LXVII, dated 22 October 1954, sections 6, paragraphs 2, 7, 21 to 25, and 50, paragraph 1 (*c*) (*L.S.* 1954—Bur. 1), which came into force on 1 January 1956, as amended by Act No. L of 12 October 1955 (*L.S.* 1955—Bur. 1), by Act No. VIII of 5 March 1956 (*L.S.* 1956—Bur. 1) and by Act No. XXVI of 5 October 1960.

BYELORUSSIA

Constitution of the Byelorussian S.S.R. of 19 February 1937, as amended in 1947.

Labour Code of 1929, as amended.

Penal Code of 1961.

Order of 8 May 1923 of the People's Labour Commissar of the Byelorussian S.S.R.

Order of 4 June 1926 respecting conditions of employment in seasonal occupations, section 2 (*Sobranie Zakonov* (*Sob. Zak. U.S.S.R.*), 1926, No. 40, Text No. 290; *L.S.* 1926—Russ. 6 A).

Order of 18 November 1929 respecting the conditions of employment of persons employed by small retail dealers, section 1 (*Sob. Zak., U.S.S.R.*, 1929, No. 74, Text 705).

Order of 7 March 1933 respecting the conditions of employment of wage-earning and salaried employees engaged in the lumber industries and forestry (*Sob. Zak.*, 1933, No. 18, Text No. 100; *L.S.* 1933—Russ. 2).

Order of 10 September 1933 of the Council of People's Commissars of the U.S.S.R. and the All-Union Central Council of Trade Unions (*Sob. Zak.*, 1933, No. 57, Text No. 333).

Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of 8 July 1944 to increase state aid for pregnant women, mothers of large families and single mothers, to extend the system of maternity and child welfare and to institute the honorary title of "Mother Heroine", the order of "Glory of Motherhood" and the "Motherhood Medal" (*Vyedomosti* (*Vyed.*), 1944, No. 37; *L.S.* 1944—U.S.S.R. 1).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 25 November 1947 respecting the rate of state benefits granted to mothers with large families and to single mothers (*Vyed.*, 1947, No. 14).

Regulations respecting the procedure for the award and payment of state social insurance benefits as approved by order of the All-Union Central Council of Trade Unions, dated 5 February 1955, in accordance with resolution No. 113 of the Council of Ministers of the U.S.S.R. of 22 January 1955 (including subsequent amendments and additions) (*Sobranie Postanovlenii* (*Sob. Post.*), 1960, pp. 540-573 and 688).

Ukase of the Presidium of the Supreme Soviet of 26 March 1956 to extend the length of maternity leave (*Vyed.*, 1956, No. 6; *L.S.* 1956—U.S.S.R. 2).

Order No. 1414 of the Council of Ministers of the U.S.S.R. of 13 October 1956 respecting further measures to assist mothers working in undertakings and institutions (*Sob. Post.*, 1957, No. 2, Text No. 7).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958, to approve regulations respecting the rights of factory, works and local trade union committees (*Vyed.*, 1958, No. 15; *L.S.* 1958—U.S.S.R. 3).

Act respecting pensions and allowances for members of collective farms, dated 15 July 1964 (*Vyed.*, 18 July 1964; *L.S.* 1954—U.S.S.R. 1).

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), as amended by Decree No. 567 of 20 May 1955 (*L.S.* 1955—Fr. 3).

Act No. 59-27 of 11 April 1959 to establish a Family Benefit Code in Cameroon.

Order No. 13 of 6 May 1959 to make detailed provision for application of Act No. 59-27 of 11 April 1959.

Order No. 981 of 27 February 1954 respecting employment of women and children (*Journal officiel du Cameroun*, No. G.93, 17 March 1954).

Western Cameroon :

Ordinance No. 54 of 5 November 1945 to constitute the Labour Code for Nigeria as amended in 1946, 1948, 1949, 1950, 1953, 1956, 1958 (*Laws of Federation of Nigeria and Lagos*, 1958, Volume III, Cap. 91; *L.S.* 1946—Nig. 1 A and Nig. 1 B; *L.S.* 1948—Nig. 1; *L.S.* 1949—Nig. 1; *L.S.* 1950—Nig. 1).

National Provident Fund Act, No. 20, of 26 June 1961 of the Federation of Nigeria (*Federation of Nigeria Official Gazette*, 30 June 1961, special number; *L.S.* 1961—Nig. 1).

CANADA

Dominion :

Federal Civil Service Act and regulations thereunder (section 66) (*Statutory Orders and Regulations*, 1962).

Provincial :

Alberta.

Alberta Labour Act, 1955 (Part III, Workers' Welfare, section 33 (2) (c)) (*Revised Statutes of Alberta*, 1955, Cap. 167), as amended by the Act of 1957.

British Columbia.

Maternity Protection Act, 1921 (*Revised Statutes of British Columbia*, 1960, Cap. 235).

Manitoba.

Civil Service Act and Regulation No. 19 of 1962 (*Manitoba Gazette*, Vol. 91, No. 10).

New Brunswick.

Minimum Employment Standards Act of 26 March 1964, which came into force on 1 May 1964 (sections 11, 12 and 13).

Nova Scotia.

Civil Service Act, 1962, and Regulations of 1963, section 51 (*Statutes of Nova Scotia*, 1962, Cap. 3).

Ontario.

Public Service Act, 1961-62 and Regulation No. 190 of 1962, as amended by Regulation No. 323 of 20 November 1963.

Prince Edward Island.

Civil Service Act of 7 May 1963 and regulations, as amended on 6 October 1962.

Saskatchewan.

Public Service Act and Order in Council No. 542 of 1960.

CENTRAL AFRICAN REPUBLIC

Act No. 61/221 of 2 June 1961 to lay down the Labour Code (Part V, Chapter 3, sections 123 and 124).

General Order No. 3759 of 25 November 1954 respecting employment of women and pregnant women (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 15 December 1954, No. 24, p. 1569).

Order No. 276 of 7 March 1956 to establish a family benefit system (*J.O.A.E.F.*, 1 April 1956).

CEYLON

Maternity Benefits Ordinance, No. 32 of 1939 (*Legislative Enactments of Ceylon (L.E.C.)*, rev. ed., 1956, Cap. 140) as amended by Acts Nos. 26 of 1952, 6 of 1958 and 24 of 1962.

MATERNITY PROTECTION

Regulations of 22 November 1946 and 11 January 1957 under the Maternity Benefits Ordinance (*Ceylon Labour Gazette*, January 1957, Vol. 8, No. 1).
Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (*L.E.C.*, Cap. 136; *L.S.* 1954—Cey. 1), as amended by Act No. 60 of 1957 (*L.S.* 1957—Cey. 2).
Government Financial Regulations.

CHAD

Act No. 521322 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), amended by Decree No. 567 of 20 May 1955 (*L.S.* 1955—Fr. 3).
General Order No. 3759 of 25 November 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 15 December 1954, No. 24, p. 1569).
Order No. 216 of 21 March 1956 to establish a family benefit scheme for wage earners in Chad (*J.O.A.E.F.*, 1 May 1956).

CHILE

Legislative Decree No. 178 of 13 May 1931 to lay down a Labour Code, Part III, sections 307 to 321 (*Diario Oficial (D.O.)*, 6 July 1931, No. 16014, p. 3448; *L.S.* 1931—Chile 1) and subsequent amendments.
Act No. 10383 of 28 July 1952 to amend Act No. 4054 respecting compulsory insurance, sections 31 and 32 (*D.O.*, 8 August 1952, No. 22321, p. 1577; *L.S.*—Chile 1) as subsequently amended.
Decree No. 856 of 21 April 1953 laying down regulations for the National Health Service.
Legislative Decree No. 232 of 3 August 1953 (national health service for salaried employees) as amended by Decrees Nos. 1912 of 1953 and 565 of 1954.
Act No. 11462 of 24 November 1953 to amend the provisions of the Labour Code respecting maternity protection (*D.O.*, 29 December 1953, No. 22734, p. 2882; *L.S.* 1953—Chile 4).
Decree No. 402 of 11 June 1954 to approve regulations respecting maternity and sickness benefit and nursing grants (*D.O.*, 11 June 1954).
Act No. 12401 of 1956 (*D.O.*, 19 December 1956, No. 23627).
Decree No. 3 of 31 January 1957 to approve regulations respecting maternity protection and nurseries (*D.O.*, 31 January 1957).
Act No. 12462 of 1957 (*D.O.*, 6 July 1957, No. 23788).
Act No. 13305 of 6 April 1959 to amend Act No. 10383 respecting compulsory insurance (*D.O.*, 6 April 1959).

CHINA

Factory Act of 30 December 1932 (*L.S.* 1932—Chin. 2 A).
Amended regulations for the administration of the Factory Act (*L.S.* 1932—Chin. 2 B).
The Province of Taiwan Labour Insurance Ordinance of 13 April 1950 (*L.S.* 1950—China (N.R.) 1).
Regulations of 17 February 1956 respecting conditions of work of wage earners employed by undertakings administered by the Ministry of Economic Affairs.
Regulations of 11 May 1956 governing the leave of absence of public officials.
Regulations of 2 August 1957 respecting the administration of the general services, as amended up to 17 March 1961.
Civil Servants' Insurance Act of 29 January 1958.
Labour Insurance Regulations of 21 July 1958.
Regulations of 17 March 1962 respecting holidays for transport employees.
Instruction of the Ministry of the Interior of 25 May 1963.

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 A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 January 1951, No. 27504, p. 113; *L.S.* 1950—Col. 3 B).

Act No. 53 of 25 March 1938 respecting maternity protection (*D.O.*, 29 April 1938, No. 23764, p. 342) and Decree No. 1632 of 10 September 1938 to apply that Act (*D.O.*, 24 September 1938, No. 23884, p. 617), as amended by Decrees Nos. 2350 of 24 December 1938 (*D.O.*, 2 January 1939, No. 23962, p. 12) and 953 of 29 April 1939 (*D.O.*, 8 May 1939, No. 24064, p. 384) itself amended by Decree No. 1766 of 5 September 1939 (*D.O.*, 12 September 1939, No. 24167, p. 773).

Act No. 6 of 19 February 1945 respecting contracts of employment, industrial associations, collective disputes and special labour courts (*D.O.*, 14 March 1945, No. 25790, p. 953; *L.S.* 1945—Col. 1).

Decree No. 1600 of 1945 respecting insurance funds.

Decree No. 2690 of 23 November 1960 to approve the general regulations for sickness (other than occupational disease) and maternity insurance (*D.O.*, 19 December 1960, No. 30407, p. 501; *L.S.* 1960—Col. 2).

CONGO (BRAZZAVILLE)

Act No. 10-64 of 25 June 1964 to institute a Labour Code for the Republic of the Congo (*Journal officiel de la République du Congo*, 9 July 1964, No. 14, Special Number).

General Order No. 3759 of 25 November 1954 respecting the employment of women and pregnant women in French Equatorial Africa (*J.O. de l'Afrique équatoriale française (J.O.A.E.F.)*, 15 December 1954, No. 24, p. 1569).

Order No. 705 of 8 March 1956 to institute a family benefit scheme for employees in the central Congo (*J.O.A.E.F.*, 1 April 1956).

Order No. 2000 of 6 July 1956 laying down operating rules for the family benefit equalisation fund (*J.O.A.E.F.*, 1 August 1956).

CONGO (LEOPOLDVILLE)

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

Ordinance No. 5 of 1 February 1961 to make provision for the administration of the Legislative Decree respecting contracts for the hire of services (*M.C.*, Part 1, 28 March 1961, No. 9).

COSTA RICA

Labour Code of 23 August 1943 (*La Gaceta*, 29 August 1943, No. 192, p. 1169; *L.S.* 1943—C.R. 1).

Act No. 17 of 22 October 1943 to institute the Costa Rican Social Insurance Fund (*L.S.* 1943—C.R. 2).

Regulations respecting sickness and maternity (*La Gaceta*, 15 April 1952; *L.S.* 1952—C.R. 2), as revised up to 1961 (*La Gaceta*, 23 November 1961, No. 267).

CUBA

Act of 15 December 1937 to issue regulations respecting health and maternity insurance (*L.S.* 1937—Cuba 1).

Act No. 1008 of 6 February 1962 amending the Health and Maternity Insurance Act of 1937 (*Gaceta Oficial (G.O.)*, 12 February 1962).

Act No. 998 of 5 March 1962.

Act No. 1100 of 27 March 1963 respecting social security, which came into force on 1 May 1963 (*G.O.*, 27 March 1963).

CYPRUS

Social Insurance Law, 1956, No. 31 (*The Cyprus Gazette (C.G.)*, 26 October 1956, No. 3990, Supplement No. 2, p. 129), as amended by Act No. 32 of 1958.

New Social Insurance Law, 1964 (not yet in force).

Circular No. 26 of 1 May 1962 of the Ministry of Finance.

Law No. 7 of 1963 concerning teachers (*C.G.*, 4 July 1963, Supplement No. 1).

CZECHOSLOVAKIA

Act of 19 December 1951 respecting unified preventive and medical care services (*Sbírka Zákonů (S.Z.)*, 27 December 1951), as amended (*S.Z.*, 30 December 1959) and Ordinance No. 19 of 1957 issued by the Ministry of Health under that Act.

MATERNITY PROTECTION

Act No. 54 of 30 November 1956 respecting sickness insurance of employees (*S.Z.*, 17 December 1956, No. 29; *L.S.* 1956—Cz. 3 B).

Ordinance No. 258 of 19 December 1956 of the Central Council of Trade Unions respecting cash benefit payable under the employees' insurance system (*S.Z.*, No. 184/1957), as amended in 1959 (*S.Z.*, No. 74/1959).

Act to improve the arrangements for the care of pregnant women and mothers dated 25 March 1964 (*S.Z.*, 31 March 1964, No. 26, Text 58; *L.S.*, 1964—Cz. 1).

Act respecting a social security scheme for co-operative farmers (*S.Z.*, 16 June 1964, No. 45, Text 103; *L.S.*, 1964—Cz. 2 B).

DAHOMÉY

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 (J.O.R.F.)*, 15-16 December 1952, No. 298; *L.S.* 1952—Fr. 5), as amended by Decree No. 567 of 20 May 1955 (*J.O.R.F.*, 21 May 1955, No. 121; *L.S.* 1955—Fr. 3).

Order No. 3198/ITLS of 9 December 1955 establishing a family benefit scheme for employees (*J.O. du Dahomey*, 13 December 1955, No. 30).

Decree No. 337 of 26 November 1960 revising the family benefit scheme in Dahomey.

Decree No. 51 of 3 February 1962.

DENMARK

Notification No. 270 of 16 June 1941 proclaiming the text of the Act respecting the legal relationship between employers and salaried employees (*Lovtidende A (Lov. A)*, 1941, p. 836), as amended by Acts Nos. 222 of 7 June 1952 and 66 of 31 March 1953).

Act No. 362 of 4 July 1946 respecting free distribution of milk.

Act No. 261 of 9 June 1948 respecting the legal relationship between employers and salaried employees (*Lov. A*, 14 June 1948, No. 53, p. 1081; *L.S.* 1948—Den. 3) (in particular, section 7, paragraphs 2 and 3).

Act No. 226 of 11 June 1954 respecting protection of workers in general (in particular, Part IV, Chap. 7) (*Lov. A*, 30 June 1954, No. XXIII, p. 535; *L.S.* 1954—Den. 1), as amended by Act No. 71 of 28 March 1956 (*L.S.* 1956—Den. 1).

Act respecting maternity relief institutions (Cf. Notification of 24 August 1956).

Act No. 154 of 7 June 1958 respecting the civil service (wages, pensions, etc.).

Act No. 239 of 10 June 1960 respecting public sickness insurance (*Lov. A*, 1960, No. XIX, p. 758; *L.S.* 1960—Den. 3).

Act No. 156 of 31 May 1961 respecting agricultural workers (*Lov. A*, No. XI, p. 284; *L.S.* 1961—Den. 2).

Act No. 169 of 31 May 1961 respecting public assistance (*Lov. A*, No. XII, p. 327).

Act No. 170 of 31 May 1961 respecting protection of young persons (*Lov. A*, No. XII, p. 356).

DOMINICAN REPUBLIC

Act No. 2920 of 11 June 1951 to promulgate the Labour Code (*Gaceta Oficial (G.O.)*, Year LXXII, No. 7309bis; *L.S.* 1951—Dom. 1), as amended by Act No. 6069 of 9 October 1962 (*G.O.*, 20 October 1962, No. 8703, p. 3) (sections 211-216).

Act No. 1896 of 30 December 1948 respecting social insurance (*G.O.*, 14 January 1949, No. 6883, p. 1; *L.S.* 1948—Dom. 1).

Regulation No. 5566 of 6 January 1949 under the Social Insurance Act (*G.O.*, 14 January 1949, No. 6883, p. 23).

Act No. 4099 of 15 April 1955 respecting compulsory prenatal and postnatal rest (women wage and salary earners in government service) (*G.O.*, 20 April 1955, No. 7826, p. 3).

Regulations respecting the operation of day nurseries.

Act No. 6069 of 9 October 1962 amending sections 211 and 238, paragraph 20, of the Labour Code (*G.O.*, 20 October 1962, No. 8703, p. 3).

ETHIOPIA

Civil Code of 5 May 1960 (*Negarit Gazeta (N.G.)*, 5 May 1960, No. 2, Special; *L.S.* 1962—Eth. 1 B).
Central Personnel Agency and Public Services Order, No. 23 of 1961, as amended by Order No. 28 of 1962 and Legal Opinion No. 269 of 1962 (*Republic Service Regulations*, No. 1 of 1962) (*N.G.*, 19 December 1962, No. 6).

FINLAND

Decree of 18 April 1917 respecting employment in industrial and certain other occupations (*Suomen Asetuskokoelma-Finlands Författningssamling (S.A.F.F.)*, No. 64/17).
Act No. 141 of 1 June 1922 respecting employment contracts (*S.A.F.F.*, 1922; *L.S.* 1922—Fin. 1).
Act No. 424 of 13 June 1941 respecting maternity benefit (*S.A.F.F.*, 1941), as amended by Acts Nos. 900 of 1943, 125 of 1945 and 347 of 1949.
Act No. 1030 of 22 December 1942 respecting the salaries of employees and office holders in state employment (*S.A.F.F.*, 1942).
Act No. 223 of 31 March 1944 respecting communal midwives (*S.A.F.F.*, 1944).
Act No. 224 of 31 March 1944 respecting communal maternity and children's centres (*S.A.F.F.*, 1944).
Act No. 605 of 2 August 1946 respecting conditions of work in shops and offices (*S.A.F.F.*, 1946; *L.S.* 1946—Fin. 4 B).
Social Assistance Act, No. 116 of 17 February 1956 (*S.A.F.F.*, 1956).
Sickness Insurance Act, No. 364 of 4 July 1963 (*S.A.F.F.*, 1963).

FRANCE

Labour Code (Book I, sections 29 and 29 (a) and Book II, section 54 (a) to (e)).
Social Security Code of 10 December 1956 (*Journal officiel (J.O.)*, 18 December 1956) (Book III, sections L.240 to L.249, L.257, L.296 to L.303) and subsequent amendments.
Rural Code of 16 April 1955 (*J.O.*, 18 April 1955) (Book VII: Social Provisions) and subsequent amendments.
Act of 2 September 1941 respecting maternity protection.
Ordinance No. 45-2448 of 19 October 1945 respecting the system of social insurance for agriculture (Chap. V) (*L.S.* 1945—Fr. 4 B).
Ordinance No. 45-2454 of 19 October 1945 respecting the social insurance system in occupations other than agriculture (*L.S.* 1945—Fr. 1 G).
Model operating regulations for primary social security funds, annexed to the Order of 19 June 1947, as amended.
Department regulations respecting agricultural employment under sections 983 ff. of the Rural Code.
Decree No. 50-1225 of 21 September 1950 to issue public administrative regulations respecting social insurance in agriculture and, *inter alia*, the application of the Decrees of 30 October 1935 and 20 April 1950, as amended (Part II, sections 35 ff.) (*J.O.*, 4 October 1950; *L.S.* 1950—Fr. 5 C).

Overseas Departments :

Metropolitan Labour Code (Book I, sections 29 and 29 (a), and Book II, section 54 (a) to (c)).
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 No. 47-2032 of 17 October 1947 respecting the organisation of social security in the departments of Guadeloupe, French Guiana, Martinique and Réunion (*J.O.*, 19 October 1948, p. 10350).
Act No. 54-806 of 13 August 1954 extending the social insurance system to the departments of Guadeloupe, French Guiana, Martinique and Réunion (*J.O.*, 14 August 1954).
Act No. 55-244 of 10 February 1955 laying down public administrative regulations for application of the Act of 13 August 1954 extending the social insurance system to the departments of Guadeloupe, French Guiana, Martinique and Réunion (*J.O.*, 13 February 1955).

Overseas Territories :

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 (*J.O.*, 15-16 December 1952, No. 298, p. 11541; *L.S.* 1952—Fr. 5), as amended by Decree No. 55-567 of 20 May 1955 (*J.O.*, 21 May 1955, No. 121, p. 5060; *L.S.* 1955—Fr. 3) (sections 115 to 117, 119).

Comoro Islands.

Local Order No. 55-40 IT of 23 February 1955.

Order No. 56-111/C of 19 September 1956 respecting the family benefit system.

Order No. 56-147/IT of 10 December 1956 laying down operating regulations for the family benefit equalisation fund.

Order No. 58-110 of 21 May 1958 laying down details for application of the Act of 15 December 1952 with regard to hours of work in agriculture.

French Polynesia.

Order No. 177/IT of 2 February 1956 respecting employment of women and expectant mothers (*J.O. des Etablissements français de l'Océanie*, 15 February 1956, No. 5, p. 67).

French Somaliland.

Order No. 787 of 17 June 1955 respecting employment of women and expectant mothers.

New Caledonia.

Order No. 59-057 CG of 26 January 1959 respecting employment of women and children (*J.O. N.C.*, 2 February 1959).

Order No. 58-389/CG of 26 December 1958 instituting a family allowances scheme, as amended by Order No. 64-564/CG of 16 October 1954 (*J.O. N.C.*, 2 November 1964, No. 5172).

St. Pierre and Miquelon.

Order No. 445 of 14 August 1954 (*J.O. de St-Pierre-et-Miquelon (J.O.S.M.)*, 31 August 1954).

Order No. 447 of 14 August 1954 (*J.O.S.M.*, 31 August 1954, No. 16, p. 1047).

Order No. 120 of 2 March 1956 to provide for the family allowances scheme as amended by Order No. 805 of 17 October 1964 (*J.O.S.M.*, 31 October 1964, No. 20).

GABON

Act No. 88/61 of 4 January 1962 to establish the Labour Code of the Gabon Republic, sections 114 to 116 (*Journal officiel (J.O.)*, 1 March 1962; *L.S.* 1962—Gab. 1).

Decree No. 276/PR of 5 December 1962 respecting the work of women and expectant mothers, sections 16 to 18 (*J.O.*, 15 February 1963; *L.S.* 1962—Gab. 3).

Decree No. 6/PR of 7 January 1963 to institute a workers' family benefit scheme (*J.O.*, 1 March 1963; *L.S.* 1963—Gab. 1).

GAMBIA

General Orders of Gambia (*Revised Laws of Gambia*, 1959, Caps 4, 13 and 17/8).

FEDERAL REPUBLIC OF GERMANY

Federal Insurance Code, sections 165 to 175, 195 (*a*) to 200 and 1279, paragraph 5 (*Reichsgesetzblatt (RGBl)*, 1924, No. 75, p. 779; *L.S.* 1924—Ger. 10), as amended by the Act of 18 May 1929 respecting maternity benefit (*RGBl*, 18 May 1929, No. 21, p. 98; *L.S.* 1929—Ger. 4), by the Act of 28 June 1935 respecting maternity benefit and provision for convalescents under the sickness insurance system, section 1 (*RGBl*, 1935, No. 67, p. 811; *L.S.* 1935—Ger. 9), by the Act of 26 June 1957 (*L.S.* 1957—Ger. (F.R.) 2) and by the Act of 12 July 1961 (*Bundesgesetzblatt (BGBl)*, I, p. 913; *L.S.* 1961—Ger. (F.R.) 3).

Act of 24 January 1952 respecting the protection of working mothers (Maternity Protection Act), paragraphs 4 and 8 (*BGBl*, 30 January 1952, No. 5, p. 69; *L.S.* 1952—Ger. (F.R.) 2), as amended by the Act of 9 August 1960 to protect young persons in employment (*BGBl*, I, p. 665; *L.S.* 1960—Ger. (F.R.) 2).

Ordinance of 19 July 1956 concerning maternity protection, applying to female staff of the fédéral administration (*BGBl*, I, 22 July 1954, No. 22, p. 214).

Federal Social Assistance Act of 30 June 1961, sections 23, paragraph 3; 27, paragraph 5; and 38 (*BGBI*, I, 5 July 1961, No. 46, p. 815; *L.S.* 1961—Ger. (F.R.) 5), as amended by the Act of 30 April 1963 (*BGBI*, I, p. 241).

GHANA

Labour Ordinance, No. 16 of 1948 (*Laws of Ghana*, Cap. 89). General Orders relating to civil servants.

GREECE

Act No. 4029 of 24 January-6 February 1912 respecting employment of women and young persons (*Basle Bulletin (B.B.)*, 1912, Vol. XI, p. 327) and Decree of 14-27 August 1913 to apply that Act (*B.B.*, 1914, Vol. XIII, p. 278), as amended by Act No. 2274 of 24 June-1 July 1920 to ratify the Maternity Protection Convention, 1919 (No. 3) (*Ephemeris tes Kyberneseos (E.K.)*—I, 1 July 1920).

Decree No. 31-181 of 26 June 1937 respecting application of principles with regard to maternity protection.

Emergency Law No. 1816 of 14 June 1951 respecting social insurance (*E.K.*, I, 21 June 1951, No. 179; *L.S.* 1951—Gr. 4), as amended and supplemented in particular by Legislative Decree No. 4104 of 14 September 1960 (*E.K.* I, 20 September 1960, No. 147; *L.S.* 1960—Gr. 1).

Act No. 4169 of 15 May 1961 respecting social insurance for agricultural workers (*E.K.*, I, 18 May 1961, No. 81; *L.S.* 1961—Gr. 1).

Circular of the Ministry of Labour dated 22 November 1958 respecting application of Convention No. 3.

GUATEMALA

Decree No. 1441 of 5 May 1961 to promulgate the consolidated text of the Labour Code in its amended form, sections 151 to 155 (*El Guatemalteco (E.G.)*, 16 June 1961, No. 14, p. 145; *L.S.* 1961—Guat. 1).

Legislative Decree No. 1 of 1963 laying down fundamental principles with regard to labour (*Carta guatemalteca del Trabajo*).

Decree No. 295 of 30 October 1946 to establish the Guatemalan Social Security Institution (*E.G.*, 1947, No. 7, p. 344; *L.S.* 1946—Guat. 2).

Decision No. 211 of the Administrative Council of the Guatemalan Social Security Institution laying down regulations with regard to maternity and childhood protection.

Decision No. 230 of the Social Security Institution under the regulations with regard to maternity and childhood protection.

Decision No. 257 of the Administrative Council of the Social Security Institution respecting levels of medical care provided within the framework of the programme for maternity and childhood protection.

HAITI

Act of 12 September 1961 to lay down a Labour Code, sections 97, 102, 378-390, 393, 569 and 592-611 (*Le Moniteur (L.M.)*, 19 October 1961, No. 1-A to D, special numbers; *L.S.* 1961—Hai 1).

Act of 25 September 1958 respecting conditions of work (*L.M.*, 2 October 1958, No. 110, p. 617; *L.S.* 1958—Hai 1).

HONDURAS

Decree No. 189 of 1 June 1959 to promulgate a Labour Code (*La Gaceta (L.G.)*, 15-18 and 20-23 July 1959, No. 16827-16834; *L.S.* 1959—Hon. 1).

Social Insurance Act of 19 May 1959 (*L.G.*, 3 July 1959, No. 16819).

Order No. 51 of 23 February 1962 to approve Decision No. 1-62 of the Governing Body of the Social Security Institution to issue regulations for the administration of the compulsory social insurance scheme (*L.G.*, 17 March 1962, No. 17130), as amended by the Order of 28 August 1962 (*L.G.*, 27 September 1962, No. 1787).

HUNGARY

Legislative Decree No. 7 of 27 January 1951 of the Presidium of the People's Republic to establish a Labour Code (*Magyar Közlöny (M.K.)*, 31 January 1951), as amended by Legislative Decrees Nos. 25 of 1953 (*L.S.* 1953—Hung. 1) and 26 of 1962 (sections 93-98 and 105).

MATERNITY PROTECTION

Decree No. 53 of 28 November 1953 to apply the Labour Code, as amended by Decree No. 46 of 26 December 1962.

Decree No. 8100-5/1953 of the Ministry for Public Health issued under section 96 of the Labour Code. Legislative Ordinance No. 39 of 31 December 1955 respecting workers' sickness insurance (*M.K.*, 31 December 1955, No. 132, p. 851; *L.S.* 1955—Hun. 1).

Decree No. 128 of 1956 respecting the organisation and operation of day nurseries.

Government Decision No. 1008 of 28 March 1961 respecting children's institutions.

Decree No. 46 of 1962 modifying section 96 of the Labour Code.

Decree No. 101 of 1963 governing maternity leave provisions.

ICELAND

Civil Service Regulations of 15 June 1954 (*Stjórnartíðindi (S)*, B, 1954, No. 87).

Social Insurance Act, No. 40 of 30 April 1963 (*S.*, A., 1963, No. 40).

INDIA

Employees' State Insurance Act of 19 April 1948 (*Gazette of India (G.I.)*, 19 April 1948; *L.S.* 1948—Ind. 3) as amended up to 1 January 1963.

Factories (Consolidation) Act, No. 63 of 1948 (*L.S.* 1948—Ind. 4), as amended by Act No. 25 of 1954 (*L.S.* 1954—Ind. 1).

Employees' State Insurance (Central) Rules, 1950 (*The Labour Manual (L.M.)*, Vol. III, Allahabad, 1959).

Plantations Labour Act, No. LXIX of 2 November 1951 (*G.I.*, 1951; *L.S.* 1951—Ind. 5), as amended by Act No. 34 of 1960 (*L.S.* 1960—Ind. 2).

The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act of 20 December 1955 (*L.M.*, Vol. III, Allahabad, 1959).

The Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957 (*ibid.*).

Act No. 53 of 12 December 1961 respecting maternity allowances (*G.I.*, 13 December 1961, No. 57, Special; *L.S.* 1961—Ind. 2).

The Maternity Benefit (Mines) Rules, 1963.

Central Public Works Department Contractors' Labour Rules.

Various state laws on shops and offices (*Indian Labour Year Book*, 1961).

IRAN

Labour Code of 17 March 1959 (26 Esfand 1337), sections 18 and 19 (*L.S.* 1959—Iran 1), as amended on 28 September 1963.

Act of 11 May 1960 (21 Ordibehesht 1339), respecting social insurance for workers (*L.S.* 1960—Iran 1).

IRAQ

Labour Code: Law No. 1 of 18 January 1958 (*Al-Waqayi'u al'Iraqiya (A.W.I.)*, 16 March 1958, No. 4115), as amended by Laws Nos. 82 of 15 December 1958 (*A.W.I.*, 24 December 1958, No. 99), 71 of 27 April 1959 (*A.W.I.*, 4 May 1959, No. 164), 184 of 22 December 1959 (section 23), (*A.W.I.*, 28 December 1959, No. 279), 23 of 1 April 1961 (*A.W.I.*, 12 April 1961, No. 511) and 53 of 9 June 1963 (*A.W.I.*, 25 June 1963, No. 821) (*L.S.* 1961—Iraq 1 B and *L.S.* 1963—Iraq 1).

Law No. 27 of 17 May 1956 respecting social security (*A.W.I.*, 2 June 1956, No. 3799; *L.S.* 1956—Iraq 1).

Law No. 24 of 1960 respecting civil servants.

IRELAND

Social Welfare Act, No. 11 of 14 June 1952 (*L.S.* 1952—Ire. 1), as amended by Acts Nos. 24 of 11 July 1956 (*L.S.* 1960—Ire. 1 (B)), 36 of 23 December 1958 (*L.S.* 1960—Ire. 1 (C)), 25 of 26 July 1960 (*L.S.* 1960—Ire. 1 (A)), and the Act of 1963.

Social Welfare (Maternity Allowance) Regulations, 1952 (No. 375 of 1952).

Health Act of 1953.

Maternity and Child Health Services Regulations, 1954 (*S.I.* 1954, No. 98), as amended up to 1958 (*S.I.* 1954, No. 158; *S.I.* 1955, No. 48; *S.I.* 1956, No. 44; *S.I.* 1956, No. 142; and *S.I.* 1958, No. 265).

ISRAEL

National Insurance Law of 18 November 1953 (11 Kislev 5714) (*Sefer Hakhukim (S.H.)*, 20 Kislev 5714, No. 137, p. 6; *L.S.* 1953—Isr. 3), as amended up to 1 November 1961 (*Business Diary Tariffs and Fees*, Booklet 18).

Employment of Women Law of 2 August 1954, No. 51 (*S.H.*, 2 August 1954, No. 160, p. 154) (English translation in *Laws of the State of Israel*, 1953-54, Vol. 8, p. 128).

ITALY

Constitution of 1947, section 37.

Civil Code, section 2110.

Act No. 860 of 26 August 1950 respecting the physical and economic protection of working mothers (*Gazzetta Ufficiale (G.U.)*, 3 November 1950, No. 253, p. 3075; *L.S.* 1950—It. 2), as amended, in particular, by Acts Nos. 986 of 12 December 1950 (*G.U.*, 20 December 1950), 394 of 23 May 1951 (*G.U.*, 15 June 1951, No. 134; *L.S.* 1951—It. 2), 1904 of 15 November 1952 (*G.U.*, 10 December 1952, No. 283) and 7 of 9 January 1963 (*G.U.*, 30 January 1963, No. 27).

Act No. 35 of 18 January 1952 to extend health care insurance to workers employed in family domestic services (*G.U.*, 7 February 1952, No. 32; *L.S.* 1952—It. 1).

Presidential Decree No. 568 of 21 May 1953 to lay down conditions for the application of Act No. 860 of 26 August 1950.

IVORY COAST

Act. No. 64-290 of 1 August 1964 to promulgate a Labour Code (*Journal officiel de la République de Côte-d'Ivoire (J.O.R.C.I.)*, 17 August 1964, No. 44).

General Order No. 52-54 IGTLS/AOF of 19 July 1954 respecting employment of women and pregnant women (*J.O. de l'Afrique occidentale française*, 31 July 1954, p. 1337; *L.S.* 1954—F.W.A. 2).

Order No. 8868/ITLSCI of 13 December 1955 instituting a family benefit system for employees covered by the Labour Code in the Ivory Coast (*Journal officiel de la Côte-d'Ivoire (J.O.C.I.)*, 1955, p. 1041), as amended by Decree No. 59-28 of 22 April 1959 (*J.O.C.I.*, 1959, p. 497).

Order No. 1433/ITLSCI of 27 February 1956 fixing the operating rules of the family benefit equalisation fund of the Ivory Coast (*J.O.C.I.*, 1956, p. 181).

Decree No. 64-26 of 4 February 1964 (*J.O.C.I.*, 13 February 1964, No. 8).

JAMAICA

Government regulations respecting maternity leave.

JAPAN

Health Insurance Law, No. 70 of 22 April 1922 (*Official Gazette (O.G.)*, 22 April 1922, No. 2914), as amended.

Seamen's Insurance Law, No. 73 of 1939, as amended (*Asian Labour Laws*, I.L.O., 1951).

Labour Standards Law, No. 49 of 5 April 1947 (*O.G.*, 7 April 1947; *L.S.* 1947—Jap. 3).

Child Welfare Law, No. 164 of 12 December 1947 (*O.G.*, 12 December 1947), as amended.

Daily Life Protection Law, No. 144 of 4 May 1950 (*O.G. Extra.*, 4 May 1950, No. 41), as amended.

Daily Employed Workers' Health Insurance Law, No. 207 of August 1953.

National Public Service Mutual Aid Association Law, No. 128 of 1958.

National Health Insurance Law, No. 192 of 27 December 1958 (*O.G.*, 27 December 1958).

Local Public Service Mutual Aid Association Law, No. 152 of 1962.

JORDAN

Act No. 21 of 14 May 1960 to promulgate a Labour Code, sections 50-52 (*Al-jarida al-rasmiya*, 21 May 1960, No. 1491; *L.S.* 1960—Jor. 1).

Regulations respecting leave for public servants, section 121.

MATERNITY PROTECTION

KENYA

Laundry, Cleaning and Dyeing Trades Wages Regulation Order, 1963 (L.N. 155/63).

KUWAIT

Labour (Private Sector) Law, 1959, sections 26-27 (*Kuwait Al-yawm*, supplement to No. 216, 15 March 1959).

Public Assistance Law, 1962.

National Health Services Law.

LUXEMBOURG

Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (*Mémorial du Grand-Duché de Luxembourg (Mémorial)*, 31 March 1932, No. 17; L.S. 1932—Lux. 1).

Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees (*Mémorial*, 6 September 1951, No. 51; L.S. 1951—Lux. 1).

Act of 24 April 1954 modifying and completing the social insurance code (Books I to IV) and the Act of 29 August 1951 concerning sickness insurance of public officials and salaried employees, the Act of 29 August 1951 respecting the reform of private employees' insurance and the Act of 21 May 1951, etc. (*Mémorial*, 24 April 1954).

Act of 29 April 1964 respecting family allowances (*Mémorial*, A, No. 35, 30 April 1964).

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 to establish a Labour Code (*Journal officiel de la République malgache (J.O.R.M.)*, 8 October 1960, No. 125, p. 2012; L.S. 1960—Mad. 1).

Decree No. 62-152 of 28 March 1962 to prescribe the conditions of work of children, women and pregnant women (*J.O.R.M.*, 7 April 1962, No. 216, p. 582; L.S. 1962—Mad. 2).

Decree No. 63-124 of 22 February 1963 to institute a Family Allowance and Employment Accident Code (*J.O.R.M.*, 15 March 1963, No. 278, p. 674).

MALAYSIA

States of Malaya :

Labour Code (*Federation of Malaya Statutes*, Cap. 154).

Ordinance No. 38 of 27 June 1955 respecting employment (L.S. 1955—Mal. 2), as amended by Ordinance No. 43 of 1956 (L.S. 1956—Mal. 1).

Legal notifications Nos. 365 and 366 of 1957.

Employment Regulations, 1957.

General Government Orders.

Sarawak :

Ordinance No. 24 of 11 December 1951 respecting labour (L.S. 1951—Sar. 1).

Labour (Maternity Benefits) Rules, 1954 (*Government Gazette*, 21 May 1954, Part II).

General Government Orders (revised up to 1963).

Singapore :

Labour Ordinance, No. 40 of 1955.

Industrial Relations Ordinance, No. 20 of 1960 (*Government Gazette*, 4 March 1960).

Ordinance No. 13 of 1957 respecting the employment of shop assistants.

Ordinance No. 14 of 1957 respecting the employment of clerks.

MALI

Act No. 62-67/ANRM of 19 August 1962 to establish a Labour Code in the Republic of Mali, promulgated by Decree No. 025 PGRM of 24 September 1962 (*Journal officiel de la République du Mali*, 15 October 1962, No. 128, p. 708; L.S. 1962—Mali 1).

Order No. 52-54/IGTLS/AOF of 19 July 1954 respecting employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, p. 1337; L.S. 1954—F.W.A. 2).

Act No. 62-68 ANRM to establish a Social Welfare Code in the Republic of Mali, promulgated by Decree No. 028 PGRM of 28 September 1962 (*Journal officiel de la République du Mali*, 15 October 1962, No. 128).

MAURITANIA

Act No. 63-023 of 23 January 1963 to establish a Labour Code, Book I, sections 30-31 and 33; Book II, sections 15-16 (*Journal officiel de la République islamique de Mauritanie* 20 February 1963, No. 106, p. 53; *L.S.* 1963—Mau 1).

General Order No. 52-54/IGTLS of 19 July 1954 respecting employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, p. 1337; *L.S.* 1954—F.W.A. 2).

Act No. 63-025 of 23 January 1963 to govern entitlement to family benefit (*Journal de la République islamique de Mauritanie*, 6 February 1963, p. 37).

MEXICO

Constitution, as amended by Decree of 21 October 1960, section 123 (*Diario Oficial (D.O.)*, 5 December 1960, No. 30, p. 1; *L.S.* 1960—Mex. 1).

Federal Labour Act of 18 August 1931, sections 79 and 110 B, C and D (*D.O.*, 28 August 1931, No. 51; *L.S.* 1931—Mex. 1), as amended by Decrees of 31 December 1955 (*D.O.*, 7 January 1956, No. 6; *L.S.* 1955—Mex. 1), 31 December 1956 (*D.O.*, 31 December 1956, No. 50; *L.S.* 1956—Mex. 2), 30 December 1959 (*D.O.*, 31 December 1959, No. 50; *L.S.* 1959—Mex. 1), and 29 December 1962 (*D.O.*, 31 December 1962, p. 6).

Act of 31 December 1942 respecting social insurance, section 2, Chap. IV, sections 56-66 (*D.O.*, 19 January 1943, No. 15, Part II, p. 1; *L.S.* 1942—Mex. 1) as amended by the Decrees of 3 February 1949 (*D.O.*, 28 February 1949, No. 48, p. 2; *L.S.* 1949—Mex. 1), 29 December 1956 (*D.O.*, 31 December 1956, No. 50, p. 14; *L.S.* 1956—Mex. 1) and 30 December 1959 (*D.O.*, 31 December 1959, No. 50, p. 34; *L.S.* 1959—Mex. 2).

Act of 28 December 1959 respecting the Government Servants' Social Security and Welfare Institution (*D.O.*, 30 December 1959, No. 49, p. 41).

Federal Act respecting state employees, section 25.

MOROCCO

Dahir of 2 July 1947 (13 Shaaban 1366) to regulate employment (*Bulletin officiel (B.O.)*, 17 October 1947, No. 1825, p. 1028; *L.S.* 1947—Mor. 1), as amended and supplemented by the Dahirs of 21 September 1949 (*B.O.*, 28 October 1949, No. 1931, p. 1350), 5 August 1950 (*B.O.*, 5 January 1951, No. 1993, p. 2), 10 August 1952 (*B.O.*, 31 October 1952, No. 2088, p. 1499), 27 April 1953 (*B.O.*, 24 July 1953, No. 2126, p. 1010), 29 October 1958 (*B.O.*, 19 December 1958, No. 2408, p. 2057), and 30 June 1962 (*B.O.*, 13 July 1962, No. 2594, p. 873).

Vizirial Order of 30 September 1950 (17 Hija 1369) respecting the weights which may be carried, drawn or pushed by women and children (*B.O.*, 17 November 1950, No. 1986, p. 1412).

Dahir of 24 January 1953 (8 Joumada I 1372) respecting calculation and payment of wages in works stores, bargaining, and supervision of subcontractors (*B.O.*, 1 May 1953, No. 2114, p. 615), as amended by the Dahir of 6 July 1954 (*B.O.*, 23 July 1954, No. 2178, p. 1044).

Dahir No. 2-56-1019 of 6 September 1957 (10 Safar 1377) respecting the dangerous operations prohibited to children and women (*B.O.*, 20 September 1957, No. 2343, p. 1231).

Dahir No. 1-57-182 of 9 April 1958 (19 Ramadan 1377) to determine the conditions of employment and remuneration of agricultural employees (*B.O.*, 16 May 1958, No. 2377, p. 781).

Dahir No. 1-59-148 of 31 December 1959 (30 Joumada II 1379) to set up a social security scheme (*B.O.*, 22 January 1960, No. 2465, p. 170; *L.S.* 1959—Mor. 2), as amended and supplemented by Dahirs Nos. 1-60-104 of 25 June 1960 (*B.O.*, 1 July 1960, No. 2488, p. 1278), 1-60-256 of 8 September 1960 (*B.O.*, 21 October 1960, No. 2504, p. 1844), and 1-61-249 of 7 September 1963 (*B.O.*, 20 September 1963, No. 2656, p. 1483).

Order No. 056-62 of the Ministry of Labour and Social Affairs of 14 July 1962 to fix conditions for installation, hygienic requirements and supervision of nursing premises (*B.O.*, 24 August 1962, No. 2600, p. 1136).

NETHERLANDS

Civil Code.

Labour Act of 1 November 1919 as amended up to 1930 (*L.S.* 1930—Neth. 2 B) and subsequently.

Order of 1 November 1941 respecting sickness funds.

Order of 22 September 1952 to promulgate the text of the Sickness Insurance Act as last amended by the Act of 12 June 1952 (*Staatsblad*, 1952, No. 474; *L.S.* 1952—Neth. 3).

Decree of 30 August 1957 respecting employment of women and young persons in agriculture (*L.S.* 1957—Neth. 1).

NEW ZEALAND

Act No. 7 of 14 September 1938 respecting social security, sections 78 and 95-100 (*New Zealand Statutes Reprint*, N.Z.S.R., 1908-57; *L.S.* 1942—N.Z. 1 A and 1 B), as amended in particular by Act No. 47 of 1963.

Social Security (Maternity Benefit) Regulations, 1939, as amended (*Statutory Regulations (S.R.)*, 1950, No. 1950/114).

Factories (Consolidation) Act, 1946 (*N.Z.S.R.*, 1908-57; *L.S.* 1946—N.Z. 4).

Teachers' Leave of Absence Regulations, 1951 (*S.R.*, 1951).

NICARAGUA

Constitution of Nicaragua of 1 November 1950 (*La Gaceta (L.G.)*, 6 November 1950, No. 235, p. 2209; *L.S.* 1950—Nic. 1).

Decree No. 336 of 12 January 1945 to promulgate the Labour Code (*L.S.* 1945—Nic. 1), as amended by Decree No. 765 of 12 October 1962, sections 127-130 and 134 (*L.G.*, 13 October 1962, p. 2039; *L.S.* 1962—Nic. 1).

Decree No. 161 of 22 December 1955 to promulgate the Social Security Act (*L.G.*, 2 January 1956; *L.S.* 1955—Nic. 1), as amended by Decree No. 17 of 2 April 1959 (*L.G.*, 8 April 1959).

General Regulations of 24 October 1956 under the Social Security Act (*L.G.*, 12 November 1956).

NIGER

Act No. 62/12 of 13 July 1962 to lay down a Labour Code (*Journal officiel*, 25 August 1962, Extraordinary No. 4).

General Order No. 5254/IGTLS of 19 July 1954 respecting employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 31 July 1954, No. 2722, p. 1337; *L.S.* 1954—F.W.A. 2).

Order No. 27-15/N of 8 December 1955 to institute a family benefit system for employees in Niger (*J.O.A.O.F.*, 1 January 1956).

Order No. 218/ITLS/N of 26 January 1956 to fix the operating regulations of the Family Allowances Compensation Fund of Niger.

NIGERIA

Ordinance No. 54 of 5 November 1945 to establish a Labour Code, as amended by Ordinance of 1 June 1946 (*L.S.* 1946—Nig. 1 AB) and as amended up to 1950 (*L.S.* 1948—Nig. 1; *L.S.* 1949—Nig. 1; *L.S.* 1950—Nig. 1) (*Laws of the Federation of Nigeria and Lagos*, 1958, Cap. 91).

General Orders (Administrative Codes) for civil servants.

NORWAY

Order in Council of 31 March 1916 prohibiting the employment of pregnant women in certain undertakings (*Norsk Lovtidend (N.L.)*, 1916).

Seamen's Act, No. 25 of 17 July 1953 (*N.L.*, 25 August 1953; *L.S.* 1953—Nor. 1).

Sickness Insurance Act, No. 2 of 2 March 1956 (*N.L.* 26 March 1956, No. 10, p. 156; *L.S.* 1956—Nor. 1).

REPORT OF THE COMMITTEE OF EXPERTS

Act respecting the protection of workers, No. 2 of 7 December 1956 (*N.L.*, 31 December 1956, No. 45, p. 1235; *L.S.* 1956—Nor. 2), as amended by Act of 28 November 1958 (*N.L.*, 20 December 1958, No. 42, p. 945; *L.S.* 1958—Nor. 2).

Act No. 3 of 31 May 1963 respecting conditions of employment of domestic servants (*N.L.*, 15 July 1963, No. 21, p. 562; *L.S.* 1963—Nor. 1).

Act of 5 June 1964 respecting social assistance, which came into force on 1 January 1965.

PAKISTAN

Mines Maternity Benefit Act, No. XIX of 26 November 1941 (*L.S.* 1941—Ind. 1), as amended by Act No. X of 16 April 1945 (*Gazette of India*, 21 April 1945, Part IV; *L.S.* 1945—Ind. 2) and Act No. XXI of 27 January 1950 (*Gazette of Pakistan (G.P.)*, 1 February 1950, Extra., p. 41; *L.S.* 1950—Pak. 1).

Employees' Social Insurance Ordinance, No. XII of 24 May 1962 (*G.P.*, 25 May 1962, Special Number, p. 777).

Ordinance No. XXIX of 1 June 1962 to provide for the welfare of labour and to regulate conditions of work in tea plantations (*G.P.*, 4 June 1962, Extra., p. 864; *L.S.* 1962—Pak. 1).

Bengal Maternity Benefit Act, No. IV of 1939 (*Current East Pakistan Labour Code (E.P.L.C.)*, p. 179), as extended to the whole of East Pakistan by Order No. 28 of 1960.

East Bengal Maternity Benefit (Tea Estates) Act, No. XX of 22 May 1950, as extended to the whole of East Pakistan (*E.P.L.C.*, p. 190).

West Pakistan Maternity Benefit Ordinance, No. XXXII of 1958 (*Gazette of West Pakistan (G.W.P.)*, 22 December 1958, Extra., p. 1715).

The West Pakistan Maternity Benefit Rules, Notification No. IX-16-2 (LII)/59 of 5 June 1961 (*G.W.P.*, 10 June 1961, Extra., p. 1505).

PERU

Act No. 2851 of 23 November 1918 to regulate the employment of women and children (*L.S.* 1919—Per. 1).

Act No. 8433 of 12 August 1936 respecting compulsory social insurance (*L.S.* 1936—Per. 2), as amended by Act No. 8509 of 23 February 1937 (*L.S.* 1937—Per. 1), Decree of 18 February 1941 (*L.S.* 1941—Per. 1) and Legislative Decree No. 11321 of 24 March 1950 (*El Peruano (E.P.)*, 15 April 1950, No. 2770, p. 1; *L.S.* 1950—Per. 1).

Act No. 13724 of 18 November 1961 to institute a social insurance scheme for salaried employees (*E.P.*, 20 November 1961, No. 6173, p. 1; *L.S.* 1961—Per. 3).

PHILIPPINES

An Act to regulate the employment of women and children, No. 679 of 8 April 1952, sections 8 and 12 (*a*) (*L.S.* 1952—Phi. 1), as amended by Act No. 1131 of 16 June 1954 (*L.S.* 1954—Phi. 2).

Revised regulations under Act No. 679 of 20 November 1963.

Act No. 2714 of 18 June 1960 to establish a Women and Minors Bureau.

Departmental Order No. 9 of 10 June 1963 respecting application of the Act to regulate the employment of women and children (1963 series).

Instruction No. 3 of 10 June 1963 of the Women and Minors Bureau respecting application of provisions with regard to maternity leave under Act No. 679, as amended.

Agricultural Land Reform Act, No. 3844, section 39.

POLAND

Act of 17 February 1922 respecting the civil service, as amended (*Dziennik Ustaw (D.U.)*, No. 11 of 1949, Text 72).

Act of 2 July 1924 relating to the employment of women and young persons (*D.U.*, No. 65, Text 636; *L.S.* 1924—Pol. 2), as amended in 1926 (Text 538; *L.S.* 1926—Pol. 1), in 1931 (Text 773; *L.S.* 1931—Pol. 2 A), in 1945 (Text 236; *L.S.* 1948—Pol. 1 B), in 1948 (Text 182; *L.S.* 1948—Pol. 1 A) and in 1951 (Text 94; *L.S.* 1951—Pol. 2 B).

MATERNITY PROTECTION

Social Insurance Act of 28 March 1933 (*D.U.*, 11 July 1933, No. 51; *L.S.* 1933—Pol. 5), as amended, in particular, by the Decrees of 25 September 1945 (*L.S.* 1946—Pol.2-1) and 8 January 1946 (*D.U.*, 13 February 1946, No. 4, Text 28; *L.S.* 1946—Pol. 2) and the Act of 1 March 1949 (Text 109; *L.S.* 1949—Pol. 1 A).

Order of 27 November 1946 to prescribe the conditions and dates upon which sickness and maternity insurance shall be extended to cover agricultural workers and the duties of local authorities in respect of the administration of the said insurance (*D.U.*, 15 January 1947, No. 2, Text 8; *L.S.* 1946—Pol. 5).

Circular of the Prime Minister, No. 29 of 21 August 1948 respecting maternity leave.,

Ordinance of 28 February 1951 respecting the types of work prohibited for women (*D.U.*, 1 March 1951, No. 12), as amended by the Order of 18 February 1959 (*D.U.*, 11 March 1959; *L.S.* 1959—Pol. 1).

Instruction No. 45 of 16 June 1951 of the Minister of Health respecting local and factory nurseries (*D.U.*, 2 July 1951, No. 13, Text 129).

Ordinance of the Council of Ministers of 21 August 1959 respecting the general hygiene and health conditions to be observed in newly constructed or reconstructed industrial establishments (*D.U.*, No. 53, Text 316).

Decision No. 63 of the Council of Ministers, dated 16 February 1962, to rationalise the administration of welfare facilities attached to establishments (*Monitor Polski (M.P.)*, 28 March 1962, No. 27, Text 110).

Order No. 402 of the Council of Ministers of 10 December 1963 respecting social activities of state establishments (*M.P.*, No. 95, Text 444).

Various other enactments applicable to certain categories of workers (primary school teachers, staff of "Polskie Koleje Państwowe" establishment, etc.).

Collective agreement for agriculture, 1960.

PORTUGAL

Decree of 14 April 1891 respecting factory nurseries.

Act No. 1952 of 10 March 1937 respecting contracts of employment, section 17 (*Diário do Governo (D.G.)*, 10 March 1937, No. 57).

Ministerial Order of 13 January 1958 (prohibition of arduous or dangerous work during pregnancy; nursing breaks) (*D.G.*, 1 March 1958, Series II, No. 51).

Ministerial Order of 22 November 1958 respecting the scope of the Order of 13 January 1958 (*D.G.*, 14 January 1959, Series II, No. 11).

Ministerial Order of 31 March 1959 respecting employment of women during pregnancy (*D.G.*, 10 April 1959, Series II, No. 85).

Act No. 2115 of 18 June 1962 to provide the bases for the reform of social welfare provisions (*D.G.*, 18 June 1962, No. 138).

Decree No. 45266 of 23 September 1963 to issue general regulations for the social security funds (*D.G.*, 23 September 1963).

Overseas Provinces :

Angola, Cape Verde, Guinea, Mozambique, San Tomé and Príncipe, Timor :

Decree No. 44309 of 27 April 1962 to approve a Rural Labour Code, sections 223-230 (*D.G.*, 27 April 1962, No. 95; *L.S.* 1962—Por. 1).

Angola :

Legislative Decree No. 2827 to promulgate the Angola Labour Code (*Boletim Oficial (B.O.) de Angola*, 5 June 1957; *L.S.* 1957—Ang. 1).

Cape Verde :

Legislative Decree No. 1330 of 9 February 1957 (*B.O. de Cabo Verde*, 9 February 1957).

Orders Nos. 5117 of 23 February 1957 and 5215 of 4 May 1957, (*B.O. de Cabo Verde*, 23 February and 4 May 1957).

Mozambique :

Legislative Decrees Nos. 1595 of 28 April 1956 and 2086 of 29 April 1961 (*B.O. de Mozambique*, 28 April 1956 and 29 April 1961).

San Tomé and Príncipe :

Legislative Decree No. 507 of 10 March 1958 (*B.O. de São Tomé e Príncipe*, 10 March 1958).
Order No. 2542 of 27 March 1958 (*B.O. de São Tomé e Príncipe*, 27 March 1958).

RUMANIA

Constitution of the Rumanian People's Republic, dated 5 April 1948, section 83 (*Monitorul Oficial*, Part I A, 13 April 1948, No. 87bis, p. 3379; *L.S.* 1948—Rum. 1).
Act of 30 May 1950 to establish a Labour Code (sections 59 and 88-93) (*L.S.* 1950—Rum. 1), as amended in 1956 (*Buletinul Oficial (B.O.)*, 24 July 1956, No. 20; *L.S.* 1956—Rum. 1), in 1958 (*B.O.*, 22 February 1958, No. 9; *L.S.* 1958—Rum. 1) and in 1960 (*B.O.*, 21 July 1960, No. 12; *L.S.* 1960—Rum. 1).
Decision of the Council of Ministers No. 586 of 1951, as amended by Decision No. 3159 of 1953, concerning the establishment of nurseries.
Decision of the Council of Ministers No. 3790 of 1953.
Decree No. 246 of 29 May 1958 respecting conditions for provision of medical assistance and medicaments.

RWANDA

Decree of 10 June 1958 respecting contracts of employment, as subsequently amended (*L.S.* 1958—Bel. C 3).

SIERRA LEONE

Government General Orders, No. H. 81.

SPAIN

Act of 18 June 1942 (insurance—increased maternity benefit) (*Boletín oficial del Estado (B.O.E.)* 3 July 1942, No. 184), Decree of 9 July 1948 (compulsory sickness insurance) (*B.O.E.*, 27 July 1948, No. 209) and Ministerial Order of 15 November 1956 (compulsory sickness insurance—benefit for expectant mothers) (*B.O.E.*, 22 November 1956, No. 327).
Act of 14 December 1942 to establish compulsory sickness insurance (*B.O.E.*, 27 December 1942, No. 361; *L.S.* 1942—Sp. 4).
Sickness insurance regulations of 11 November 1943 (*B.O.E.*, 23 November 1943, No. 332).
Decree of 31 March 1944 to approve the consolidated texts of the Acts respecting seamen's articles of agreement, apprenticeship, employment of women and children, and home work (*L.S.* 1944—Sp. 1 B).
Act of 26 December 1958 to extend social insurance coverage to employees of the state, local administrations and autonomous bodies (*B.O.E.*, 29 December 1958, No. 311), and various Ministerial Orders extending such coverage to certain categories of workers (fishermen, dockworkers, plantation workers, etc.).
Decree No. 931 of 4 June 1959 (social insurance—revision of standards) (*B.O.E.*, 8 June 1959, No. 136).
Act of 22 July 1961 respecting unemployment insurance (*B.O.E.*, 24 July 1961, No. 175; *L.S.* 1961—Sp. 6).
Decree No. 413 of 2 March 1961 to make provision for the financial and administrative organisation of the national mutual benefit scheme for agricultural workers, sections 3, 4 and 55 (*B.O.E.*, 14 March 1961, No. 62; *L.S.* 1961—Sp. 3) and Ministerial Order of 21 July 1961 (statutes), sections 1, 6-10 and 75-80 (*B.O.E.*, 4 July 1961, No. 158).
Act No. 193 of 28 November 1963 to define the basic principles of social security (*B.O.E.*, 30 December 1963, No. 312; *L.S.* 1963—Sp. 1).

Overseas Provinces :

Western Provinces :

Order of 2 March 1954 respecting contracts of employment and apprenticeship, wages, hours of work, holidays, labour courts and procedure (*B.O.E.*, 24 March 1954, No. 83; *L.S.* 1954—Sp. 1).

MATERNITY PROTECTION

Equatorial Provinces :

Order of 24 May 1962 to approve the Ordinance respecting employment in the Equatorial Region (*B.O.E.*, 5 June 1962, No. 134).

SWEDEN

Home Assistance Act, No. 461 of 30 June 1944 (*L.S.* 1944—Swe. 2).

Act No. 844 of 21 December 1945 to prohibit dismissal of women employees on the grounds of marriage or pregnancy (*Svensk Författningssamling (S.F.)*, 31 December 1945, p. 1843).

Workers' Protection Act, No. 1 of 3 January 1949 (*S.F.*, 12 January 1949; *L.S.* 1949—Swe. 1), as amended by Act of 1 January 1964.

Public Insurance Act, No. 381 of 25 May 1962 (*S.F.*, 10 July 1962, p. 903; *L.S.* 1962—Swe. 1 A).

SWITZERLAND

Swiss Code of Obligations of 30 March 1911/18 December 1936, sections 335 and 344.

Federal Act of 13 June 1911 respecting sickness and accident insurance, as amended.

Federal Act of 18 June 1914/27 June 1919 respecting working hours in factories, section 69 (*Feuille fédérale suisse*, 1919, p. 854; *L.S.* 1919—Switz. 3).

Federal Act of 6 March 1920 regulating hours of work of persons employed on railways and in other services connected with transport and communications (*L.S.* 1920—Switz. 1).

Ordinance of 11 January 1944 respecting processes in which the employment of young persons and women is forbidden in industry.

Ordinance of 10 November 1959 respecting the employment relationships of officials employed in the general administration of the Confederation (*Recueil des lois fédérales*, 24 November 1959).

Ordinance of 10 November 1959 respecting the employment relationships of wage earners employed in the general administration of the Confederation (*ibid.*).

Executive Ordinance No. III under the Federal Order concerning the Swiss watch and clock industry (home work) of 22 December 1961.

Federal Act of 13 March 1964 respecting employment in industry, handicrafts and commerce (not yet in force).

SYRIAN ARAB REPUBLIC

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

Agricultural Labour Code No. 134 of 4 September 1958 (*Al-jarida al-rasmiyya*, 4 September 1958; *L.S.* 1963—Syr. 1 B), as amended by Legislative Decree No. 218 of 20 October 1963 (*Al-jarida al-rasmiyya*, 31 October 1963; *L.S.* 1963—Syr. 1).

Act No. 135 of 1955 respecting replacement of certificates of indigence by health cards, as amended by Legislative Decree No. 147 of 1963 and Ministerial Order No. 16/T of 11 April 1964.

TANZANIA

Tanganyika :

Ordinance No. 47 of 10 November 1955 to amend and consolidate the law relating to labour and to regulate conditions of employment for employers and employees (*Tanganyika Territory Gazette*, 11 November 1955, No. 64, suppl. No. 1, p. 234; *L.S.* 1955—Tan. 1), as amended by Ordinance No. 10 of 11 May 1960 (*L.S.* 1960—Tan. 1), and by Act No. 82 of 27 November (*L.S.* 1962—Tan. 2).

TUNISIA

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (*Journal officiel (J.O.)*, 11 April 1950, No. 29, p. 577; *L.S.* 1950—Tun. 1), as amended by Legislative Decree of 14 March 1960 (*J.O.*, 11-15 March 1960).

Decree of 18 February 1954 respecting the employment of women and children in agriculture (*J.O.*, 19 February 1954; *L.S.* 1954—Tun. 2).

Act No. 60-30 of 14 December 1960 respecting the organisation of social security schemes, sections 68 and 78-82 (*J.O.*, 13-16 December 1960, No. 57, p. 1602; *L.S.* 1960—Tun. 1), as supplemented by Act of 15 July 1962 (*J.O.*, 12 and 16 August 1963).

TURKEY

Act No. 3008 of 8 June 1936 to establish a Labour Code (*Resmî Gazeta (R.G.)*, No. 330, p. 6621; *L.S.* 1936—Tur. 2), as amended in particular by Act No. 5518 of 25 January 1950 (*R.G.*, 31 January 1950, No. 7420, p. 17695).

Act No. 1593 of 24 April 1930 respecting public health, section 155 (*L.S.* 1930—Tur. 1).

Act No. 4772 of 27 June 1945 respecting insurance against industrial accidents and occupational diseases and maternity insurance (*R.G.*, 7 July 1945, No. 6051; *L.S.* 1945—Tur. 1), as amended by Acts Nos. 5019 of 1947 (*R.G.*, 26 February 1947, No. 6542; *L.S.* 1947—Tur. 2), 5564 of 1950 (*R.G.*, 6 March 1950, No. 7449), 6707 of 1956 (*R.G.*, 11 April 1956, No. 9282), 6917 of 1957 (*R.G.*, 23 February 1957, No. 9543; *L.S.* 1957—Tur. 3 A) and 7232 of 1959 (*R.G.*, 3 March 1959, No. 10149).

Act No. 5502 of 4 January 1950 respecting sickness and maternity insurance (*R.G.*, 10 January 1950, No. 7402; *L.S.* 1950—Tur. 1), as amended by Acts Nos. 6709 of 1956 (*R.G.*, 11 April 1956, No. 9282), 6901 of 1957 (*R.G.*, 13 February 1957, No. 9534; *L.S.* 1957—Tur. 2), 7233 of 1959 (*R.G.*, 3 March 1959, No. 10149) and 7317 of 1959 (*R.G.*, 11 June 1959, No. 10228; *L.S.* 1959—Tur. 3).

Act No. 224 of 7 January 1961 to nationalise the health services (*R.G.*, 12 January 1961, No. 10705, p. 3076).

Regulations respecting conditions of employment of expectant and nursing mothers and respecting nurseries and nursing premises.

UKRAINE

Constitution of 1937, as amended in 1947.

Labour Code, as amended in 1936 (*L.S.* 1936—Russ. 1) and in 1958, sections 131-134.

Penal Code of 1961.

Order of 4 September 1922 of the People's Labour Commissar.

Order No. 40 of 29 September 1925 of the People's Labour Commissar.

Order of 8 February 1926 respecting conditions of work of domestic staff (*Sobranie Uzakonenii R.S.F.S.R.*, 1926, No. 8, text No. 57, *L.S.* 1926—Russ. 10 A).

Order of 4 June 1926 respecting conditions of employment in seasonal occupations (*Sobranie Zakonov (Sob. Zak.)*, U.S.S.R., 1926, No. 40, text No. 290; *L.S.* 1926—Russ. 6 A).

Order of 15 November 1928 respecting conditions of employment of homeworkers (*Sob Zak. R.S.F.S.R.*, 1928, No. 140, text No. 920).

Order of 18 November 1929 respecting conditions of employment of persons employed by small retail dealers (*Sob. Zak. U.S.S.R.*, 1929, No. 74, text No. 705).

Regulation No. 169 of 30 April 1930 respecting ordinary and extraordinary annual leave, approved by Decree of the People's Labour Commissar (*Izvestia N.K.T./U.S.S.R.*, 1930, No. 13, p. 300).

Decree of 7 March 1933 respecting conditions of employment of wage-earning and salaried employees in the lumber industries and forestry (*Sob. Zak. U.S.S.R.*, 1933, No. 18, text No. 100; *L.S.* 1933—Russ. 2).

Decree of the Presidium of the Supreme Soviet of the U.S.S.R. dated 8 July 1944 to increase state aid for pregnant women, mothers of large families and single mothers, to extend the system of maternity and child welfare, and to institute the honorary title of "Mother Heroine", the Order of "Glory of Motherhood" and the "Motherhood Medal" (*Vedomosti (Ved.)*, 1944, No. 37; *L.S.* 1944—U.S.S.R. 1).

Ukase of 25 November 1947 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the rate of state benefits granted to mothers of large families and to single mothers (*Ved.*, 1947, No. 14).

Regulations respecting the procedure for the award and payment of state social insurance benefits, as approved by decision of the All-Union Central Council of Trade Unions of the U.S.S.R. of 5 February 1955 in accordance with resolution No. 113 of the Council of Ministers of the U.S.S.R. of 22 January 1955 (including subsequent amendments and additions) (*Sobranie Postanovlenii*, 1960, pp. 540-573 and 688).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 March 1956 to extend the period of maternity leave (*Ved.*, 1956, No. 6; *L.S.* 1956—U.S.S.R. 2).

Act of 15 July 1964 respecting pensions and allowances for members of collective farms (*Vedomosti Verkhovno Sovieta Ukrainskoi S.S.R.*, No. 30, p. 414; *L.S.* 1964—U.S.S.R. 1).

U.S.S.R.

Constitution of 5 December 1936, sections 120 and 122.

Penal Code of 1961.

Labour Code of the R.S.F.S.R. as amended on 1 May 1936 (*L.S.* 1936—Russ. 1), and on 31 January 1958, sections 131-134 (*L.S.* 1958—U.S.S.R. 1).

Order of 8 August 1922 of the People's Labour Commissar of the R.S.F.S.R. (*Izvestiya N.K.T./U.S.S.R.*, 1922, Nos. 5-14).

Order of 16 July 1925 of the People's Labour Commissar of the R.S.F.S.R. (*Izvestiya N.K.T./U.S.S.R.*, 1925, No. 33).

Order of 4 June 1926 respecting conditions of employment in seasonal occupations (*Sobranie Zakonov (Sob. Zak.)*, U.S.S.R., 1926, No. 40, text No. 290; *L.S.* 1926—Russ. 6 A).

Order of 8 February 1926 respecting conditions of work of domestic staff (*Sobranie Uzakonenii R.S.F.S.R.*, 1926, No. 8, text No. 57) (*L.S.* 1926—Russ. 10 A).

Order of 15 November 1928 respecting conditions of employment of homeworkers (*Sob. Zak. R.S.F.S.R.*, 1928, No. 140, text No. 920).

Order of 18 November 1929 respecting conditions of employment of persons employed by small retail dealers (*Sob. Zak. U.S.S.R.*, 1929, No. 74, text No. 705).

Regulation No. 169 of 30 April 1930 respecting ordinary and extraordinary annual leave, approved by Decree of the People's Labour Commissar (*Izvestia N.K.T./U.S.S.R.*, 1930, No. 13, p. 300).

Decree of 7 March 1933 respecting conditions of employment of wage-earning and salaried employees in the lumber industries and forestry (*Sob. Zak. U.S.S.R.*, 1933, No. 18, text No. 100; *L.S.* 1933—Russ. 2).

Order of 10 September 1933 of the Council of People's Labour Commissars of the U.S.S.R. and of the All-Union Central Council of Trade Unions of the U.S.S.R. (*Sob. Zak.* 1933, No. 57, text No. 333).

Decree of the Presidium of the Supreme Soviet of the U.S.S.R. dated 8 July 1944 to increase state aid for pregnant women, mothers of large families and single mothers, to extend the system of maternity and child welfare, and to institute the honorary title of "Mother Heroine", the Order of "Glory of Motherhood" and the "Motherhood Medal" (*Vedomosti (Ved.)*, 1944, No. 37; *L.S.* 1944—U.S.S.R. 1).

Ukase of 25 November 1947 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the rate of state benefit granted to mothers of large families and to single mothers (*Ved.*, 1947, No. 14).

Ukase of 19 May 1949 of the Presidium of the Supreme Soviet of the U.S.S.R. to increase state aid for mothers of large families and single mothers.

Regulations respecting the procedure for the award and payment of state social insurance benefits, as approved by Order of the All-Union Central Council of Trade Unions of the U.S.S.R. of 5 February 1955 in accordance with Resolution No. 113 of the Council of Ministers of the U.S.S.R. of 22 January 1955 (including subsequent amendments and additions) (*Sobranie Postanovlenii (Sob. Post.)*, 1960, pp. 540-573 and 688).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 March 1956 to extend the period of maternity leave (*Ved.*, 1956, No. 6; *L.S.* 1956—U.S.S.R. 2).

Order No. 1414 of 13 October 1956 of the Council of Ministers of the U.S.S.R. respecting further measures to assist mothers working in undertakings and institutions (*Sob. Post.*, 1957, No. 2, text No. 7).

Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 15 July 1958 to approve regulations respecting the rights of factory, works and local trade union committees (*Ved.*, 1958, No. 15; *L.S.* 1958—U.S.S.R. 3).

Act of 15 July 1964 respecting pensions and allowances for members of collective farms (*Ved.*, 18 July 1964, No. 29, text No. 340 and *L.S.* 1964—U.S.S.R. 1).

UNITED KINGDOM

Factory and Workshop Act, 1901.

Public Health Act, dated 31 July 1936 (*Public General Acts*, 26 *Geo. V* and 1 *Ed. VIII*, 1935-1936, Cap. 49).

National Insurance Act, dated 1 August 1946 (9 and 10 *Geo. VI*, Cap. 67) (*L.S.* 1946—U.K. 3), as amended particularly by the Act of 14 July 1953 and in 1954, 1957, 1960, 1963 and 1964.

National Health Service Act, dated 6 November 1946 (9 and 10 *Geo. VI*, Cap. 81) (*L.S.* 1946—U.K. 5).

National Assistance Act dated 13 May 1948 (11 and 12 *Geo. VI*, Cap. 29), as amended in 1959.

Nurseries and Child Minders Regulation Act, 1948.

National Insurance (General Benefit) Regulations, 1948 (*Statutory Instruments (S.I.)*, 1948, No. 1278), as amended in 1957 (*S.I.*, 1957, No. 1888) and in 1960 (*S.I.* 1960, No. 1282).

National Assistance (Determination of Need) Regulations (*S.I.* 1948, No. 1334), as amended in 1959 and 1963.

National Insurance (Maternity Benefits and Miscellaneous Provisions) Regulations (*S.I.* 1954, No. 189), as amended in 1955 (*S.I.* 1955, No. 498).

National Assistance (Disregard of Assets) Order, 1959 (*S.I.* 1959, No. 1244).

Employment in Factories and Workshops (Consolidation) Act (9 and 10 *Eliz. II*, Cap. 34) (*L.S.* 1961—U.K. 1).

Factories Acts (Northern Ireland) 1938, 1949 and 1959.

National Insurance Act (Northern Ireland), 1946, as amended in 1953, 1960, 1963 and 1964.

National Health Service (Scotland) Act, 1947.

Health Services Act (Northern Ireland), 1948.

National Assistance Act (Northern Ireland), 1948, as amended in 1959.

National Insurance (General Benefit) Regulations (Northern Ireland), 1948 (*Statutory Rules and Orders (S.R. and O.)*, 1948, No. 208), as amended in 1957 (*S.R. and O.*, 1957, No. 239) and in 1960 (*S.R. and O.*, 1960, No. 143).

National Insurance (Determination of Need) Regulations (Northern Ireland) (*S.R. and O.*, 1948, No. 213), as amended in 1963 (*S.R. and O.*, 1963, No. 32).

National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (*S.R. and O.*, 1953, No. 123), as amended in 1954 (*S.R. and O.*, 1954, No. 35) and 1955 (*S.R. and O.*, 1955, No. 72).

National Assistance (Disregard of Assets) Order (Northern Ireland), 1959 (*S.R. and O.*, 1959, No. 126).

United Kingdom Territories :

Aden.

Government circular No. 2/62 concerning revised leave regulations, paragraph 15.

Bahamas.

Government Regulations.

Bechuanaland.

Employment Law, 1963 (No. 15, dated 18 June 1963), Part VI (*Government Gazette*, 9 December 1963, No. 13, Extraordinary).

British Guiana.

Employment of Women, Young Persons and Children Ordinance (*Laws of British Guiana*, Cap. 107).

Factories (Health and Welfare) Regulations, No. 16 of 1951.

British Honduras.

Labour Ordinance, 1959, No. 15 (Part XVI).

Labour (Maternity Protection) Regulations, 1960 (*S.I.* No. 34), *Official Gazette*, 3 September 1960).

Labour Ordinance (Domestic Servants Application) Regulations, 1963 (*S.I.* 1963, No. 3), (*Official Gazette*, 26 January 1963).

Brunei.

Labour Enactment, No. 11 of 1954, paragraph 37.

Fiji.

An Ordinance to consolidate and amend the Law relating to Labour, No. 23 of 1 August 1947 (*Laws of Fiji*, 1955, Vol. II, Cap. 92).

Gibraltar.

Social Insurance Ordinance (*Laws of Gibraltar*, Cap. 166).
St. Bernard's Hospital Ordinance (*Laws of Gibraltar*, Cap. 23).
St. Bernard's Hospital (Fee and Charges) Rules.
Leave and Passage Regulations, No. 56.

Gilbert and Ellice Islands.

Labour Ordinance, No. 6 of 18 September 1951.

Hong Kong.

General Government Orders (Civil Servants), Nos. 1250-1256.

Jersey.

Insular Insurance (Jersey) Law, 1950.

Isle of Man.

National Insurance (Isle of Man) Act, 1948, as amended in 1950, 1951, 1956 and 1961.
National Insurance (Sickness Benefit, Maternity Benefit, and Miscellaneous (Provisions) Regulations, 1949.
National Insurance (Maternity Benefit) Regulations, 1950.
National Insurance (General Benefit) Regulations, 1951.
Family Allowances, National Insurance and Social Services Act, 1952.
National Insurance Act, 1954.
National Insurance (No. 2) (Isle of Man) Act, 1955.
National Insurance Orders, 1956, 1957, 1959, 1961 and 1963.

Mauritius.

Employment and Labour Ordinance (Laws of Mauritius, Cap. 214).

Montserrat.

Labourers' Medical Attendance Ordinance, No. 9 of 1871.

St. Lucia.

Employment of Women Ordinance, 1957 (*Revised Laws*, 1957, Cap. 99).

Solomon Islands.

Employment Ordinance, 1960 (Cap. 28).
Public Hospitals and Dispensaries Rules.

Southern Rhodesia.

Industrial Conciliation Act, No. 29 of 1959 (*L.S.* 1959—S.R. 1) and regulations made thereunder.

Swaziland.

Employment Proclamation, No. 51 of 28 August 1962 (*Official Gazette of the High Commission for Basutoland, the Bechuanaland Protectorate and Swaziland*, 7 September 1962, No. 3323, p. 814; *L.S.* 1962—Swa. 1).

UNITED STATES

Federal :

Railroad Unemployment Insurance Act of 25 June 1938 (*Public Law (P.L.)*, 722, 75th Congress; *L.S.* 1938—U.S.A. 2), as amended in particular by Act of 31 July 1946 (*P.L.* 572, 79th Congress) and by Act of 19 May 1959 (*P.L.* 86-28, 86th Congress).
Law respecting officials of the Government civilian employees (*P.L.* 233, 82nd Congress).
Federal Employees Health Benefits Act of 1959 (*P.L.* 86-382, 86th Congress).
Various regulations respecting personnel of the U.S. Army, Marine Corps and Air Force.

States :

New Jersey.

Temporary Disability Benefits Act, 1948.

Rhode Island.

Cash Sickness Compensation Act, 1942, which came into force in 1943.

Washington.

Industrial Welfare Committee Orders, as revised in 1962.

UPPER VOLTA

Act No. 26-62-AN to approve a Labour Code promulgated by Decree No. 348-PRES/AN of 17 August 1962 (*Journal officiel de la Haute-Volta (J.O.H.V.)*, 18 August 1962, No. 33bis special, p. 823).

- General Order No. 5254 of 19 July 1954 respecting employment of women and pregnant women (*J.O. de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1337; *L.S.* 1954—F.W.A. 2).
- Order No. 1029/ITLS of 6 December 1955 to establish a family allowance scheme for employees (*J.O.H.V.*, 31 January 1956), as amended by Order No. 205/TFP of 1 April 1963 (*J.O.H.V.*, 6 April 1963, No. 14, p. 232).
- Order No. 203/ITLS of 13 March 1956 to lay down the operating regulations of the Social Welfare Fund (*J.O.*, 15 March 1956), as amended by Order No. 204/TFP/DTMO of 1 April 1963 (*J.O.H.V.*, 6 April, 1963, No. 14, p. 231).

VENEZUELA

- Constitution of 23 January 1961 (*L.S.* 1961—Ven. 1).
- Labour Act of 1936 as amended by Act of 4 May 1945, sections 104-109 (*Gaceta Oficial (G.O.)*, 10 May 1945, extraordinary, p. 8; *L.S.* 1945—Ven. 1), and by Act of 21 October 1947 (*G.O.*, 3 November 1947, No. 200, extraordinary, p. 1; *L.S.* 1947—Ven. 2).
- Regulations under the Labour Code, 30 November 1938.
- Decree No. 119 of 4 May 1945 to issue regulations governing employment in agriculture and stock-breeding, sections 59-63 (*G.O.*, 10 May 1945, No. 132, extraordinary, p. 28; *L.S.* 1945—Ven. 2).
- Decree No. 316 of 5 October 1951 respecting compulsory social insurance (*G.O.*, 8 October 1951, No. 310, extraordinary; *L.S.* 1951—Ven. 2 A).
- Decree No. 317 of 5 October 1951 to make regulations for the application of the Social Insurance Decree (*G.O.*, 8 October 1951, No. 310, extraordinary, p. 5; *L.S.* 1951—Ven. 2 B).

YUGOSLAVIA

- Act of 12 December 1957 respecting employment relationships (*Službeni List (S. List)*, 25 December 1957, No. 53, text No. 663; *L.S.* 1957—Yug. 2), as amended by Ukase of 28 June 1958 (*S. List*, 2 July 1958, No. 26, text 491; *L.S.* 1958—Yug. 1), and by Ukase of 1 March 1961 (*S. List*, 2 March 1961, No. 8, text No. 60; *L.S.* 1961—Yug. 1).
- Act of 12 December 1957 respecting civil servants (*S. List*, 25 December 1957, No. 53, text No. 664).
- Decree of 28 December 1959 to promulgate an Act respecting labour inspection (*S. List*, 31 December 1959, No. 53, text No. 895; *L.S.* 1959—Yug. 1).
- Decree of 24 May 1962 to promulgate an Act respecting sickness insurance (*S. List*, 30 May 1962, No. 22, text No. 266), and Decree of 30 December 1962 to promulgate an Act amending the Sickness Insurance Act (*S. List*, 31 December 1962; *L.S.* 1962—Yug. 1).
- Decree of 25 May 1962 to promulgate an Act respecting the organisation and financing of social insurance (*S. List*, 30 May 1962, No. 22, text No. 269).
- Decree of 26 March 1963 to promulgate an Act to institute a farmers' health insurance scheme (*S. List*, 3 April 1963, No. 13, text No. 184; *L.S.* 1963—Yug. 2).

ZAMBIA

- Ordinance No. 10 of 10 April 1933 to regulate the employment of women, young persons and children, as amended (*L.S.* 1933—N.R. 1; 1936—N.R. 1; 1938—N.R. 1; 1950—N.R. 1 A).

APPENDIX

REPORTS REQUESTED AND REPORTS RECEIVED BY 27 MARCH 1965

(Maternity Protection)

(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	3, 103	12, 95	4	3, 103	12, 95	4
Albania	3, 103	12, 95	4	3, 103	12, 95	4
Algeria	— 103	12, 95	3	—	—	—
Argentina	— 103	12, 95	3	— 103	12, 95	3
Australia	3, 103	12, 95	4	3, 103	12, 95	4
Austria	3, 103	12, 95	4	3, 103	12, 95	4
Belgium *.	3, 103	12, 95	4	3, 103	12, 95	4
Bolivia	3, 103	12, 95	4	—	—	—
Brazil	3, 103	12, 95	4	3, 103	12, 95	4
Bulgaria	— 103	12, 95	3	— 103	12, 95	3
Burma	3, 103	12, 95	4	3, 103	12, 95	4
Burundi	3, 103	12, 95	4	—	—	—
Byelorussia	—	12, 95	2	—	12, 95	2
Cameroon	3, 103	12, 95	4	3, 103	12, 95	4
Canada	3, 103	12, 95	4	3, 103	12, 95	4
Central African Republic	3, 103	12, 95	4	3, 103	12, 95	4
Ceylon	3, 103	12, 95	4	3, 103	12, 95	4
Chad	— 103	12, 95	3	— 103	12, 95	3
Chile	— 103	12, 95	3	— 103	12, 95	3
China	3, 103	12, 95	4	3, 103	12, 95	4
Colombia	— 103	12, 95	3	— 103	12, 95	3
Congo (Brazzaville)	3, 103	12, 95	4	3, 103	12, 95	4
Congo (Leopoldville)	3, 103	12, 95	4	3, 103	12, 95	4
Costa Rica	3, 103	12, 95	4	3, 103	12, 95	4
Cuba	—	12, 95	2	—	12, 95	2
Cyprus	3, 103	12, 95	4	3, 103	12, 95	4
Czechoslovakia	3, 103	12, 95	4	3, 103	12, 95	4
Dahomey	3, 103	12, 95	4	3, 103	12, 95	4
Denmark	3, 103	12, 95	4	3, 103	12, 95	4
Dominican Republic	3, 103	12, 95	4	3, 103	12, 95	4
Ecuador	—	12, 95	2	—	—	—
Ethiopia	3, 103	12, 95	4	3, 103	12, 95	4
Finland	3, 103	12, 95	4	3, 103	12, 95	4
France	— 103	12, 95	3	— 103	12, 95	3
Gabon Republic	— 103	12, 95	3	—	—	—
Federal Republic of Germany	— 103	12, 95	3	— 103	12, 95	3
Ghana	3, 103	12, 95	4	3, 103	12, 95	4
Greece	— 103	12, 95	3	—	—	—
Guatemala	3, 103	12, 95	4	3, 103	12, 95	4
Republic of Guinea	3, 103	12, 95	4	—	—	—
Haiti	3, 103	12, 95	4	3, 103	12, 95	4

† For footnotes see end of table, p. 289.

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
Honduras	3, 103	12, 95	4	3, 103	12, 95	4
Hungary	—	12, 95	2	—	12, 95	2
Iceland	3, 103	12, 95	4	3, 103	12, 95	4
India	3, 103	12, 95	4	3, 103	12, 95	4
Indonesia	3, 103	12, 95	4	—	—	—
Iran	3, 103	12, 95	4	3, 103	— 95	3
Iraq	3, 103	12, 95	4	— 103	12, 95	3
Ireland	3, 103	12, 95	4	3, 103	12, 95	4
Israel	3, 103	12, 95	4	3, 103	12, 95	4
Italy	— 103	12, 95	3	— 103	12, 95	3
Ivory Coast	— 103	12, 95	3	— 103	12, 95	3
Jamaica *	3, 103	12, 95	4	3, 103	12, 95	4
Japan	3, 103	12, 95	4	3, 103	12, 95	4
Jordan	3, 103	12, 95	4	3, 103	12, 95	4
Kenya	3, 103	12, 95	4	3, 103	12, 95	4
Kuwait	3, 103	12, 95	4	3, 103	12, 95	4
Laos	3, 103	12, 95	4	—	—	—
Lebanon	3, 103	12, 95	4	—	—	—
Liberia	3, 103	12, 95	4	—	—	—
Libya	3, 103	12, 95	4	—	—	—
Luxembourg	— 103	12, 95	3	— 103	12, 95	3
Malagasy Republic	3, 103	12, 95	4	3, 103	12, 95	4
Malaysia	3, 103	12, 95	4	3, 103	12, 95	4
Malta ¹	3, 103	12, 95	4	3, 103	12, 95	4
Republic of Mali	3, 103	12, 95	4	— 103	12, 95	3
Islamic Republic of Mauritania	— 103	12, 95	3	— 103	12, 95	3
Mexico	3, 103	12, 95	4	3, 103	12, 95	4
Morocco	3, 103	12, 95	4	3, 103	12, 95	4
Netherlands	3, 103	12, 95	4	3, 103	12, 95	4
New Zealand	3, 103	12, 95	4	3, 103	12, 95	4
Nicaragua	— 103	12, 95	3	—	—	—
Niger	3, 103	12, 95	4	3, 103	12, 95	4
Nigeria	3, 103	12, 95	4	3, 103	12, 95	4
Norway	3, 103	12, 95	4	3, 103	12, 95	4
Pakistan	3, 103	12, 95	4	3, 103	12, 95	4
Panama	— 103	12, 95	3	—	—	—
Paraguay	3, 103	12, 95	4	—	—	—
Peru	3, 103	12, 95	4	3, 103	—	2
Philippines	3, 103	12, 95	4	3, 103	12, 95	4
Poland	3, 103	12, 95	4	3, 103	12, 95	4
Portugal	3, 103	12, 95	4	3, 103	12, 95	4
Rumania	— 103	12, 95	3	— 103	12, 95	3
Rwanda	3, 103	12, 95	4	3, 103	12, 95	4
El Salvador	3, 103	12, 95	4	—	—	—
Senegal	3, 103	12, 95	4	—	—	—
Sierra Leone	3, 103	12, 95	4	3, 103	12, 95	4
Somali Republic	3, 103	12, 95	4	—	—	—
Republic of South Africa	3, 103	12, 95	4	—	—	—
Spain	— 103	12, 95	3	— 103	12, 95	3
Sudan	3, 103	12, 95	4	—	—	—
Sweden	3, 103	12, 95	4	3, 103	12, 95	4
Switzerland	3, 103	12, 95	4	3, 103	12, 95	4
Syrian Arab Republic	3, 103	12, 95	4	3, 103	12, 95	4
Tanzania	3, 103	12, 95	4	3, 103	12, 95	4
Thailand	3, 103	12, 95	4	—	—	—
Togo	3, 103	12, 95	4	—	—	—
Trinidad and Tobago	3, 103	12, 95	4	—	—	—
Tunisia	3, 103	12, 95	4	3, 103	12, 95	4

MATERNITY PROTECTION

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Turkey	3, 103	12, 95	4	3, 103	12, 95	4
Uganda	3, 103	12, 95	4	—	—	—
Ukraine	—	12, 95	2	—	12, 95	2
U.S.S.R.	—	12, 95	2	—	12, 95	2
United Arab Republic	3, 103	12, 95	4	—	—	—
United Kingdom	3, 103	12, 95	4	3, 103	12, 95	4
United States	3, 103	12, 95	4	3, 103	12, 95	4
Upper Volta	3, 103	12, 95	4	3, 103	12, 95	4
Uruguay	—	12, 95	4	—	12, 95	2
Venezuela	— 103	12, 95	3	— 103	12, 95	3
Viet-Nam	3, 103	12, 95	4	—	—	—
Yugoslavia	—	12, 95	2	—	12, 95	2
Zambia ²	3, 103	12, 95	4	3, 103	12, 95	4
Total	85 104	112 112	413	63 79	84 85	311
<i>States Not Members of the I.L.O.</i>						
Gambia	3, 103	12, 95	4	3, 103	12, 95	4
Malawi	3, 103	12, 95	4	3, 103	12, 95	4

A total of 129 reports has also been received in respect of the following non-metropolitan territories: Australia (Nauru, New Guinea, Norfolk Island, Papua); United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland).

* Reports received too late to be summarised in Report III (Part II).

¹ The reports communicated by the Government of Malta, which became a Member of the I.L.O. in 1965, cover a period preceding its admission to the I.L.O.

² The reports communicated by the Government of Zambia (formerly Northern Rhodesia), which became a Member of the I.L.O. in 1964, cover a period preceding its admission to the I.L.O.